

**MINUTES**  
**SPECIAL MEETING OF THE LAPORTE COUNTY COUNCIL**  
**DECEMBER 9, 2020 AT 6:00 P.M.**

The Special Meeting of the La Porte County Council was held on December 9, 2020 at 6:00 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 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Auditor Joie Winski took the Roll Call. Council Members present were Garner, Mollenhauer, Novak, Quinn, Rosenbaum (joined the meeting shortly after the start), Santana, and Yagelski. A quorum was noted.

**PUBLIC COMMENT**

*Commissioner Vidya Kora*

Commissioner Kora explained how the purpose for the meeting came about. He witnessed the extraordinary work of the front-line workers and felt hazard pay would increase morale for these employees. Therefore, he supports whatever payment the Council feels is appropriate.

*Commissioner Rich Mrozinski*

Commissioner Mrozinski said he agrees with Commissioner Kora and feels that these front-line workers put their lives at risk every day and should be compensated for that.

*Office of Community & Economic Development Director Tony Rodriguez*

Mr. Rodriguez announced that there will be a hiring event on December 15<sup>th</sup> from 12:00 p.m. to 6:00 p.m. at the La Porte Civic Auditorium. Masks will be distributed and social distancing will be observed. He thanked everyone involved in the process.

*Adult Protective Services Director Kristine Harlow*

Ms. Harlow said her staff has been doing an amazing job, as always, and continue to do home visits. She said the dedication of her staff is invaluable as they continue to protect the most vulnerable adult population. Commissioner Kora agreed and also thanked them.

*Alan Landing, 5982 W Johnson Rd, La Porte, IN 46350*

Mr. Landing said he submitted an email to the Council and didn't feel there was anything he needed to add.

Hearing or seeing no additional people who wanted to speak, President Novak closed public comment.

## **SPECIAL MEETING BUSINESS**

- 1. Consider approval of an additional appropriation from the General fund (1000) dual homestead collections in the amount not to exceed \$40,000 for security upgrades for the Treasurer's Office.**

Councilman Santana said he is in protest of this meeting because he never received consensus on which Council members approved or didn't approve of this special meeting and that information should have been provided by the Council President. He added that Council meetings are not scheduled in December so the Council is not bombarded at the end of the year to do more spending. He said he believes the Council President was bullied into having this meeting and it could have waited until January. Councilman Garner said he agreed with Councilman Santana. Councilman Santana said he will be voting his conscience.

President Novak stated he was not bullied into having this meeting and he said there was not a December meeting scheduled. Auditor Winski added that all department heads know their bills won't get paid unless they are turned into the Auditor by the beginning of December. She continued that the Commissioners also have to approve the bills and the Auditor's office has to have time to process them so money is generally not spent in most of December and January.

Councilman Santana clarified he is referring to items such as this first request and not department head spending. Auditor Winski explained she had intended to get this on the November meeting but the figures were not yet available. Therefore, she is presenting it at this meeting.

A motion to approve an amount not to exceed \$40,000 for security upgrades to the Treasurer's office was made by Councilman Garner and seconded by Councilman Quinn.

Commissioner Mrozinski said no construction, destruction, additions or anything else to a County building can be completed without the approval of the Commissioners, as they are the owners. Attorney Guy DiMartino asked if the money was appropriated at this meeting, could the construction approval still be given by the Commissioners at a later time. Commissioner Mrozinski said it doesn't matter but the construction must be approved by the Commissioners. He suggested to Auditor Winski that she request that it be added to the agenda for the next Commissioner's meeting.

Councilman Mollenhauer asked for an explanation of the construction. Auditor Winski said per a recommendation from the U.S. Marshall study, the view of the safe will now be obstructed by creating an office for the Chief Deputy Treasurer. She said there are also problems with electrical drops and the carpeting needs to be replaced. Building Maintenance Director Larry Levendowski said his staff has tried to clean the carpeting but it is too soiled. Councilman Santana asked when the U.S. Marshall study was completed and Auditor Winski replied approximately 3 years ago. She added that when reconciling the fund accounts it was determined that there was an additional

\$177,000 that would have to be put into the General fund. Therefore, she felt it would be prudent to do this now and not come back at a later time.

Councilman Santana asked why these security issues weren't already completed and Auditor Winski said the Council voted against it 3 years ago. He said it should have already been fixed. Councilman Yagelski said these were recommendations given with no thought to cost. He also said there were no violations and they only offered suggestions.

