



**LA PORTE COUNTY
BOARD OF COMMISSIONERS**
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Joseph Haney
Vice President

Sheila Matias
Member

LA PORTE COUNTY COMMISSIONERS' MEETING MINUTES
Wednesday, October 6, 2021 La Porte County Complex Meeting Room 3 at 10:00 a.m.

President Rich Mrozinski called the meeting to order at 10:00 a.m. followed by the Pledge of Allegiance led by Ron Meer, former Michigan City Mayor.

Auditor Tim Stabosz called the roll: Commissioner Haney - Present; Commissioner Mrozinski - Present; Commissioner Matias - Present. Quorum present therefore meeting commenced.

Considered the agenda. **Commissioner Matias** motioned to add to the agenda under New Business an order per Indiana Code 36-2-6-4 for the Auditor to promptly pay the remainder of the County Attorney's invoices that were itemized and approved by the Board. If this order is not followed then a request to hire special counsel to file a mandamus action against the Auditor seeking fees and expenses of having to bring this to action to be sure all invoices are paid that have been approved by the Commission. **President Mrozinski** stepped down and seconded it. Motion carried 2-1 votes. **Commissioner Haney - Nay. Commissioner Matias** motioned to accept the agenda with the added item. **President Mrozinski** stepped down and seconded. Motion carried 2-1. **Commissioner Haney - Nay.**

Considered approval of September 15, 2021 minutes. **Commissioner Matias** motioned to approve. **Commissioner Haney** seconded. Motion carried.

Auditor Tim Stabosz read the Claims with Payroll ending 9/24/2021 - \$1,143,105.17 and Operating Expense Claims - \$1,838,297.53. **Commissioner Matias** motioned to approve. **Commissioner Haney** seconded. Motion carried.

Prior to Public Comment **President Rich Mrozinski** reminded everyone comments should be about agenda items and the time is generally 3 minutes to speak.

Public Comment

Randy Veatch, 4177 W. Schultz Road, La Porte, **Randy** distributed a handout of definitions of the Joint Zoning Ordinance and a photo from 6 years ago to the Commissioners. There were 3 pages of terms that he said have meanings that cover the operations that is being allowed to take place in his neighborhood. Terms/definitions covered were shall, may, certificate of compliance, commitments, development, fill material, industry, non-conforming use, rezone, special exception, and spot zoning. He stated he wanted the weight limit signs reposted in his neighborhood. He was told signs would be put up throughout the county but he maintained he wanted them up first in his neighborhood. He acknowledged the signs were put up but still requested the paperwork from the last five years on how they were removed in the first place. **Randy** reported one truck was pulled over and he was happy to see it. He stated the County responded graciously, came right over and pulled the truck over which happened to belong to **Pavey**. He said while **Pavey's** truck was pulled over **Miller** kept driving his truck in and out of his pit. **Randy** stated **Miller** did it all day and was never stopped by the deputies. He also said the sitting **President's** name keeps coming up.

Mike Pavey, President of **Pavey Excavating**, addressed his concerns of the requirements for his drivers and equipment accessing the sand pit owned by his company. He has been in business for 67 years and currently at 3914 N. 400 W. in La Porte. The pit has been in existence since 1995 and has been beneficial for the County for 26 years. The County Complex is an example of the benefit to the County because it is built on sand from the pit. To have a local vendor in our County is another benefit. There are costs to maintaining this business which includes trucks, drivers, fuel, taxes, equipment for loading and insurance. **Mike** said his concerns today is per the ordinance to access the pit via 400 West to Highway 35 going north from the south. It is dangerous for trucks to exit 400 West going north on 35. Visibility is not conducive for safety. He is requesting permission to continue the route of 400 West to

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Schultz Road then east on Schultz to Highway 35. There are lanes available to pass using this route. He said his understanding is 400 West and Schultz Road were rebuilt 20 + years ago to handle the truck traffic from the sand pit. The requested route has less congested housing. His company has never had any issues using this same route to Highway 35 via Schultz Road in 27 years. On Friday, October 1st, they had their first 'near miss' with a pickup truck exiting 400 West and 35. He invited the Commission to take a ride in his trucks anytime to see what he is describing. County Attorney Friedman stated Laura Nirenberg, from his office, and Ryan Elcock, Sheriff Deputy, are looking at various amendments that may be necessary to the current Ordinance in reference to the truck route. A workshop may be held in the future as was prior to the Ordinance passing. Mike Pavey said he was not aware of the workshop and would appreciate notice if there will be another one held.

