



Anthony Hendricks stated the floor is open to any Plan Commission members. They are here because as President of the Plan Commission, he can call a meeting and ask for an agenda, but it is not in his purview for nine members to decide how they would like to go forward. He called this meeting tonight to open the floor to the Plan Commission members to decide the best course of action for all concerns.

John Carr stated he would like to make some comments. When the vacancy came about with the Building Commissioner, he was told last week that there was communication in November about Annemarie Polan retiring. The only communication the Board received about the Building Commissioner position being open was an email sent December 30<sup>th</sup> from an applicant. That was the first time he was made aware that there was an opening for the Building Commissioner position. Then a couple weeks later on January 8<sup>th</sup>, there was an email sent by Annemarie with a list of PDFs with several of the applicants. He asked a couple question about the process. He asked how long applicants had to get their applications in to which he received two responses. One was the 26<sup>th</sup> and the other was even more vague stating sometime next week. He then asked if it was being advertised and he was not given an answer. Roughly on January 12<sup>th</sup>, the Board got an email from our legal counsel saying that they could not discuss the Building Commissioner opening amongst each other. He's just a private citizen in LaPorte County; he's not affiliated with the government nor a politician. He works mostly in Lake and Porter County so he doesn't have a lot of dealings in LaPorte County and he is not privy to any gossip or info on County Government. He just had a few questions about how it was advertised, if they were going to put it out so that they could reach a wide audience, and other general questions. He believes that they didn't have much direction and being told that they could not discuss it, he didn't talk to any other Plan Commission members in regards to this position. He came into the last meeting thinking they were going to have an open floor and interview candidates, but it was nothing like that. He was disappointed in the transparency amongst the Board and the lack of communication. This is a time when a lot of the public doesn't trust Government. He was looking at this from the outside then came into the meeting and saw what he thought was an appointment being rushed through without giving due diligence to all the applicants who applied to this position. The least they could have done was communicated with them and the Board and kept everybody informed on what was going on. That's all he was asking for; communication. It goes a long way and there wasn't a whole lot in regards to this position coming up. He doesn't know any of the applicants. He had one conversation with one leading up, Mr. Polan, and it was a good conversation he thought. He seemed very smart. He thought he was a good candidate. The only issue he has is the process that they took to do it and the Board not really knowing how it was going to go. He just wanted an interview process to vet the candidates and narrow it down. He wants what's best for the County. It's a good job; it pays benefits. They should be able to draw talent from all over to apply for this. He wanted the best person possible that was qualified for this position. That's it. He doesn't feel that the Board was told or led in a good direction and they just didn't know. That's his main concern that there was really not a process. Attorney Biege mentioned that the floor was open and that everybody could ask questions or call them, but nobody was told to reach out to these applicants. We were told we couldn't discuss amongst ourselves. He didn't want to do anything wrong so he didn't discuss it with anybody and he didn't call anybody because he thought they were going to have an open meeting, interview everybody, and make a decision.

Earl Cunningham stated that in light of Mr. Carr's statements he would be happy to serve on a committee, hopefully chaired by Mr. Carr, to put everything down in writing. This is the most transparent hiring of a Building Commissioner they have ever had in LaPorte County, but there's still room for improvement. The concern is that John Carr has been here before, but Adam Koronka, Azad Chahal, and Joe Haney are brand new members that walked into this without a game plan. That's something that if they have to replace the Building Commissioner in the future, they should be proactive and put together a written plan so that everybody knows the process and steps along the way. There may even be a committee to narrow it down. In this case, there were eight (8) or nine (9) applicants and there could be a committee to narrow it down to a reasonable amount to interview. If we have thirty (30) applicants, we may not want to interview all thirty (30). He would be happy to serve on a committee to try to get some of this and bring it back on paper so everybody can see it and put together a plan to improve on what was still the most transparent process they've had.