Councilman Rosenbaum said many upgrades were done to the buildings during COVID and the current Treasurer chose not to include these upgrades. Councilman Mollenhauer asked if the key fobs were put on the doors to HR and the Recorder's office. Mr. Levendowski said HR was taken care of, but he will check to make sure the Recorder's office has also been completed. IT Director Darlene Hale said some of the fobs were not installed because they weren't necessary.

The motion was amended to approve an amount not to exceed \$40,000 for security upgrades to the Treasurer's office pending Commissioner's approval; the motion was made by Councilman Garner and seconded by Councilman Quinn.

Motion carried 5-2, with Councilmen Mollenhauer and Santana voting nay.

## **2. Consider approval of employee pandemic stipend**

Attorney DiMartino said that due to the unprecedented nature of this consideration, there were legal issues to be evaluated. Therefore, Auditor Winski contacted the State Board of Accounts (SBOA) for guidance and was told that this additional compensation is regarded as salary. Furthermore, elected officials would not be eligible because they cannot have any salary changes within the year. He then explained that the State was also contacted and presented three stipulations: 1. The County has the money; 2. It is properly appropriated; and 3. The salary ordinance is amended. He added that there should be a decision on the appropriation first because if that fails, there is no reason to move forward with the ordinance amendment. These amendments typically require two readings or a unanimous vote to approve after the first reading. However, because this would be tied to an appropriation, only a majority vote would be necessary.

Councilman Yagelski confirmed that the ordinance being amended would be the 19/20 salary ordinance and Attorney DiMartino agreed. An exchange then occurred with Councilman Yagelski expressing that this would be money paid directly out of the COVID fund. Attorney DiMartino explained that the reimbursement received by County through the Cares Act was eventually put into the General fund and would have to be appropriated from there. Auditor Winski stated the COVID fund was created in which \$200,000 was allocated but the reimbursement was handled separately. Attorney Shaw Friedman added that the SBOA informed the County Auditor that the reimbursement did have to be put into the General fund and then appropriated, but it should be designated as part of the COVID fund when that happens. He added the reimbursement money is figuratively set aside, but from a bookkeeping standpoint, it had to be put back into the General fund. Councilman Santana said he wanted to make sure that money being spent is being recorded and Auditor Winski said it is all under a designated account governed by state statute and SBOA guidelines.

Councilman Yagelski maintained that this money should be put into, and then appropriated out of, the COVID fund so an amendment to the salary ordinance would not be needed. Auditor Winski countered that if hazard pay is to be given, it must be done under the specific guidelines which includes those of the IRS. Councilman Yagelski retorted that the County can pay the money out for whatever COVID expenses it chooses because a fund was set up for this purpose earlier in the year. He also expressed his unwillingness to change the 19/20 salary ordinance. Auditor Winski stated that the pay can only be given under the guidelines as defined in IC Code 36-2-5-13. She then read her correspondence with the SBOA regarding the subject. Councilman Yagelski said the SBOA has been wrong in the past and he is not afraid to challenge the SBOA. He also said the wording of Auditor Winski's question to the SBOA wasn't specific enough but Auditor Winski then read her question in entirety. She added that the checks for the hazard compensation can only be written pursuant to the SBOA guidelines. Councilman Yagelski said he doesn't believe the 19/20 salary ordinance can be changed at this point and added he is not against giving the hazard pay, he just doesn't agree with how it's being done.

EMS Director Larry Butcher said he believes that when there is a Presidential declaration, there would be exceptions to the rules on this. Auditor Winski emphatically stated that he is incorrect and the SBOA rules must be followed.

Attorney DiMartino added that he has thoroughly reviewed and interpreted the correspondence with the SBOA, agreed with Auditor Winski, and said this is just how bureaucracy works.

A motion to table this item was made by Councilman Santana and seconded by Councilman Garner. Motion failed 4-3, with Councilmen Garner, Rosenbaum and Santana voting aye, and Councilmen Mollenhauer, Novak, Quinn and Yagelski voting nay.

A motion to approve hazard pay was made by Councilman Yagelski. Attorney DiMartino clarified that the amount of pay would have to be included in the motion. Councilman Yagelski then amended his motion to approve pay of \$500 per employee subtracting the amount for the days an employee worked from home. This motion was seconded by Councilman Quinn. Councilman Yagelski added that each employee's pay would be prorated by excluding the days he/she worked from home over the 9 months from March 31<sup>st</sup> to December 6<sup>th</sup> or the cutoff date for the payroll. The proration would be calculated by having each department head submit the employee's record of days worked from home.

Councilman Garner inquired as to what danger the employees were in by coming to work when the buildings weren't even open to the public. Auditor Winski said Auditor's office was staffed every day and would assist taxpayers at the door upon request.

