



**LA PORTE COUNTY  
BOARD OF COMMISSIONERS**  
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**Richard Mrozinski**  
President

**Joseph Haney**  
Vice President

**Sheila Matias**  
Member

**LA PORTE COUNTY COMMISSIONERS' MEETING MINUTES**  
**Wednesday, November 3, 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 former Mayor of Delphi, Indiana, Randy Strasser.

**Deputy Auditor Vaughn Galloway** called the roll: Commissioner Rich Mrozinski - Present; Commissioner Joe Haney - Present; Commissioner Sheila Matias - Present. Quorum present therefore meeting commenced.

**Considered the agenda. Commissioner Matias motioned to add to the agenda SBOA correspondence, ARP spending Resolution then move item 11 'f' from New Business and put it after Claims. Commissioner Haney seconded. Motion carried.**

**Considered approval of October 20, 2021 minutes. Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Deputy Auditor Vaughn Galloway** read the Claims with Payroll ending 10/22/2021 - \$1,146,261.30 and Operating Expense Claims - \$4,259,766.92. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered opening 2022 material bids for County Highway. Attorney Shaw Friedman** opened bids which were all timely received. **Commissioner Haney motioned to give all bids to Duane Werner for review and he will give his recommendations at the next Commissioners' meeting. Commissioner Matias seconded. Motion carried.**

**Class 1 - Crushed Limestone Two Bidders:** US Aggregates Inc. and South Lake Stone

**Class 2 - Bituminous Patching / Rap Materials Three Bidders:** Rieth-Riley Construction Co.; Inc. Milestone Contractors North, Inc.; and Central Paving Inc.

**Class 3 - Blast Furnace Crushed Slag One Bid:** Beemsterboer Aggregates

**Class 4 - Gravel, Dirt, Top Soil One Bid:** Ozinga Materials & Logistics

**Class 5 - No-lead, Diesel and E-85 Two Bidders:** Triple J-Mar Petroleum, Inc. and PetroChoice/Rackham Service

**Class 6 - Signs and Sign Posts Two Bidders:** Traffic Control Specialists and Osburn Associates

**Class 7 - Culvert Pipe and Guardrail One Bid:** Debco Metal Culverts

**Considered permission to approach the Council to purchase new dump trucks for the Highway Department. Duane Werner** said his department has been fortunate to get 8 new vehicles this year but due to Covid's aftermath with supply and demand he believes it is better to start working now on next year's order. If trucks were ordered today, might not see them until winter of 2022. Price of trucks have been increasing by 7% each year. **Commissioner Matias** asked if his office has a Capitol Replacement Plan of all vehicles and he replied yes, after looking at the inventory he stated over 65% of the vehicles are over 20 years old. **Commissioner Haney motioned to approve the request. Commissioner Matias seconded. Motion carried.**

**Prior to Public Comment President Rich Mrozinski** reminded everyone about the policy adopted by the Board: **The Presiding Officer may prohibit comments which are deemed frivolous, repetitive, or harassing. The Presiding Officer may interrupt, warn or terminate a person's statement when the statement is too lengthy which is over 3 minutes, personally directed, abusive, obscene or irrelevant and may request any individual to leave the meeting when that person behaves in a manner that is disruptive to the orderly conduct of the meeting. The meeting is to conduct business of La Porte County. No person may present orally or discuss at any meeting of the Board any charges or complaints against individual employees of the county, department heads, professional advisors or elected officials without first presenting such charges or complaints to the Board, through the Presiding Officer, in writing, signed and verified by the group or person making the charge or complaint. President Mrozinski** said he has received none prior to this meeting. Remarks by any

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persons addressing the Board which reflect adversely upon the character and motives of any other person or group are out of order. Also, attacks in the form of inferences, insinuations and innuendoes against the character or motives of any person are out of order. President Mrozinski stated the Board is under no obligation to have Public Comment however it is allowed for comments on agenda items and is limited to 3 minutes. A new timer/clock was introduced in the room for the 3 minutes allowed for comment.

### Public Comment

**Randy Veatch**, 4177 W. Schultz Road, La Porte, stated at the last meeting he was singled out and everyone witnessed it. Randy said his time should not be monitored to the second and his seconds at the last meeting were used by the Commissioners who he said was talking during his time. He stated he understands how President Mrozinski was upset about the items he has brought to the Board since July because it reflects on his (President Mrozinski's) leadership and administration. It raises questions on elected officials. Randy said the items he has been reporting on are documented facts and no one has successfully disputed any of them. The sitting attorney tried but he made mistakes on names and dates all of which could have been handled with a simple phone call. He said he will continue to bring his comments and questions to the sitting decision makers of the County during Public Comment. He stated for the record, "I do not understand why I cannot just get a simple answer to simple questions that have been made. Where are the active work permits? How have the permits that were required for the first 2 years of operations but none are needed for the last 4 years of operation? Why can I not get a copy of the certificate of compliance on the property? Ms. Matias, Mr. Haney, last week I emailed you the error riddled paperwork that was supplied to get the Rule 5 stormwater run-off paperwork from our local MS4." He said he was not sure if they had seen it before and he had marked areas in red that had mistakes, for example, Page 2, line A15, had missing homes. Page 7 references a fuel truck which Randy says he has never seen before on the property. Page 8, 3<sup>rd</sup> party should be inspecting the property. Randy said the 3<sup>rd</sup> party should be MS4 or the Building Department. The 'fox is watching the hen house.' He spoke about the photo of the sham operation with the vegetated buffer which he said is his property. At this time Randy is notified of the 3 minute time frame and continued after thanking President Mrozinski. When is a call going to come in about an investigation on the paperwork? When will an audit be done on the operations being allowed by the elected and the appointed? When can he get a certificate of compliance on the property? Why has a simple request turned into a political football?

**David Ambers**, attorney in La Porte, stated the arguing needs to stop among the Auditor and Commission. He said this is not directed at Commissioner Matias because she does a great job of trying to keep the peace and she should be President, take control of the meetings and keep them calm. He reminded us the election was a year ago and in January decisions were made. "Get over it. If you don't like it do something about it next January." He stressed that Tony in Economic Development, Mayor Tom Dermody and Bert Cook in La Porte are working to bring new businesses to our County. He stated the Auditor writes checks and runs tax sales but is not a Commissioner. "Guys, we are on the verge of great things in this County, don't mess it up with petty arguing. Thank you."

