

LAPORTE COUNTY COUNCIL MEETING
FEBRUARY 22, 2010

The LaPorte County Council Meeting was held on Monday, February 22, 2010 at 6:30 p.m. in the Assembly Room of the LaPorte County Government Complex, 809 State Street, LaPorte, Indiana 46350.

Meeting was called to order by Council President, Mark Yagelski

Pledge of Allegiance was recited and a moment of silence was observed for Joshua Birchfield, the Westville Soldier that gave his life for our Country.

Roll Call was taken by Auditor, Craig Hinchman. Those attending were Mr. Bernacchi, Mr. Cunningham, Mr. Garner, Mr. Ford, Mrs. Sosinski, Mr. Mrozinski, and Mr. Yagelski. Also present were Chief Deputy Auditor, Mary Ray and Council Attorney Don Baugher.

The agenda was approved by all members with the following changes:

Board of Commissioners moved to first on agenda
Add 2010 Resolution –Buy America
Table LaPorte County Parks till March meeting

The January 25, 2010 minutes were approved by all members as presented.

ELECTED OFFICIALS/DEPARTMENT HEAD REPORTS

Darlene Hale, IT Director, reported she has been researching all phone and fax lines and she has eliminated several that are not being used. She has cancelled those lines and is saving approximately \$4,400.00 per MONTH in charges. She is also working with Alco Television to resolve broadcasting problems. Commissioner Layton is to meet with a representative from Alco to help resolve the problems.

Sheriff Mollenhauer read from a prepared statement(**SEE ATTACHED STATEMENT**) regarding Mr. Cunningham's concerns about the Commissary Fund. President Yagelski interrupted the Sheriff and stated that his time was up but the audience strongly objected wanting to hear what Sheriff Mollenhauer had to say. After a brief private conference between the Council Members, Mr. Cunningham made a motion to let the Sheriff continue. All Members voted in favor.

Commissioner Mike Bohacek reported that thanks to a Grant, all the lighting in the Hiler Building has been upgraded to energy efficient. The same work is in progress in the Annex, with window replacement to follow.

PUBLIC COMMENTS

Rick Kentaft, a former Sheriff's office employee, told the crowd he used to write checks from the commissary fund several years ago and basically nothing had changed since then. He stated that Mr. Cunningham needs to quit the "political bickering".

Mike Kobos commented that the television broadcast keeps blacking out. He stated this is not acceptable. "Get it fixed".

John Regetz, Michigan City Economic Development spoke in favor of the GIS project. He stated it was very helpful to future development areas.

Dennis Metheny stated the he supports the GIS project. He also stated his objection to the Prosecutor's office not being included in random drug testing. He said it should be all or none of the departments. He objects to Mr. Cunningham attacking the Sheriff. He stated that Alco Television is over charging the County for their services. He strongly objects to a possible new building to house the Purdue Extension office. He said that they were over staffed as it is and need to cut their budget and decrease the number of employees they have.

LIASION REPORTS

Mrs. Sosinski also agreed that the Alco Television problems must be solved. She will be addressing the amendment to the hiring freeze later in this meeting. She told Attorney Baugher that since she was the original author of the hiring freeze resolution, she should have been consulted on the amendment prior to the meeting so she could have reviewed it properly, not at the last minute. She also commented about Attorney Baugher's possible conflict of interest in representing the County Council as well as the LaPorte City Council. She asked him why he left our January 25, 2010 meeting early; Attorney Baugher stated that he left to attend the LaPorte City Council Meeting leaving the County with out legal representation. She then read from the LaPorte Herald Argus that at that meeting, the City Council discussed possible litigation against the County. She feels that he is able to obtain privileged information that can be used against the County if the City does take action.

Mr. Ford met with Paul Young from Emergency Management. He stated that the repeater is over 30 years old and needs to be replaced. He also met with Tony Hendricks, County Surveyor. The state recommends that at least 30 Section Corners need to be replaced every year. In 2009, there were 300 replaced. He complimented the Surveyor's office for doing such a good job. He met with the state representative regarding the ISC Legists site. Funding expires March 31, 2010 so an extension is being pursued.

