

MINUTES
MEETING OF THE LAPORTE COUNTY COUNCIL
FEBRUARY 22, 2021 AT 6:00 P.M.

The Meeting of the La Porte County Council was held on February 22, 2021 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, turn off their cell phones. He requested a moment of silence for Lt. Eugene Lasco who was slain at the Indiana State Prison.

ROLL CALL

Auditor Timothy Stabosz took the Roll Call. Council Members present were Cunningham, Gramarossa, Rosenbaum, Garner, Yagelski, Mollenhauer and Novak. A quorum was noted.

APPROVAL OF THE FEBRUARY 22, 2021 AGENDA

President Novak asked that the Approval of the January 25, 2021 meeting minutes be inserted after approval of the agenda; under Correspondence, a letter from Commissioner Joe Haney needed to be added; Councilman Cunningham asked that a resolution be added to Ordinances and Resolutions; Resolution 2021-3 supporting teachers will be added under Ordinances and Resolutions; under New Business, #1, the authorization being requested is for a replacement Animal Control Officer and not Animal Control Director; and the authorization to fill a vacated position in the Surveyor's office also needs to be added.

Councilman Rosenbaum said that the EMS item under Appropriations, Transfers, Requests that was tabled at last month's meeting should instead be put under Old Business.

A motion to approve the agenda as amended was made by Councilman Rosenbaum and seconded by Councilwoman Gramarossa. Motion carried 7-0.

APPROVAL OF THE JANUARY 25, 2021 MEETING MINUTES

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

PUBLIC COMMENT

Joe Coar, 3768 N 525 W, La Porte, IN 46350

Mr. Coar gave an update on the Michigan City Courthouse project. Each Council member had been given a packet that included photographs. He acknowledged the Council and Commissioners for having the courthouse vacated when they did because it saved a lot of time and money. He stated that the building is in very good shape, and explained how it was originally constructed and detailed the progress of the current construction. He encouraged the Council members to visit the building and survey the structure. He added that with the use of BIM, or the prefabrication process, it has expedited the construction process. He also thanked the Highway Department for keeping the roads and surfaces accessible during the last month.

Rodney McCormick, 617 Union Street, Michigan City, IN 46360

Mr. McCormick said that he feels the public comment resolution being voted on at tonight's meeting violates the rights of citizens to give unfavorable or favorable comments during public meetings. He feels this is a County Attorney ordinance and believes it should have nothing to do with the County Attorney. He researched 3 years of Council and Commissioner meetings and never found an example of a citizen being asked to sit down; people were sometimes upset about a particular issue, but it was addressed and never evolved into a problem. He went on to describe instances when he held up a Supreme Court brief, wore a John Lake t-shirt, and was just an audience viewer at a meeting, and either his feed or his microphone was shut down by the County Attorney. He said the Council should not consider taking any action on this item and if any Council member should vote in favor, he will do everything in his power to turn the vote against him or her in 2022. He added the County Attorney should simply do his job and let the Council do theirs.

President Novak clarified that the resolution was drafted by the Council attorney and not the Commissioner's attorney. Councilman Yagelski said his only involvement was in the reading of the document.

Jeff Santana, 4954 Lindsey Ln, Michigan City, IN 46360

Mr. Santana said he hopes the Council will use discretion, and exercise the spirit of exceptions to rules to allow the public to speak openly and candidly. He also hopes that those who address the Council speak to the members with the courtesy and respect they deserve. He emphasized that the public is comprised of those who voted to put each Council member in office and they have the power to replace each one in the next election. He said that during his 8 years on the Council, he does not remember having to remove or restrict anyone from bringing his or her grievances to the Council.

Mr. Santana continued that it has been discussed to implement and explore different ways to operate County government, such as bringing in an independent company to evaluate the work force to determine strengths and weaknesses. It would also analyze whether or not the County is being fiscally responsible in the services being offered and funded by the General fund. The purpose would not be to eliminate any employee but to ensure that when a vacancy arises, it has been established there is an actual need for a replacement. He also feels there needs to be a monthly update given to the Council of the balances in the major funds.

He discussed the suggestion by President Novak to institute a system of tracking employees' hours including when they take lunch and breaks. He said the method of accomplishing this has not been determined but believes it is something that should be explored. He added that employees were observed coming and going without any accounting of their whereabouts and coworkers found this upsetting.

