

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
July 16, 2007**

The LaPorte County Council met in regular session the 16th day of July, 2007, in the assembly room of the LaPorte County Government Complex. The meeting was called to order at 6:30 p.m. by Vice President, Mark Yagelski.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

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

Mrs. Shuter stated, "Councilman Cooley is absent. You have a quorum, sir."

MINUTES: Mr. Ludlow made a motion to approve as presented the minutes of the Budget Hearings held on August 8, 2006, August 10, 2006, August 11, 2006, and September 16, 2006, along with the minutes of the Workshop held on June 18, 2007, and the Regular Meeting held on June 18, 2007. Mr. Garner seconded. The motion carried by voice vote 6 – 0.

ADOPTION OF THE AGENDA: Mr. Jones made a motion to adopt the agenda as presented and Mr. Cunningham seconded. Motion carried by voice vote 6 – 0.

REPORTS BY DEPARTMENT HEADS: There were no reports.

LIAISON AND COMMITTEE REPORTS:

PERSONNEL COMMITTEE:

Mr. Jones reported that the LaPorte County Personnel Committee will meet on July 30th at 4:00 p.m. to hear several department requests for upgrades, additions or changes.

JUVENILE SERVICES CENTER:

Mr. Cunningham reported that there will be a meeting at the Juvenile Services Center next Monday at 4:30 p.m.

ANIMAL SHELTER:

Mr. Mrozinski provided an update to his report last month regarding the Animal Shelter and the fact that the Animal Control Officer for the City of LaPorte has resigned and the City is requesting that the County Animal Shelter take over animal control duties. He stated that a proposal had been submitted by the City but when the Commissioners were questioned regarding this matter, they stated that they had rejected the proposal. Mr. Mrozinski

commented that it doesn't sound like the matter will be pursued further but he, personally, would like to see negotiations resume as he feels it could be a good situation. Mayor Leigh Morris was in attendance and concurred with Mr. Mrozinski and offered to help facilitate this proposal if it is the will of the Council.

PURDUE EXTENSION OFFICE:

Mr. Garner reported that next week is Fair week and he hopes to see each and every one out there. He stated that Mr. Sell has again offered to provide a meal and to meet with the Council before one of the meetings if possible.

HIGHWAY DEPARTMENT:

Mr. Yagelski reported that the frost law ordinances need to be revamped in the County. He stated that \$2 million was spent repairing roads due to damage this year.

PUBLIC COMMENT: Eugene Wolff, New Durham Township, stated that he is in attendance because of the possible tax increase. He stated that several years ago the legislators passed a local option tax and LaPorte County did not take part in it. Other counties did and as the years progressed, it became a good thing for those counties who adopted it, Elkhart being one of them. Mr. Wolff commented that the legislature has re-entered a form of a local option to cut the property taxes and he would like to have the Board take a good look at it. He reported that the Governor just extended the deadline from July to October. Mr. Wolff commented that if all three (3) options were adopted, he thinks there would be some property tax relief and that is what is needed in this County. He is a farmer and he can't afford a 27%, if that's what it's going to be, increase. He thinks that we should look at the local option and look at the history of the 70's and how the local option was handled then. Mr. Wolff stated, "Let's not shoot ourselves in the foot twice."

TRANSFER/COUNTY GENERAL FUND: Judge Thomas Alevizos stated that last month before the meeting, he had distributed a sheet that had proposed changes over the course of the next six (6) months in the Juvenile Services Center that would result in savings. He commented that one issue is that he has decided that two (2) years is long enough to go without effectively having a Director at the Juvenile Services Center that is at the Center. Judge Alevizos stated that the Director was let go effectively June 1st.

Judge Alevizos stated that, according to law, there has to be a Director so one of his assistant staff members has been acting as interim Director at the Juvenile Services Center and implementing a lot of policies and changes that are long overdue. This person is currently the Juvenile Services Center Director but in the Circuit Court budget. He has devised a plan where that person would get a "bump", as well as another secretary and, therefore, the bulk of that money would be taken and carried over to the Juvenile Services Director to be supplemented with the salary being saved currently. Judge Alevizos stated that the dual position of the Juvenile Services Director and the Community Corrections Director is a concept that goes back about three and a half (3 ½) years through a contract put together by Judge Gilmore and Eric Yandt. Judge Alevizos reported that a contract by a previous Judge cannot bind the Court beyond his term.

