

LaPorte County Auditor Joie Winski 555 Michigan Avenue, Suite 205 LaPorte, IN 46350-3490

MINUTES REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL APRIL 8, 2019 AT 6:30 P.M.

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on April 8, 2019 at 6:30 p.m. (local time) in the Assembly Room of the La Porte County Government Complex located at 809 State Street, La Porte, Indiana, 46350.

CALL TO ORDER

La Porte County Council President Randy Novak called the Meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

President Novak asked everyone to stand for the Pledge of Allegiance. President Novak asked that everyone, except emergency personnel, to please turn off their cell phones at this time.

ROLL CALL

Auditor Joie Winski took the Roll Call. Council Members present were Garner, Mollenhauer, Novak, Rosenbaum, Santana, Sullivan, and Yagelski. A quorum was noted.

APPROVAL OF THE APRIL 8, 2019 AGENDA

President Novak asked that numbers 1 and 2 be switched under New Business. A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

APPROVAL OF THE FEBRUARY 25, 2019 REGULAR MEETING MINUTES

Under his comment on page 3 regarding EMA, Councilman Santana asked that the minutes be adjusted from warning signs to warning sirens. A motion to approve was made by Councilman Mollenhauer and seconded by Councilman Sullivan. Motion carried 7-0.

PUBLIC COMMENT

Hearing or seeing no one, President Novak closed Public Comment.

DEPARTMENT HEAD REPORTS

Hearing or seeing no one, President Novak closed Department Head Reports

LIAISON REPORTS

Councilman Rosenbaum attended the South County Coalition with Tony Rodriquez where the US 30 Coalition was discussed. Questions were answered, concerns were calmed, and additional questions were raised. He said he is looking to get more feedback on it. He also spoke with Parks and Recreation.

Councilmen Sullivan and Santana had nothing to report.

Councilman Garner spoke with Sheriff Boyd and Chief Deputy Heeg regarding tonight's requests. He also spoke with Auditor Winski and Recorder Sosinski.

Councilman Mollenhauer attended a La Porte County Board of Health meeting on February 26th, and met with Tony Mancuso regarding the laboratory renovation. He also attended a La Porte County Redevelopment Commission meeting on February 27th regarding the project with I-94 and 421, which is being placed on hold. He attended a meeting with the Hudson Township trustee, the board, and many residents on March 28th regarding the township's fire protection with New Carlisle Fire Department. New Carlisle was looking at becoming a Fire District, going from volunteer to salary. He attended a meeting with EMA Director Larry Butcher, EMA personnel, the EMA Advisory Board, and some County Council members and County Commissioners. The discrepancy of the County pool car policy was discussed. He met with Human Resource Director Barb Mossman March 15th to discuss security measures and the second drug testing policy for the courts. Also on march 15th, he met with Sheriff's mechanics regarding the condition of the car pool vehicles. He attended a quarterly health insurance meeting on March 20th and an executive meeting on March 25th regarding the Michigan City courthouse. On March 29th, he attended a breakfast kicking off Child Abuse Prevention month. Lastly, he attended the Commissioners' Meeting on April 3rd.

Councilman Yagelski discussed the Johnson Road project, how the work was completed, and how promises made to the Council were not met. He said that is unsatisfactory and needs to be analyzed. In addition, the Westlake Corridor got its rating of excellent to good, so it is going to the next step of funding. The double track is next, somewhere in June or July; he spoke to Senators and Congressmen in Washington, D.C. He added that the delegation from Indiana, both Democrats and Republicans, is doing a great job and they are asking a lot of questions.

President Novak attended a non-profit Fairgrounds meeting, the Rural Broadband meeting, the US 30 Coalition meeting, and Rail Committee and Redevelopment Commission meetings. He also attended the Problem Solving graduation on March 18th. Alexis and Matt completed the two-year program to turn their lives around and President Novak congratulated them. He also said it is an event worth attending.

