



LA PORTE COUNTY BOARD OF COMMISSIONERS

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Sheila Matias
President

Richard Mrozinski
Vice President

Joseph Haney
Member

La Porte County Commissioners' Meeting Minutes Wednesday, February 2, 2022 at 10:00 a.m. County Complex Room 3 & via Zoom

President Sheila Matias called the meeting to order at 10:00 a.m. via Zoom due to inclement weather. County offices were closed.

Commissioner Rich Mrozinski led the Pledge of Allegiance.

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

Considered the agenda. **Commissioner Mrozinski** motioned to accept the agenda. **Commissioner Haney** seconded. Motion carried 3-0.

Considered approval of January 19, 2022 minutes. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. Motion carried 3-0. **Commissioner Haney**, point of order, stated his video was stopped by the host and in order to vote Commissioners' must be both seen and heard. It was corrected.

Auditor Tim Stabosz read the Claims with Payroll ending 1/28/2022 - \$1,284,142.90 and Operating Expense Claims - \$3,028,793.07. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. Motion carried 3-0.

Correspondence

Reviewed opinion from Public Access Counselor on legality of prior county commission meeting. **Commissioner Haney** read the correspondence into the record. "Commissioner Haney, Thanks for reaching out. I read what Kris previously wrote to you and I agree with his analysis but I'll add some commentary. The resolutions/policies passed by some municipalities are in anticipation of when the public health emergency expires. They are predicated on the expiration and are entirely optional at the discretion of the will of the board. Most boards who passed them simply did so in order that they not be rushed into place once the emergency ends; they're a placeholder waiting for conditions to change. No vote is really needed on when a meeting goes virtual - only that a majority of a board (or its presiding officer) deems it appropriate. At best, the local resolution is merely opt-in on an as-needed basis for now. Once the public health emergency expires, then I agree that it's the controlling authority so long as it is consistent with the statute that allows it (IC 5-14-1.5-3.5). Therefore, the fact that the County held a virtual meeting is not an issue with either the local resolution or the Open Door Law, as I interpret both. It can do so for the foreseeable future so long as the emergency order is in effect. It's been close to expiring a couple times but this thing keeps creeping up on us; hopefully this will be the last time... Have a good evening, Luke." **Commissioner Mrozinski** said he understands we are still under an emergency situation until March 4th and **President Matias** replied yes, Governor Holcomb extended the date this morning. Today's meeting was supposed to be 'hybrid' but Mother Nature changed it for us with snow and cold temperatures. County buildings and schools were closed and a few businesses. **Commissioner Haney** read an email into the record from Kristopher Cundiff, Deputy Public Access Counselor, "The will of the Board would govern this issue. Since the governor extended the emergency, the provisions in section 3.7 are available. At the same time, the Board is not required to meet electronically in accordance with 3.7. As a result, I'd say your local resolution would control unless the Board of Commissioners vote to meet in accordance with 3.7. Let us know if you have additional questions. Sincerely, Kris." **Commissioner Haney** said going in to the prior meeting, he received the information from Kris Cundiff prior to Luke Britt's response and he found it to be an interesting position that state law gives local communities authority to impose stricter resolutions, which we have done, that somehow what state law says compared to what our local ordinance says, doesn't necessarily mean what it says because of Covid. He understood where Luke Britt was coming from but if he (Luke Britt) would have went based off of the position of his Deputy he would have understood where Commissioner Haney was coming from when he took up his position for the last Commissioners' meeting and attended in person in the Complex meeting room. **President Matias** responded that in numerous communications when the Commission inquired to the County Attorney as to whether or not the virtual meetings were legal, during the health emergency, they were reassured that it was legal and meetings like this are happening all over in municipalities and other government entities. She recommended reaching out to Luke Britt and not his Deputy when looking for answers especially on a topic such as public meetings.