Tim Stabosz, speaking as a private citizen and as County Auditor, stated he has a major problem with the proposal of the Fiscal Recovery Plan, Phase I, which proposes to spend 17.5 million of the 21 million in Federal ARP stimulus money our County received. The problem is that it was crafted not by a committee of the Commissioners and County Council as it should have been but it was crafted by Attorney Shaw Friedman and his long time 'go-to crony financial advisors' Cender & Company. "There is no indication that any legitimate executive authority in La Porte County either authorized let alone ordered Mr. Friedman to take on this responsibility, instead he fully appears to have taken on these duties himself. It only validates my oft-repeated statement that Mr. Friedman runs La Porte County. There's something you can do about that if you choose to. My biggest concern is that some of the proposed spending line items represent areas in which Mr. Friedman has a conflict of interest. Moreover, while the plan before you represents a purported compilation of the results of the recent listening session, one wonders why there are surprising additions that are particularly partial to Mr. Friedman's own policy preferences or areas where he can assert the greatest influence, in my opinion, with outside investors. In the most egregious example of conflict of interest, as attorney for the 39 North Conservancy District, Mr. Friedman is proposing two million dollars for a water tower for that district when the talk amongst the actually elected officials, the actually elected officials is proposing - has been the County possibly putting \$500,000 into that project." He questioned whether Attorney Friedman's position on that board is the reason for the large dollar amount when it should be a fair share among the 3 interested parties that will benefit: 39 North District, the County and the City of La Porte. He said as the attorney for the RDC, Mr. Friedman proposes spending 2.5 million for the I-94/US 421 Water & Sewer Project and 1.5 million for water & sewer connections at US 35 and Hwy 20 interchange. Tim stated traditionally this should be self-funded through RDC and TIF areas themselves, not the County. "Otherwise we are ultimately using County money for speculative development purposes. I believe that is bad financial policy especially when an attorney, who has a special interest in the matters, in my opinion, is trying to direct the spending of 4 million dollars or nearly 20% of our ARP money in one fell swoop. Finally, Mr. Friedman is Chairman of the Board of the Swanson Center, which already receives about three quarters of a million dollars a year in money from the County, has a conflict of interest in proposing \$200,000 of ARP money for that facility. There are additional conflicts of interest Mr. Friedman has in this plan but for the sake of brevity, I won't go into those. One must wonder to the degree that the listening session had a handful of Mr. Friedman's cronies coming before it, whose idea was it and why was the original proposal only to have the Commission and Council Presidents be the only ones doing the listening until a group of Councilmen stormed the bastille, additionally what happened to the follow-up listening session or sessions that should have happened before Mr. Friedman put forth his plan. I guess he was too impatient to wait. The question I have is how can you trust his legal opinions as disinterested and truly in the service of La Porte County when he has or constantly seeks to have his hands in the cookie jar. We saw that earlier this year when of his own accord he tried to create a committee, controlled by him, that would purportedly advise the Commission and Council on how to spend the ARP money. Fortunately that effort of overreach, an intrusion into County government, went down in flames. This plan before you, in my opinion, represents his second shot at it. Make no mistake in closing, this plan before you, the very concept of who is submitting it, is unseemly, ungodly inappropriate and unethical. Moreover, it only validates Councilman Earl Cunningham's public statement two County Council meetings back that we don't live in La Porte County, we live in Friedman County. I urge your rejection of this plan simply as a reflection of its source and inability of its source to stay in his lane and professionally advise exclusively on matters of law. Thank you." **President Rich Mrozinski** said the Commissioners are in charge of the ARP money and came up with the list to submit to the Council. **Commissioner Matias** added majority of the items on the list came from internal offices. Mitch Bishop, Matt Reardon, Tony Rodriguez, Larry Levendowski, Duane Werner, all had input for requests on the ARP list. Karl Cender was directed by the Commission to categorize the projects heard at the listening session and verify if the projects would be covered under the ARP funding. **Commissioner Haney** agreed the items were discussed at the listening session and among the Commission however there were a few left off the list like the EMS Base, extra unit and highway garage in Rolling Prairie which he reminded needed to be included in the plan. He said ultimately the piece of paper that was drafted came from Attorney Friedman and Karl Cender at the direction of the Board President. "What we have here in front of us was drawn up by the attorney at the direction of the Commission President and obviously you've seen the emails, you know that, you saw it in writing the other day when the first time we saw it was over the weekend when Mr. Friedman emailed all of us and said, 'I've been working on this plan for the past week' which at the time, week or so I believe was the verbiage he used, at the time I had no idea, I don't know if you were aware of it Commissioner Matias, but I had no idea he was working on this plan until he emailed us last weekend with it and said he was doing it at the sole request of the Commission President so maybe you two conferred offline somewhere and got together and came up with this but I certainly had no knowledge of it until it was emailed out." Commissioner Haney stated he thought there would be more listening sessions held before a final plan was laid out. **President Mrozinski** said this is simply a draft only. **Commissioner Haney** said he spoke to Council President Randy Novak who said he had requested a copy from the County Attorney of the plan but was not given a copy due to it only being a working 'draft' so he sent a copy to the Council President. **Commissioner Matias** said she attended the listening