Mr. Mrozinski reported that he was re-appointed to several boards at NERPSY. He also stated that a new Veterans Clinic is going to open in Peru, Indiana. He announced that the LaPorte County Veterans Recognition Medals will be presented on April 24, 2010 and Armed Forces Day will be May 15, 2010. He also stated that he attended the Economic Alliance Meeting.

Mr. Garner attended the Soil & Water Luncheon, he reported that the soil was tested from the Kankakee and Yellow Rivers and can be used. He also reported that he met with the Auditor's office and they had no issues that needed attention. He met with Sheriff Mollenhauer and Chief Deputy Sosinski who stated that approximately \$80,000.00 to \$90,000.00 from the commissary fund was going to be used to purchase video recording equipment for the Jail Complex. He also stated there was \$156,239.00 (coming from different budget items) returned to the general fund. He said that the department was doing every thing possible to conserve fuel.

Mr. Bernacchi stated that the Park & Recreation Department's request on tonight's agenda should be tabled until the March meeting. He is also supporting the GIS request for the Pictometry project. He has been working with Melissa Mischke to obtain funding from several County departments. It will be voted on tonight.

Mr. Cunningham reported meeting with the Community Corrections department regarding several issues.

Mr. Yagelski would like all county residents to support the new census. It is a wonderful way to help the County obtain State and Federal grants and funding.

Mr. Cunningham's rebuttal to Sheriff Mollenhauer:

He praised the over all dedicated service that Commissioner Ken Layton has given to the County. He stated that there is no one in County government he has more respect for. The Sheriff alleged money laundering at the October 28th meeting of the Fair Board. I was simply trying to find a way to pay the county employees that worked at the RPM Festival, not do anything underhanded. I spoke with the Fair Board, the Convention & Visitors Bureau and Commissioner Layton to work out a possible three way split of the payment to the employees. I then gave a presentation at the Fair Board Meeting that night not knowing that Sheriff Mollenhauer and Chief Deputy Sosinski would flatly say no. If I would have known that I wouldn't have wasted my time. The Fair Board members were upset after money laundering was insinuated. I have said all along that this is not a personal agenda. I am not trying to criticize the Sheriff or how he runs his department. I am a member of the fiscal body and all I want is the proper use of the Commissary Fund.

He then quoted Commissioner Layton in regards to the sheriff buying advertisement as the sheriff with his picture in the advertisement. "Its not fair for me to say if he is doing right or wrong" He further said "I can say unequivocally that I never did that (buy ads with name and face on them), I think that's outside the realm of commissary law"

APPROPRIATIONS OR TRANSFERS OR REQUESTS

LAPORTE COUNTY PARKS AND RECREATION DEPARTMENT

Requesting up-front funding for CMAQ Grant from any of the following:

CCD Fund (216-20200-000-216)

Riverboat Admissions (272-20200-000-272)

Win Tax Fund (257-20200-000-257)

For the purchase of a 2010 Dodge 3500 REG ST 4WD dump

Truck with snow plow \$41,300.00

Requesting approval to expend from its non-reverting capital fund

(560-20200-000-560) for surcharge \$ 3,123.38

Motion was made to table these two requests until the March 22, 2010

Meeting

All members voted in favor

Motion passed

LAPORTE COUNTY HOME

Requested transfer of funds from

Riverboat Admissions (272)

TO

The Ruth Rohrabough Trust (243-20200-000-243)

To replace funds for the Sprinkler System Repairs \$4,290.00

Motion was made

Mrs. Sosinski, Mr. Ford, Mr. Mrozinski, Mr. Cunningham, Mr. Bernacchi and Mr.

Garner voted in favor.

Mr. Yagelski voted against

Motion approved.

LAPORTE COUNTY HIGHWAY DEPARTMENT

Requested permission to fill three vacant equipment operators' positions.

After debating the issue,

Motion made to allow the hire of two employees

Mrs. Sosinski, Mr. Ford, Mr. Yagelski, Mr. Bernacchi, and Mr. Garner voted against

Mr. Mrozinski and Mr. Cunningham voted in favor

Motion denied

Motion made to allow the hire of one employee

Mrs. Sosinski, Mr. Mrozinski, Mr. Yagelski, Mr. Cunningham and Mr. Garner voted in

favor

Mr. Ford and Mr. Bernacchi voted against

Motion approved.