**Earl Cunningham**, 6311 W. Shiva Drive, La Porte, commented on the last speaker, "The State of Indiana has a Governor and an Attorney General in a lawsuit so when you look at the big picture, don't look like a whole lot different than La Porte County." He said recently the County Attorney asked the 3 Commissioners to find any attorney in the State of Indiana that has given more 'bang for a buck' than he has and there are 92 Counties so might be a big job. Due to Public Record, he pointed out a few things. Shaw Friedman was the County Attorney under 2 of the current 3 Commissioners when the County Home was sold for \$50,000. He said the generator on the property alone was probably worth \$30-\$35,000. He stated it was a pretty serious mistake to sell the County Home for \$50,000 with 3-4 acres on State Road 2 with a generator worth \$30,000. Earl then stated according to President Mrozinski it was Attorney Friedman that advised him that the appointment by the Commission to the ABC Board had to be a Democrat. **President Mrozinski** said he did not say that it was Attorney Friedman who stated the rule. **Earl** said recently when the discussion of the Franklin Street Bridge was taking place, it was President Mrozinski and Attorney Friedman that said the repairs to the Bridge would now have to be bid out. Instead of saving the County money Earl said the Attorney wanted to spend more money for the repairs. **President Mrozinski** said 3 minutes were up. **Earl** responded that a 3 minute clock must be used now instead of an 8 minute clock. He then went back to Rich's comments prior to Public Comment. He also referred back to a previous meeting where City Councilman Paul Przybylinski was allowed to praise the County Attorney for 8 minutes and was not stopped.

**Ron Meer**, 105 Roberta Avenue, Michigan City, former Mayor of Michigan City, Indiana, said there has been a lot of conversation recently from the Commission and the County Attorney in regards to the utilization of opinions from the La Porte County Prosecutor. Ron heard the Prosecutor on the radio last week and that he would be making a statement at the meeting today on Commissioner Haney questioning his integrity and honesty. Ron stated the Prosecutor is the highest law enforcement agent in the County, he is an elected official paid by the tax payers so his honesty and integrity should be questioned. He said the Prosecutor stated on the radio interview that he would also be looking into mailings that have been sent out to certain residents that are comical, 'possibly criminal behavior happening here' and he will utilize his office, investigators and resources to look into it. Ron said crime is out of control in La Porte County and Michigan City. "It's like a two-tiered system coming out of that office. If you're a political ally and friend, he overlooks things. If you're a political enemy, he'll try to make a political prisoner out of you. That's why I'm warning Mr. Haney and Mr. Stabosz, that they're not above that, they will try to make you a political prisoner. Similar to what Vladimir Putin would do, is if he doesn't like what you're saying, he doesn't like what you're doing when you're exercising your constitutional rights, which I know you respect that Mr. Mrozinski, fighting for our country just as my mom's brother, Glen Allen Westphal, died when he was 19 to give us this right to speak and not have to worry about going to be in prison." Ron stated in 2019, during the election process, he

sent Mr. Friedman, Commissioners Matias and Mrozinski and other people tons of illegal activity that the Prosecutor was doing and they ignored it then but now the Prosecutor's office will be used because Shaw's feelings have been hurt due to the flyers that have been mailed out. What a ridiculous waste of tax payers' dollars.

### **Department Reports/Department Head Comments**

**John Lake**, La Porte County Prosecutor, addressed the last Commissioners' meeting when during a 'heated' moment Commissioner Haney raised a question about an email that the 'prosecutor had forwarded on' and John wanted to explain his position in his office. He said there is no two-tiered justice system. All of the allegations Ron Meer mentioned from 2019 had been investigated and the issues have been thoroughly vetted and charges were filed on a few of them. John stated as to the flyers, if there is illegal conduct and it leads to illegal activity then it will be investigated. Questions have been raised about the flyers. John explained that an email was sent to him regarding illegal conduct and it contained a very long thread within the email. The Commissioners, Attorney Friedman and Chris Throgmorton were included in the very long thread. He said he reviewed the allegations and the statute and found nothing. Prosecutor Lake explained that in the email then Commissioner Haney had a follow up response to John's reply then John responded again with more details to Commissioner Haney. As the emails continued and the thread grew longer John felt the need to share the email with Attorney Friedman because of the case law he included would be relevant. The email was not confidential, there was no evidentiary issues in it. John stated you start with the legal, the factual, and the evidentiary issues, he doesn't deal with political assassination and doesn't care about the politics. He does not have allegiance to anyone except to the law and what's ethical. "So, I have no problem with people questioning my integrity but the issue is when you do it without facts that support it and again, things that Mr. Haney may have said in the heat of the moment, I don't want to hold him responsible for, but the issue is that then I had questions that were asked and calls saying, 'how could you break the confidence of Mr. Haney?' There was nothing of that sort that took place. It was a matter of a legal question, I responded to it and that legal research was relevant to other emails that came in and I forwarded it to the County Attorney, who I have conversations with because of ARPA. Those are requests that come into my office." John said as a state office he does not answer to the Commissioners, to the County Attorney or anyone politically. He is an independent officer. John said it would have been easy to overlook certain behavior by elected officials but he is not a very good politician, he doesn't care about the politics. He will continue to do his job, uphold the law, when he sees a violation of the law and some sort of crime is going on he will file charges.

**Amanda Lahners**, Health Department Director, reported at noon today the County will be going back to the orange color for transmissions of Covid after being in the yellow for several weeks. Good news to report is the County has received pediatric doses of the Pfizer vaccine for ages 5-11 and will start administering them on Friday at the vaccine clinic at the former La Porte Hospital on Lincolnway during the hours of Mon-Wed-Fri 8am-6pm then on Saturdays 8am-3pm. Just like the adult doses a second dose will be required after 3 weeks. A Strike Team from Indiana Department of Health will be at the Rolling Prairie VFW as a drive thru clinic and vaccine site in their parking lot beginning today through Saturday from 12-8pm. Rapid tests, PCR tests, J&J and Pfizer vaccines will be available. Amanda thanked the Pontius Family for the use of their Al's Supermarkets parking lots in both Michigan City and La Porte for drive thru clinics. She thanked Jack Arnett and the Convention & Visitors Bureau for all of their support during this time. **Commissioner Matias** asked Amanda if the Strike Teams will have the pediatric doses and she replied yes.