Councilman Mollenhauer expressed confusion as to whether or not this hazard pay should apply to those employees who were not working on the front lines but instead working in an office in a building where the doors were locked. President Novak said he feels that those office employees who came to work and did their jobs did expose themselves to others on a daily basis.

Councilman Santana said although he greatly appreciates the County employees, no paychecks were missed or furloughs given. Therefore, he doesn't see the need for bonuses to be granted.

Councilman Rosenbaum discussed the \$1,000 full time/\$500 part time bonuses given to employees in 2020 in lieu of a 1% raise (on a \$40,000 yearly salary, the \$1,000 was more than the 1% raise). For 2021, the Council approved a 2% raise for the employees which exceeds the 1.3% cost of living raise given by Social Security. In addition, the Council approved a \$500 one-time pay to offset the increase in the percent of insurance to be paid by the employee. He also expressed that there may be embarrassment for some of the employees about the compensation. Ultimately, Councilman Rosenbaum said that the Council cares about the employees and treats them very well. However, the Council must be fiscally responsible and not use funds that have been set aside for future needs.

Councilman Yagelski said the funds that were to be allocated to purchase the storage building in La Porte would not be needed since the purchase is no longer being pursued by the Commissioners. Therefore, Councilman Yagelski felt there was money for the hazard pay appropriation. He added that the compensation will be processed through payroll so no one will know the amount received by individual employees.

Councilman Santana said Councilman Rosenbaum spoke great words and hoped everyone listened to what he was trying to communicate. He also agreed that the amount of compensation per employee is confidential. Councilman Rosenbaum clarified that he felt the embarrassment would be that certain employees, who are already receiving overtime, are the ones asking for the additional pay.

Motion carried 4-3, with Councilmen Garner, Rosenbaum and Santana voting nay. Councilman Yagelski then explained the motion in detail per Auditor Winski's request. Auditor Winski said this will be on the December 18<sup>th</sup> payroll check. If that date is not met, it will be added to the following pay on January 4, 2021.

### **3. Consider approval of amending the 2020 salary ordinance**

A motion to adopt the pandemic stipend as an amendment to the 2020 salary ordinance in one reading was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 5-2, with Councilmen Garner and Santana voting nay.

A motion to read by title only was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 5-2, with Councilmen Garner and Santana voting nay. Auditor Winski read by title only.

A motion to approve the amendment to the 2020 salary ordinance was made by Councilman Yagelski and seconded by Councilmen Mollenhauer and Quinn. Attorney DiMartino said that the salary ordinance is always signed at the first meeting of each year, so the ordinance being amended is the 2020 ordinance.

Motion carried 4-3, with Councilmen Garner, Rosenbaum and Santana voting nay.

**COUNTY COUNCIL/ATTORNEY COMMENTS**

Councilman Santana said sometimes the Democrats get a bad rap for spending but he said "live with it." However, he is appalled and embarrassed by what occurred in this meeting.

Councilman Mollenhauer said he felt things went well tonight and feels everyone has reached a new level of fatigue and challenge right now. He hopes this will show the employees that they are appreciated for their years of hard work and especially through this past year.

Councilman Santana said all of this could have waited until 2021 and it leaves a bad taste in his mouth.

Councilman Rosenbaum wished everyone happy holidays. He thanked Councilmen Quinn and Santana for their service. Councilman Garner agreed.

President Novak said the Council doesn't always agree but they get things done. He also gave best wishes to the employees, Auditor Winski, Attorney DiMartino and everyone on the Zoom meeting and thanked them for their hard work.

Councilman Quinn said it has been an honor and a pleasure to serve the people of La Porte County and wonderful to work with the Council members.

Councilman Yagelski said he said he will be attending the January meeting in person and wanted people to know that. President Novak said he still wanted to exercise caution with the rising COVID numbers.

Auditor Winski asked when the Council would like to hold its Reorganization meeting and it was decided on January 4, 2021 at 6:30 p.m.

Councilman Rosenbaum asked if there is a specific date that the newly elected officials will be sworn in but no one had a clear answer.

**ADJOURNMENT**

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

**EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 25<sup>th</sup> day of January 2021.**

(abstained)

Councilman Earl Cunningham

*not in attendance*

~~*[Signature]*~~

Councilwoman Connie Gramarossa

*[Signature]*

Councilman Terry Garner

*[Signature]*

Councilman Mike Mollenhauer

*Randy Novak*

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Councilman Randy Novak

*Mike Rosenbaum*

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Councilman Mike Rosenbaum

*Mark Yagelski*

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Councilman Mark Yagelski

ATTEST:

*Timothy Stabosz*

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Timothy Stabosz, La Porte County Auditor