session and had her own presentation with the Learn and Earn program. She was part of the plan as well as numerous drafts from employees with their ideas. She reported Attorney Friedman was directed with Karl Cender to assemble the projects into a document. **President Mrozinski** said lots of input from individuals are included in the plan which is simply a draft, a work in progress and is the first step to finally have something in writing. **Attorney Friedman**, "As the opinion letter which was received last week at your request Mr. Haney, indicates I have every right to be involved in proposing policy at the direction of the board majority. Mr. Mrozinski's the Commission President, asked me to assemble all of the documentation and work with Karl Cender in proposing a plan. I would urge you to read carefully the Prosecutor's opinion letter from last Thursday and there is a big difference between taking the lead and taking control. We're asked all the time as the attorneys to take the lead at the direction of the board majority but control rests and decision making rests with the elected officials and that's the same way on this ARP. Frankly I'm very proud of the document that we've assembled, we're going to be laying out later this morning and I'd urge everyone to keep an open mind, it is the result of a collaborative effort, as Commissioner Matias indicates from all kinds of department heads, members of the community providing their ideas, concepts, proposals which are in this proposed ARP Plan. As I indicated to Council President Novak this morning, it's the Commission proposal, it's still if the Commission proposes, the Council disposes." **Commissioner Haney** said he found interesting with Attorney Friedman's statement about his position being able to suggest and direct policy at the majority of the board and he asked Attorney Friedman when did the Board vote on the ARP Plan that is in front of them today. **Attorney Friedman** replied the Commission operates and speaks through its majority and through its President. The Board President all the time directs department heads and professional advisors. **Commissioner Haney**, "Sure, but that's not what you said Mr. Friedman, you said you can do policy work at the direction of the majority of the Commission." **Attorney Friedman**, "Mr. Haney, I'll tell you what we're going to do, we're going to be able to give the public the benefit of the Prosecutor's opinion letter on where my responsibilities lie, okay? We're going to share with the public the letter that you sought and you did not share with your colleagues by the way, the letter that you received Thursday night from the Prosecutor." **Commissioner Haney** stated a need for a contract with Friedman and Associates due to the issue he is having with the job description or responsibility of the County Attorney and his fellow Commissioners won't put anything in writing. "I don't understand why we can't have something in writing that actually says what your duties and responsibilities are and it's interesting that any one member of the Commission, other than myself, can direct you to do something but if I ask you, 3 times now and order you to actually tell me what your duties and responsibilities are, you refuse to and I think it's - I think you're doing this on purpose, it's my feeling that you don't want to actually put down in writing what you're doing because you do so many things that fall outside the scope of what a normal County Attorney would do that if you put these things down in writing when you violate them then you're - right now, for example, we can have - you can read an article in the Wall Street Journal, bill the County \$150 an hour for it, when we ask 'why are you billing \$150 an hour to talk about an article you read in the Wall Street Journal?' Commissioner Matias, for example, will say 'oh well, it's okay with me' so then you get to bill and submit the bills for that, this is bizarre and preposterous. If I want to read something in the Wall Street Journal, I'll read it myself, I won't pay somebody \$150 an hour to do it. And now if I have legal question on it, that's a different story but suggesting policy, its peculiar, bizarre, and its unseemly, the fact that whenever it suits you one Commissioner, regardless of their position on this Board, can direct you to do something and it's okay but if you don't want to do it, then it takes the majority decision of the Board to do it. This is not right." **Attorney Friedman** replied what wasn't right was Commissioner Haney referring him for criminal prosecution which was done last week. **Commissioner Haney**, "What I'm attempting to do is determine if you've submitted bills that fall under misappropriation or fraud to determine if there's actual criminal activity that's happened and you will not answer my questions." **Attorney Friedman**, "You've gotten a full response from the Prosecutor on that, I'm not going to address it further here." **President Mrozinski**, "We need to move on here, this is not the venue." **Commissioner Haney**, "And the Prosecutor's question was in relation to something a member of the public had that was not in relation to my question." **President Mrozinski** said we need to move on, this is not the venue and there is business that needs to be done.

Ron Meer, 105 Roberta Ave, Michigan City, Former Mayor of Michigan City, stated it was rough waiting to speak under public comment. Said he is not impressed with any opinions from the Prosecutor in our County. Ron suggested some of the ARP money should be used towards the drug overdoses in our County. There is a chronic issue and something needs to be done. He stated we need to come up with an unorthodox unusual techniques to help our citizens. Incarcerating people with drug issues is not the answer. We need to have compassion and not just prosecute the individuals. It would be nice to have faith in the Prosecutor's office.

