



LA PORTE COUNTY BOARD OF COMMISSIONERS

555 Michigan Avenue, Suite 202
La Porte, IN 46350-3400
Phone: (219) 326-6808 ext. 2229

Sheila Matias
President

Dr. Vidya Kora
Vice President

Richard Mrozinski
Member

LA PORTE COUNTY COMMISSIONERS MEETING MINUTES Wednesday, September 16, 2020 La Porte County Complex Meeting Room 3 at 6:00 p.m. via ALCO and Zoom

President Sheila Matias called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

Executive Assistant Diane Gonzales called the roll: Commissioner Matias - Present; Commissioner Mrozinski - Present; Commissioner Kora - Present. Quorum present therefore meeting commenced.

Considered the agenda. **Commissioner Kora** motioned to add three items: Appointment to FMEC; Letter of Support for Soil & Water to host the Smithsonian Waterways Exhibit at the Rolling Prairie library and Seeking the Council's authority to purchase 4 kiosks for screening the public which is reimbursable under the CARES Act. **Commissioner Mrozinski** seconded the three additional items. **Commissioner Kora then motioned to accept the amended agenda. Commissioner Mrozinski seconded. Motion carried.**

Considered approval of September 2, 2020 minutes. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Executive Assistant Diane Gonzales read the claims with Payroll ending 9/11/2020 - \$1,182,618.30 and Miscellaneous claims in the amount of \$1,361,756.04. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Public Comment

Nelson Pichardo, County Election Board President – stated, “I wanted to report to you all some of the happenings at our election board meetings, you all have heard regarding the early voting locations and I want to make it crystal clear that the early voting location request by the south county residents and also for the Coolspring and Center Township areas, that was a bi-partisan decision and we *all* wanted that to happen. Unfortunately it did not pass, 2 to 1 as you all know, but my reason for being here is because I read some of these articles and some of these comments that I hear and what I want the public and you all to know is that this wasn't a red or blue issue. It was an issue that needed to be addressed and we're ready to do that and our county leadership was all on board, *you all* were all on board. Specifically I wanted to address some of the facts that - Dr. Kora, you know, he was the one who pushed and suggested for the location at Coolspring and suggested that the old county library building on 400 North that *that* was an appropriate location and we pursued that and sure enough we were able to secure that and that was because of Dr. Kora and our county leadership working together to get things done. And many of these articles and comments that I hear suggest that, that – they're trying to make this a partisan issue and it's not. And I'm standing here today to suggest and to let everyone know that myself, the democratic appointee to the election board, and Mr. Watterson, the republican appointee to the election board, we all wanted that to happen. Furthermore, another hurdle that needed to be addressed was the secure wifi and secure computers for these locations. Again, without the support of Dr. Kora and the Commission to get this through to our IT department to get it done, it wouldn't have happened. We already had that secured, we had the ability to have secure wifi, to have secure computers

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and it was because of the leadership to get IT on board and to get those commitments done, that was the only reason that we would have been able to do that. These are little obstacles that people don't understand and don't see that are happening behind the scenes and it takes good leadership to get that done, that's what happened in this situation. Also wanted to point out that it was brought to my attention that you all as the Commissioners, 19 months ago, May of 2019, had the exact same suggestion. That's significant, I wasn't on the board then and now I am and we listen to things like that from Dr. Kora, from Commissioner Matias, from Commissioner Mrozinski, we're going to take that into account and we're going to get things done. I just want to make it clear that this wasn't something that was just sprung out, out of thin air and there was plenty of time to get this done and the election board now is going to address some of these things and we will get that done. Again, you know, as the second largest county in the state, we need more early voting locations. That is a bi-partisan ticket item that we have to get done. And unfortunately because of the fact that we needed a unanimous vote to do it, it didn't get done. And I know there have been some discussions with the state legislators about that specific statute, about whether or not it should be a unanimous vote, and I think that's being addressed and I think it should be because we had a 2 to 3 vote (said 3 but meant 1) and it should have been done. It was not for - not to benefit anyone in particular, it was to benefit the voters of our county."