**Matt Deckard** - E-911 Deputy Director, Considered permission to pay 37 ½ unused sick days to Paige Young who is leaving after 24 years to take a job as the Porter County 911 Deputy Director. Matt stated his office has the required funds to pay her. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Tony Rodriguez**, Economic Development, Reported on 3 important items which includes a special guest today, Marissa Mikel with Indiana Farm Bureau. Indiana Farm Bureau is partnering closely with the Indiana Office of Community and Rural Affairs and Purdue University with Roberto Gallardo. **Marissa** stated Indiana Farm Bureau has been working on a broadband speed test for the entire State of Indiana. The idea is to have data driven broadband infrastructure moving forward and it is down to the premise speed test. It can be done with an address or GPS on a phone with location. The data is real time, on a map of the state with green, yellow and red dots emphasizing where there are good speeds and then the needed areas. The data is accessible by all local governments, all broadband teams such as the County's task force, to use if applying for an OCRA grant, for instance. Marissa said they are requesting promotion of the speed test. **Commissioner Matias** asked if the QR code would be able to post on our website. She praised Farm Bureau for taking the need of broadband to the state level. **Marissa** stated she will look into whether or not the current data collected by the County's GIS and Broadband Task Force can be added to the data Farm Bureau has collected. The real data is helpful. **Tony** reported on KIP site selection and acknowledged RDC and their efforts. He also said at the next Commissioner's meeting an Ordinance for 'Broadband Ready' will be proposed on behalf of our County.

**Joe Golec**, VSO, via Zoom, reported on the busy month of November for Veterans. Civic Auditorium in La Porte will host the Veterans' Day Ceremony on Thursday, November 11<sup>th</sup> at 10:30 a.m. by the Mayor's Veterans Committee. Coffee and donuts will be served 9-10:15 a.m. Lunch will be served for veterans and one guest following the ceremony. Joe advised the public to check with local restaurants for any discounts or free meals for Veterans. Saturday, November 13<sup>th</sup> will be a ceremony for the La Porte County Patriotic Medal presentation and will be held at the VFW Post 1130 in La Porte on McClung Road this year. Ceremony will begin at 10:00 a.m. Any Veteran interested contact Joe Golec at #219-325-5584 and an application will be filled out, produce a DD214

document and a signature from the veteran will be obtained for the medal. Later that day at the Civic Auditorium the La Porte County Symphony Orchestra will be performing a Tribute to Veterans at 7:00 p.m. This is an RSVP event so please contact Joe for contact information.

**Tim Stabosz**, Auditor, distributed paperwork to the Commission. Tim stated it was with regret that he approached the Commissioners this morning about payments not being made to County Attorney Shaw Friedman. He had requested a few meetings previously to get together with the elected officials that are supposed to have the power to discuss the issue but he has not heard anything from the Board. He stated, "I'd like to work this out with you still and minimize cost to the tax payers and I regret your suit and wished you wouldn't have done it. By way of discussing that and reaching out to you so that we might be able to do that, since we haven't discussed this privately, I thought I'd do it at a public meeting. The top 3 items are three State Board of Account - the top, if you separate the packet, the top packet is the three SBOA letters, the most recent one from October 29<sup>th</sup> which was the result of a solicitation or a letter by Mr. Friedman to the SBOA. The SBOA letter purports to suggest that they were telling me, encouraging me to pay his claim and that's been reported to the media, that's not accurate, the essence of this letter is a commentary from the State Board of Accounts as I highlighted on the very last sentence or two, in summary, 'If the requirements of Indiana Code 5-11-10-1.6c are met and/or the payment of a claim is ordered by the Commissioners or a court and funds are appropriated and available, the Auditor **should** pay the claim at issue. The lack of a contract is not reason alone to withhold payments of services for services performed.' I have never said and I am not saying that because Mr. Friedman doesn't have a contract that I'm not paying him. I'm not paying him because he is not providing me the proper documentation and he's not, he's denying Mr. Haney the documentation even though Mr. Haney's his boss so that I may properly audit the claim. In that last sentence it says, 'In summary, if the requirements of Indiana Code 5-11-10-1.6 are met', that's something the Auditor determines. That's the Indiana Code that are the 5 steps the Auditor goes through to audit a claim. I have my step, you have your step. So these misrepresentations in the media that somehow I've been ordered to pay the claim or request it are false. I'm going to be writing a letter to the SBOA and I'm going to be including the 8 exceptions that I have from his July billings, which he should not have charged the County for, and have them review that because he wrote something to the SBOA that was slanted in a way to get what he wanted. We have been accused of that, I've been accused of that, with regards to the - let me just finish this - with regard to the Franklin Street Bridge, 'oh, Haney and Stabosz wrote to the SBOA and they got what they wanted' so, but I will point you to the next, to the same discussion, I will point you to the 2<sup>nd</sup> SBOA letter here...and the 2<sup>nd</sup> SBOA letter..." **Commissioner Matias**, 'Mr. President, Point of order, this is in litigation so I'm not really sure that this okay to be discussing.'" **President Mrozinski**, 'I think it should not be.'" **Tim**, 'No, I'm reporting on an SBOA letter so I'm talking about the duties of the Auditor versus the Commission and that's a narrow subject, it's not the litigation and we need to have this discussion so..." **President Mrozinski**, "Well, you did say though that you weren't ordered to pay that and you were, you were ordered by the Board of Commissioners.'" **Tim**, "I understand that.'" **President Mrozinski**, "So that was a false statement then, you were ordered to pay it.'" **Commissioner Matias**, "I just want to be sure because it's being litigated.'" **President Mrozinski**, "It's being litigated so..." **Tim**, "I'm talking about a very narrow issue and I'm asking you to go to the second letter. It's important that we discuss this, we are the power peo-, we are the people that were elected, we are the power so please look at the second letter, this is very important. It says, 'The fiscal officer,' I highlighted this at top of page 2, 'the fiscal officer audits and certifies before payment that the invoice or bill is true and correct.' There are somethings you don't know here and I need to be able to talk to you because you won't talk privately with me about this.'" **County Attorney Shaw Friedman**, "Mr. President, if I could just interpose a point of procedure" **Tim**, "Excuse me Mr. Friedman, I'm sorry Mr. Friedman I need to talk here. I am a department head." **Shaw**, "I understand that." **Tim**, "Excuse me, I am talking sir. I'm an elected official and you are a hired person." **Shaw**, "Mr. President, a County can impose a point of procedure..." **Tim**, "I am speaking, sir. I am speaking sir." **Shaw**, "...this is pending litigation." **Tim**, "Sir, the County Auditor must review the claim..." **Commissioner Matias**, "Excuse me, excuse me Mr. Stabosz..." **Tim**, "...with the original itemized..." **Commissioner Matias**, Mr. Stabosz, excuse me..." **Tim**, "No, I am not going to let him interject me." **Commissioner Matias**, "The point of order is that it's in litigation, is that correct or not?" **Shaw**, "That is correct." **Commissioner Matias**, "Okay, then we should not be hearing this, this is being litigated." **Tim**, "No, I'm going to read this." **Attorney Friedman**, "And Mr. Stabosz has been appointed an attorney by the Council 10 days ago, he should be communicating with his attorney." **Commissioner Matias**, "I know." **Tim**, "Excuse me, excuse me, it is my Department Head comments Mr. Friedman, it's not your time to talk and editorialize." **Shaw**, "Its pending litigation." **President Mrozinski** (bangs the gavel), "I'm going to call for a recess for you to settle down, I'm going to call a recess here for a couple of minutes, okay, you've been warned about talking about things that are in litigation." **Tim**, "I am talking about State Law, I'm not talking about anything in litigation. We need to have this discussion." **President Mrozinski**, "We'll take a short pause here." **Tim**, "I'll be standing here when you start." (6 minute recess takes place) **Auditor Stabosz**, "As I was saying, thank you Commissioner Mrozinski, it says the fiscal officer, page 2 of the SBOA letter dated September 16<sup>th</sup>, says that the fiscal officer audits and certifies before payment, the invoice or bill is true and correct. Further down in that letter, it says, it's highlighted, it says the County Auditor must review the claim with the original itemized invoice or bill. Ideally, the Auditor has the contract on hand and the detail in the contract provides information that the Auditor can use to audit against to determine if the invoice or bill is true to the context of the contract. Point that I would make visive professional advisors in the case of Mr. Friedman, where we don't have a written contract and I understand that the Council, the Commission may be going in the direction of what I've heard in the discussion of a written contract, that's good and I partly came up here to say please do that. My email to you around the issue of the Auditor's Association or the SBOA when I was down at the Auditor's conference, telling me face to face that and showing me in their guidance that written contracts are necessary and appropriate and proper internal control for service providers was something that I provided to you and I said, 'let's get the County up to speed by the end of the year'