Judge Alevizos commented that he could probably get by the rest of the year with about \$10,500.00, which should be enough to make the difference in the new joint Director, which

would be the Juvenile Services for the Court, and the Juvenile Services Center Director. Mr. Yagelski asked the name of the person in the position. Judge Alevizos commented that it is the Council's former attorney. Mr. Garner stated, for the record, that this person is Krista MacLennan. Mr. Garner asked what her salary is and is she still being paid the same amount? Judge Alevizos commented that right now she is being paid the same amount. Mr. Garner asked if Judge Alevizos is talking about increasing the amount. Judge Alevizos responded that he is talking about only increasing the amount by \$18,000.00 to do both jobs. He also stated that he was going to take some extra money for her underlings in her current job to "beef" them up a little bit since they would be taking up the slack which would still leave money at the end.

Judge Alevizos commented that right now Mrs. MacLennan is getting paid one salary for doing both jobs. Mr. Garner asked if she is putting in more hours. Judge Alevizos responded that this wasn't a prerequisite for Mr. Yandt. Mr. Garner commented that he had no idea if it was or not. Judge Alevizos commented that he doesn't think it is a lot more hours but it is a lot more responsibility.

Mr. Ludlow asked what the Judge is proposing the salary to be. Judge Alevizos responded, "\$60,000.00." Mr. Ludlow asked what this salary is based on. Judge Alevizos stated that Mrs. MacLennan is currently making approximately \$42,000.00 and he is basing it on distributing the money he thought there was available to do both jobs and save the County about \$10,000.00. Mr. Ludlow reminded Judge Alevizos that we have a Personnel Committee that job transfers and increases are supposed to go before, especially secretarial positions. Mr. Ludlow commented that if raises are given to Judge Alevizos' secretaries then the other Court secretaries should be given the same raises. Judge Alevizos responded that a small amount would have been for the secretaries.

Judge Alevizos commented that he came before the Council two (2) meetings ago to mention that he was making this change and he came to the last meeting and handed out information and specifically asked a couple of people if he had to go before the Personnel Committee; nobody said to come before the Personnel Committee. Mr. Ludlow stated that he is recommending to the Council that the money not be transferred from one budget to another budget to give raises and that this matter should go before the Personnel Committee. Mr. Ludlow commented that Mrs. MacLennan might be worth \$60,000.00 a year in both jobs but he thinks that is why we have a Personnel Committee.

Mr. Yagelski asked for clarification of the amount being requested. Judge Alevizos responded that \$10,500.00 would finish out the year. Mr. Jones stated that an appropriation reduction needs to be made in order to "square" the current salary and action is needed on both figures. Judge Alevizos commented that he doesn't think the Auditor is paying the person \$80,000.00 salary because of the contract but the question is that no one has determined what the salary is going to be. Attorney Baugher stated that in terms of the second half of this matter, there was a specific contract for Mr. Yandt's employment and the contract clearly provided that if he was not able to provide both functions at the Juvenile Services Center and Community Corrections, there would be a reduction in his salary; he would go back to the "old" salary plus any adjustments from that time forward. Attorney Baugher commented that the contract isn't very clear as to what is meant by the "old" salary but there is clearly, within the contract provisions the requirement for a reduction in his salary. He stated that the Auditor has provided a calculation that she believes is accurate. Attorney Baugher commented that, as he looks at it,

the Advisory Board needs to look at it and make a recommendation to the Commissioners, who they report to, and the Commissioners need to come back to the Council with an amount they think is appropriate. Attorney Baugher stated that in the meantime, payrolls keep coming. If Mr. Yandt isn't comfortable with the amount established by Mrs. Shuter, he has a right to protest it as do the Commissioners. Mrs. Shuter reported that there have been no adjustments made as the department has been submitting full payroll and a decision needs to be made so that the payroll can be adjusted back to June 1st.

Mr. Ludlow commented that he was going to make a motion to reduce the Director's salary to \$47,984.00 based upon the previous Director's salary with the increases over the past three to four years given to County employees which would be a savings of \$19,702.16 from that line item.

Judge Alevizos stated that prior to this year, Mr. Yandt's salary was coming specifically from two (2) different funds and he would have been making \$47,984.00 this year from the Juvenile Services Center and less than half was coming from Community Corrections. Last year this changed and the position was put entirely in the Community Corrections budget, perhaps knowing that Judge Gilmore was leaving. Judge Alevizos commented that this is why there can be many interpretations of the contract.

Mr. Cunningham asked Judge Alevizos if it is safe to say, with the figure Mr. Ludlow just used, that there will be a savings of approximately \$19,000.00 over the last half of this year and that the increase of \$18,000.00 being requested for Mrs. MacLennan is being spread out over the entire year. Judge Alevizos responded that this is correct. Mr. Cunningham stated that half of the \$18,000.00 is \$9,000.00 which gives about \$10,000.00 difference. Mr. Cunningham agrees with Mr. Ludlow in making the salary adjustment for the Director but he has a problem with secretarial pay without it going before the Personnel Committee. Judge Alevizos responded that this matter could be handled at the beginning of the year and that the position could move to a contractual employee. The Court Reporter/Secretary will have to change in next year's budget anyway because of the way the Magistrates are changing.