ORIGINAL

President Matias reminded everyone of the rules set forth in the policy for Public Comment. We are conducting a business meeting. You have a right to your opinions and we try to focus on civility. Three years ago a policy was passed to encourage effective and efficient use of public comment. There are guidelines and she stressed two of them, '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 charges or complaints. Remarks by any persons addressing the Board which reflect adversely upon the character and motives of any other person or group are out of order. This is a business meeting.

Public Comment

Randall Veatch, 4177 W. Schultz Road, La Porte, via Zoom, commented on agenda item under New Business, 12 'e' to Receive an update on the MS4 Department. He attends the meetings for one reason only, the sand mining operation behind his house. He would like the paperwork investigated. He referred to Rule 5 Construction Plan Elements that was created for D&M Excavating by Charles Hendricks and Associates. 'A lane clearing contouring for future development' which he stated requires a permit according to the Zoning Code. D&M doesn't have a local permit yet it is allowed. He said the paperwork is erroneous with missing homes. Rick Brown and Anthony Hendricks were named as part of the paperwork. He hopes the word games will end and investigate the paperwork.

Connie Gramarossa, Councilwoman, via Zoom, commented on 10 'c' under Requests, Consider permission to seek bids for a cleaning company for the Michigan City Courthouse. She stated this department was increased by one employee last year and if the courthouse is privatized, how many employees will be let go? She said Director Levendowski has the same amount of cleaning staff as the last 3 Directors have had, he no longer has the County Home but has added 1 community building at the fairgrounds. Wouldn't it make sense to contract out the fairgrounds instead of the Michigan City Courthouse? Councilwoman Gramarossa then inquired about the 'chat' while using Zoom is unavailable. It should be made available in order to notify others when audio is not heard. She spoke about agenda item 12 'b' under New Business, Consider Board President or Designee as POA on vehicle titles and asked for details to be given to the public for this change.

Rodney McCormick, 617 Union Street, Michigan City, via Zoom, he hears a lot of people commenting throughout the County on the Commission, what's going on with the Board and specifically the dislike of the County Attorney. He stated election time is right around the corner, approach it logically and vote for change.

Lisa Pierzakowski, Center Township Trustee, via Zoom, updated the Commission on the indianahousingnow.org applications for eviction assistance. She stated she is helping 20 of the 21 townships in the county for eviction notices, she spends time sending emails to the landlords, the state and it could be approximately 50 + emails per day. The state admitted they are short-staffed therefore they are not able to push the applications through quickly as they had stated they would be able to do. Lisa said they will have to go in a different direction now, if the landlords will not wait, she will have to fund them then she will have to go to court and have it put in the order that the state will reimburse the township and the county. She will be requesting a meeting with the judges.

Spencer England, via Zoom, echoed Councilwoman Gramarossa's question on the POA on vehicle titles. He asked who pays for the titles, who manages the plates and who is the current POA. **Attorney Friedman** replied the agenda should have reflected it is specifically designated for Major Heath Haferkamp in the Sheriff's office for their vehicles. Commissioners own all of the vehicles, titles are in their names however a few situations may require a quick response which Major Haferkamp would be able to do if designated as a POA for transfers or under certain circumstances. **Spencer** asked if the titles are in the names of both the Commissioners and the person driving the vehicle to which **Attorney Friedman** said no, only the Board of Commissioners.

Department Reports/Department Head Comments

Tony Rodriguez, reported they are close to finalizing the 2020-2021 annual report from his office on work that has been done in both community and economic development. He stated Mike Seitz has been working with area businesses. Tony said on February 28th, along with 2 local manufactures, expansion projects will be presented at the Council meeting with the annual budget request.

Jeremy Sobecki, Parks Department, updated the Commission on the playground at Bluhm Park which has begun after delays with the weather. The restroom is being worked on also. He had requested funds from the Council for playgrounds at Creek Ridge and Red Mill parks which are 20-30 years old, wood structures with issues and he is thankful the Council approved the request. Jeremy stated he had a discussion with the Commissioners about land that was donated by Sebert Foundation and possibly making it the next county park. It is approximately 40 acres, a forest relic and designated as an Indiana State Nature Preserve just like a portion of Red Mill Park. We would end up with a dirt trail, a small parking area, requires very low maintenance and is beautiful property.