Department Reports/Department Head Comments

Barb Huston, Interim EMA Supervisor, reported on 3 sirens that needed attention. The siren at the corner of Jackson Street and Plum Street in Michigan City, a siren at 700 East in Fish Lake and a siren on Whirlpool Drive in La Porte all need repairs. **Commissioner Matias** asked Barb if the request on the agenda to approach the Council for additional appropriations is enough money for the repairs as well. Although there is money in the budget for repairs, Director Larry Butcher would like an additional appropriation request to the Council for seven siren battery boxes and a transformer.

Ela Bilderback, Recorder, stated her office is now fully staffed and equipment has been updated. She ran a few reports and said in 2019 there were 7,600 documents recorded and for this year they currently have recorded 12,401 documents. Ela reported an individual came in to her office with paperwork from 'Local Records Office' which may look and sound official but it is **not** from her office. She wanted the public to be aware if you receive this is the mail it is an invoice for \$94 which basically if you walk in to her office you could get the document for \$4 (at \$1 per page) yet this company will get \$90 off of the \$4 document.

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Tim Stabosz, Auditor, requested permission to attend training in Indianapolis October 19-22 for his continuing education. He will be staying with a friend so there is no need for a hotel or mileage but he would ask for the registration to be paid in the amount of \$225. **Commissioner Haney motioned to approve the travel. Commissioner Matias seconded. Motion carried.**

Duane Werner, Highway Superintendent, informed the Commission that soon the 2022 material bids will be advertised on the 7th and the 14th of October the bids will be opened at the November 3rd Commissioners' meeting. Duane also reported on the new trucks that should be arriving for his department in November. Prices on the trucks have been going up and down and he said up as much as \$16,000 per truck. Due to cost of materials, greenhouse gases, and emissions are a few he mentioned.

Heather Stevens, Clerk, commented on redistricting that is currently in the works. Congressional districts will change and the precincts in them. Attorney Friedman said the fewer changes to be made are the better and may affect the Commission and Council districts. There are a few technical issues that will be addressed as well or corrected.

Darlene Hale, IT Director, updated the Commission and the public on the Clerk's office and the Courts are going through a new version or upgrade of their software with October 11th as their 'go live' date.

Eric Fenstermaker, EMS, piggy backed on a statement Duane made earlier on the ability to get vehicles right now. Eric said he spoke to a vendor and if they were to place an order for a build right now for an ambulance it would not be available until possibly the spring of 2023. He reported on their 'stand-by' requests that have been numerous with multiple events on the same day, said for example when the fair and boat races were going at the same time. He asked Maria Fruth with the Healthcare Foundation of La Porte for their help and a 50/50 matching grant was offered \$15,000/\$15,000. He spoke to Council President Randy Novak and was told to go for it. Eric did and it was approved. A UTV, a skid unit for the back to carry a cot, equipment, lighting and a trailer to transport for the total of \$30,000. Requested permission to approach the Council for the County's match of \$15,000. **Commissioner Matias motioned to add this under Requests. Commissioner Haney seconded. Motion carried to add to the agenda. Commissioner Matias motioned to approve the request. Commissioner Haney second. Motion carried.**

Joie Winski, Treasurer, stated the Tax Sale scheduled tomorrow is set to take place at the County fairgrounds. It will start at approximately 10:00 a.m. with 562 parcels on the list. She strongly urged the public to wear a mask if attending.

Requests

Considered permission to travel to Des Moines, Iowa for training. Recorder Ela Bilderback spoke about this training while she was at the podium under Department Heads. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered permission to pay 37.5 sick days to E-911 employee Pam Rensberger who is going to Part-Time. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered permission to approach the Council to for additional appropriation in the amount of \$8,297.19 for siren battery boxes and a transformer, **Barb Huston** as EMA Interim Supervisor. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered permission to approach the Council to pay an outstanding Motorola invoice totaling \$89,962 which is a yearly bill and she does not have money in the budget to pay it, Barb Huston, E-911 Director. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Old Business

Considered construction inspection contract for Lofgren/150 N/250 E intersection safety project - Mitch Bishop. Mitch said this project was scored by one Commissioner, one Council and the engineer. HWC won the contract. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered COVID paid sick leave extension for 2021 - Barb Mossman, H.R. Director. **President Mrozinski** said the last policy expired April 1, 2021 and there is a need to put another policy in place due to Covid numbers rising and employees are having to stay home with children or themselves after being exposed to positive cases. This will reinstate the 10 paid sick days to be used by employees and will be retroactive back to April 1, 2021 and will continue until December 31, 2021 when it will be reviewed at that time. **Commissioner Haney motioned to approve. Commissioner Matias seconded. Motion carried.**