Lastly, he requested to know what was spent on the Stipend program, and also what is the running total of the dollars spent of the \$3.1 million for COVID-related expenditures. He asked that responses to his inquiries be given during County Council/Attorney Comments.

Not seeing or hearing any people who wanted to speak, President Novak closed public comment.

DEPARTMENT HEAD REPORTS

Michael Schultz, La Porte County Assessor

Assessor Schultz said the Ratio Study was approved on February 12, 2021, and La Porte County was the largest and 4th county out of 92 to have been approved. He gave recognition to and expressed pride in his Chief Deputy Stacey Sweitzer, especially since they have been working in the hybrid model for an extended period. He said the 21 pay 22 values in the Ratio Study are those that will be found on the form 11s coming out later this year. He also thanked the Council, Commissioners and his staff for the constant and continued support.

Councilman Yagelski asked what trend of home values emerged in the Ratio Study. Assessor Schultz said he doesn't have the report yet but some of the values were inexplicably high. He said he could have Chief Deputy Sweitzer run a report for the Council, but feels that the higher assessments will most likely continue through 2021. Councilman Yagelski said taxpayers have to understand that property taxes increase proportionally to an increased assessment. President Novak added that there are mixed emotions for some taxpayers because it means the house is worth more but there is also the increase in property taxes. Assessor Schultz said there are the tax caps, but it only caps the allocation of the assessment. He said the report can be run by township, but wishes a sub-market report could be run on people from the Chicago area who purchased homes here because what may not seem expensive to them is expensive to most La Porte County residents.

Assessor Schultz added that his office is still operating on the hybrid model but hopes that will soon change. Four of his employees have had COVID and one currently has it, but all of the employees use the County laptops and have their calls forwarded to them.

Councilman Rosenbaum congratulated Assessor Schultz and asked for the input given by the Michigan Township Assessor. Assessor Schultz said his office tried to work with him, but eventually went ahead without him. He said everyone in the County office is well-trained and keeps up on their continuing education. He added that he encouraged the Michigan Township Assessor to start compiling information in the summer, but he did not do so until later in the year.

Michael Polan, La Porte County Building Commissioner

Mr. Polan wanted to clarify that his request to fill a vacancy in his office is due to the retirement of an employee. He then gave a report on his office and said he has given extensions on several citations so he has time to review the files and understand the situation(s). He detailed the other things happening in the office and said he has basically hit the ground running since he started.

Councilman Yagelski asked how the online permitting system is progressing and Mr. Polan said it works but there can be improvement. He said he would like his office to have more training and possible additional software. He thinks the process can be improved and be more efficient. President Novak asked if a monthly or quarterly report could be given on the amount and types of permits being approved, and Mr. Polan agreed.

Hearing or seeing no additional Department Heads who wanted to speak, President Novak closed Department Head reports.

LIAISON REPORTS

Councilman Cunningham said his only liaison visit has been with the Building Commissioner. He said Mr. Polan's transition to the position has been smooth and Councilman Cunningham is satisfied with his ability to see the big picture.

Councilman Mollenhauer attended the vaccine clinic update and La Porte County Redevelopment Commission meeting on January 27th, the Solid Waste District board meeting on February 1st, a COVID vaccine clinic, an economic development toolbox workshop (hosted by Tony Rodriguez), a Solid Waste District public hearing to discuss a rate increase on February 10th, Commissioners' Quarterly Insurance Employee's meeting on February 17th, and a Solid Waste Board special meeting on February 22nd. He said a 50% recycling rate increase was approved at the meeting, which equates to a \$2.00 per month increase for residential and \$1.50 for commercial.

Councilman Garner said he spoke to Clerk Heather Stevens who discussed her staffing issues but said the office is running smoothly. The Clerk's Office remodeling is being discussed at tonight's meeting. He also spoke to Commissioner Joe Haney and Auditor Stabosz regarding the Solid Waste rate increase. He met with Sheriff Boyd and discussed the items on tonight's agenda, and has been keeping Councilman Garner up to date on the jail security system situation which has been addressed. They also discussed having the inmates vaccinated by the Health Department to minimize the occurrence of COVID-19 in the jail population.