Larry Levendowski, Director of Facilities, stated the long awaited Rolling Prairie EMS Base will be going out for advertising on Monday. He said it will be advertised twice in the newspapers. He said his crew is working hard on clearing the walk ways from the snow and the parking areas. Larry said he received a few phone calls on the Brown Mackie building and a dumpster outside that had broken furniture tossed in it. They have removed 32 file cabinets, 24 chairs, 10 desks and 7 metal racks.

ORIGINAL

Attorney Friedman suggested stating on record the desire of the Commission for the land owned by the Park Foundation and work with Alex Bruggenschmidt who is the special counsel for the County on land transfers. **Commissioner Mrozinski motioned to move forward with the project. Commissioner Haney seconded the motion. Motion carried 3-0.**

Commissioner Haney called for point of order and stated due to votes being taken on items, under section 5-14-1.5-3.5 as well as the electronic meetings during disaster emergencies 5-14-1.5-3.7, both sections require all votes taken at the meetings be done by a roll call vote if one or more members are participating via Zoom. **President Matias** thanked Commissioner Haney for pointing that out then asked Auditor Stabosz to call the roll vote on the last item voted on. **Auditor Stabosz called the roll vote: Commissioner Haney - aye, Commissioner Mrozinski - aye, and Commissioner Matias - aye. Three ayes for moving the Park Foundation project forward in hopes of it being the County's 5th park.**

Darlene Hale, IT Director, thanked Larry Levendowski for a nice, wooden desk she was able to get for her employee.

Barb Mossman, Human Resources, gave a shout-out to Larry Levendowski for 'same-day-service' of a desk he was able to provide for her part-time employee. She also stated a Job Fair was supposed to take place today and tomorrow but due to Covid it was cancelled. Positions are open at Community Corrections, Juvenile Service Center, EMS, Sheriff Department and the Highway Department. Please go to the website and submit an application.

Mike Polan, Building Commissioner, Requested permission to approach the Council to replace a vehicle which is the oldest vehicle in his fleet. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Haney - aye and Commissioner Mrozinski - aye.**

Tim Stabosz, Auditor, briefly reported on the 2019 State Board of Accounts reconciliation findings and it was a collaborative effort of Joie Winski, Kristie Deckard, Vaughn Galloway and Tim Stabosz.

Requests

***** This item went before the Request was heard, it was moved up on the agenda. Considered** acceptance of Reith-Riley's Community Crossing bid of 2.4 million dollars as per Mitch Bishop's recommendation. Bids came in from 2 vendors, Milestone and Reith-Riley. Contract has been reviewed and recommend approval. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Haney - aye, Commissioner Matias - aye and Commissioner Mrozinski - aye.**

Considered permission to approach the Council for additional appropriation of grant matching funds. **Mitch Bishop** said they are for the same project, the Community Crossings Grant. The maximum amount of one million dollars was awarded to the project, it is a 50/50 match. Previously a commitment letter was generated and approved by both the Commission and Council. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Mrozinski - aye, Commissioner Matias - aye and Commissioner Haney - aye.**

Considered NewDay Foundation to close one lane of traffic for annual 5K/10K Resurrection Run/Walk at Scipio Township Park April 16, 2022 - Cathy Dye. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Haney - aye and Commissioner Mrozinski - aye.**

Considered permission to seek bids for cleaning company for Michigan City Courthouse. **Kaitlyn Simms**, Office Manager to Larry Levendowski, Director of Facilities, said this should be a request for proposals, not bids. February 24th is the possible due date for the proposals in order to make the next Commissioners' meeting followed by the Council meeting in March. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Haney - aye, Commissioner Matias - aye and Commissioner Mrozinski - aye.**