Mr. Cunningham commented that in reality Judge Alevizos' request for \$10,500.00 is not revenue neutral but revenue positive for the remainder of the year; eliminating secretarial increases and transferring the \$10,500.00 will actually be less money and the position still will be filled. Mr. Cunningham made the motion to transfer \$10,500.00 and Mr. Mrozinski seconded. Roll call was taken.

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

Motion carried 4 – 2.

Mrs. Shuter asked for clarification regarding Mrs. MacLennan's salary. Judge Alevizos reported that the current salary is \$42,400.00 and \$10,500.00 will cover the remainder of the

year. Mr. Cunningham commented that \$60,000.00 is for a full year but she will only get half of the increase. Mr. Cunningham made a motion to adjust Krista MacLennan’s salary by approximately \$9,000.00 for the remainder of the year and to take no action on the secretarial pay at this time. Mr. Jones seconded. Roll call was taken.

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

Motion carried 4 – 2.

Mr. Jones, for clarification, commented that \$60,000.00 is not for the Juvenile Services position but Mrs. MacLennan is getting paid for working both jobs but since she is interim, and she has agreed to “guide the ship” until something definite happens, that is where the confusion comes in; she should be compensated for it.

Mr. Ludlow made a motion that the Director’s salary for Community Corrections be reduced to \$47,984.00 yearly salary and the remainder of the money in that line item not be transferable to any other 100 account. Mr. Garner seconded. Roll call was taken.

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

Motion carried 6 – 0.

TRANSFER/PROSECUTOR/USER FEE: Prosecuting Attorney Rob Beckman reported that this transfer is requested twice a year taking down one-quarter of the Infraction Deferral Funds. He commented that this money is generated in-house and used to run the Prosecutor’s Office. Mr. Jones made a motion to approve the appropriation and the transfer of \$60,549.00 from the County User Fee Fund (327) to the Prosecutor’s Pre-Trial & Diversion Fund (343). Mr. Cunningham seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/COUNTY GENERAL/WIS: Mr. Jones made a motion to take this matter off of the table. All approved. Mr. Jones stated that listed on the first page is the request for \$12,800.00 and on the third page is adoption of the Human Resources Work Plan which ties into the \$12,800.00. Mr. Jones made a motion to vote this request for \$12,800.00 and the Work Plan down and to have Waggoner, Irwin & Scheele (WIS) respond to the RFP. Mr. Ludlow seconded. The motion to deny carried 6 – 0 by voice vote.

Attorney Baugher commented that he and Mr. Szilagyi have come up with a proposal and the Commissioners have set a date for acceptance of the proposals. He stated that they have been

contacted by the current President of the State Agency for the Personnel Managers Group and there are some sites to place the advertisement on other than the local newspapers with the hope that we get a broader response.

ADDITIONAL APPROPRIATION/EMERGENCY MEDICAL SERVICE: Pat Pease, EMS Administrator, reported that the \$50,000.00 requested was cut last year in the budget but she is requesting an additional appropriation for this amount due to the change in the PTO days in last year's Personnel Policy. Mr. Jones commented that he is liaison to EMS; this is a result, in Mrs. Pease's opinion, of a policy that can't be enforced and monitored within her department because of the wording in the Personnel Policy for PTO days. Mrs. Pease responded that this is true and she believes that the Commissioners are looking into making a change, but she isn't sure how. Mr. Jones commented that a large amount of the EMS Department is taking advantage of the PTO days. Mrs. Pease replied that this is correct and when someone is off, she has to fill the position.

Mr. Jones asked Mrs. Shuter if she has seen any trends like this. Mrs. Shuter commented that there was problem in her office with abuse of PTO. Mr. Jones hasn't heard a lot of opinions and he doesn't know what kind of feedback the rest of the County is getting. Mrs. Pease believes her department is affected on a greater scale because they do have to replace someone when they are gone as they can't go without someone for a day as some of the other offices can. Mr. Jones stated that this is an expensive policy that was enacted and, again, he doesn't think that this was a policy that the Commissioners even had a statutory right to do. Mr. Jones feels it falls upon the fiscal body under benefits; the Council should have been, at least, consulted because it determines what your budget is going to be when someone enacts a policy like this one.

Mrs. Shuter commented that she does think this policy has a larger impact on the offices that have shift work and pay overtime whereas the Auditor's Office doesn't pay overtime. Mr. Garner remembered last year when this was discussed with a Commissioner, who has passed on at this time. He informed the Council that he was going to deal with this matter so it was assumed that it was taken care of; a year later we are in the same situation. Mr. Garner commented that there are no Commissioners present again so he thinks it should be sent back to them to make sure they are dealing with it instead of the "song and dance" they are giving the Council.