1. Consider Council President's Authorization to Hire Replacement Position for the La Porte County Assessor's Office, Replacement Position for La Porte County Maintenance Department, and Replacement Position for the La Porte County Treasurer's Office

A motion to approve was made by Councilman Santana and seconded by Councilman Sullivan. Councilman Garner asked about the La Porte County Treasurer position and President Novak replied someone moved to another office. Assessor Michael Schultz said his position is the one shared with the Auditor's Office. Motion carried 6-1, with Councilman Garner voting Nay. He said he felt the Treasurer's Office position is not an emergency.

2. Consider Request from Indiana Guardianship Services for an Additional Appropriation from Riverboat (1191) or Win Tax (4220) in the Amount of \$37,500.00 for Local Match with State Grant – Amber Poff

Commissioner Vidya Kora took time to give the Council a concrete example of the Indiana Guardianship services. He said too often children of elderly individuals live far away or a person or couple may not have children, so these services are vital for them.

Ms. Amber Poff said she is the Executive Director and Staff Attorney for the County guardianship program. She said has not taken the role of adult guardianship underneath the purview of County or State government. Therefore, it is left to individual agencies within the community to become the legal, financial, and medical decision makers for incapacitated adults. Without this program, these individuals would be left to self-neglect or the neglect or abuse of other people. She said that there are 57 individuals in the County to which guardianship is provided, and a current waiting list of 12. When the County saved this program in 2014, there were 38 individuals and no waiting list. She added it is primarily funded grantfunded, but it requires a local match. She said grant funding has come from various sources but right now, the need outweighs the funding. She explained how efficiently money and resources are being used within the program, but most of the individuals are indigent and the program only receives \$35 per month from the individuals in skilled nursing facilities. She further explained the people that the program serves.

Kristine Harlow, Director of Adult Protective Services, said her office investigates, abuse, neglect and exploitation. She said the only resource available for guardianship is Indiana Guardianship Services and her office heavily relies on these services. However, she said the number one thing is to make sure these individuals are safe and have quality of life.

Judge Thomas Alevizos added that abuse is not only physical, but is also delivered by those who prey on these individuals and steal their money. Therefore, sometimes the guardianship service is just to protect a person's finances. He discussed the history of guardianship services and obtaining grants in the County. He said that the primary funding source comes from the Indiana Supreme Court, but it also funded by Porter County.

Councilman Mollenhauer thanked everyone for their service and for the information provided to the Council. A motion to approve out of Win Tax (4220) was made by Councilman Sullivan and seconded by Councilman Rosenbaum. Motion carried 5-2, with Councilmen Santana and Yagelski voting Nay. Councilman Santana said when the Council did previously save this program, it was to be a one-time appropriation and that's why he now voted Nay.

OLD BUSINESS

None

CORRESPONDENCE

None

ORDINANCES AND RESOLUTIONS

Ordinance No. 2019-3 – An Ordinance of the La Porte County Commission and La Porte County Council to Establish a Non-Reverting County Coroner Fund and Establishing a Fee for County Coroner Services Provided to Non-County Users of the La Porte County Coroner Services

Auditor Winski read by title only. President Novak said the ordinance states the Council "shall" appropriate all of the Coroner requests and he would like that to be amended to "may" appropriate. A motion to amend was made by Councilman Rosenbaum and seconded by Councilman Sullivan. Motion carried 6-1, with Councilman Garner voting Nay.

Coroner Bob Cutler explained that this fund is modeled after St. Joseph County. He said it is money that comes from things such as Coroner's reports, autopsies, and toxicology that has always been put into the General fund. Instead, this money will be used for training and equipment.

A motion to approve as amended was made by Councilman Sullivan and seconded by Councilman Mollenhauer. Motion carried 7-0.

A motion to suspend the rules and have a second reading at tonight's meeting was made by Councilman Yagelski and seconded by Councilman Sullivan. Motion carried 7-0.

A motion to approve the 2nd reading of Ordinance No. 2019-3 by title only was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 7-0.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Surveyor

Requesting Permission to Spend From Surveyor Corner Perpetuation Fund (1202) For the Purchase of Equipment, Supplies, and Services Contracts

Not to Exceed \$97,000.00

A motion to approve was made by Councilman Garner and seconded by Councilman Santana. Motion carried 7-0.