Councilwoman Gramarossa set up an appointment with the Director of Paladin to visit the center next week. She also met with Surveyor Tony Hendricks, who will be speaking later in the meeting, and with Veterans Service Officer Joe Golec who said things are going smoothly. She added that she attended various meetings alongside other Council members, but had nothing further to report.

Councilman Rosenbaum attended the Parks and Recreation and Redevelopment Commission meetings and the economic development toolbox workshop. He said he is looking forward to working with the FMEC, and attended Commissioners' and Planning Board meetings via Zoom. He met with the Coroner and visited the construction at the building maintenance facility on Monroe St. He also participated in COVID and vaccine meetings via Zoom.

Councilman Yagelski said the Data Board met for the first time with some elected officers and by the next meeting, he will have a final presentation to make before the board. He added that the Data Board will be more active than it has been in the past.

President Novak attended the Redevelopment Commission meeting, and the weekly vaccine clinic and Michigan City Courthouse meetings via Zoom. He said there is also a lot going on with the FMEC. He added that the Auditor's Office did send out fund balances to the Council prior to the meeting and he conveyed the amounts.

Councilman Cunningham said, regarding the fund balances, the fund is Riverboat (not Riverboat/WinTax) and WinTax is actually a separate fund. Auditor Stabosz stated he sent the requested information but if the Council would like reports of additional funds, he is happy to provide them. President Novak asked for reports on all fund balances, and Auditor Stabosz acknowledged his request.

Councilman Garner asked if the fund balances given were the amounts that the Council could spend and Auditor Stabosz replied affirmatively. President Novak said none of the funds have been pre-allocated for other expenses.

CORRESPONDENCE

Commissioner Joe Haney read his letter to the Council.

Treasurer Winski said she sent a letter to the Council late today and asked to read her letter into the record as correspondence. President Novak confirmed that she could read her letter.

During the reading of her letter, Treasurer Winski stated that the Auditor's Annual Report was due by the end of the week ending February 26th. Auditor Stabosz corrected her and said the Annual Report is actually due on March 1st.

ORDINANCES AND RESOLUTIONS

Resolution No. 2021-04- A Resolution of La Porte County Council expressing support of the County Auditor and County Commissioner Joe Haney

Councilman Cunningham read the resolution. A motion to adopt Resolution 2021-04 was made by Councilman Cunningham and seconded by Councilman Garner. Councilman Yagelski said he doesn't understand why this type of resolution would come before the Council, since the members have no authority of who the Commissioners hire as their attorney. He added that looking at this as an outsider, if Attorney Friedman is being asked to step down, then Commissioner Haney and Auditor Stabosz should follow suit and also step down. He said that may sound ridiculous, but not as ridiculous as this resolution coming before the Council. At the last meeting, Councilman Yagelski said he politely asked that everyone work together, but doesn't believe that is going to happen. He continued that it is not the responsibility of the Council to instruct the Commissioners on how their meetings should be conducted. He respectfully told Councilman Cunningham that there is nothing in the resolution that has any due diligence for the Council.

Councilman Cunningham said Attorney Friedman is not an elected official and can step down until the Court adjudicates his suit against the Auditor, and then be reappointed. Mr. Haney and Mr. Stabosz are both elected officials who do not have that luxury and have been elected for 4-year terms. He acknowledged that nothing in the resolution tells the Commission what to do, but asks that Attorney Friedman step down until the Court adjudicates. He said it is a vote of moral support for Commissioner Haney and Auditor Stabosz.

Councilman Yagelski asked Attorney Guy DiMartino if the resolution could be modified and Attorney DiMartino replied yes, it already has to be revised due to some erroneous use of language in the document. He added that since this resolution was just introduced, it is actually a work in progress and Councilman Cunningham agreed. Councilman Yagelski made a motion to amend the original motion to add a whereas clause to include having Auditor Stabosz and Commissioner Haney both step down until the Court adjudicates, and to add Attorney DiMartino's corrections to the Resolution. The motion was seconded by Councilman Garner.

Councilman Rosenbaum said he believes the Council member who initiated the original motion is the only one who could amend it. Attorney Guy Martino agreed and asked Councilman Cunningham if he would

accept Councilman Yagelski's amendment. Councilman Cunningham staunchly refused the amendment but said he would accept any legal adjustments that needed to be made.