Mr. Jones asked Attorney Baugher if the County Council could suspend the PTO days by way of a memo. Attorney Baugher recommended a letter from the Council to the Commissioners stating that the money will not be budgeted until the Council is satisfied that there are resources available to cover the costs of the policy.

Mr. Yagelski stated that last year, when this matter came up, Krista MacLennan, the Council's Attorney at the time, had looked into the matter and the State is not clear on whose right it is regarding this policy. He stated that all three (3), not just one, Commissioners agreed to take PTO off. It isn't anything against the department, but he agrees with Mr. Garner that it should go back to the Commissioners to take care of. Attorney Baugher stated that if money isn't appropriated and budgeted for a policy, then government can't commit itself to spend money it hasn't appropriated; there is a problem under Fair Labor Standards but if this request is turned down and a letter sent to the Commissioners, this would be a way of forcing the issue.

Attorney Baugher commented that there are probably other elected officeholders who are relying on this policy and they should be notified by the Council that money has not been appropriated for the policy that the Commissioners created because you leave them in a position where they are following the rules that were articulated, they come in and expect to get the money as necessary, and it's not there creating a real problem.

Mr. Ludlow asked what is left in the overtime account. Mrs. Pease replied, "Zero." Mrs. Shuter reported that as of July 3rd, the account was \$3,534.00 in the red. Mrs. Pease stated that \$50,000.00 was approved in overtime at the budget hearings for 2007; she used \$100,000.00 last year so she knew she would need another \$50,000.00. Mr. Yagleski commented that there were three (3) policies that went out last year in two to three months and there was no way the Council was included at any time during the policy changes. He stated that this was a total disregard for the Council and the Commissioners agreed last year to take PTO out of the policy.

Mrs. Shuter reported that based on the last pay, EMS overtime is averaging \$6,500.00. Mrs. Pease commented that normally in the early part of the year, and toward the end of the year, it averages about \$4,000.00 but during the summer, because of vacations and PTO, it goes up. Mrs. Shuter asked if there were other accounts that could be transferred into overtime until this matter is resolved. Mrs. Pease will review the accounts. Mr. Jones asked if Attorney Baugher would write a letter to the Commissioners. Mr. Jones stated that essentially employees are using sick days as vacation days and replacing them with time and a half because there isn't a buy-back program for sick days at the end of the year; those people who take the day off come back the next day and work time and a half for someone else which creates a vicious circle. Mr. Jones stated that the employees are just following the policy, he doesn't fault them.

Mr. Ludlow made a motion to appropriate \$25,000.00 in the EMS Overtime account and to direct the Council Attorney to draft a letter for the President's signature to the Commissioners and, also, to approve \$4,500.00 as advertised in the Win Tax Fund for the purchase of pagers. Mr. Jones seconded. Roll call was taken.

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

The vote was 3 – 3. Motion died.

Mr. Cunningham made a motion to approve \$10,000.00 for overtime and also \$4,500.00 for the purchase of pagers from the Win Tax Fund and to send a letter to be written to the Commissioners regarding PTO. Mr. Garner seconded. Roll call was taken.

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

Councilman Ludlow: Aye

Motion carried 6 – 0. Mrs. Pease stated that since this will only get her through one payroll, she will be running in the red by the end of August when the Council meets again. Mr. Ludlow directed Mrs. Pease to get on the August agenda. Mr. Yagelski commented that it is self-explanatory and if everything is o.k. by August, she wouldn't have to come before the Council again.

ADDITIONAL APPROPRIATION/PHONE & FAX UPGRADES: County Attorney, Robert Szilagy, and Commissioners' Secretary, Linda Arnett, addressed the Council regarding the request for \$123,000.00 in the General Fund, Commissioners' Budget, Telephone. Mrs. Arnett reported that there is \$62,000.00 left in the account. This account is used only for telephone service and the amount remaining isn't enough to get through the rest of the year. Mrs. Arnett stated that the original budget was \$250,000.00. Mr. Jones made a motion to approve the amount as requested and Mr. Ludlow seconded. Mr. Ludlow asked what the monthly phone bill is. Mrs. Arnett provided a listing of all phone services and monthly payments. Roll call was taken.

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

Motion died 3 – 3.

Mr. Cunningham stated that the \$62,000.00 should be enough to get through about two (2) months. Therefore, he made a motion to appropriate \$30,000.00. Mr. Ludlow seconded. Mr. Jones asked what action we are waiting for. Mr. Cunningham commented that he thought we were waiting on some information about eliminating some faxes to save some money. He stated that there was just a meeting on the phone service and asked that Darlene Hale, IT Director, provide some explanation. Ms. Hale stated that there is money requested further down on the list under the CCD Fund for the voice mail, fax converter. There are approximately fifty (50) fax lines throughout the County at the basic cost of \$40.00 per month.