Considered draft ARP allocation spending plan - Karl Cender, Financial Advisor and Shaw Friedman, County Attorney. A power point presentation was given by Karl Cender. Prior to introducing Mr. Cender, Attorney Friedman made a few comments for the record. He has been working closely with Karl Cender over the past week or so and proposed an ARP Plan that incorporates many of the suggested ideas or proposals from the Joint Commission/Council Listening Session that was held September 7th as well as the National Association of Counties list of best ARP programming ideas. He stated as for 39 North Conservancy District and the RDC, yes, he is counsel however nothing on the ARP proposal would affect his pay or compensation in any way. He has been an officer for 37 years for the Swanson Center which is non-profit and he does not receive anything for holding that seat. The guidance from the Association of Counties says the Commissioners prepares a spending plan for the ARP dollars and President Mrozinski asked him to compile all of the requests or ideas together to submit to the Council. This is only the first phase. There will be discussion on the premium and retention pay for essential workers. All county employees are essential under this proposed plan but under categories such as premium would be \$4,000 for 'front line' and/or who worked 'in the field' in some manner during the pandemic and retention would be \$2,000 for **all** other employees and \$1,000 for seasonal or part-time help. The list is subject to change. Karl then went over the power point. **President Mrozinski** thanked Mr. Cender, said we need to prioritize and said this is a good start. **Commissioner Matias** moved to take the proposal under advisement and send it to the Council and Department Heads for their review and it should go forward as a draft or proposal. She suggested a meeting in a few weeks with the Council to go over the proposed plan. **Commissioner Haney** said before moving it forward the plan should be looked at again. He stated it is not ready to go forward and did not second it. **President Mrozinski stepped down then seconded. Motion carried 2-1. Commissioner Haney - Nay.**

New Business

Considered 2022 year contracts - Larry Levendowski, Director of Facilities. No changes from last year. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered retroactively approve on the record the Declaration of Emergency Repair for Community Corrections - Rochelle Brown, Director. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Discussed authorizing longer term length in next lease between La Porte County and Fairgrounds Management and Events Corporation. FMEC Attorney Doug Biege and Attorney Shaw Friedman have discussed the lease. **Doug** said since the County has now put money into the infrastructure at the fairgrounds but now the church buildings and the 2 political buildings are in need of repairs. Bethany Church may be taking over 1 or 2 of the buildings. A 5 year lease is recommended. **Commissioner Matias motioned to approve the 5 year lease. Commissioner Haney seconded after asking if a 3 year review is included within this 5 year lease to which Attorney Biege said yes. Motion carried.**

Considered 1st reading of proposed solar ordinance. **Plan Commission** Attorney Doug Biege said it would be an additional chapter inserted into the Joint Zoning Code for the County. He said there was great input from the Plan Commission. They looked at 8 or 9 other ordinances throughout the state, combined them and had input from Purdue and Farm Bureau. Doug said not only is the height, design, kind of landscaping, drainage included but an important aspect added is what happens **after** it is done and how to deconstruct it before it's built. Provisions for bonding or escrow for cost of removal. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered change to highway personnel addendum to increase tool allowance to be consistent with other area highway departments. **Duane Werner**, Superintendent, currently the mechanics receive ten times their hourly rate which ranges anywhere from \$180 to \$250 a year. The tools that they are required to have to work on the trucks cost more than the yearly allowance rate. After researching other counties Duane proposed for his 6 mechanics \$500 a year for tools. No additional funds are needed. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

Considered permission to approach the Council for additional appropriation for tool allowance at County Garage. **Commissioner Haney motioned to approve. Commissioner Matias seconded. Motion carried.**

Considered contract addendum with Securus to provide inmate phone rates are consistent with current FCC regulations. **Sheriff John Boyd** said this will be an amendment to the current contract. The FCC capped call rates for all inmate calls to \$0.21 per minute. **Commissioner Haney motioned to approve. Commissioner Matias seconded. Motion carried.**

Considered order to Auditor as per 36-2-6-4 to promptly pay the remainder of the County Attorney's legal invoices approved and submitted by the Board of Commissioners. If invoices are not paid then the Commission will hire special counsel to file a mandamus action against the Auditor. **Commissioner Haney** stated part of the Indiana Code requires the Auditor to due diligence in approving things therefore he asked again what exactly is the role or job of the County Attorney, what is he allowed to do on behalf of the Commission. He said from the information he has gleaned so far, two separate things are referred to here, he stated IC 36-2-2-30 permits the Commissioners to employ and fixed compensation of an attorney to represent and advise the Board. He said although Friedman and Associates were appointed on January 6th there was no contract with specific duties outlined for the position. **President**