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that was more of an imploring and a suggestion, it was not a threat that the - and that's partly why I'm here to tell you this, it was not a threat against your statutory authority with regard to contracts saying that 'I'm not going to pay a contract because it's not written.' This letter, this top letter from the SBOA was basically a red herring where Mr. Friedman said it was a straw man and tore it down suggesting that the Auditor wasn't paying him because he didn't have a contract so I wanted to be clear about that but I also wanted to be clear that it does make it clear in this letter that I audit and certify, per the Indiana Code section noted, and that I don't have a contract in hand but what I have is a vote by the Commissioners in January of this year that hired Mr. Friedman and as the County Auditor and my auditing then is against your verbal contract. But again right in this, it says, 'The County Auditor must review the claim. Ideally, the Auditor has the contract on hand and the detail in the contract...' the detail in the contract, well, there is no detail, it's that we hired Mr. Friedman verbally as County Attorney, very well, County Attorney. So, I need to have the broadest latitude with respect to your statutory authority obviously, the broadest latitude of how you want to use him but of course it's within reason, and so that's why I'm here to appeal to you, not to fight with you over this and so and this won't take very long at all. And so I have for you because I don't think you've ever seen these things. In the 2<sup>nd</sup> grouping, these are the lists of exceptions that I had and I'm not going to go through these things publicly, I'm not looking to embarrass him, in fact this was all behind the scenes between me and Mr. Friedman around exceptions I had in his billing practices was all behind the scenes, I wasn't looking to embarrass him politically then I get sued and then I get blamed for bringing it out in public. This is an embarrassment, I wish it weren't out in the public. Here in your hands are the billing exceptions from July, \$165 worth of issues on \$20,000 worth of billing, less than 1% of the bills, but they are a concern and I think they represent, with all due respect, a broader pattern, so take a look at these because I know you haven't seen these yet and I'm just going to summarize them to say that they represent: #1, the first item here is political/community organizing; #2 is political advocacy and being involved in the affairs of the Health Department with regard to the Covid, the Delta variant that, you know, that's their job, the third one involves being a County Manager and a Political/Community Organizer and the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> one involves being a County Manager, a Policy Director and a Lobbyist. The 7<sup>th</sup> one was particularly problematic for me because it involves sending an email to Mr. Dan Peck of the Swanson Center, which Mr. Friedman is the Chairman of the Board, where I am going to say he said, 'I'm wondering with regard to ARP if this isn't the kind of facility that might not qualify for ARP funds here in our County that we could site on our campus.' So, he's got the hat on as the attorney and he's got the hat on as Chairman of the Board of the Swanson Center at the same time. That's a conflict - don't charge the County for that, you're advocating for money for the Swanson Center and soliciting the head of your agency that you're the Chairman of the Board of, to ask for money, don't charge the County for that. These are not unreasonable request. The last one, he was outside of his lane because it was forwarding a Delta variant article, just forwarding it, he read it then forwarded it to the Health Department about the Delta variant. That's their job, not his. So, I said 'sit down with me,' I wanted to sit down with you. My concern around Mr. Friedman quite frankly, look - you guys, the Commissioners need to run the County and I don't expect you - no one can go through every single claim and every single item, that's not something, you're... the value of your time is running the County not reviewing Mr. Friedman's bills line item by line item but it's more of the Auditor's job to keep everything in the County on the straight and narrow so I believe that with all due respect that you are inadequate in supervising him based upon these exceptions and I respectfully ask that you look at these exceptions and see that they are troubling and disturbing, to go over them and review them, the notion as Mr. Friedman said to the media that 'he just makes this stuff up.' That Cunningham, Stabosz and Haney have gone over 15 years of his bills - he just made that up, do you know how much time that would take? Going through his bills since January 1<sup>st</sup> to date, that's it. The rest of it that he said was made up. So, anyways, I have asked for additional documentation of his August billings that are matters of Public Record, every single one of these with July's exception, none of them are marked Client-Attorney Privilege, not one of them is marked Attorney-Client Privilege so and any member of the public could discover these and yet he is not providing them to me and he is not providing them to Commissioner Haney who's his boss, you should **order** him to provide them to Commissioner Haney, right now in a voice vote, Mr. Frie- order him to provide those to Commissioner Haney. He's in defiance of his boss, that's the most outrageous thing going on here, not what the Auditor's doing. So, to wrap up, my concern is that he's not providing these things because he wants to hide it from the public and to hide it from you and that he is ashamed of some of his billing practices. We need to see these things and my concern is he knows the revelation of the detail of those bills will be adverse to him and I prefer not to see you in court but if I have to then I guess we have to go to court. I prefer to sit down and talk about this and this is, believe or not, an olive branch, please, please look over these exceptions. I'm looking you in the eye and say please, please, please, look over these exceptions and ask yourself honestly, should he be doing this, should he be doing this because in the deepest of your conciseness the answer is no, he needs more supervision. Thank you." **Commissioner Matias**, "Mr. Stabosz, I have a question. So you talk about the detailed research that you've done, do you do this on every claim that you receive?" **Auditor Stabosz**, "Every legal bill that comes across the desk." **Commissioner Matias**, So, every legal bill that comes across your desk has been inspected like this?" **Auditor Stabosz**, "The Auditor, my office, I look at things based on basis of concern of suspicion. Mr. Friedman's been on for a very long time so... Mr. Biege's bills have been gone through, yes, line by line Biege, former County Attorney, still does a lot of work for the County. The two primary attorneys that do a lot of work around here, are Mr. Friedman and Mr. Biege so yes, line by line Biege, line by line Friedman." **Commissioner Matias**, "Thank you, sir."