Mr. Jones commented that the presentation the Council had was for the Hiler Building and he asked if this building (the Complex) was figured in. Ms. Hale responded that fifty (50) licenses were included which should cover the entire County offices. Mr. Jones asked if the new technology, Voice over IP, would save us in comparison to our current system, other than just faxes. Ms. Hale responded that the wiring costs would be reduced in half. She also reported that \$37,281.99 for fiber optics and wiring could be covered from the Reassessment Fund as per conversation with the State. \$134,228.61 from CCD would cover seventy (70) phones which is based upon a "guesstimate" of who is moving to the Hiler Building.

Mr. Jones stated that he is in favor of the upgraded technology but how, regarding the last statement of not knowing for sure who is going over to the Hiler Building does Ms. Hale plan to install this system. Ms. Hale responded that the voice and fax converter can be installed and

implemented; she is putting the drops in as she is finding out who is going where. She is basing her figures on knowing that certain offices will be in the building somewhere.

Mr. Ludlow asked if the Verizon Voice Mail Fax Converter, for \$54,000.00, can be installed now and that will affect the fifty (50) fax machines that we currently have. Ms. Hale responded that this is her understanding from Verizon.

Mr. Yagelski asked how many voice mails are included. Kent Carpenter, Building Maintenance, responded that six hundred (600) would be available but not everyone has voice mail. Ms. Hale commented that Mr. Carpenter had put in \$20,000.00 for the Wabash Upgrade. Mr. Yagelski asked if we would go off of the system, what would happen regarding T-1 lines. Ms. Hale stated that there was an issue at Verizon whereas the Sales Manager was no longer with Verizon and they haven't assigned us a new one yet.

Mr. Ludlow made a motion to table this request for thirty (30) days. Mr. Garner seconded. The motion carried 5 – 1. Mr. Jones voted, "Nay."

Mr. Ludlow would like time to review the information presented and to have time to see the 1500th sketch for the Hiler Building.

ADDITIONAL APPROPRIATIONS/GENERAL FUND/SHERIFF: Mr. Ludlow made a motion to approve the request for \$160,000.00 in the General Fund, Jail Budget, Food. Mr. Cunningham seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/CIRCUIT COURT: \$555.00 was requested in the General Fund, Circuit Court Probation Budget as Krystal Keehn will reach her anniversary date as a probation officer on July 7th. Mr. Ludlow made a motion to approve \$555.00 as advertised and Mr. Jones seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/SUP CT NO. 4: Mr. Jones made a motion to approve \$4000.00 in the General Fund, Superior Court No. 4 Budget, Psychological Services, as advertised. Mr. Ludlow seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/GENERAL FUND/MC PROBATION: Mrs. Shuter explained that the increase required for the remainder of the year for Christopher Watkins, Juvenile Probation Officer, who will reach his anniversary date on August 21st, would be \$810.80 instead of the amount of \$2,108.00 advertised which is the difference in salary for the entire year. Mr. Cunningham made a motion to approve \$810.80 and Mr. Ludlow seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/HIGHWAY: Bob Young, Highway Superintendent, requested \$200,000.00 from the Highway Undistributed Budget, Gas, Fuel & Oil, in order to get through the rest of the year. Mr. Ludlow made a motion to approve. Mr. Mrozinski asked if this request is due to the gas prices. Mr. Young responded that about every other department in the County comes to the Highway to get fuel. The Highway does get reimbursed by the departments and it doesn't go back into the fuel account but into the unappropriated balance. The reimbursement amount is usually around \$60,000.00. Mr. Young stated that the remaining request is partially because of the increase in fuel costs.

Mr. Young reported that since they have gone to four (4) ten (10) hour days they compared the month of June to last year's month of June and a savings of \$5,800.00 is reflected. He stated that once there are two or three more months under their belts, there will be a more accurate accounting. Mr. Yagleski asked how long the Highway will work 4/10's. Mr. Young responded that he believes they will work this way until the end of August.

Mr. Garner seconded the motion to approve \$200,000.00. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/CCD/SUP. CT. NO. 4/WINDOWS: Mr. Jones made a motion to table \$6,615.00 in the Cumulative Capital Development (CCD) Fund for Doors & Windows. Mr. Garner seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/CCD/EMERGENCY MANAGEMENT: Paul Young, Emergency Management Director, stated that he has two (2) new sites, because of the growing population, and one is a replacement. One of the sites for early warning sirens is by the New Prairie School system on their property, New Durham will get one and Mill Creek's early warning siren needs to be replaced. Mr. Jones made a motion to approve \$49,983.00 as advertised in the CCD Fund and Mr. Cunningham seconded.