Attorney Biege stated he wants to make sure the new members are aware how the Building Commissioners have been appointed for years. He's been doing this for eighteen (18) years and it goes beyond him. This is the most transparent and open process they have ever had. Annemarie Polan was appointed as result of a letter. Nobody else was considered. Prior to her, Ray Hamilton was also appointed without any prior communication or discussion. There is a long, rich history of Building Commissioners just being appointed. There is no statutory or rule requirements as to how this is done. He wants to emphasize to the Commission, in speaking with the President, it was their intent to open this process up as opposed to how it has been for decades.

John Carr stated they were not aware of how the process worked. They did have a Plan Commission member who was appointed less than twenty-four (24) hours before the Plan Commission meeting. Nobody knew exactly what was going on. The advertisement was done in December apparently. The whole Board, none of them knew. He was upset that decisions were being made without any kind of input from the Board. He wants a better line of communication. He sits on the Regional Sewer Board as Vice-President, the Leap Board of Directors, the President of the Carpenter's Union and the Building Trades. He sits on various funds. He sits on our drug testing program. He has never seen a hire conducted like this. He has been on a lot of boards and he has never seen this. He even brought their last agenda from the Sewer District and it is very detailed on exactly what is covered. Coming into the meeting, he just wanted more communication.

Joe Haney stated as a brand-new member, newly elected official who has been in office for thirty-six (36) days now, and it was his first Plan Commission meeting. He received all eight (8) applicants' packets. He thoroughly reviewed each one prior to this. He is not sure where the disconnect is here. He reviewed each packet, all eight (8) applicants and followed up with phone calls to ones that he thought were most appropriate. He did a little bit of research on each one. One or two he didn't contact because of some information he was able to uncover through things like mycase.in.gov. He went through the process and took the steps that were reasonable and prudent for any one of them that should have been taken. If they decided not to peruse the applicants' packets and not to reach out or contact any of them or do any of their due diligence, he is not sure how that is the fault of the rest of the Plan Commission.

Anthony Hendricks stated he has grown up in politics and been in the court house since he could walk. There are situations in the past where the Building Commissioner was appointed that night and the other one was told to leave their office that night without any discussion or presentation. He understands Mr. Carr's concerns, but they tried the best they could to open this up and it was a tough year with safety concerns in regard to what they wanted to do, but he didn't want to fault on the side of an executive session knowing that there would be some discussion done outside of the public purview and that was a risk he was willing to take that they should decide this as a group. It was in November when Commissioner Mrozinski asked Annemarie Polan how this is done and who employs the Building Commissioner and it is the Plan Commission. He has been aware of that since he's been around the court house. Commissioner Mrozinski then instructed Barb Mossman from HR to call him. That was a great idea. In the past when they have done this, they haven't found many people interested. He was impressed that they had eight (8) candidates as that has never happened either. He didn't know that HR had advertised this as far and as wide as they could. He thought it was fantastic that Commissioner Mrozinski asked Barb Mossman to get involved through HR and she does a fantastic job.

Rita Beaty Kelly stated she wanted to reiterate what a few have already mentioned. It is up to them to do their due diligence whether it's hiring of the Building Commissioner or it's going out to the properties to check these things out. She has been on the Plan Commission for a long time and for every meeting that they have, the due diligence is upon them. Whether they picked up the phone and called any of the applicants, that was on us. She received the same emails instructing them that they shouldn't try to make a decision amongst themselves prior because that is exactly what they are not supposed to do. For them to do any due diligence of calling the applicants or whether the applicants called them as quite a few did get ahold of her personally. She talked to quite a few of them ahead of time and she appreciated that they did reach out. She leaves it on the Plan Commission that they are appointed and therefore they need to do their own due diligence as well as maybe the applicants did. She felt everything they did was as transparent as it could be. This was the first year in many years that they had more than two (2) applicants apply which is appreciated.

Anthony Hendricks stated he asked that an email go out the Plan Commission members knowing that the many boards he sits on and witnessed over the years can end up in precarious situations about discussing between Plan members. It is okay to discuss amongst Plan members, but it is not okay to decide votes outside of a public purview either in a group or in a chain. He asked Attorney Biege to send the email out and he apologized to Mr. Carr if it wasn't as clear as it could be that they could discuss things, but there can be no impropriety done outside the public meeting when they start thinking about the number of votes and the number of Plan Commissioner members to decide on anything.