Attorney DiMartino explained that First Amendment rights do not apply to Attorney Friedman because he represents an independent law firm and is entitled to his opinion. Auditor Stabosz called for a point of order and stated that Attorney Friedman was the one who interrupted him at a Commissioner's meeting. President Novak told Auditor Stabosz that it is not appropriate for him to speak at this time.

A discussion occurred between Attorney DiMartino and Councilman Cunningham regarding the meaning of First Amendment rights in the resolution. Attorney DiMartino suggested a modification and Councilman Cunningham said he could accept it.

Councilman Yagelski stated that he did not have enough time to review the document because the resolution was submitted moments before the Council meeting. He added it should not be accepted unless motions are allowed to be amended. Councilman Cunningham said that since Commissioner Haney is in the audience, he could explain the timeline of events that caused him to write his letter.

Councilman Yagelski said he's not debating that but said the resolution is a work in progress. President Novak said that even if a Council member offers a suggestion, it doesn't have to be accepted. Attorney DiMartino said Councilman Cunningham is the only Council member who can make an amendment to the motion, but Councilman Yagelski is able to introduce his own resolution if he so chooses. Councilman Yagelski added that he has no problem with it being tabled, but there needs to be more time given to examine the document. He said he always reads and investigates documents presented to him.

Councilman Cunningham said his position is that Councilman Yagelski should present his own resolution at the next Council meeting. If Councilman Cunningham's resolution passes at tonight's meeting, it would only be in place for one month and he would be willing to hear Councilman Yagelski's proposal at the next meeting. He feels a democratic process should be followed.

Councilwoman Gramarossa said this document was just received, so she feels the Council should take the time to review it and allow Attorney DiMartino to make his adjustments before voting on it.

Auditor Stabosz said that the resolution should actually be 2021-2B because the 2 represents the month; using 3 or 4 would indicate it was in the month of March or April. President Novak acknowledged the adjustment.

Councilman Yagelski asked Attorney DiMartino if he could make a motion to table. Attorney DiMartino replied that if it has been the consistent practice of the Council to receive resolutions in a timelier manner, then there could be a motion to table. A motion to table Resolution 2021-2B was made by Councilman Yagelski and seconded by Councilman Mollenhauer. Motion carried 5-2, with Councilman Cunningham voting Nay and Councilman Garner abstaining.

Resolution No. 2021-30 – A Resolution authorizing and approving the entry into a joint interlocal cooperation agreement with the Town of Pottawatomie Park, Indiana, for assistance for building inspection services between the Town of Pottawatomie Park and La Porte County, Indiana.

Attorney Doug Biege said this is similar to what has been done in Michiana Shores and some other smaller communities in the County. Pottawatomie Park no longer has an inspector and this will encompass up to

6 yearly inspections at the same cost as the other communities. Since a fee is being affixed, it has to come before the Council but the Commissioners have already approved it.

A motion to approve was made by Councilman Rosenbaum and seconded by Councilwoman Gramarossa. Councilman Rosenbaum inquired as to the fee amount and Attorney Biege replied \$50 per inspection, which is enough to cover mileage and time. President Novak confirmed with Attorney Biege that residents will still go to the town of Pottawatomie Park to get permits.

Councilman Yagelski asked if this is being done to save money or follow Countywide ordinances. Attorney Biege said they actually have so few inspections in Pottawatomie Park that they felt this was a more advantageous way to go.

Motion carried 7-0.

Resolution No. 2021-02 – A Resolution of the La Porte County Council establishing policies and procedures to protect decorum and foster the effective administration of public meetings.

Attorney DiMartino said this was held over from the previous meeting and the resolution has not been replaced with an updated version. President Novak explained that this resolution is in no way meant to violate any rights of the public, it is just to set some boundaries now that the Zoom platform is being used. In addition, it will clarify who is operating the controls during the meetings.

Councilman Cunningham read the updated Resolution No. 2021-02. A motion to approve was made by Councilman Mollenhauer and seconded by Councilman Cunningham. President Novak said a copy of the resolution went out to all Council members in advance of the meeting with a request for input.

Councilman Yagelski clarified that this item was not tabled at the previous meeting; the Council typically reads a resolution at one meeting and votes on it at the next. He also said that Robert Rules of Order have been used by the Council for years and decorum was always kept.

Councilman Mollenhauer said he believes that those who attend the meetings via Zoom should be made aware that displaying signs during a meeting is inappropriate.