Mr. Garner asked what the average life expectancy of the sirens is. Mr. Young replied that Mr. Garner's guess is as good as his but probably ten (10) years to twelve (12) years if not struck by lightning. Mr. Jones stated that some of the sirens are World War II age so they do last quite a long time.

Motion to approve carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/MAJOR MOVES: Leigh Morris, Mayor of the City of LaPorte, addressed the Council regarding the 18th Street Sewer/Water Main project. He stated that this is an extremely important and significant proposal from many different standpoints. Number one, it will enable us to take care of the long-standing problem of the need for water and sewer services at the LaPorte County Fairgrounds. Number two, it will facilitate economic development in the area west of the City of LaPorte. Mayor Morris reported that one of the possibilities is an intermodal facility in that area but if that shouldn't happen, that entire area, which is zoned industrial, offers a wonderful opportunity for economic development; the thing that has held it back all of these years is the fact that water and sewer have not been available in that area.

Mayor Morris stated that the proposal is for the City to bring water and sewer to State Road 39 and for the County to take it from State Road 39 down 18th Street to State Road 2. He reported that the proposal suggested to the Commissioners is one which will allow the County to recoup its investment in the extension over time as customers tap into the system. This would also allow for service to be extended to the County Home if that's the will of the County as the capacity would be there. Mayor Morris believes that the system is being designed to have enough capacity to go west of Pinola and should take care of many developments in that area.

Mayor Morris commented that one of the major concerns are the amount of septic systems that are being proliferated in rural residential development and having the capacity of this type in

that area will enable us to avoid that proliferation. He thinks it will also assure the adequacy of water supply for fire safety as well. Mayor Morris stated that this project represents a good partnership between the City and the County to make some important things happen.

Mr. Mrozinski asked about potential customers that might want to develop in that area. Mayor Morris responded that at the present time there is very active consideration.

Mr. Ludlow asked Rick McVay, Highway Engineer, to approach the Council and commented that bids had not been let, was that correct. Mr. McVay responded that this is correct. Mr. Ludlow commented that we are using the engineering firm of American Structure Point and this is their estimate. Mr. McVay responded that this is correct. Mr. Ludlow commented that it is stated that a separate contract for full-time construction engineering will be submitted at the appropriate time and will not require an RFP unless it is required to do so. Mr. Ludlow asked what is meant by this and what the anticipated cost is. Mr. McVay responded that this portion is actually already figured into the estimate and it is typically fifteen percent (15%) of the construction costs.

Mr. Yagelski asked what size line is proposed and is there a lift station involved. Mr. McVay responded that it will be a gravity fed system and most of the line will be 27" reduced to 24" before they get to Hwy. 2. Mr. Yagelski asked what is projected if you wanted to go over three (3) county roads and start hooking up other services; is there a potential of increasing this way or just straight down Hwy. 2. Mr. McVay answered that it would probably at this point just be going straight down Hwy. 2. It is the thought they can gravity feed all of the way from Pinola. Mr. Yagelski commented if we aren't going to build in that area, and we aren't going to build a jail by the County Home, he would like to see the County sell the property. Mr. Mrozinski commented that if there is industry that wants to relocate in that area, it will only make the property worth more money.

Mr. McVay stated that the nice thing about this also is that the County Home could be changed to a gravity fed system as they now have a lift station on their property. When the electric goes down, they have problems. Mr. Mrozinski commented that another issue is with the wells at the County Home as one of the wells is in bad shape. He stated that the code requires that they have two (2) working wells so a water system would alleviate the need for the other well.

Mr. Cunningham stated that earlier in the year the Council asked the Commissioners for a priority list and this project was one of their highest priorities.

Mr. Ludlow commented that there have been some preliminary meetings held with the residents in Sunnyside and the 18th Street area and he thinks that there was an excellent job done by American Structure Point in relieving the fears that the City was going to come out there and annex them and that they were going to have to hook up. Mr. Ludlow stated that we are ahead of the ball that way and we aren't pulling a "Johnson Road."

Mr. Yagelski questioned the fee going on for fifteen (15) years e-mailed to the Council by Mayor Morris. Mayor Morris responded that the additional development fee is a buy-in fee and the sewer is \$1,000.00 while the water is \$750.00; therefore the total for the system development fees for the residential user would be \$1,750.00 which would go to the County. Mr. Yagelski asked if the City would annex the property prior to fifteen (15) years, perhaps it

was annexed in five (5) years, would the City be liable for the ten (10) years for the County to receive the monies. Mayor Morris responded that it would be the City's position to waive the connection system development fees for customers along 18th Street who would connect prior to August 31st of next year. After that date, the system development fees and connection fees would be \$2,907.00. Mr. Yagelski reiterated if, after five (5) years, the City decided to annex that property, what would the County's obligation, or return investment, be for the ten (10) years. Mayor Morris responded that the system development fees would come to the County no matter what. Attorney Baugher commented that by contract, regardless if the City does or does not annex, the County will be able to look to the City to recoup those fees as people come in.