Attorney Biege stated it is a violation of the Open Door Law. That was the goal of the email; to make sure the member's understood that they could not make decisions or meet outside of the public forum. That was the only intent of the email.

Joe Haney stated that for clarification, it was his understanding that speaking with HR, they had interest in this position as far away as Texas.

Anthony Hendricks stated it went nationwide. He recalls somebody from Illinois or Crown Point applied. It was amazing.

Joe Haney stated there were a number of people who inquired. Several of them who after finding out the salary apparently did not pursue it any further, which he understands. You won't pick up and move from another necessarily to move here for that. He gets that. They don't pay possibly some things as high as they should, but that's another discussion.

Adam Koronka stated he appreciates the outline of the Monster and Indeed and how they went about the process prior to his appointment. There has been a question the agenda, whether or not that was the position of the agenda and how it was formatted being different and short of the definition regard Open Door Law. From what he read it is pretty vague which means it seems to fit, but what is Attorney Biege's opinion on what is required and what is not at this point.

Attorney Biege stated there are no legal requirements of an agenda. Whether something is in an agenda or not in an agenda is not a violation of the Open Door Law. The point of the Open Door Law is so decision cannot be made outside of the meeting and notice is provided to the public of the meeting. Frankly, it is not a defense. They could have been more specific on the agenda, but that doesn't mean it's wrong and it's the same agenda format they have used for twenty (20) years probably. Is it going to be that way for the next appointment; no. But that is not a flaw. Everybody can get here and everybody knew the decision would be made. The Plan Commission members knew they were going to make the decision. The only point of the agenda is to put the public on notice as to what is going to be discussed. Keep in mind, the Commissioners and County Council do it a lot, an agenda can be amended at the beginning of a meeting. He thinks a few individuals made a big deal out of the agenda because they had nothing else to criticize, frankly.

Adam Koronka stated there is no specific statute defining how the hiring of a staff member, such as the Building Commissioner or any other staff position that is non-elected, is hired.

Attorney Biege stated that is correct. The County Commissioners appointed Board members, Department Heads, County Engineer, etc. All those people are appointed by the County Commissioners. That is nothing different than what they do here except they only have to do one (1). They County Council does the same thing in their organizational meeting every year. There are no rules here and no other part of County Government went to the lengths they did regarding putting the notice out and getting interested candidates. It's not even close.

Adam Koronka stated that since there was a job opening posted, it went through HR as discussed. Are there minimum requirements and expectations of the job as well as the description when it comes to the posting for local government just like any other private industry?

Attorney Biege stated there are no posting requirement for this job at all.

Adam Koronka asked about job requirements regarding minimum expectations of the job, desired background, and desired experience levels.

Anthony Hendricks stated there is a job description that was worked up. There is a job description posted up that was worked up through the Commissioners and their consultants for every position. County Government and City Governments have gone about this very different. The County has elected officials who are their own office holders and they are technically not under the County Commissioners so if they choose to use HR they can do that. If they don't, they are on their own legally; they could get in a situation sideways. This Board is in charge of the staff so we choose to use HR and there is a job description of the position for Building Commissioner. Their consultants worked it up to help them out through the HR Department.

John Carr stated that they are getting answers tonight and that's all he wanted in the first place. When he sent those emails, he was asking questions and he was not given an answer as to how it was advertised. The only way he got an answer as far as how it was advertised was after he sent a complaint to the Public Access Counselor. Then it seems like they decided to respond to his questions. He was just looking for questions' guidance from Counsel. As far as interviewing all the applicants, he applauds Mr. Haney for taking the time out and interviewing everybody. He knew the process and knew how the appointment was going to go. Not everybody knew that. They were pretty much given a gag order two days after the received the applications. Nobody said to reach out to these people and we will make a decision on January 26<sup>th</sup>. That was never said; nothing. His whole concern is the process; there was no communication. He hears they were so transparent; we did this and we did that, but when he asked questions, he never got answers. He doesn't know what happened. That's all he was asking was questions to communicate.