#### Requests

**Considered** permission to approach the Council for 5 new pagers in the amount of \$3,377, not to exceed \$3,400. Lynn Swanson, Coroner, said she needs 10 pagers but has money for 5. The current pagers were purchased in 2009, are outdated and not working properly. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

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**Considered** ambulance purchase by way of 'Tag Along' clause. Andrew McGuire, EMS Director, gave a back ground on his current fleet. Two ambulances are currently are order that were approved to purchase in the early part of 2021. Around mid-summer talk was being heard about delays in getting vehicles due to problems with chips and electrical components. Some factories even shut down due to Covid concerns. Longer build times was mentioned too, possibly 2-3 years out. Andrew asked if he was to order an ambulance then, during mid-summer, how long would it take and he was told 510 days for build time. He said they would not get the ambulance until April 2023. When he looks at his vehicles and determines the condition of them, some are limping along by this time so to extend that time even more is concerning to him for the fleet. Andrew stated usually in March of every year is when he puts out the bids for 1-2 new ambulances. He was told that by the end of this year all of 2023 will be booked solid for orders. If you add the 510 days for build time to that time it would mean the end of 2024. This is concerning to Andrew because they will be sitting with engine issues, he has one right now that has chassis issues, another that burns through oil and coolant. Not only is the time build a concern but so is the pricing which is going up due to cost increase of all products used to build such as wood, aluminum, electronics, foam, wire, lighting and paint have all seen an increase of 10%. One company in South Bend has reported an increase in their price of 30% for 2022. Another company that makes the cots and stair chairs estimate a 9% increase. Andrew decided to look into the 'Tag Along' clause that his office has used one time in 2019 for the donor ambulance and reached out to Osage, a vendor his office uses, and pitched 2 units to them. Osage came back with a very generous offer to do a Tag Along clause on 1 unit and will honor the price plus give La Porte County priority placement in line which means 350 days for delivery or 1 year. It would save approximately 2 years of build time. The first Tag Along savings is \$21,507. Andrew did get a motion of support from the Council and he is now requesting support for the vehicle itself from the Commission. Osage also agreed to 2021's 4<sup>th</sup> quarter pricing for the 2<sup>nd</sup> ambulance and included the priority placement which means 350 days for that unit as well. The cost savings on that unit was \$9,500. Andrew stated there is a deadline of December 15<sup>th</sup> for both units in the form of a contract. **Attorney Friedman** stated he has been working with Andrew to figure out an appropriate way to address this and one ambulance can be permitted under the emergency provision and the Tag Along can be done 'outside' the normal bid process under the Special Purchase Statute, there is a provision, specifically I.C. 5-22-10-5 'Savings to Governmental Body. A purchasing agent may make a special purchase when there exist a unique opportunity to obtain supplies or services at a substantial savings to the governmental body.' Shaw said if the Tag Along option is approved then for the record the finding was found under that provision, the Special Purchase Statute, I.C. 5-22-10-5. **Commissioner Matias motioned to approve by using the special clause. Commissioner Haney seconded. Motion carried.**

**Considered** Declaration of Emergency for ambulance purchase - Andrew McGuire, EMS Director. **Commissioner Matias motioned to approve based on the supply chain disruption. Commissioner Haney seconded. Motion carried.**

**Considered** permission to approach the Council for additional appropriation in part-time account - Jeremy Sobecki, Parks Superintendent. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

### Old Business

**Considered** formal engagement in PCB litigation. **President Mrozinski** said a very good presentation took place at the previous meeting on this topic and a decision was made that the \$900,000 settlement that was offered would be declined by the County. He then asked for a motion to enter into a formal engagement with Seeger Weiss and Cohen & Malad on the County's behalf to file a separate claim. **Commissioner Haney** motioned to request RFPs and RFQs. **President Mrozinski** said that will be part of the process but right now we need to start the process. **Commissioner Matias** asked for clarification on the motion. **Commissioner Haney** stated his motion is for RFPs/RFQs on firms to file on behalf of the County in a separate claim. **Commissioner Matias** stated after her experience with Waste Management in Michigan City she knows that there are certain attorneys that only work on these type of cases and we would be remiss if we did not use the expertise of these PCB specialist teams. She said Nipsco has announced it will be closing its gen station in Michigan City and it is a known fact that PCB mitigation and environmental cleanup will be needed at that site along Lake Michigan. These are experts that work on nothing but PCB cases. She stated she would not support the motion. **Commissioner Haney** appreciated her comments and said we are still looking at 30-60 days before we would formally decline so possibly 4 months before we would respond. **Commissioner Matias** said the RFPs/RFQs is a technical document that we will have to spend money on to have it created. **President Mrozinski** said there will be no charge to us for the county to file a separate claim. He did say the percentage to the firms needs to be decided yet. **Commissioner Haney** asked Attorney Friedman how long would a simple, one page letter with a few paragraphs or bullet points of work the attorneys will be doing will take to create. **Attorney Friedman** replied in terms of Request for Proposals can generally be an elaborate process. Seeger Weiss did supply a few other national firms that are involved, he said the Commission could conduct that process or direct him to do it or engage Seeger Weiss with and negotiate the most preferable percentage with them. He stated he believes these are the 2 options. **Commissioner Haney** said maybe a quick email could be sent to the firms and we would have bargaining leverage. **Commissioner Matias** said during the presentation she asked if the firm would take a lower percentage and they agreed so that would be our leverage on behalf of the tax payers. **Attorney Friedman** stated Seeger Weiss is the only firm that reached out to all 4 Northwest Indiana counties, no one else has so far. **Commissioner Matias** said there is strength in numbers and we show Monsanto that 4 counties in Northwest Indiana are unified then they will hear us loud and clear if we are joined together as a region. She also said we will be our own entity but still with the other 3 counties. **Commissioner Haney** motioned for RFPs/RFQs in regard to law firm(s) for PCB litigation. No second was heard so motion died. **Commissioner Matias** moved to proceed with a formal engagement with Seeger Weiss to represent La Porte