Mrozinski said all of the invoices have been reviewed by all 3 Commissioners and approved yet the Auditor has taken it upon himself to not pay the invoices and to disregard an order by the Commissioners. He said the Auditor was in violation by not doing his job. **Auditor Stabosz said**, "It's not in violation, I get to audit the claims, it's not in violation." **President Mrozinski** said the Auditor needs to be ordered to pay the bills that have already been approved and signed by all 3 Commissioners. If the Auditor refuses to pay the invoices already approved by the Commission then there is a remedy to get it done. **Commissioner Haney** stated basically the County Attorney can do whatever he wants and charge the tax payers for reading an article in the Wall Street Journal for \$150 an hour and the Commissioners are okay with it. He said a County Manager has been hired and not a County Attorney then because he has never seen an outside contractor come in and tells the employer what their job is, what they can do and the bills will be paid and 2 of the 3 Commissioners are going along with it. He said it isn't right. **President Mrozinski** stated again that Commissioner Haney voted and signed for the invoices to be paid and **Commissioner Haney** agreed, yes, he did but he continues to ask questions about the charges on the invoices and has he been voting for something he should not have been and still cannot get answers. **President Mrozinski** said maybe Commissioner Haney does not know his job to which **Commissioner Haney** replied, "I think you are absolutely clueless Mr. Mrozinski, I don't think you have a clue of what you're actually doing up here. I believe you are keeping him around (points to Attorney Friedman) because you are scared to death that you'll be out here like a fish out of water if you don't have somebody to tell you what to do, this is preposterous the idea that you can't even consider the idea of having a contract with someone to actually have their job description, what is so out there, I want the people of La Porte County to understand this, what is so wrong with having a contract that actually says what someone's job is, how is that wrong? How is that bizarre? How is that anywhere outside the scope of what we should be doing? Why are my fellow Commissioners fighting tooth and nail as well as the County Attorney to not put down in writing what the County Attorney's actually allowed to do?" **Auditor Stabosz**, "The State Board of Accounts recommends it and asks for it." **Commissioner Haney**, "The State Board of Accounts strongly recommends it." **Commissioner Matias**, "Mr. President." **Commissioner Haney**, "Indiana Code I.C. 36-2-2-30 says we're required to but we haven't." **Auditor Stabosz**, "I was wondering if the Commissioners might let me make a suggestion to them." **Commissioner Matias**, "Mr. President?" **President Mrozinski**, "We have a motion on the floor." **Auditor Stabosz**, "This is about me, I was wondering if I could just respectfully make a suggestion that we meet together, Commissioners and the Auditor to discuss these issues rather than discussing - we can discuss them in public, I just want to say I have no assurance as Auditor that he's being authorized to do things, if we could have a private discussion where I could get reassurance, I respect your executive authority, I want to respect your executive authority but I need to know I get to audit claims that a contract, which is verbal only, is being followed, I think we need to have a discussion. I would ask respectfully to have a discussion, excluding Mr. Friedman because he's the hired person, and to discuss this amongst ourselves where we can work this out, that's what I would ask for rather than this, you know, motion and adversarial things. There are legitimate concerns here that we as the elected officials should be able to discuss, this is not a matter of policy or open door issues, this is a matter of how we properly contract and I would ask for that and that you defer action on this." **Commissioner Matias**, "May I speak to the motion? So between our last meeting and this meeting, Mr. Haney went to Prosecutor Lake alleging criminal action by the County Attorney, talking about possible misappropriation and fraud, vague answers, insubordinate. Mr. Haney keeps saying, directing, demanding and calling Mr. Friedman insubordinate. I guess my concern is that first of all we've veered from professionalism and that's a problem for me. Second of all, we are doing exactly what is required according to our Prosecutor who says, 'It would be implied that Friedman has authority, obligation, and duty to provide legal services on anything remotely concerning county business. His services cover the entire gamut of county interests, frankly, I believe that as long as there is some nexus to county's business, Mr. Friedman will have the duty to represent the county's interest and such action, no matter how remote would be valid.' And he also refers to a court action from Supreme Court, Indiana Supreme Court, 1891, which talks about the relationship between the employer, this was a Board of Commissioners versus Shields in 1891, saying that the relationship between the employer which is the Commission and the employee which is the attorney in this instance, 'they are of intimate and confidential nature. The attorney, is himself largely the adviser and instructor and his advice is to the law.' So we've wasted our Prosecutor's time when he should be as someone mentioned, oh, Mr. Meer mentioned earlier, we have drug problem in this county, we have judicial backup in this county, we have lots of things that our Prosecutor should and can be working on and instead he's investigating law around our attorney. So the attorney in this county has traditionally worked at the discretion of the County Commission President and the County Council - County Commission, in the response to Commissioner Haney's probably 17 emails this week, he's really focused on this and I hate to think it's a vendetta but it certainly does appear to be a focus instead of doing the work of the County Commission, fixing this county, working on projects that can help build the county and build our infrastructure and our health and welfare, we're focused on the County Attorney who responded, 'My job as County Attorney is to protect, defend, and advocate for and represent the interests of La Porte County all as directed by the Board of Commission that speaks through its majority.' So to me, the bills that I have seen, that have been rejected by the Auditor where he's questioning - one email had like 18 questions and it was questioning basically the direction of this Commission to tell our lawyer 'please look at this, advise us on this, if you see something around ARP money please make sure that we know about that.' To me it seems like we are a dog chasing our tail. Let's get back to the work of this Commission." She said the voters entrusted them with the honor of serving them and the focus should be on that service, doing projects that really make a difference to real people who pay taxes in our county. **Commissioner Matias then motioned to approve the order.** **Commissioner Haney** stated it was important to point out he did not send out the initial email to the Prosecutor, it was a member of the public and Prosecutor Lake responded to this citizen and was separate from his questions about the County Attorney, who he is trying to give the benefit of the doubt to, he was looking for specific guidance. He said according to I.C. 5-2-6 and 5-11, there are requirements for elected officials to have including Commissioners, to report immediately any possible misappropriation of funds, fraud or anything along those lines. He said the County Attorney stated he