LAPORTE COUNTY PROSECUTING ATTORNEY

Requested permission to fill the position of Bad Check Coordinator.
After a lengthy presentation by Prosecutor Beckman
Motion was made to approve
All members voted in favor
Motion approved

LAPORTE COUNTY HEALTH DEPARTMENT

Requested clarification of the hiring freeze/approval of hiring requests
For the Health Department
Mr. Trost will be retiring in April and a replacement needs to be hired.
Motion to allow
All members voted in favor
Motion approved
Requested to replace a full time Public Health Nurse due to
A resignation.
Motion made to allow
All members voted in favor
Motion approved

Requested appropriation into Local Health Maintenance Acct.
(520-30135-000-520) Professional Services \$10,000.00
(520-41001-000-520) Computers \$ 3,000.00
(520-41004-000-520) Furniture & fixtures \$20,000.00
Motion made to approve
All members voted in favor
Motion approved

**MUNICIPAL SEPARATE STORM SEWER SYSTEM
MS4**

Requested additional appropriation into:
(100-10130-000-161)
Extra Hire/Part-time/Seasonal \$6,400.00
(100-20001-000-161) office supplies \$ 200.00
(100-30004-000-161) telephone \$1,000.00
(100-30018-000-161) mileage \$1,000.00
(110-30027-000-161) ed/training \$ 200.00
(100-41001-000-161)NEW LINE ITEM/Equipment \$1,500.00
For laptop and field printer
Motion made to approve
Mr. Mrozinski, Mr. Yagelski, Mr. Cunningham, Mr. Bernacchi and Mr. Garner voted in
favor
Mrs. Sosinski and Mr. Ford voted against
Motion approved

LAPORTE SUPERIOR COURT NO.1

Requested transfer of funds from
Win Tax Account (257-20200-000-257)

TO:

Vocational Training Account (555-30135-000-555)

For training and necessary supplies/tools \$20,000.00

Motion made to approve

Mrs. Sosinski, Mr. Mrozinski, Mr. Yagelski, Mr. Cunningham, Mr. Bernacchi,

Mr. Garner voted in favor

Mr. Ford voted against

Motion approved

LAPORTE COUNTY EMERGENCY MANAGEMENT AGENCY

Requested appropriation into (100-20030-000-153)

Repair/maintenance account to replace the

EMA repeater. Not to exceed \$ 8,000.00

Motion to approve

All members voted in favor

Motion approved

GIS

Requested a motion to approve the transfer of funds from the appropriate line items from Building & Planning, E-911, Health Department, Sheriff's Department, Prosecutor's Office and Surveyor's Office, Assessors' Office, and Real Estate Office. And in doing so create a pictometry fund for the joint use of all County Offices.

Approximately \$211,000.00 in total transfers.

Motion to approve creating a pictometry fund and approval of transfer of funds from the following:

Building and Planning (246)	\$25,000.00
E-911(598)	\$40,000.00
E-911(598)	\$10,000.00
Health Department(520)	\$10,000.00
Sheriff's Department(105)	\$ 5,000.00
Prosecutor's Office(343)	\$ 5,000.00
Surveyor's Office(271)	\$ 5,000.00
Assessor's Office(247)	\$100,000.00
Real Estate Office(588)	\$11,000.00

LAPORTE COUNTY BOARD OF COMMISSIONERS

Requested funds from River Boat Admissions (272-20200-000-272)

To purchase 16 defibrillators @\$1,295.00 each and 16 alarmed wall

Cabinets @\$249.95 each

\$24,719.20

Motion to table until the March 22, 2010 meeting

All members voted in favor

Motion approved

NEW BUSINESS

A joint workshop with LaPorte County Council and LaPorte County Commissioners will be scheduled on March 22, 2010 at 6:00 pm in the LaPorte County Assembly Room. To discuss the law changes regarding the Property Tax Assessment Board of Appeals (PTABOA) Applicants will be invited to attend.

OLD BUSINESS

Clarification of the vote for payment from the Sheriff's commissary funds to the County workers for the RPM Festival.

There was some confusion at the last meeting regarding payment of County workers at the RPM Festival.

Motion was made to allow payment from the Sheriff's Commissary fund.