Mr. Ludlow made a motion to approve the expenditure of \$3.7 million for the 18th Street Sewer and Water Main project. Mr. Cunningham seconded. Roll call was taken.

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

Motion carried 6 – 0. Mayor Morris thanked the Council for the expression of support as he believes the results will be positive for the County, the City and the entire region.

ADDITIONAL APPROPRIATION/WIN TAX/HIGHWAY: Mr. McVay represented the County Home regarding \$3,920.00 advertised in the Win Tax Fund for Other Charges, Tank Removal. He explained that back in 1997 an underground storage tank was removed and the County Home thought they had satisfied IDEM but IDEM has come forward and additional soil samples need to be taken and tested in order to closeout this matter. Mr. Mrozinski made a motion to approve \$3,920.00 as requested and Mr. Ludlow seconded. Motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/SUPPLEMENTAL USER FEES: Lyn Swanson, Chief Adult Probation Officer of Superior Court No. 1 & 2, requested approval of \$8,000.00 for Office Supplies and \$3,000.00 for a copier/scanner. Mr. Garner made a motion to approve both amounts as requested in the Superior Court No. 1 Adult Supplemental User Fees and Mr. Cunningham seconded. Motion carried by voice vote 6 – 0.

OLD BUSINESS: the Adoption of the Human Resources Work Plan was denied earlier in the evening along with \$12,800.00 requested by WIS.

NEW BUSINESS:

EMERGENCY ORDINANCE FOR SHORT TERM LOAN:

Mr. Yagelski asked, for a matter of record, as discussed earlier in the workshop, if Mrs. Shuter would comment on the tax bills. Mrs. Shuter stated that it is a definite decision that she and Mr. Layton have made, based upon a conversation with the Department of Local Government Finance (DLGF) two weeks ago, that even if assessed values were certified that day the DLGF

would not look at budgets for us until mid to late August because, like us, they are in the middle of the budget process across the State for everybody and are holding workshops this week for all of our local units; so based upon the time-frame, if we are approved by the end of August and they send us our rates with the 1782 notice and budget orders, we still have to advertise the rates, prepare the abstract, which is roughly a three-week process, and then we have to run tax duplicates, tax bills and stuff them and get them out of house. By the time all of that could occur by late September, we would also be trying to balance settlement on the first installment at the same time we are trying to meet a November 10th deadline. She reported that the Treasurer's Office certifies figures to the Auditor's Office on the Treasurer's Certificate for the Auditor's Office to make distribution. It is too much in a thirty-day turn around time to do both at the same time, so the Auditor and Treasurer have jointly agreed to have a November 10th due date for both installments.

Mr. Yagelski asked what is the guarantee, since so many counties are doing the same thing, if they couldn't get it right for the first date how can we get it right for the second date. Mrs. Shuter commented that we are hopeful right now, and we are hearing that Mitch Daniels has ordered twenty-five (25) budgets that are currently at the DLGF to be held pending a suit that has been filed in Marion County, and we don't know what the outcome of that is going to be, they are threatening a class action lawsuit state-wide, that we get the bills out of the house as soon as we possibly can whether it's early September or late September. She stated that as soon as we are able to get them out, we will, and this will give the taxpayers in our community that much more time to prepare for the November 10th deadline for the entire year.

Mr. Yagelski asked what we see for us as this is the first amount that comes in. Mrs. Shuter stated that we might need more money but there is money in the Jail Bond Reduction Fund we can borrow and there is several million dollars in Cumulative and Major Bridge if we needed another short term loan on either one of those.

Mr. Yagelski asked what is the guarantee that the State will not do to us what they did three (3) years ago. Mrs. Shuter stated that it was actually a misunderstanding as Mr. Deniston, our field representative from the DLGF, assumed that when we got the River Boat funds in, \$2 million was receipted into the General Fund but it was receipted into the River Boat Fund as usual; once you transfer money from one fund to another it becomes a short term loan that has to be paid back by the end of the year.