La Porte County Assessor

Requesting Permission to Spend From Sales Disclosure Fund (1131) For the Purchase of Computer Equipment

Not to Exceed \$4,305.98

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Sullivan. Motion carried 7-0.

La Porte County 911

Requesting Permission to Spend From 911 State Fund (1222) For the Replacement of Air Conditioner for 911 Center

Not to Exceed \$90,000.00

Several Councilmen spoke with Director of Building Maintenance, Larry Levendowski, and all said this replacement is necessary. A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

La Porte County Health Department

Requesting Permission to Spend From Water Lab Non-Reverting Fund (2711) For the Remodeling of the Water Lab

Not to Exceed \$120,500.00

A motion to approve was made by Councilman Garner and seconded by Councilman Santana. La Porte County Health Department Administrator, Tony Mancuso, said the lab will be out of service for

approximately one month and people are temporarily being sent to other labs for assistance. President Novak suggested that a notice be put in the paper. Councilman Rosenbaum asked what work is being done and Mr. Mancuso replied the most significant improvement is storage. Motion carried 7-0.

<u>La Porte County Plan Commission</u> Requesting an Additional Appropriation From Riverboat (1191) or Win Tax (4220)

For 2 Replacement Vehicles, Training, and Funding for 2019 Budget

\$204,000.00

President Novak asked Annemarie Polan how much is generated in the Contractor Fund and she replied approximately \$80,000.00. She added that \$300,000.00 is turned over in permits to the General fund. A chart was handed out to the Council showing how the salaries depleted the Contractor fund. A motion to approve an increase to the fund by \$80,000.00 was made by Councilman Yagelski and seconded by Councilman Garner. Motion carried 7-0.

Auditor Winski said only safety vehicles (EMS or Sheriff) can be purchased out of the CCD fund. Councilman Santana said there is some discrepancy on the cost of the vehicles. Ms. Polan said the amount provided was as of that day and is no longer valid. However, she had to submit an amount for the appropriation. Auditor Winski said approximately \$43,000.00 has been deposited so far this year into the General fund from what was brought in by the Plan Commission. Councilman Garner said he asked Ms. Polan about using Sheriff's vehicles, but said he didn't receive a valid response. President Novak suggested using the state QPA for bids on trucks. The vehicles have been bid out so the research has already been completed. He gave examples of several different vehicles and prices. He also suggested that more investigation is necessary. A motion to table the vehicles was made by Councilman Santana and seconded by Councilman Rosenbaum. Motion carried 7-0.

La Porte County Commissioners
Requesting an Additional Appropriation
From Riverboat (1191) or Win Tax (4220)
For Fair Management and Event Corp

\$125,000.00

President Novak said the Council appropriated \$250,000.00 - \$125,000.00 last year and this is the remaining amount. A motion to approve out of Win Tax (4220) was made by Councilman Santana and seconded by Councilman Rosenbaum. Councilman Rosenbaum stated that this is for infrastructure to improve the County fairgrounds, and improve electricity and sewer lines. Motion carried 7-0.

La Porte County EMA
Requesting an Additional Appropriation
From Riverboat (1191) or Win Tax (4220)
For School Radio

\$3,821.57

Councilman Santana said this appropriation is for Niemann Elementary School in Michigan City. It was overlooked when radios were designated to all schools in the County. President Novak said it was part of the 800 MHz program. A motion to approve was made by Councilman Santana and seconded by Councilman Rosenbaum. Motion carried 7-0.

Auditor Winski went back to this item later in the meeting. A motion to hold over \$3,821.57 until next meeting was made by Councilman Sullivan and seconded by Councilman Rosenbaum. Motion carried 7-0. Auditor Winski added that it will be advertised out of the Emergency Reserve Fund (Rainy Day).

La Porte EMS

Requesting an Additional Appropriation From Riverboat (1191) or Win Tax (4220) or CCD (1138) For the Replacement of 2 Ambulances and Equipment

\$423,514.00

EMS Administrator, Andrew McGuire, explained that the ambulances are from 2010 and have approximately 126,000 miles on them. Per the replacement program, they are due and almost overdue for replacement. The issues for concern are transmission, engine, and suspension problems. He said one bid was received for \$198,057.00 per ambulance with a \$5,000.00 trade-in allowance and a \$4,600.00 GPC Ford discount. In addition, \$13,700.00 per ambulance for equipment is being requested, with approximately 90% of the equipment transferring from the old ambulance.