Commissioner Kora, "Mr. Pichardo, sorry to interrupt you, Madame President if I may, I just want to read into the record, what **we**, all 3 of us, we adopted Resolution 2019-13 and in the two 'resolves' that we had, the second resolve was 'we respectfully request the La Porte County Election Board, with funding assistance if needed from the County Council, to authorize and locate additional satellite early voting locations such as at the public libraries or other settings to permit easier, hassle-free access for those wishing to cast an early vote' so I think this was done a long time ago and I also want to take this opportunity to thank Diane, Diane was willing to help. I spoke to Darlene too because we needed IT help, Darlene was ready to step up. I had asked Mr. Friedman to get the help to secure the - because some of the constituents had asked for another early voting site in Coolspring Township so we were able to talk to the La Porte Hospital and Mr. Friedman personally facilitated that and so I'm grateful to all of you but I think we did what we could to get the early - two additional early voting locations but we'll keep trying, unfortunately it didn't happen this time but we'll keep trying." **President Matias**, "The date of that resolution was May 15, 2019. That's pretty significant." **Nelson replied**, "And might I point out that **that** resolution was passed unanimously as well." **President Matias**, "Yes, it was with bi-partisan support." Commissioner Kora also said none of the voters would be going through screening to enter the building to vote. Only those going to the courthouse to conduct business will be screened. President Matias asked **Attorney Friedman** to report on her request from the State Election Board on screening voters prior to entering the polling locations during Absentee Voting. State Election Division made very clear that we 'Cannot set a pre-condition to vote unless authorized by statute. Denying someone the opportunity to vote due to an elevated temperature is not an authorized reason to prevent someone from voting.'

Joe Haney - 2695 W. Joliet Road La Porte - "First I'd like to say thank you for listening to the information that I had given in previous meetings about temperature screening for voters both before the board and of course before the Commissioners here multiple times obviously expressing concerns that the plans that you all had had put in place and did not clarify until publicly today, right now, just a few minutes ago, would have put us in violation of both state law and federal law, and it's good the county attorney has finally done his due diligence that was asked weeks ago in order to confirm what I had said, it's disheartening that we're here but at least we're going to avoid a law suit and I'm sure during this time with funding shortages the last thing you want is tax payers on the hook for uh, you know, doing things they shouldn't - I do have a really quick question in regards to a letter sent that was sent by Dr. Deausy of the county health department to uh, the President of the Commission. The letter was dated August 18th in regard to temperature screenings. Did you share that letter with the rest of the commission and or county council? **President Matias**, "Yes, actually we had a workshop this afternoon with the county council regarding screening and if you - we can discuss that now, I don't know if anyone from the health department is here but -" **Mr. Haney**, "That was in the executive session; correct?" **President Matias**, "No, I don't believe so." "There was no exec session, there was a -", said **Attorney Friedman**. **Commissioner Kora**, "Informational session." **Mr. Haney**, "Informational session? Was - was

this - I just heard found out about this a few moments ago, was there any public notice given for this?"

Attorney Friedman, "There was not an exec session. This was a zoom call I believe and the Commission is able to receive information from various sources as they do without it being conducted as a 'noticed meeting.' There was no action taken, in fact I believe it's been agended for tonight if you heard the agenda." "I see that," **said Joe**. "Exactly, so you're going to wait and you'll hear whats playing in terms of the -," **said Attorney Friedman**. **Mr. Haney**, "Excellent, I'm glad to see that so, so the first time you shared that - the letter from August 18th was, was today then? Commission President? **President Matias**, "No, I shared it with my colleagues previous to today. **Attorney Friedman**, "No, I sent it as counsel because I received a copy from the Auditor and I believe the Council President had a copy of it, we shared it with all members of the Commission and then they were able to - be able and prepare to act upon it tonight." **Joe Haney**, "Do you know roughly when that original share was with the Commission? Was it - is it just this week or was it - , you know, because this letter was sent a month ago." **Attorney Friedman**, "Yes, I know and for some reason it didn't make it to my office until just this week so...I don't believe it was sent to anyone other than - I think it was the Council President at the time." **Joe Haney**, "Alright, thank you, I appreciate that - since this is - since this was agended I'd just like to speak briefly about the temperature checks. We need and we must have transparency in government. Lurking the shadows, withholding documents, closed executive sessions, or zoom calls are not necessarily -" **Attorney Friedman**, "Wait a minute, wait a minute, what are you doing in terms of alleging ..." **President Matias**, "Excuse me, those are accusations, sir." **Attorney Friedman**, "... you don't do that, what are you talking about in terms of an executive session? We take a great deal of pride in my office -" **Joe Haney**, "It may not have been an executive session today but in the past..." **Attorney Friedman**, "- so you don't want to allege that there was an open door violation or there was a violation of direct -" **Joe Haney**, "If I was alleging open door I'd let you know -" **Attorney Friedman**, "We just want to be clear on that." **Joe Haney**, "Sure. Thank you. I appreciate you clearing that up. This is a public building. It's not a hospital, it's not a private business and you're custodians of the people's property and of their place. I hear this mantra of the four pillars. It's continuously used as if the very sky is going to fall down upon us if it's not adhered to and you know, what's being done in an institutional setting it's done for very specific reasons and it's also facility specific. As a former clinical manager I know all too well these facts and I really don't appreciate them being muddled in an attempt to confuse the general public. You know, when it comes to the temperature checks themselves even Commissioner Kora himself is quoted as saying about the temperature checks and I'll quote here, 'they are the least effective.' He also went on to say he likened them to a placebo effect and in fact he said quote 'makes us sensitive to the fact that we are in the midst of a pandemic and make us more likely to follow and adhere to the other 3 pillars.' So - end quote. It's as if the fact that we're all wearing face coverings isn't reminder enough that we are in the midst of a pandemic, I mean these face coverings that we wear, the signs that are plastered all over every door, not just here at the county buildings, but all across town remind us of what's going on and I think it's preposterous to spend money on something that serves the function basically only as placebo. I don't believe there is a single county that's around us that does this, certainly not Starke County or Pulaski County. Porter County doesn't which is the largest county next to us. And this leads us to another point, the CARES Act is likely to be brought out again as yet another reason that we can just spend this just to be, you know, on the safe side let's say. Right now international travelers arriving in the U.S. are not temperature screened. It's very likely that the CARES Act is not going to cover this because it's not a necessary item. And if it does cover it, we are going to be borrowing that money from China and our grandchildren, and children's children are going to continue to pay that money back. It doesn't make sense to spend money for the sake of spending money especially since we know that these - that it's not that effective at all. You know, if that alone isn't enough I would suggest you listen to the letter that was sent by the county health department and the county health doctor, Dr. Deausy, in which she urged you to reconsider assessing for temperature screenings here in the county. There is no need - we've already spent tens of thousands of dollars doing temperature screenings which for months now we've known are not effective and there is no need to continue, there's no need to spend any more money even if it is quote - unquote 'free money' we know it isn't free. We shouldn't continue spending it, we should stop spend - wasting money, resources and manpower on feel good measures. You should be responsible custodians and end the temperature screenings. Thank you."