Attorney Biege stated he never contacted him, he never emailed him, and he never called him. All he had to do was pick up the phone and say, "Hey Doug, what's going on? I don't understand this aspect of it." He is the Board Attorney and Tony is the Board President. In between meetings, they are the people doing the work, especially with Annemarie Polan being retired. He can pick up the phone or email him anytime, but he didn't.

John Carr stated he did email him. He was copied in the email on how it was being advertised.

Attorney Biege stated he was copied in an email he sent to a different attorney that has nothing to do with this Commission.

John Carr stated no; he sent it to the whole Plan Commission.

Glen Minich stated that whether things were vague for some of the new members, he is sorry, but as far as he was concerned the evening was only difficult because there were so many qualified applicants. He thought it was done well. He hopes they don't have to go through this for some time because Annemarie Polan was with them for nine (9) years and the consistency of having that leadership is important in this department. He appreciates where they're at right now.

John Carr stated the Attorney Biege's name is on the email from January 8<sup>th</sup>, 2:31 p.m. when he asked, "Ok, has it been advertised anywhere?" The Health Department just went through and hired a new administrator. Reading the article, you read how they hired their administrator. They went through a search committee and set up and interviewed. They had thirty-eight (38) applications which they narrowed down to eleven (11). They made a decision. It sounded pretty transparent. If

this is what the Health Department does, why would one not assume that that's how the Building Commissioner should be done.

Anthony Hendricks stated he understands Mr. Carr's concerns and he agrees with Councilman Cunningham. It would be nice to set up a very clear process whenever they go through this and the steps they will take to make sure that any members, old or new, understand how this is going to function.

Joe Haney stated he wanted to clarify that he did the normal steps that any reasonable and prudent person would do when a series of applications are presented in front of him. He didn't interview every single one. As he said earlier, there were things that disqualified certain people as maybe they weren't as qualified. He narrowed it down to a list of four on his own and then went from there so that he would be able to go into whatever decision that needed to be made, whenever it was done or however things were going to proceed in an informed fashion. From doing due diligence and having existed on the planet for forty-three (43) years, he doesn't like to go into things blind. It doesn't seem reasonable or prudent that he would ignore the eight (8) applications that were given to him and just sit on them and not do anything with them until the day of decision came. It didn't make sense to him and that's why he proceeded in that way and only for that reason.

Anthony Hendricks stated this meeting is zoom and it is tough to zoom in and asked if Commissioner Harold Parker would like to discuss.

Harold Parker stated they covered all the points very well. He sure they can make it better and not worse. That's their goal; always make it better.

Earl Cunningham stated he is the new commission member that was appointed twenty-four (24) hours beforehand, but he had already been on the Commission in a different situation. He was in Adam Koronka's seat at that time as a member of the BZA and Plan Commission. When he went to the Council, obviously that seat had to be filled by someone else, but having been on the Plan Commission, Mr. Novak asked if he was willing to go back to the Plan Commission as the Council appointee. He told him yes, but there was no way that could be officially done until the night before on the 25<sup>th</sup>. In fact, the packet for whoever was selected on the 25<sup>th</sup> was in the hands of Mr. Stabosz who handed it to him as their meeting concluded on the 25<sup>th</sup>. Fortunately, he did not have any plans for the 26<sup>th</sup>. He spent about four (4) or five (5) hours going through the applications. He did a similar thing as Commissioner Haney did. He narrowed it down to four (4) or five (5) then two (2) or three (3). Ironically, he knew where he was leaning and then he made a phone call on the way to the meeting to get input from Melissa Mischke who is President of the BZA and might know the codes of LaPorte County as well as anybody except for Annemarie Polan. He asked her why she didn't apply. He said that in the January 26<sup>th</sup> meeting. That's what bothers him the most is that because of the rumor mill and publicly elected officials telling people don't apply because so and so is going to get the job. That is the biggest embarrassment as far as he is concerned. Far more embarrassing to him than what actually happened in the meeting. He reiterated that John Carr already has a file with several processes for other groups and what he said about the Health Department. He thinks they should start now while it is fresh in their mind; get a committee of two to three (2 – 3) people and draft up some language to be given to the Board Attorney who can put it together exactly the way it should be written out legally so that they all know advance in the future.