Councilman Yagelski said the old ambulances can be reused and said it may be able to be repurposed for the Coroner's Office. Mr. McGuire said the mechanics have said the ambulances are not in condition to keep running, but Councilman Yagelski said the ambulance would not be used for emergency purposes. Mr. McGuire said if an ambulance is removed, the bid will be invalid and advertised amount will be different, but Councilman Yagelski said that was something that can be addressed.

Councilman Rosenbaum asked what is expected in the next few years for replacement. Mr. McGuire said as long as there are no unforeseen circumstances, it should be one replacement ambulance per year. He added 7 to 9 years is the approximate lifespan of an ambulance. He is hoping to get the new ambulances by October and will be picking up the donor ambulance tomorrow.

Councilman Mollenhauer said although Councilman Yagelski's idea of repurposing one ambulance is valid, he is concerned with keeping broken down equipment. He also said that the mechanics have a lot of work already and he doesn't want them to have to try to keep something else running.

Councilman Santana said those are all good points, but if one of the ambulances could be repurposed for a few years, it would benefit the County and he is in favor of it. Councilman Yagelski said that one ambulance will be replaced per year so it wouldn't have to last more than a year and could perpetually be replaced. Mr. McGuire strongly discouraged them being repurposed. Councilman Santana said that the Coroner's request for a vehicle will be denied if there is the possibility of using one of the trade-in ambulances. President Novak explained if \$423,514.00 is used for these two ambulances, it will limit what the Sheriff can use in the future. It is also preferable to use CCD over the other funds for the safety vehicles. Councilman Yagelski said all that is being asked for is approximately 10 months of use. Mr. McGuire said these are the oldest two ambulances.

A motion to approve removing one of the trade-in vehicles was made by Councilman Yagelski and seconded by Councilman Santana. Auditor Winski said the maximum that can be spent out of CCD this year is \$640,000.00 and the current balance is \$441,000.00. In addition, if more money is spent than what is budgeted, it will decrease next year's budgeted amount. She said last year that approximately \$500,000.00 was brought into this fund. Motion carried 5-2, with Councilmen Garner and Mollenhauer voting Nay.

La Porte County Coroner

Requesting an Additional Appropriation From Riverboat (1191) or Win Tax (4220) For the Replacement of a Vehicle and Equipment

\$50,685.00

Coroner Cutler said he does need the vehicle for transport, but does not want to use one of the trade-in ambulances. Councilman Yagelski asked that Mr. Cutler try out the used ambulance and if it doesn't work out, he can come before the Council at a later date. Mr. Cutler said he wouldn't come to the Council unless he needed the vehicle. He said he will try the used ambulance but doesn't feel it's appropriate to go through fields or pick up deceased people from their homes. Councilman Yagelski said ambulances do sometimes pick up deceased people, so it's not really unusual. Mr. Cutler was resistant but said the Council asked that he just try it. Councilman Mollenhauer said he doesn't doubt a second vehicle is needed but wondered if a less expensive vehicle could be acquired. Mr. Cutler said he really feels the ambulance is not going to work and feels this car could have a 10-year life span. Councilman Rosenbaum asked how often the second vehicle is being used and how often it is expected to be used. Mr. Cutler said he didn't know, but one is for Michigan City and one is for La Porte and South County. He added that there can also be a quicker response time. President Novak said there is only so much money and asked if this request could be held off for a little while. Mr. Cutler said if given a timeline, he will come back at a later date. Councilman Yagelski said the problem is that the budget is for the entire year and additional vehicles have to be purchased. A motion to deny the request was made by Councilman Santana and seconded by Councilman Yagelski. Motion failed 4-3, with Councilmen Garner, Mollenhauer, Rosenbaum, and Sullivan voting Nay.

A motion to table was made by Councilman Rosenbaum and seconded by Councilman Yagelski. Motion carried 7-0. President Novak suggested that Mr. Cutler stay in touch with his liaison.