County in PCB litigation with the parameters that we negotiate the very best return to the tax payers, especially around the 20-28% fee. The fee is only if there is a settlement. **President Mrozinski stepped down and seconded the motion as long as we get a report at the next meeting for the offer and before we sign anything. Best available rate. Motion carried 2-1. Commissioner Haney - Nay.**

**Considered** proposed five year lease between La Porte County and Fairgrounds Management and Events Corporation (FMEC) - Doug Biege, FMEC counsel. **Commissioner Matias motioned to approve. Commissioner Haney seconded and stated a 3-year review is added if needed in the agreement. Motion carried.**

#### New Business

**Considered** 2022 Holiday Calendar. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** approval of Berkley Accident/Health Renewal and the Captive Contingent Quote for Employee Health Coverage - B. Mossman, H.R. and Craig Menne/Earl McClain, GIS. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** request by La Porte Community School Corporation to move communications transmitter/related equipment to roof of Complex pending written agreement between county & LCSC. **Cary Brinkman**, Transportation Director, reported they are still using analog while law enforcement and 911 are on a different system. La Porte Hospital is requesting equipment be removed from their roof top. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** contract with Baker Tilly for Treasurer's reconciliation. **Joie Winski**, Treasurer, stated this is for extra work for the 2019 audit which was during Lynne Spevak's term as Treasurer. Original contract does not include this \$35,000 for the extra work. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried. Attorney Shaw Friedman** reminded the Commission the fund to pay this service currently needs attention. **Commissioner Matias amended her motion to approve with the condition that the Council brings the account out of the red. Commissioner Haney seconded. Motion carried. Treasurer Joie Winski** stated she would support the additional appropriation to the Professional Services Account. **Auditor Tim Stabosz** asked if it was implicitly conditional. **Attorney Friedman** replied there was a denial from the Council to the Commission for additional appropriations to said account at the September 27<sup>th</sup> Council meeting. He said the support from both the Auditor and the Treasurer would be helpful.

**Considered** USI contract for bridges. **Jay Sullivan**, Engineer, reported a superstructure replacement will be done on Bridge 512 on Michigan Blvd over Trail Creek near Johnson Road. This is an 80/20 INDOT grant in the amount of \$467,500. **Commissioner Matias motioned to approve. Commissioner Haney seconded. Motion carried.**

**Considered** Resolution to approve the La Porte County Fiscal Recovery Plan. **Commissioner Matias** read into the record the Resolution and said she hopes this will be supported by all 3 Commissioners. She stated that today the County lost another long-time, well trained employee after 24 years of service to work in Porter County because they pay more money. Commissioner Matias said the time is now to invest in our county employees. She stressed that salary structure is important and she hopes the Council carries through a thorough salary examination and assessment. The employees have worked hard and we need to let them know they are valued. **She strongly urged the Commission to work with the Council, look at this allocation of \$2.5 million for our dedicated work force at their November meeting. Commissioner Matias motioned to approve this Resolution. Commissioner Haney** said he has attended every Council meeting this year as well as their salary workshops and he believes the Resolution is laudable however considering the timeline and what he has heard at the Council's meetings he does not believe it will be supported in any way by the Council and suggested modifying the Resolution by opening the verbiage a little bit to give the Council leeway so they would have a way to make sure they help the employees in a timely fashion but at the same time 'not get a straight down' vote. He stated there are concerns with the Council that a large 'lump sum' up front to the employees may not have the goal of retention. **Commissioner Haney then amended the Resolution's verbiage to say 'up to \$4,000 per employee at the Council's discretion to be distributed in a time period or manner as the Council sees fit from ARP or ARP Loss Revenues as the Council sees fit.'** **President Mrozinski** asked Commissioner Haney what exactly he was changing. **Commissioner Matias** said a motion was on the floor for the Resolution as written then questioned Commissioner Haney if the verbiage in the current Resolution is what he wanted amended. **Commissioner Haney** replied yes, he would like to see something passed for the employees but believes the Council will not vote for it as it currently stands written and the Council's last meeting is in November for this year so that leaves a short window to get something immediately for the employees and if this Resolution gets voted down by the Council, as it is written currently, this next meeting for the Council won't be until the end of January next year. **Commissioner Matias**, "Okay, so maybe I wasn't clear, this Resolution is the sense of the Commission. It is not a law, it's not an Ordinance, it's not requiring that the Council follow everything in here, it's the sense of the Commission saying 'we believe our employees, who are departing in large numbers - EMS has lost 22 people, I believe, over the last 18 months. We heard today another highly qualified E-911 person is departing for a higher paid job in