Councilman Cunningham said it is logical to mute everyone after Public Comment, but Zoom is a new system and everyone is adjusting. President Novak reiterated that the intention is not to inhibit or limit anyone but to assure the ability to run an orderly meeting.

Motion carried 4-3, with Council members Gramarossa and Yagelski voting Nay and Councilman Rosenbaum abstaining.

Auditor Stabosz requested a printed copy that could be circulated and signed by the Council members.

Councilman Cunningham thanked Commissioner Haney and Attorney DiMartino for their work on this resolution. Councilman Yagelski asked if the copy in the packet was the updated version but Councilman Cunningham said the updated version was sent via email. Attorney DiMartino printed a copy for the Council to sign.

Resolution 2021-2C (School Employees and COVID-19 Vaccinations)

President Novak said this was emailed to Council members, and then he requested that Attorney DiMartino read the resolution. President Novak said the purpose is to move the teachers into the next vaccine level and not to put them at the front of the line.

A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Yagelski. Councilman Rosenbaum said being a substitute teacher himself, he has spoken to other administrators and found that they are appreciative the Council is thinking of them and hopes this resolution moves forward.

Councilman Mollenhauer also seconded the motion and said his wife is grateful this is being considered because she has been homeschooling her three grandchildren and has found it very challenging.

Councilman Cunningham said the teachers may also be able to fill the cancelled appointments by getting on the call list. President Novak explained that when a vial of vaccine is opened, it will have to be discarded unless the entire vial is used. Therefore, a call list was developed for when a vial has been opened but there are still available appointments. Councilman Rosenbaum reiterated by using the call list, no vaccine is wasted.

Motion carried 7-0.

Public hearing on Confirmatory Resolution for personal and real property tax abatement for E-Pak Machinery.

President Novak opened Public Comment on the confirmatory resolution. Commissioner Joe Haney said E-Pak has put in a lot of hard work and employs a lot of taxpayers in La Porte County. He feels it gives a strong signal to new and established businesses in La Porte County that the Council and Commissioners support them, want them to stay in the County, and value what they do in the community.

Assessor Mike Schultz spoke in support and said E-Pak has worked with his office in the past and employ numerous people in the County.

Not seeing or hearing any additional people who wanted to speak, President Novak closed the public hearing.

Resolution No. 2021-02A – Consider Adoption of Confirmatory Resolution of the La Porte County Council determining the qualifications for an economic revitalization area have been met for E-Pak Machinery.

A motion to approve Resolution No. 2021-02A was made by Councilman Yagelski and seconded by Councilman Rosenbaum.

Councilman Rosenbaum said he is a numbers guy and based upon the numbers, he believes this should move forward. Councilwoman Gramarossa said she has worked with E-Pak in the past and it's a good growing company and the Council should support them. President Novak said the products shipped and exported by E-Pak are amazing.

Motion carried 7-0.

Director of Economic Development Tony Rodriguez thanked the Council members but noted he is only one member of the team. He said he applauds all that has been done by E-Pak and during this process, his office has been able to streamline the program and enhance its ability to help existing manufacturers expand in the future.

Tony Swedersky, E-Pak Machinery Operations Manager thanked Mr. Rodriguez, his staff and the Council. He said his door is always open and said he loves to showcase his facility.

Ordinance No. 2021-02 – An Ordinance adopting County of La Porte, Indiana salary schedule and compensation policies.

A motion to read Ordinance 2021-02 by title only was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0. Councilman Yagelski read by title only.

A motion to suspend the rules and have approval on one reading only was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

A motion to approve Ordinance No. 2021-02 was made by Councilman Yagelski and seconded by Council members Gramarossa and Rosenbaum. Motion carried 7-0.

NEW BUSINESS

1. Consider approval of Council President's authorization to hire replacement position for:

**Auditor's Office – Payroll Administrator, Real Estate Clerk, and Real Estate Deputy
Health Department – replacement for enviro/food supervisor
Treasurer's Department – Second Deputy Treasurer position
Animal Shelter – Replacement of the Animal Shelter Director**

A motion to approve Council President's authorization to hire replacements for all listed positions was made by Councilman Rosenbaum and seconded by Councilman Mollenhauer. Motion carried 7-0.