La Porte County Sheriff

Requesting an Additional Appropriation From Riverboat (1191) or Win Tax (4220) For the Purchase of Jail Food Jail Medical Software and Licensing for Computer Forensics Total

\$210,000.00 \$150,360.00 \$ 26,650.00 \$387,010.00

A motion to approve \$210,000.00 out of Riverboat (1191) for Jail Food was made by Councilman Yagelski and seconded by Councilman Santana. Councilman Mollenhauer said Sheriff Boyd is researching alternative food sources but a lot is being spent on jail food. President Novak said he has also spoken to the Sheriff about having the cook from Juvenile Services come to the jail and eliminate the kitchen and staff over there. Motion carried 7-0.

Sheriff Boyd explained that his office has been researching jail medical for approximately 18 months. The jail staff is forced to provide medical services to inmates when their medical training is rudimentary. In addition, medical services provided are 75 hours short of the 168 hours that should be provided per week. His office has enlisted the assistance of Commissioner Kora, the County attorneys, and other Sheriffs in the State of Indiana to find better services. Quality Correctional Care is a program that already exists in approximately 63-64 jails in Indiana because they provide good services. Currently the budget for jail medical is \$622,460.00 and his office is requesting an additional \$150,360.00 to get through the end of the year. Sheriff Boyd has met with the Commissioners and they have approved the contract with Quality Correctional Care. He feels this will professionalize medical coverage in the jail, which is required by law.

Councilman Yagelski said he has called other Sheriff's offices and was told that they dispense medication. He also said this wasn't the agreement that had been previously made. Sheriff Boyd said that very few are doing it and he feels it's unwise for an untrained individual to dispense medication. Councilman Yagelski said there was a previous agreement and the staff was here; he also said that it's a lot of money and he's not going to support it at this time. He added that he is not saying that the QCC service isn't good, he just can't back it at this time. Sheriff Boyd said that sometimes a product is chosen and is later found to unsatisfactory as times change. He continued that this is 2019 and there is an obligation to have qualified professional to make assessments and issue medication.

Councilman Santana clarified that the additional appropriation would bring the amount to \$773,060.00 to have 24/7 medical coverage at the jail and asked what the cost would be for 2020. Sheriff Boyd said it would cost \$788,460.00. Attorney DiMartino said he has looked at this issue in depth and said it is actually only \$100,000.00 difference; the additional \$50,000 is for potential services done outside. The contract with ACH had a capitated rate of 246 inmates with additional per capita bills on top of that. The service will be going from approximately 12 hours per day to 24 hours per day. There is also additional savings on outside services.

Councilman Rosenbaum asked about the savings. Attorney DiMartino said there is \$10,000.00 per month that is available for services which is built in the contract. QCC acts as a third party administrator to negotiate with outside providers for services. In addition, if an inmate is on an expensive medication, QCC finds other sources instead of putting that financial burden on the County.

Councilman Santana said he opposes relying on funds such as Riverboat or Win Tax for ongoing expenses. Sheriff Boyd said medical liability services would also be covered by QCC. Councilman Garner said the County would be protected in numerous ways than it was before. Councilman Mollenhauer added said it is a lot of money, but the cost of a lawsuit would exceed the cost of this plan. He said it is vital to have the proper care in the jail.

Councilman Rosenbaum said that this service would free up staff to do other duties and asked if that would provide any savings. Sheriff Boyd said it is difficult to say, but it would definitely permit staff to focus on other tasks. Attorney DiMartino gave an example of a lawsuit where an inmate died because there wasn't a trained medical professional to assess the situation. He feels that in the long run, it will save the County money.

Councilman Santana said that with 24/7 care, the insurance risk should be less and asked if would reduce insurance costs. Lisa Scroggins from QCC replied that risks may be mitigated but doesn't know what might happen with insurance premiums. She said benefits to 24/7 care can reduce liability by having trained staff consistently evaluating inmates, and there will be less outside runs because of this type of care. She added that QCC will bring the Sheriff's office in compliance with Indiana law and the liaison is able to generate savings on the certain services.

A motion to approve out of Riverboat (1191) was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer. Motion carried 6-1, with Councilman Santana voting Nay.