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would not or could not bill for certain policy advice when Commissioner Haney remembered he had seen on previous invoices those exact charges so he ended his letter to the County Attorney with 'based on your responses thus far, I will have no choice but to take your current responses as well as the relevant billings from this year and forward them to the appropriate investigatory agencies for investigation into possible criminal or fraud charges because based on your responses thus far, I believe you may have been defrauding tax payers of La Porte County.' He is just trying to determine what exactly the role is of the County Attorney. If there is a contract in writing stating what the duties are then Commissioner Haney and Auditor Stabosz would know the County Attorney would have authorization to do so but he is getting conflicting statements and that's what prompted him to look into it. **Commissioner Matias** stated she has been on the Commission for 3 years and spent 8 years as Michigan City Mayor, the State Board of Accounts looks at the books year after year after year and if they saw any wrong doings or overbilling errors they would have said something, if they saw fraud or corruption, the county would have been told or an exception would have been issued by them. The following year that issue would be expected to be fixed by the State Board of Accounts. During the exit interviews with them, there was never mentioned of any wrong doings with any invoices from our county attorney or other attorneys. She stated this has been an issue since January and we are now in October so 10 months later she believes this is 'laser focused' on Mr. Friedman. No other attorney's invoices are questioned just Attorney Friedman's. "To me, it seems if the State Board of Accounts had an issue, you've raised it and I know the Auditor raised it to the State Board of Accounts and basically they did not say 'there are errors in this bill' in any previous years so I don't know how it all could have started 10 months ago when you took office, Thank you." **Commissioner Matias motioned to approve. President Mrozinski stepped down then seconded. Motion carried 2-1. Commissioner Haney - Nay.**

Commissioner Comments

Commissioner Haney gave a brief recap of the past few weeks, he has been extremely busy outside of having to deal with various insubordination issues. He attended a fantastic meeting with the FMEC, there will be the Magic Lights at the fairgrounds with a charge of 'by the carload' and a discount if you are a county resident. He attended a meeting with the Kiwanis as a Guest Speaker, a meeting at Solid Waste which held their 7-in-1 recycling day which was the last one of the year. This was held in the midway of the fairgrounds, was a great response and ended up with 2 truckloads of electronic devices. There was a meeting with the North/South Connector which provided updates and had positive information with no houses being affected on the latest version of the map. On the 22nd he attended a Chief Elected Officials meeting with Work Force One and the State. He attended the council meeting as well. The new Mobile Vote Van has been delivered and he gave a huge 'shout-out' to the Election Board and Clerk Stevens. The La Porte County Public Library Exchange had its grand opening with a ribbon cutting event. It is a really cool facility, great insight for new technology and is a huge benefit to the county. As a member of the insurance board he attended a meeting where discussion took place on a possible clinic for employees, savings on co-pay visits and prescriptions are benefits as well as a possible net benefit of nearly \$600,000 per year on the plan. Possibly no raise in cost for the employee insurance next year which would be a win-win. The county parks are great and possibly the dedication of Severs Woods would mean it would be our 5th park for the county, it is approximately 40 acres, it will be low maintenance and low cost to the tax payers. Several fests were held in our county with the Moon Fest, Sunflower Fest, Scarecrow Fest and the Westville Pumpkin Fest. He is glad to be doing his job exceptionally well, staying extremely busy and yet being able to take a look at things that just don't seem quite right when he gets contradictory statements. Also things that may have been acceptable for years in this county maybe shouldn't be acceptable. "Maybe things have been allowed to happen for years on end shouldn't have been allowed to happen to begin with and the idea that somehow it's okay that we don't follow 36-2-2-20 or that we just let things ride and don't take a look at it because that's the way it's always been done, well its' not right. I really want to impart upon the people of La Porte County, you put me here for a reason, you wanted change, you wanted transparency, you wanted these things to be brought out in the sunlight and you wanted to fix what was wrong in La Porte County and that's what I'm doing. I am, one way or another, I am going to drag La Porte County into the 21st century whether it's kicking and screaming and I know the people of the county are behind me on this because I hear it every single day, I see when I walk in to all the various departments around this county, no matter which one it is. I see it when I'm out and about, when I'm at these festivals and people are shouting out from the crowd 'thank you, thank you,' 'keep up the good work,' 'thank you.' This is crucial, there's one other thing I would like to close with and this is more on a broader scale, not necessarily having to deal with here in the county, but it's for all of you out there to understand that you are your own person, you own yourself, you control yourself, if you don't own yourself you don't own anything and the notion that somehow that people are irrelevant where they can't make decisions for themselves or that somehow there's this perceived tyranny and majority, that's not right. You know the smallest individual is the minority and the smallest minority is the individual and we have to protect the individual. John Adams said it best, 'You have rights antecedent to all earthly governments: rights, that cannot be repealed or restrained by human laws; rights, derived from the Great Legislature of the universe.'" He said those words were true back in 1776 and 1787 as they are today."