This was a weird situation with the retirement being announced at the November meeting of BZA. It wasn't even officially announced; it was by mistake. He told Annemarie Polan congratulations on her term. There were people that knew it, but it wasn't officially announced yet. Then there is not a meeting in December. There was some lag time which John Carr is one-hundred percent (100%) correct about. He thinks they could put together a process that is very clear and nine (9) of them agree on so that no matter who is coming and going, they can always amend it, but it would be a roadmap for how to be handled in the future.

Anthony Hendricks stated he has to give kudos to Auditor Stabosz for giving him that packet. Thank you very much. It sounds like Councilman Cunningham, Commissioner John Carr, himself and if anybody else is interested totaling four (4) will be volunteered for some work.

John Carr stated if they set up a committee to go over this, he'll buy lunch.

Earl Cunningham stated what a deal.

John Carr stated he does have some other thought. He wasn't trying to be a pain in the butt. He didn't have any info and he wanted them to do a good job and hire a good person. He mentioned to several of them that the only person he spoke to was Mike Polan. They had a good conversation. He thought it went well and he thought he was a good candidate. He was the only one he got to communicate with.

Anthony Hendricks stated he understands his concerns and that's why he called the meeting. He's glad he reached out. They were getting sideways in email and that's not the way to do it. He was very proud that he reached out and they discussed. Annemarie Polan called him and reached out that as President Plan Commission what he can and can't do and that's why he called the meeting so they could all sit here and discuss the concerns.

Rita Beaty Kelly made a motion to retain the January 26<sup>th</sup> appointment.

Joe Haney seconded.

John Carr asked if a motion needs to be made to set up the committee.

Anthony Hendricks stated they will do that after they vote. He doesn't think they do, but it will be discussed for the record.

Attorney Biege stated technically the President has the authority to set up a committee no matter what. He can make a motion and that is fine, but the President can do it without a motion.

Anthony Hendricks stated he will do it for the record so the public understands.

Roll Call:

Anthony Hendricks stated aye.



Rita Beaty Kelly stated aye.

Joe Haney stated aye.

Harold Parker stated aye.

Glen Minich stated aye.

Earl Cunningham stated aye.

John Carr stated aye.

Adam Koronka stated aye.

Azad Chahal stated aye.

All approved. Motion carries 9-0.

Anthony Hendricks stated he wants to thank everybody for these concerns, especially John Carr. Yes, there are always a way to improve it and they will do this as a committee. As a committee, if they are willing to as he is, will John Carr be willing?

John Carr stated yes, he will do whatever it takes.

Anthony Hendricks asked Earl Cunningham.

Earl Cunningham stated yes.

Anthony Hendricks stated they can only have one more. Would Joe Haney be interested?

Joe Haney stated if nobody else would be interested, he would be happy to.

Anthony Hendricks asked if anybody else would like to be on the committee.

Adam Koronka stated he would like to.

Anthony Hendricks stated the committee will consist of Earl Cunningham, himself, John Carr, and Adam Koronka. They will bring that back when they need to. He didn't ask to amend the agenda, but he sees there is public on the zoom and they are going to open the meeting for the public. Please use proper decorum. Please keep it short; it's Friday night. Anyone for the public either in the office or on zoom call.

County Councilman Mike Rosenbaum stated he would like to commend this Board for taking quick action, for having good discussion, and for everybody ratifying what you have already done. Therefore, it's a kudos and congratulations. It's nice to have government officials work together.

Rodney McCormick stated his address is 617 Union Street, Michigan City, IN.

Rodney McCormick asked if they have a parliamentarian.

Anthony Hendricks stated they deflect to Attorney Biege, himself as President, or Rita Beaty Kelly as being longest serving Plan Commission member.