Mr. Cunningham asked if there is any possibility, due to the delay into October or November, that we can avoid stuffing envelopes and sending refunds; is there any word from downstate we can just include the percentage as a reduction instead of a refund. Mrs. Shuter responded that she doesn't think so. She talked with Barry Wood at the DLGF a couple of months ago when this first came out and asked if the percentages were available, why can't we get them now and incorporate them into our normal billing. Mr. Wood responded that we needed to continue what we were doing because the percentages wouldn't be issued until late summer. Mrs. Shuter commented that this would be perfect for us since we weren't going to bill until late summer anyway. Mr. Wood's statement was that the legislators are adamant that the counties send out the statement and a rebate check and the percentages would not be released until the abstract is approved. Mr. Cunningham stated that the public needs to understand that the additional cost to the County is due to the State legislature. Mrs. Shuter commented that we are anticipating a cost, based upon 29,930 people who have homesteads on the books for 2006 pay

2007, between \$50,000.00 and \$75,000.00 to implement this requirement locally. The financial software and tax software vendors are trying to work out a system to export the information out of the tax system and import into the financial system so our Accounts Payable isn't trying to get 30,000 checks out. Mrs. Shuter stated that there is an official ruling from the IRS that this will not be reportable income so we will not be faced with trying to get social security numbers from nearly 30,000 taxpayers which was good news.

Mr. Ludlow made a motion to hear the ordinance on the first reading by title only. Mrs. Shuter read, "LaPorte County, Indiana, LaPorte County Council, Ordinance No. 2007-05, An Emergency Ordinance to Make a Short Term Loan from the LaPorte County Emergency Reserve Fund to the LaPorte County General Fund." The amount of the loan is \$9 million. Mr. Ludlow made a motion to declare this ordinance an emergency and to adopt the ordinance on the same night it was introduced. The ordinance was read by title only on the second reading. Mr. Jones made a motion to adopt Ordinance No. 2007-05 on the second reading and Mr. Ludlow seconded. Roll call was taken.

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

Motion carried 6 – 0.

Mr. Garner commended the two (2) Council Members at the other end (Mr. Ludlow and Mr. Jones) and the former Auditor (Ken Layton) for establishing this fund years ago because it has proven very beneficial to our County.

JOB DESCRIPTION & FAIR LABOR STANDARDS ACT ORDINANCE:

Mr. Jones asked if it was a mandate to adopt this ordinance as he doesn't remember doing this. Mrs. Shuter responded that she doesn't know that this was done when the job descriptions were drawn up twelve (12) or thirteen (13) years ago but Kent Irwin from Waggoner, Irwin & Scheele recommended that this be done. She stated that we have had some problems over the years with different departments changing the people's titles; this "puts in stone" that this is your title, this is your classification and this is your pay rate. Mr. Ludlow made a motion to have the first reading of Ordinance No. 2007-06 by title only and Mr. Mrozinski seconded. Mrs. Shuter read, "An Ordinance Adopting County of LaPorte, Indiana, Job Descriptions and Fair Labor Standards Act Classifications."

COMMENTS FROM THE COUNCIL:

FROST LAW:

Mr. Cunningham made a motion that the Vice President send a letter to the Commissioners regarding updating the frost law ordinance and some proposed fees and fines. Mr. Ludlow seconded. The motion carried by voice vote 6 – 0.

TIME STUDY:

Mr. Mrozinski proposed that the County undertake a time study project of all County employees to determine if we have enough employees, too many employees and what employees do with their time. He commented that this would be good information not only for the new HR person but it could also aid the Council in the budget hearings. Mr. Mrozinski made a motion that we advertise for an agency to form such a study and by next month's meeting it could be considered who we want to hire and derive the information required. Mr. Garner seconded.

Mr. Ludlow asked if the motion is for an RFP and the Council isn't voting to do it but are voting to see how much it is going to cost us. Mr. Mrozinski responded, "Yes sir, exactly." The motion carried by voice vote 6 – 0.

Attorney Baugher asked who is going to draft the proposal. Mr. Mrozinski asked who is going to advertise? Mrs. Shuter responded that the Commissioners do this type of advertising. Mr. Jones commented that even though it benefits the County Council and he agrees, he doesn't believe the Council can contract with anyone. Attorney Baugher stated that it is an issue whether the Council can or not and he will look at it; he suggested that Mr. Mrozinski meet with him since the Council has approved it and, if there is a problem, it can be worked out.

18TH STREET SEWER & WATER PROJECT:

Mr. Garner reported that the Red Power Show is coming to the Fairgrounds; allowing the sewer and water main to happen there will bring larger shows to this area and promote tourism which will bring in more dollars to this County and benefit more than the City of LaPorte.

JUNE MINUTES:

Mrs. Shuter asked that the Council Members check their packets to see if they might have the signed copies of last month's minutes.

ADJOURNMENT: There being no further business, Mr. Garner made a motion to adjourn at 8:10 p.m. and Mr. Ludlow seconded. The motion carried 6 – 0 by voice vote.