Councilman Yagelski said he spoke to Darlene Hale who said this is the same software and licensing as before from Mr. Espar's program that was taken over by the Sheriff. He added the Sheriff will be able to pursue funding for next year. A motion to approve \$26,650.00 for software and licensing for computer

forensics was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 7-0.

Permission to Spend from Misdemeanant Fund (1175) For Correctional Restraint Chair for Jail

\$1,925.00

A motion to approve was made by Councilman Santana and seconded by Councilman Sullivan. Motion carried 7-0.

Permission to Spend from Sheriff's Donation Fund (4106) For K-9 Supplies

\$600.00

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 7-0.

Councilman Santana asked for an update on the scales and truck. Sheriff Boyd said the truck has been obtained but not the scales. He added there is not yet an operator and there is no one who can be dedicated to it. However, when the five come out of the Academy on April 26th, a seasoned officer may be designated for this position. President Novak clarified the scales have not yet been appropriated.

La Porte County Auditor Requesting Permission to Spend From Dual Homestead Fund (7110) For the Purchase of New Desk and Carpet for Auditor's Office

Not to Exceed \$11,000.00

A motion to approve was made by Councilman Sullivan and was seconded by Councilman Santana. Auditor Winski explained that no more than \$100,000.00 can be in this account and there is approximately \$80,000.00 in it right now. She added money from this fund can only be spent in the Auditor's Office. Councilman Mollenhauer said he agrees that the carpet needs to be replaced in the Auditor's Office, but he does not agree with the sealing the door that went to Payroll; he feels that it was money that did not need to be spent. The Council asked if this money could be spent on salaries, but Auditor Winski replied no. However, she said the Real Estate Endorsement Fund can be used to pay salaries, which has been done. She continued that fund has been depleted so it is being built up so a salary can come out of it the future. She stated that the fund cannot be used for security staff or training, but she would be coming before the Council in the near future to request a scanner. Motion carried 7-0.

Auditor Winski added that prior to 2008, this fund could have been unlimited for various uses but after 2008 it was capped at \$100,000.00 for only specific uses. Any excess goes into the General Fund and the State also gets its cut. She also said the amount that comes into the fund varies year to year. President Novak said it's important to spend down what is generated.

Councilman Yagelski said the \$20,000.00 from the crop share had previously gone into the General Fund. However, the Fair Board is getting it in addition to the \$125,000.00 that was already appropriated; he asked Auditor Winski when the \$20,000.00 was also appropriated. Auditor Winski said she was unsure. President Novak said \$8,000.00 was put into the General Fund last year which was part of split with the Fair Board. He added that the Commissioners said that money could be given to the Fair Board because it is trying to hire its own management person. Councilman Yagelski said the Council is the body that decides where the money goes. President Novak said the amount this year is \$21,000.00 and reiterated that

\$8,000.00 previously went into the General Fund. However, he doesn't believe anyone actually knows how much the Fair Board kept. Councilman Santana said how/why the Fair Board kept the money must be discovered. He added that there must be checks and balances between the Council and Commissioners because that's how it works in County Government. Attorney Shaw Friedman said the purpose of setting up the Fairgrounds Management Corporation was to insure there was transparency, and there will now be full accountability for the \$21,000.00. He added that per the new contract between the Commissioners and the designated farmer, all of the money now goes to the Fairgrounds Management Corporation. Councilman Yagelski he has no problem appropriating that money at a future meeting, but the Commissioners cannot just take it out of the General Fund. Auditor Winski asked if the Council wanted it to be a discussion or a Resolution or Ordinance, and President Novak replied a Resolution or Ordinance.

COUNTY COUNCIL/ATTORNEY COMMENTS

A motion to adjourn was made by Councilman Rosenbaum and seconded by Councilman Santana. Motion carried 7-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 22nd of April, 2019.

Councilman Terry Garner

Cøuncilman Mike Mollenhauer

Councilman Randy Novak

Councilman Mike Rosenbaum

Luncilman Jeff Santana

Councilman John Sullivan

Councilman Mark Yageleki

Joie Winski, La Porte County Auditor