Rodney McCormick stated it was too vain to concern him as a member from the public when he heard that they had been doing thing like this for a long time. Just because they have been doing something for a long time a certain way doesn't make it right. He also heard a comment about people that were trying to get the job; they were calling Board members. That seems like it's lobbying and it doesn't seem right. He may be wrong. He's not a professional in this area, but it just doesn't seem right. He's pretty sure the applications were down there for at least a month and they left their phone number so anybody could call them. Any one of the Board Members. Furthermore, he had an issue on the Zoom meeting on January 26<sup>th</sup>. He was taken off the meeting. He didn't do anything inappropriate. He didn't talk. He had a John Lake shirt on. It's not election time. It seems like they're starting to get carried away with rules where they don't want people to talk or say anything or criticize. They all know about the Shaw Friedman rule. It shouldn't be spreading around like that because it violates their First Amendment rights as the people who voted for them. They are the public and they have the right to praise them when they do good like they did tonight. Thank you. They also have the right to say they aren't doing their jobs; quit complaining. It goes hand in hand. Their First Amendment protects them and they need to consider that and make sure that he is not taken off anymore Zoom meetings if he's not doing anything appropriate. He is wearing a Patriots shirt today; are they going to take him off the Zoom because he is wearing a Patriots shirt. They need to stop this right now. Thank you for your time and it's good to see a Board that is working together because there are a lot Boards in the County and Cities that are not working together. These last few elections, the people told them. We had enough and we like to see everybody work together.

Anthony Hendricks stated that he has always strived on any board that he has been on to leave some public comment open as long as it still proper decorum. The point about parliamentarian, as far as he knows, is that anyone can call, lobby, or try to give their qualifications and why they should be good for the job. Any member that is not on this Board can call, lobby, and try to get information, but they cannot call, lobby, and start lining up votes by chain saying, "I called three people and I got their votes" or "I called two people and got their votes." That would be close to construing votes outside the public.

Attorney Biege asked to elaborate on the Public Comment part of it. There are a lot of people who don't understand this. Both with the Plan Commission and the Zoning Board, and this is exclusive of the Plan Commission and the Zoning Board, the Zoning Board get specifics petitions and remonstrators are given an opportunity to speak on that petition. There is no public comment because there is no business to be done outside of that decision to make. The same thing usually happens with the Plan Commission. They have a specific request; the public is given an opportunity to respond to that specific request and that's it. They don't have a general public comment in these two commissions unless we are talking about changing the zoning maps or language of their solar

ordinance, for example. They are seeking public comment on that. He wants to make sure everyone understands that distinction between this body and the Council and Commissioners.

Russ Hatfield stated his address is 200 Gardena St., Michigan City, IN.

Russ Hatfield stated that he is an applicant for the Building Commissioner for LaPorte County. He'd like to thank the Board for their consideration. It would have been a great pleasure had he had the opportunity to meet them all in person.

Anthony Hendricks stated thank you. They thanked him for applying too.

Earl Cunningham stated he'd like to take a vote for the Plan Commission based on what Rodney McCormick said. He agreed with him one-hundred percent (100%). He saw no reason he should have been removed from the meeting. There's not election in 2021. John Lake is not a candidate for any office at this point in time. He is in his own home. He wasn't in the building. He's not even sure it's legal to make somebody take off a Lake shirt in this building. He could say he loves Lake and thinks he's doing a great job as a prosecutor. Are they going to ban that shirt in this meeting?

Earl Cunningham made a motion that nobody gets banned from the Plan Commission meetings unless there is a vote where the majority of the members present in person and via zoom deem their behavior or decorum is out of order.

Joe Haney seconded.

All approved. Motion carries 9-0.

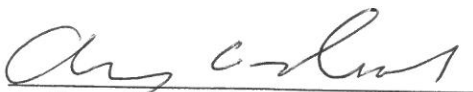
Anthony Hendricks asked for a motion to adjourn.


Joe Haney made a motion to adjourn.

Rita Beaty Kelly seconded.

All approved. Motion carries 9-0.

There being no further business before the Plan Commission, meeting adjourned at 6:45 p.m.

  
Anthony Hendricks, President

  
Michael Polan, Recording Sec.