2. Permission for Sheriff's Office to hire new Jail Deputy position; salary covered by elimination of 2 Process Servers

A motion to approve was made by Councilman Yagelski and seconded by Councilwoman Gramarossa. Sheriff Boyd explained that two of the oldest cars in the process server fleet will be traded in as part of the trade package when new vehicles are purchased in April. He added that the mechanics in the County and Commissioner Mrozinski said the vehicles are not worth keeping.

Councilman Mollenhauer said the salary for the Jail Deputy is \$39,951 and the process servers' salaries were \$64,732.58, so he questioned what would be done with the difference. President Novak said it would stay in the unused salary account and be addressed during budget hearings. Councilman Mollenhauer asked how much is currently in the Overtime account and Sheriff Boyd said it started with \$103,000. Sheriff Boyd said the addition of the Jail Deputy is due to Criminal Rule 26. Councilman Rosenbaum asked if having the extra deputy will eliminate overtime costs but Sheriff Boyd replied it will be diminished but not eliminated.

Motion carried 7-0.

- 3. Request for approval to submit a grant application for funds to repair Bluhm County Park, which would require Council future appropriation of funds in the amount of \$70,000 (the application deadline is March 5, 2020).**

Superintendent Jeremy Sobecki said Bluhm County park was established in the mid-1990s and said there is no running water for visitors. The playground structure would be replaced at a cost of \$250,000, which he hopes will be paid for through the Healthcare Foundation. The playground and surfaces would be convenient for people with disabilities, and he said he also has commitment from the La Porte County Park Foundation to install a septic system and actual restrooms for a cost of \$50,000; the total cost for improvements would be approximately \$370,000. He is requesting assistance from the Council to pave the parking lot because it is currently gravel, which impedes outdoor activities on windy days.

A motion to support submission of the grant application was made by Councilman Mollenhauer and seconded by Councilman Rosenbaum. Motion carried 7-0.

Mr. Sobecki thanked the Council, and also Sheriff Boyd and his department for assisting him with vandalism at some of the other park facilities.

OLD BUSINESS

- 1. La Porte County EMS Administrator Andrew McGuire requesting approval to pay FTOs (field training officers) step up pay when acting as management (tabled from January 25, 2021 meeting)**

A motion to un-table this item was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Motion carried 7-0.

Mr. McGuire explained this was the pay differential between the FTO pay and the pay when they are acting as managers. It is rare but when they act in that capacity, he is asking that they are compensated the additional \$1.80 - \$2.00 per hour. Councilman Yagelski said nothing has changed since the last meeting and he feels this will set an unwanted precedent. He is concerned that employees will not take on additional duties when necessary because they are not receiving additional pay. Councilwoman Gramarossa said she stands firm that this should be supported. Councilman Rosenbaum spoke with some Department Heads and Human Resources Director Barb Mossman, who helped compile information on other departments that operate on a 24-hour schedules. He said there are different protocols for different departments but feels EMS is in a unique situation. He would further request to add verbiage that would make this applicable to EMS only. A motion to approve the step up pay was made by Councilman Rosenbaum and seconded by Councilwoman Gramarossa.

Councilman Yagelski said he did not research just 24-hour departments but all departments and most were unhappy about this situation. He added that the FTOs should be able to contact Mr. McGuire or an assistant in an emergency instead of automatically allowing the FTOs to act as management. He stated in his daily job, he is called at all hours of the day and he will have to be the one to either physically attend to the problem or make the managerial decision(s). Mr. McGuire said if it is a large scale event, he is unquestionably contacted. However, if it a shift level incident,

the chain of command is followed. In those instances, the event could not be handled over the phone, and there would have to be on-the-spot decisions made.

Councilman Mollenhauer spoke with HR Director Barb Mossman and agreed that EMS is a unique office. He said this type of situation occurred in the jail and the Council gave approval or budgeted for that additional pay. He said rank structure is in place for a reason and feels the additional pay should be approved.

Councilman Cunningham agreed with Councilman Mollenhauer. He then asked Mr. McGuire for the anticipated total cost of the step up pay. Mr. McGuire said that between 2019 to 2020, the FTOs acted as management 11 times which equated to \$700.00. He understands that amount may vary depending on the circumstances but the amount should stay minimal.

Councilman Cunningham said good employees should be well cared for so they don't go to another county for work. He believes in this additional compensation and will be supporting it.

Motion carried 6-1, with Councilman Yagelski voting Nay.