Mr. Ford, Mr. Mrozinski, Mr. Cunningham, Mr. Bernacchi, and Mr. Garner voted in favor

Mrs. Sosinski voted against

Mr. Yagelski abstained

Motion approved

Review and correction of Board Appointments done at the reorganization meeting on January 25, 2010

In error, an opening on the Animal Control Advisory Commission was advertised and filed. There were no openings available. That appointment was voided.

Motion was made

All members voted in favor

Motion approved to void appointment

Review and amend the Hiring Freeze Ordinance

The following motion was presented by Mrs. Sosinski:

RESOLUTION AMENDING HIRING FREEZE PROVISIONS

WHEREAS, there is a need to clarify and refine certain portions of the Council's resolution establishing a hiring freeze as adopted by the Common Council on October 26, 2009

NOW, THEREFORE, be it resolved that the afore described resolution establishing a hiring freeze is amended to add the following:

1. Part Time. The hiring freeze shall not apply to part time employees whose positions are within the existing budget.
2. Lateral Transfers. The freeze shall not apply to lateral transfers within a department provided there is no increase in salary and no new hires.
3. Positions Created By Law. The hiring freeze shall not apply to any position created either by state statute or by local ordinance other than the salary ordinance.

All members voted in favor

Motion approved

COMMENTS BY THE COUNCIL

Mr. Cunningham apologized to Mr. Yagelski for insinuating that he denied access to the commissary reports submitted by the Sheriff.

Mr. Cunningham gave permission to Sheriff Mollenhauer to release to the public any E-mails that were sent between Mr. Cunningham and Sheriff Mollenhauer.

Mr. Mrozinski made a motion to renew the "Buy America" resolution for the year 2010.

All members voted in favor

Motion approved

Resolution is to be known as 2010-01

Mr. Garner stated that he would like LaPorte County Assessor, Carol McDaniel to appear before the Council and answer several questions regarding our tax situation. Mr. Yagelski said that was not possible due to pending litigation.

Mr. Mrozinski asked the status on litigation filed by the LaPorte County Police Officers regarding non payment regarding the RPM Festival. Mr. Yagelski informed him that there was no litigation pending at this time.

ADJOURNMENT

Meeting was adjourned at approximately 9:00 pm.

Members of the La Porte County Council,

I am specifically placing on notice Councilman Earl Cunningham who has been acting as both councilman and Earl Cunningham the **TAXPAYER** with his continued harassment, unethical and unprofessional behavior as an elected official while on a **WITCH HUNT** of the commissary account. Councilman Cunningham has told persons that he is acting as Earl Cunningham the taxpayer and that this is not sanctioned by the County Council. Councilman Cunningham has made an issue of being charged for copies made for him that he requested regarding the commissary account. Let me make this clear, I will never charge any official who needs anything from my office that is for official county business, for which this request was obviously not.

Mr. Cunningham the **TAXPAYER** was charged just like any other taxpayer would have been. Mr. Cunningham is not exempt just because he is a councilman who wanted something for personal political use. Councilman Cunningham has been making a mockery of a very vital and valuable financial tool that allows the Sheriffs' Office to save thousands of taxpayer dollars. This type of behavior is interfering with **OUR** sworn responsibility to the citizens of La Porte County for good sound government.

Councilman Cunningham is obviously on a mission to not only destroying me as your Sheriff, but in the process he is destroying the credibility of the council and undermining the financial foundation of the Sheriffs' Office. Councilman Cunningham is attempting to literally destroy this fund by going to the La Porte County Drug Free Partnership (L.L.C) questioning that organization about an approved \$5,000.00 dollar grant that by the way he himself as Councilman Cunningham voted on at his own Council budget meetings and approved which will help a much needed jail program. He stated to the L.L.C. "This program should be paid for with commissary funds". I thought we as elected officials had the responsibility of pursuing grants? I know this council has asked that of my office and other county offices many times.

Councilman Earl Cunningham has not only attempted to cause our department to lose this vital grant for important programs that help these incarcerated inmates in our jail, he has also stated over and over about the commissary fund being mismanaged to such organizations as the **NAACP, HUMAN RESOURCE, COUNTY COMMISSIONERS, ELECTION BOARD, ATTORNEY GENERAL'S OFFICE, STATE BOARD OF ACCOUNTS, LT.GOVERNOR, CABLE TELEVISION SHOW, RADIO CALL IN SHOWS**, just to name a few.