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Ported County. This is a sense of the Commission that this is a serious, serious issue that's affecting our ability to respond to health and safety in particular and whether they want to pay it in a certain way, if its \$4,000 for our frontline health and safety emergency responders and those who worked in the field, if they want to say it's done over the next four months, I don't think that's the sense of this Resolution, the sense of the Resolution is this Commission realizes that our employees are skilled and well trained, that they are dedicated and we need to use the ARP money as it was intended when it was sent to us, our tax dollars, back to us from Washington, sent to support and help retain public sector employees, that's in the law, it's been approved by our financial advisors and so this is a sense of the Commission. If they want to tweak it or if they want to make it up in four payments or something, that's certainly their obligation to do what they wish, this is a sense of the Council (said Council but meant Commission) which is what a Resolution is so my move is that we adopt this as presented." **Commissioner Haney**, "Okay, so it sounds like though with what you just said you don't have a problem with what I suggested though." **President Mrozinski**, "You're trying to put words in the Council's mouth and the Council's going to do what the Council's going to do, they can give you \$1,000 a month, they can give it to you all at once, that'll be their decision and being a member of the Council for 8 years I can tell you they don't take kindly to the Commissioners telling them how to do their job. I understand the gist of what she's saying, we are telling the Council 'you need to pay attention.' We have - this County has become the punching bag, especially for Porter County, of all the people we are losing from EMS, the Highway Department, from the Sheriff's Department, E-911 and if we don't do something... and I think it's up to the Council, we tell them what we expect but they're going to do what they're going to do." **Commissioner Haney** said Rich's comments back up what he is saying and is backed up with his amendment which would give those options to the Council opposed to trying to 'box' them in. He stated he isn't sure if President Mrozinski even heard what he (Rich) said because it doesn't make sense. **Commissioner Matias** said the Resolution doesn't box anyone in, it's simply a sense of the Commissions' thoughts, beliefs, and values and hopes their fellow colleagues on the Council share the concerns that they care about the employees too. Our folks are skilled and well trained then they take that knowledge that the County paid for to train them only to have them leave to go someplace else and apply it for a better wage. Not that we blame the employees for doing that but emphasize to our friends on the Council that we highly value well trained and dedicated employees and this is just a suggested way to address this issue using ARP funds separate and aside from the much needed salary studies where the County's salary structure is compared to similar agencies across the state, across the region. In the meantime, use the ARP money as it was intended. **President Mrozinski asked if there was a second on the amendment by Commissioner Haney. Motion died for lack of a second. He then asked for a second on the Resolution as it stands. Commissioner Haney** stated he is not a fan of creating different classes of our full-time employees, he feels it is not necessarily appropriate what we are doing. **President Mrozinski stepped down and seconded the Resolution as it is written. Motion carried 2-1. Commissioner Haney - Nay. Auditor Stabosz** commented not about the Resolution which he said is the Commissioners' business but he informed the Commissioners in his professional capacity around payroll, the County really needs a long-term funding solution to this, La Porte County has the 5<sup>th</sup> or 6<sup>th</sup> lowest County income tax rate at .95% of any county and he has a moral responsibility, all political differences need to be put aside and a discussion needs to take place. He sent an email to the Council members and he will send that email to the Commissioners. Tim stated it is the 'white elephant in the room' and needs to be discussed. **President Mrozinski** said the following evening, Thursday, will be the 2<sup>nd</sup> ARP listening session. **Auditor Stabosz** said briefly if we want to retain employees bonuses are nice but we need to be able to show faith with a long-term funding solution to give raises greater than the inflation rate and one way to do that is to get the County closer to our peers who have a 1.65% tax rate. An increase of the County income tax rate from .95% to 1.25% raises \$3.6 million dollars in new money whereas our growth factor for next year for the projects is \$1.6 million dollars so that is how other counties are able to raise their wages because they have an income tax rate of 1.65% and La Porte County's is .95%. **President Mrozinski** said he would appreciate it if Auditor Stabosz attends the listening session and voices his comments. \*\*\***Resolution 2021-13**

#### Correspondence

**Commissioner Matias** read into the record a letter from State Board of Accounts dated October 29, 2021. Copy of the letter attached to these minutes.

#### Commissioner Comments

**Commissioner Haney** spent time visiting several county offices, EMS crew at their base in Michigan City, the 8<sup>th</sup> Street building twice as well as Brown Mackie which is serving as the temporary Michigan City Courthouse. He took time last Friday in 'reverse' trick or treating where he went to majority of the offices in La Porte at the Courthouse, Complex and Hiler Building with candy and visited the staff. He stated as we approach Veterans Day it is important to remember we are the Land of the Free because we are Home of the Brave and to always thank a veteran. Next he wanted to comment on the letter from the State Board of Accounts, that it was a good letter and it builds upon some of the letters and decisions received from the SBOA up to this point. He did want to point out and thought it was appropriate to do so is the final paragraph in the letter. He said it was a good qualifier for the letter and stated payment was not being held up due to no contract. He said he spoke to Mr. Joyce's boss, the Chief of Staff for the State Board of Accounts, Chief Gauger, his question was around the term **and/or** language which he said was a little clunky. Her clarification to Commissioner Haney was 'the requirements of the Indiana Code 5-11-10-1.6c 'and' order of the Commissioners is when payment of the claim at issue should be paid. The 'or' is in relationship to the court. He said he had an excellent conversation with the Chief of Staff at SBOA and he pointed out the Commissioners do not have the power or authority to order the Auditor to disregard Indiana Code 5-11-10-1.6c. He stated he is against the suit the Commission has against the Auditor's office because he believes the suit is




frivolous, the Commission cannot order the Auditor to disregard state rules, laws or codes. He appreciates the hard work the SBOA has done in trying to assist us as we go through this procedure. He is happy to say that so far this year, except for this item which is undecided so far, the 3 times he has approached the SBOA, all 3 times his position has been asserted as the correct position to have so he is pleased with his record going forth when he contacts and reaches the SBOA and hopes to see it continue. As November is Native American History Month he stated an old Apache prayer, 'Looking behind, I am filled with gratitude; Looking forward, I am filled with vision; Looking upward, I am filled with strength and Looking within, I discover peace.' Commissioner Haney, "I believe my resolve and my position has never been stronger and I'm going to continue to fight for the people of La Porte County, the tax payers of La Porte County and the employees here in La Porte County. Thank you."