APPROPRIATIONS, TRANSFER, REQUESTS

La Porte County Sheriff

Requesting permission to spend

From Asset Forfeiture account **\$40,000.00**

From Commissary account **\$26,500.00**

To match grant for body cameras **\$66,500.00**

A motion to approve was made by Councilman Mollenhauer and seconded by Councilwoman Gramarossa. Motion carried 7-0.

Request to transfer unused salary

From account 10168 (Process Servers)

To account 10166 (Jailers) to fund position **\$64,732.58**

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

Requesting Additional Appropriation

From Emergency Relief Fund (1186) **Not to exceed**

For replacement of Integrator Security System **\$450,000.00**

President Novak said this is the program that runs the cameras and locking doors in the jail. A motion to approve was made by Councilman Rosenbaum and seconded by Councilwoman Gramarossa. Councilman Rosenbaum explained that bids were gathered for this replacement but the equipment deteriorated so quickly that it became an emergency situation. The lowest bidder was ultimately chosen to complete the job, and Sheriff Boyd said the invoice received was in the amount of \$417,900.

Motion carried 7-0.

Requesting an Additional Appropriation

From Riverboat (1191)

For Merit Pension

\$697,816.50

President Novak said this is the County's contribution for ½ of the actuary's projection. A motion to approve was made by Councilman Rosenbaum and seconded by Councilman Yagelski.

Councilman Yagelski said the Council has continued to put up the money in advance with the affirmation of some type of benefit. There has been no remuneration and there is no threat of the Merit Pension becoming deficient. Councilman Yagelski asked the ordinance amount be changed to \$500,000 and asked Sheriff Boyd why the request has increased. Chief Deputy Ron Heeg said the increase is due to the addition of 6 employees to the Merit Division over the last 10 years, and the yearly salary raises given by the County. He feels by putting up the money in advance and receiving the interest, it is keeping the increases small and manageable. In addition, the pension plan actually pays out more per year than the County contributes. Although the plan is healthy and solvent, it needs to remain that way for 10-30 years down the road so all of them can benefit from it.

Councilman Yagelski said the amount has progressively grown over the years, so he cannot support the \$697,816.50, but would accept the \$500,000 amount to which the County has always agreed. Chief Deputy Heeg said the amount of the requested appropriation is dictated by the actuary and those are the requirements that need to be met. Councilman Yagelski said the increase should be offset by the interest being received. He said it may be ideal to continue to raise the amount, but it is a bonus and not a necessity. Deputy Chief Heeg reiterated that the numbers are provided to him by the actuary, but Councilman Yagelski stated this is not a perfect world and that amount is not obligatory. Sheriff Boyd said the law states the \$697,816.50 is the contribution that must be made. Councilman Yagelski said that since the plan is solvent that is noncompulsory.

Councilman Rosenbaum amended his motion to support the approval of a total in the amount of \$1,000,000. Chief Deputy Heeg said the law states that the minimum yearly contribution of \$1,395,000 must be made; if the minimum isn't met for 3 years, the plan could go defunct. Councilman Rosenbaum asked if the actuary could attend the next meeting to clarify these issues. Councilwoman Gramarossa asked Attorney DiMartino if he could research this and determine the obligation of the Council. Attorney DiMartino requested information from Chief Deputy Heeg and said he would investigate the legalities.

Councilman Yagelski asked for the interest percentage received over the last year and Chief Deputy Heeg said it was 23%. Councilman Yagelski said with the money approved by the Council and the interest combined, it exceeds the required amount.

Auditor Stabosz asked how the money is invested to receive the 23% interest because if it hasn't had that type of historic return it will most likely not have that type of future return. Chief Deputy Heeg replied the investment is in stocks and municipal bonds.

President Novak said the actuary will be asked to attend the next meeting. He added the County does contribute into every PERF account to which an employee is a member. Being a part of the Pension Oversight Commission in Indianapolis for several years, it has been his experience that if a contribution is short now, it will have to be made up at some future date. There are times when that may happen, but it will leave the responsibility of making up that shortfall to a future Council.

Councilman Mollenhauer said he recalled when the fund was short for 2 years and he agreed with Chief Deputy Heeg that it couldn't continue for 3 years. He also said the word "shall" is used instead of "must," and he remembers that from previous discussions by the Council.