Councilman Cunningham has made accusations that I have used the commissary fund as a campaign fund because I have given to many of the high schools in this county for their sports programs. I am allowed by law to give to these activities because athletics is an activity that helps to reduce juvenile delinquency.

Past Sheriffs have also contributed to these worthy activities. Mr. Cunningham you were a coach and should know firsthand that being in athletics teaches our youth more than just playing a game. I am sure that you helped many youth in your time by keeping them out of trouble because of athletics. I am also sure that you know it teaches our youth many life lessons on working hard and overcoming adversities. Mr. Cunningham you should be ashamed of

yourself for trying to put your personal political spin on this expenditure. I know that you know athletic departments in all of our county schools are always having fund raisers to support their underfunded programs.

If my administration has mismanaged the commissary fund as Mr. Cunningham continues to accuse, how is it possible that we have increased this fund by over forty nine thousand dollars? When we took office the fund had \$86,000 dollars in it and currently has over \$135,000 dollar balance. We continue to pay for necessary equipment for the department such as, tazers, training mats, office and computer supplies, mending of inmate clothing, jail laundry and cleaning supplies, supervisors cell phones, pagers, painting and carpet cleaning of offices, funding for lake patrol, posse and reserves, remodeling of old 911 center, office furniture and equipment for Metro drug task force, office furniture for the civil and warrants division. We paid \$7,066.93 to DOC for safekeeping of a murder suspect saving that cost from the taxpayers, propane for heating of our range house and fair building and the electric bill for the range house. We paid \$30,000 dollars for new computers that operate all the security doors in the jail. These are just a few items that are not paid by tax dollars. Council President Yagelski is correct when he stated, the state allows the sheriff to have these funds at his disposal. We (the council) don't have control of them. The law that pertains to the commissary fund (IC 36-8-10-21) states, the sheriff, or the sheriff's designee, at the sheriff's or the sheriff's designee's discretion and **WITHOUT APPROPRIATION** by the county fiscal body, may disburse money from the fund.

I wonder if Councilman Cunningham's actions would have anything to do with an investigation of possible wrong doing of a ranking official from the past administration. Would it have anything to do with looking into the former matron being placed on the Sheriff's police merit pension that is for career merit police officers only, while she also contributed to the Perf Fund? Would it have anything to do with me pursuing how the two golf carts that belonged to this department, purchased out of the commissary fund, painted and equipped to be used at the Fair, were purchased by the former Chief Deputy for \$100.00 dollars apiece when he left office. Paperwork shows that the commissary fund was reimbursed that \$200.00 dollars for the carts, that are valued at least at \$3,000.00 dollars apiece! Who authorized this department equipment for sale and at that price? My understanding is that county property must be auctioned by the County Commissioners with the monies of the sale being placed into the general fund.

Would it have anything to do with Mr. Cunningham wanting the fair board and myself to be party of an illegal act? Mr. Cunningham approached the Chief and me saying he had an idea on how we could make the commissary fund work in paying the men for the RPM fest. Mr. Cunningham wanted us to illegally funnel commissary money to the fair board as a **DONATION** to their building fund and then have the fair board use that money to pay the men! Both the Chief and I wanted **NO** part of that, so Mr. Cunningham went to a fair board meeting on October 28, 2009 and presented that scenario to them. The fair board also wanted **NO** part of this illegal act. Now Mr. Cunningham is upset with me because I called that act **MONEY LAUNDERING**. Well, it is!

Mr. Cunningham, need I have to remind you and all of the council that our commissary fund like all other commissary funds thru out the other 91 counties in the State of Indiana is continually audited by SBOA each and every year. I am proud to say that I have had **NO WRITE UPS/EXCEPTIONS** during my tenure. You may ask yourself why anyone would question the integrity of the SBOA, especially someone such as you Mr. Cunningham who has spoken so highly of the SBOA over the pay issue from the RPM Fest. Now Mr. Cunningham has absolutely no confidence in the SBOA when it comes to auditing the commissary fund and feels he needs to do his own personal audit.

Why? I will tell you why. Mr. Cunningham has put his personal political agenda ahead of good county government. As your Sheriff I am dedicated along with my entire staff to give the citizens of La Porte County good government. That's what they expect and what we are dedicated to accomplish.

Thank You,

Sheriff Mike Mollenhauer