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Attorney Friedman spoke on the temperature screening. He provided a copy of the Indiana Supreme Court issued notice of enhanced security personnel doing body temperature screening happening around the state of Indiana. Guidance was provided by the chief justice of Indiana to state courts around the country that are doing temperature screening. **President Matias** commented to Mr. Haney's concerns with, "If we have made any errors it's an error because we care about this community. It is not an error because we're trying to take rights away or to try to make life more difficult. There is a reason why our numbers continue to trend down low while areas around us are trending up. We, as a community, not just this board but as a community, I have never seen a team of employees, elected officials, staff and all of the hospitals, and the school systems get on calls and try to share information."

Department Reports/Department Head Comments

Rochelle Brown, Director Community Corrections – Requested permission to move offices around due to a recent outbreak. Six people in one office. Request is to move 3 of them into another office. Two new coordinators have been promoted to new positions. President Matias replied the floor plan needs to be looked at for Community Corrections and requested Commissioner Kora, as liaison to Community Corrections, to reach out to Director Brown for a solution.

Note of Thanks from Judge Michael Bergerson for allowing him the use of the complex room for scheduled court proceedings during the transition of his office from the Michigan Courthouse to the Brown Mackie building.

Requests

Considered changing date of Commissioners' meeting from November 4 to November 10, 2020.

Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.

Considered FMEC appointment of Russell Guse replacing Joe Conboy who resigned. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Considered seeking council authority to purchase 4 automated temperature monitoring kiosks reimbursable from the CARES Act funds. **Commissioner Kora amended** his original motion by stating the purchase has already been authorized by the Covid Committee. **Commissioner Mrozinski seconded. Motion carried.** **Commissioner Kora made a separate motion by adding a scale down in screeners and security that will take place starting tomorrow, Thursday, September 17th and will be implemented Monday, September 21st. Eliminate security at the locations and only one screener instead of two at each screening location. Commissioner Mrozinski seconded. Motion carried.**

Considered Letter of Support for La Porte County Soil and Water District to host the Smithsonian Waterways exhibit in Rolling Prairie at the library. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Old Business

Considered engaging surveyor – per recommendation of Highway department – to survey disputed 5255 W. 800 N. ditch to determine extent of county responsibility/right-of-way. As per highway department and surveyor this property needs to be surveyed to establish county right-of-way. **Attorney Friedman**, "There have been some questions about cleaning out the ditch and whether it will fix the water problem in the yard. There's also a ditch that runs to the north and west side of the property that *may* be the issue. The ditch may belong to either the homeowner or to INDOT. There is potentially money there in cum bridge for safety improvements that we could pay our portion out of but the recommendation of the highway department is that you authorize a surveyor to go out and attempt to survey that so we can determine county responsibility versus INDOT versus

the homeowner.” Commissioner Kora motioned to approve the survey. Commissioner Mrozinski seconded. Motion carried.