Councilman Yagelski said the time Councilman Mollenhauer was recalling was when the money was paid at the end of the year instead of at the beginning; there was never a time the money wasn't paid.

A motion to table was made by Councilman Rosenbaum and seconded by Councilwoman Gramarossa. Motion carried 4-3, with Councilmen Cunningham and Garner voting Nay and Councilman Mollenhauer abstaining.

La Porte County Surveyor

Requesting to spend	Not to exceed
From Surveyor's Coroner Perpetuation Fund	\$59,895.00

Surveyor Tony Hendricks explained that this amount has increased because of the opportunity to have DLZ renovate the 25 corners that have not been addressed since 1836. La Porte County will be the first county in the state to have its corners completed during this project.

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

La Porte County Assessor

Requesting to spend	Not to exceed
From the Sales Disclosure Fund	\$6,500.00
For two desktop computers	

A motion to approve was made by Councilman Yagelski and seconded by Councilman Rosenbaum. Councilman Rosenbaum said the cost also includes software. Assessor Schultz added that he will not be purchasing the larger screens and the fund has \$93,000 in it.

Motion carried 7-0.

La Porte County EMS Andrew McGuire

**Requesting approval to pay FTOs (field training officers) step up pay
When acting as management (Tabled from January 25, 2021 meeting)**

This item was addressed under Old Business.

La Porte County Clerk

Requesting an Additional Appropriation	
From Riverboat (1191) or General Fund (1000)	
For remodel/updates to Clerk's Office	\$30,800.00

A motion to approve out of Riverboat (1191) was made by Councilman Garner and seconded by Councilman Cunningham.

Councilman Mollenhauer asked if the County Maintenance Department will be completing any of the work but President Novak said it was coordinated by the department but will not be done by them. However, they did determine what needed to be updated. It was unclear if the Maintenance Department would be doing any of the demolition. Councilman Rosenbaum said the space would have to be completely cleared, so to get it done at once, these prices were entered. He added that the Maintenance Department will assist when possible, but there are some tasks that they are unable to accomplish.

Councilman Garner amended his motion to include the Maintenance Department performing whatever labor possible, which was seconded by Councilman Cunningham. Motion carried 7-0.

Clerk Heather Stevens said she and her staff appreciate this upgrade.

COUNTY COUNCIL/ATTORNEY COMMENTS

Councilman Yagelski said he had asked if there was a way to work things out, but due to the filed lawsuits it seems unlikely. He said he was Council President during two filings of which Craig Hinchman and Carol McDaniel were parties. He stated that he has been reading the emails sent to him and said some were dated before Auditor Stabosz was sworn into office. He added that the County does have a stop loss policy and the Council has approved claims in the past. However, he feels that Attorney Friedman and Auditor Stabosz need to pay their own legal bills and the Council needs to move on from this.

Councilman Cunningham said the Council displayed inconsistency by refusing to rule on a matter because the information was submitted at the last minute and yet it ruled on a matter at the end of the meeting that was received at the last minute. He said he was referring to Resolution 2021-2C for which he received the information today; other Council members said they received the information the previous day.

President Novak said some dedicated and long-term employees have retired or are retiring, including Annemarie Polan, Tony Mancuso, and Jane Bernard. He said they've all done an outstanding job and he thanked them for their years of dedicated service.

President Novak added that he heard from Larry Levendowski who said the Maintenance Department will be completing some of the work in the Clerk's Office, but added Mr. Levendowski always develops prices that include stipulations for unforeseen circumstances.

Councilman Yagelski thanked IT Director Darlene Hale for setting up the monitor on the dais.

President Novak acknowledged the letter from Karen Biernacki of Family Advocates thanking the County for their continued support.

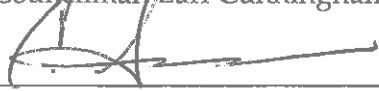
ADJOURNMENT

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 22nd day of March 2021.



Councilman Earl Cunningham



Councilwoman Connie Gramarossa



Councilman Randy Novak



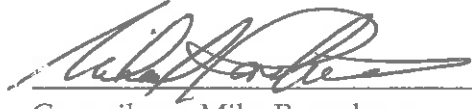
Councilman Mark Yagelski



Councilman Terry Garner



Councilman Mike Mollenhauer



Councilman Mike Rosenbaum

ATTEST: 
Timothy Stabosz, La Porte County Auditor