**Commissioner Matias** said, "Mr. President, before we move on, Commissioner Haney made mention of payment and I was negligent in not making sure that we pay, we move to pay the \$11,000 claim to Friedman and Associates, there is an \$11,000 claim that has - that we approved that has not been paid and I would like us to move today, as a Commission, to declare that bill to be paid and then to authorize Attorney Sirinek to amend the suit to include that \$11,000 and I would mention as a small business owner myself, and I know Commissioner Haney, you're a small business owner, to have \$11,000 that you have expended in services to a client when you are a small business person, that's money that makes - meets your payroll and I don't know how many people work at Friedman and Associates but I know there's several and that there's families who are relying on a paycheck so I would like the Commission to - I would like to make a motion to pay that \$11,000 that is owed to Friedman and Associates and then also to authorize our attorney to amend the suit to include the \$11,000 bill." **President Mrozinski** asked for a second. **Commissioner Haney** said no, not with what he has seen here. **President Mrozinski** stepped down to second the motion to pay the \$11,000 bill. **Commissioner Haney** said not with insubordination from the attorney, failure to bring himself in compliance with the required statute. **Commissioner Matias** said the claim was already approved by the Commissioners. **Commissioner Haney** said the claims need to be audited to see if they are actually true and accurate. He then said with that office refusing to give the information how do we really know the items are accurate, there is no compliance. **President Mrozinski** said it was already voted on in an open meeting to pay the claims. Is Commissioner Haney now denying his own vote? Motion carried 2-1. **Commissioner Haney** pointed out there is a difference between approving claims and auditing claims. **Both President Mrozinski and Commissioner Matias** said they look at every line when they approve the claims. **Auditor Stabosz** asked if they were willing to testify to that statement. **Commissioner Matias** continued with her comments. She reminded the public of the 2nd Listening Session which will be held tomorrow, Thursday evening, at 6:00 p.m. Zoom link will be available. She reported on a great event she attended last week with One Region which is a non-profit organization that promotes business and economic development in our region and was well attended with approximately 650 people. The panel was led by Craig Dwight, CEO and President of Horizon Bank, and included Senator Todd Young, Gordon Gill from Smith and Gill Architects, Congressman Frank Mrvan, and Cordell Carter of the Aspen Institute. She said a YouTube video shows about a half hour presentation, mostly about data and rail opportunities. She said there is a 90 mile advanced tech corridor that runs from Chicago to South Bend and we are right in the middle of it. It is being developed into a research and tech corridor that should be really positive for our County. She went on to talk about jobs. She stated we care about family safety. Commissioner Matias reported on OTECH Corporation which is located at 4744 E Oaknoll Road, Rolling Prairie. OTECH was incorporated in 1999 by founder Jack O'Donnell who brings 40 years of experience to his role, combining his technical focus with commercial and executive leadership. He founded OTECH as a corporation with an emphasis on innovation and exceptional customer service. They are leader in thermoplastic compounding and is one of the largest vinyl compounders in the Midwest. OTECH aims to surpass its competition in four key areas: customer service, innovation, product development, and quality. OTECH develops, designs, and custom-manufactures high-quality specialty PVC compounds, thermoplastic elastomers and alloys used in electrical wire and cable, footwear, housewares, roofing, agricultural parts, and automotive industries. The company has seen consistent growth and credits their success on their focus on fair treatment of employees and a cohesive family environment in the workplace. Examples include: monthly luncheons for employees, benefits, promotions from within, and other internal systems to encourage valued and productive employees. Production positions start at \$15/hour; after 60 days, pay may increase to \$16/hr. Administrative positions can earn between \$30,000 - \$50,000 annually. OTECH has 90 employees with many entry level positions. Applications can be found on the company's website: <https://otechcompounds.com/careers>. She gave a 'shout out' to Tony, Viviana, Matt and Mike in Economic Development for the work they do in their office for the County.

**Commissioner Mrozinski** spoke about his tour of OTECH. Good job with good benefits and good pay. He echoed the shout out from Commissioner Matias to the team of Tony Rodriguez, Mike Seitz, Matt Reardon and Viviana Plaza for their work. He said to him every day is Veterans' Day and to always remember them, especially for our freedom. **President Mrozinski adjourned at 12:22 p.m.**

EXAMINED AND APPROVED BY THE  
BOARD OF COMMISSIONERS OF THE  
COUNTY OF LA PORTE, INDIANA  
DATE \_\_\_\_\_

  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Auditor

LA PORTE COUNTY, INDIANA

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October 29, 2021

La Porte County Auditor  
555 Michigan Ave, Ste 205  
La Porte, IN 46350

La Porte County Board of Commissioners  
555 Michigan Ave, Ste 202  
LaPorte, IN 46350

Dear Mr. Stabosz and the LaPorte County Board of Commissioners,

The State Board of Accounts ("SBOA") continues to receive inquiries regarding the claims payment process in La Porte County, including delayed and/or partial payments of claims approved by the Board of Commissioners.

In our letter dated September 16, 2021, we reviewed the claims payment process under Ind. Code § 5-11-10-1.6(c) (relating to the fiscal officer's responsibilities to review invoices and bills) and Ind. Code § 36-2-6-4(b) (requiring payment of a claim against the county when ordered to do so by the commissioners or under a court order). It is our understanding that the commissioners recently ordered the payment of certain claims. If so, we encourage the auditor to pay such claims.

We understand there may also be an issue with respect to our Uniform Compliance Guidelines prescribed pursuant to Ind. Code § 5-11-1-24, which state, in part, "Payments made or received for contractual services must be supported by a written contract. Each unit is responsible for complying with the provisions of its contracts." See Counties Manual at pg. 1-5, available at: <https://www.in.gov/sboa/files/All-Manuals-Chapter-1-2017.pdf>. For non-employees performing services for a governmental unit, written contracts provide the scope of services to be performed and a rate of compensation, which can be audited against. There are circumstances, however, in which we would not take audit exception if there was not a contract. For example, a contract may not be required for small or non-routine services, or if there was a long-standing historical practice along with other documentation which identifies the services to be provided and the general rate or cost of such service.

During an audit, the SBOA expects sufficient documentation be available for examination to provide information to support the validity and accountability of monies disbursed, such as receipts, canceled checks, tickets, invoices, bills, contracts, and other public records.

In summary, if the requirements of Ind. Code § 5-11-10-1.6(c)<sup>1</sup> are met and/or the payment of a claim is ordered by the commissioners or a court, and funds are appropriated and available, the auditor should pay the claim at issue. The lack of a contract is not reason alone to withhold payment for services already performed.

Please contact us should you have any additional questions or concerns.

Sincerely,

*Paul D. Joyce*  
Paul D. Joyce, CPA  
State Examiner

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<sup>1</sup> Notwithstanding the additional requirements in Ind. Code § 36-2-6-7(b) when claims involve supplies.