New Business

Considered suggested policy changes under 6.0 recruitment by Human Resources Department regarding advertising openings both internally and externally. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Considered under 15.0 Introductory Period reference to initial six month ‘introductory period’ for new hires. A few departments, E-911, Sheriff and EMS, have a one year introductory period therefore Barb adjusted the language to include, unless specified differently in the departments, supplemental manual or handbook. **Commissioner Kora motioned to approve. Commissioner Mrozinski seconded. Motion carried.**

Considered petition to vacate portion of Beach Drive in La Porte. Attorney Chris Willoughby, representing Dr. Mark and Mary Nelson residing at 348 Island Drive in La Porte, stated there were no remonstrators at the public meeting. Land has been platted but never improved or put to public use. Attorney Willoughby stated Mr. Brown has lived next door to the Nelsons for 30 years and the portion of Beach Drive has been used as a yard and not a street. The effect will be the Nelsons will get half of the area vacated and the Browns the other half. Plan Commission gave a favorable recommendation on August 25, 2020. **Commissioner Kora motioned to approve on first reading. Commissioner Mrozinski seconded. Motion carried.**

Considered engaging Cender & Company for review of internal controls/accounting procedures/segregation of financial duties at Community Corrections – Steve Klosowski, Chair, Advisory Board/Rochelle Brown, Director. Commissioner Kora said he attended a meeting when it was suggested to bring in Mr. Cender to assist Director Brown and staff with the financials. **Commissioner Kora motioned to approve the request. Commissioner Mrozinski seconded. Motion carried.**

Considered county as applicant for OCRA planning grant for proposed water tower for 39 North - Randy Strasser, VR Engineering/Matt Reardon, Office of Community & Economic Development. *****Removed from this agenda during the meeting. Commissioner Kora motioned to table this item. Commissioner Mrozinski seconded. Motion carried. ***Tabled**

Considered authorizing committee composed of commission president, council president, auditor and facilities director to consider any Michigan City Courthouse construction change order prior to commission president signature and **Considered** any pending change orders and elevator decommissioning certificate. Brien Delich with Tonn and Blank was available via Zoom. **Brien stated**, “We would like to send what we would call a ‘draft change order’ to the committee just to further review to discuss, make any necessary changes, maybe the owner doesn’t want to make the change, we can address it there and then once a final dollar amount or change order is approved we can send an official AIA change order in for signature and approval by the board committee so that way it will kind of illuminate and help the process move faster.” **Auditor Joie Winski**, “That’s exactly why we thought maybe a committee would be more prudent to have since these change orders come fast and furiously and we can’t always wait for a meeting so I was asking that the Commissioners form a committee that would review these change orders and then if we all agree on them, Madam President, you would sign them for us and we’ll get them back to Tonn and Blank on a more timely basis.” **Commissioner Kora motioned to form a committee to approve the change orders. Commissioner Mrozinski seconded. Motion carried.**

Considered decommissioning the elevator in the Michigan City courthouse. **Commissioner Kora motioned to approve the decommissioning. Commissioner Mrozinski seconded. Motion carried.**

Commissioner Comments

Commissioner Rich Mrozinski stated a jail was located in the basement of the Michigan City courthouse that once held John Dillinger. The door of the jail cell is being donated to the county museum. Commissioner Mrozinski said he received a phone call about the highway department's office in Rolling Prairie. The conditions are in need of repair. President Matias said when the Michigan City courthouse and Brown Mackie business slows down then Director of Facilities and Highway Department Superintendent will address the building. Commissioner Mrozinski also brought up the committee to name bridges. Is he on the committee or is President Matias?

Commissioner Vidya Kora visited the Brown Mackie building and wanted to thank all of those involved for making the move possible from the Michigan City courthouse to the temporary building at Brown Mackie. Commissioner Kora serves as the commission's liaison to the Workforce Development board of Northwest Indiana, chairing the chief elected officials' board for Northwest Indiana and said recently our 7 county region in Northwest Indiana was recognized as one of the 21st century talent region. The presentation of this designation will take place Friday.

Commissioner Sheila Matias said as La Porte County Economic Development continues to grow so does the trained workforce. The state is now seeing Northwest Indiana as a place where economic development is happening. Commissioner Matias stated the county team has been exceptional with its leadership throughout the moving of the Michigan City Courthouse to the Brown Mackie building for its temporary location during construction of the new Michigan City Courthouse.

President Sheila Matias adjourned at 7:03 p.m.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 10-7-2020 Sheila Matias

[Signature]
[Signature]

ATTEST: _____ Auditor

LA PORTE COUNTY, INDIANA

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