Commissioner Matias stated she doesn't know about the rights of individuals but she does know what's important to the people of La Porte County and that is jobs. Everyone needs a job, jobs to feed their families, jobs to take care of the elders, and jobs to buy a first starter home. She has heard people say we have no good jobs here in our county. She reported on a program called 'La Porte County Works' and at every Commission meeting she will share highlights of a local company and it will be posted on the county's website so the public will have a direct link to that company. Sullivan-Palatek is the first company in this series. Sullivan-Palatek was founded in 1984 and is located at 1201 W. US Highway 20 in Michigan City. They are considered one of the leaders within the air compressor equipment manufacturing industry. Their products are used in pharmaceutical, automotive, construction, food and

beverage, drilling and mining, sandblasting and coating, oil and gas and plastics to name a few. They are a privately held, family-owned company currently employing 149 people. They are actively hiring for entry level positions starting at \$15 an hour with administrative and production positions ranging from \$30,000 to \$50,000 annually. They boasts an average length of service of 6.5 years with many staff exceeding 20 years. The company is family oriented providing a clean and orderly environment. In addition, company management believes in promoting from within. Sponsors sporting events for the employees, employee appreciation awards, and company picnics. Applications can be found on their site under Careers at www.sullivan-palatek.com. Commissioner Matias said shop local, work local and live local. A different company will be highlighted at every meeting.

Commissioner Mrozinski said he attended the graduation for Problem Solving Court last night and Greta Friedman does a great job with it. There were 5 graduates and the program is challenging. They tell their stories, what they've been through and where they're at now. Part of the presentation is a former graduate telling their story and the recent one had an individual thanking the Michigan City Police Department for arresting her, causing her to change her life around. Rich said he toured the Michigan City Courthouse and it is amazing what they have done with the building. He said there was an executive session held with Purdue Extension and hopefully changes will be seen soon. Rich attended the meeting on the North/South connector 'don't call it a by-pass' and it is coming together. The Boys and Girls Club in Michigan City held a fund raiser. He reported that Larry Butcher, EMA Director, will be awarded a Pandemic Hero Award by the Indiana Society of Chicago for work done during the Covid-19 pandemic. He announced that Commissioner Matias is a finalist for the Northwest Indiana Influential Women's Award. He also reported that Cutler Funeral Home celebrated 125 years of business with an Open House which he, Veterans Service Officers Joe Golec and George Watkins performed a veterans' military funeral rites. Cutler Funeral Home has started a program called Caretaker Award with Rich, Joe and George being the first recipients to receive it with a lapel pin to wear. Rich stated in putting together the Sick Leave Policy he worked with the County Attorney and they looked at other cities and counties to see what they might have and one of the cities was Hammond. Rich stated Mayor McDermott is a friend of his and has been for over 20 years and Commissioner Haney made a derogatory comment about the Mayor. He addressed Commissioner Haney's remark that Rich doesn't know what he is doing as Commissioner. Rich said he has been in County Government for 15 years and Commissioner Haney has been in for 9 months. He said they've all stated what they have been doing to move the county forward, to be leaders and they are all taxpayers as well. Rich said he does not spend time on social media trashing other departments, the County Attorney or his fellow Commissioners instead he is working for what is best for the county. "I can only imagine how much better we would all be if you would direct your aggression and your hatred towards doing positive things instead of you two (Commissioner Haney and Auditor Stabosz) continually trying to find some ways to undermine what we do here. It's sad. I'm hoping someday you will actually wake up and start doing your job."

President Mrozinski adjourned at 12:21 p.m.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 10-20-2021

Richard Mrozinski
Richard Mrozinski

ATTEST: _____ Auditor

LA PORTE COUNTY, INDIANA

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