Old Business

Considered 2nd/Final reading on Ordinance to amend E-911 Advisory Board. **Commissioner Mrozinski motioned to approve on title only. Commissioner Haney seconded. Motion carried 3-0. President Matias** stated this is removing the 2 positions of the Mayors because they have representation already on the Board from either their Police/Fire Chiefs. **Commissioner Haney** asked if either Mayor opposed their removal from the Board. **Commissioner Mrozinski** replied they are the ones that recommended it. **Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Mrozinski - aye and Commissioner Haney - aye. ***Ordinance 2022-1**

Considered recommendation from County Engineer on awarding contract for Meadowview Estates subdivision drainage work to Woodruff & Sons which came in a little over one million dollars. **Jay Sullivan** said he met with Woodruff & Sons about extending the project to include the address effected by the flooding that was brought up at the last meeting. Woodruff & Sons quoted an additional \$60,000 fee to the original contract. **Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Commissioner Haney amended his motion to approve the bid award subject to approval after review of the contract by**

Attorney Freidman. Commissioner Mrozinski seconded the amended motion. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Haney - aye and Commissioner Mrozinski - aye. Jay stated he would have to approach the Council for an additional \$443,000 for this project after the Council originally approved \$700,000. Auditor Stabosz clarified for the public record it would be \$343,000 additionally needed for the project, not \$443,000.

New Business

Considered Amendment to Securus contract with La Porte County Jail regarding addition of company-paid on site tablet administrator at no cost to county. **Sheriff John Boyd** said Securus, the Inmate Communications System, is requesting to place a tablet administrator in his office with no cost to the county. Securus will pay the individual to be on site and the service can be terminated at any time similar to other service contracts currently held in his office. Sheriff Boyd stated they will have a say in the hiring process as well. The contract has been reviewed and approved by Attorney Friedman. **Shaw Friedman** stated this is the 5th amendment to the master contract and the department has been happy with their services. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Mrozinski - aye, Commissioner Matias - aye and Commissioner Haney - aye.**

Considered Commission President or Designee as POA on vehicle titles allowing the Sheriff's Department, if need be, to sign a title during transfer of vehicles. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Mrozinski - aye and Commissioner Haney - aye.**

Considered Carlson Software Agreement for Real Estate in the amount of \$295.00. **Tim Stabosz**, Auditor, stated this is a renewal. **Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Haney - aye, Commissioner Matias - aye and Commissioner Mrozinski - aye.**

Considered Maximus Agreement for Auditor's office. **Tim Stabosz**, Auditor, said Maximus has been working with the county for a number of years. The work done is on reimbursement with Child Support/IV-D from state and federal, it is called a CAP plan, capital allocation plan and is quite complicated. **Attorney Friedman** has reviewed the contract and is comfortable with it. **Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Motion carried 3-0. Auditor Stabosz took a roll call vote: Commissioner Mrozinski - aye, Commissioner Haney - aye and Commissioner Matias - aye.**

Received an update on the MS4 Department which currently has a vacancy for Director. Members were present via Zoom from the Soil and Water Conservation District, District Administration Manager Chris Havens, Education Coordinator Nicole Messacar, Chairman of the Board Don Lode, Mike Polan, Building Commissioner, Michael Herman, Brian Breidert, both with Soil & Water and Jerry Jackson from the City of La Porte. **Nicole Messacar**, stated she sent information earlier to the Commissioners. The MS4, Municipal Separated Storm/Sewer System, department currently is vacant due to the Director retiring and with the proximity of the offices next to each other plus work done for the community, the Soil and Water staff have been covering the department and would like to offer their services permanently by requesting a merge take place of the 2 separate departments and budgets. **President Matias** stated numerous discussions have taken place and using the current staff to meet the needs of the community is a great opportunity. **Attorney Friedman** said it represents an efficiency and tapping the expertise of the staff. **Nicole** stated a stormwater program is a function of the Clean Water Act. There are 6 control measures that are used, Public Education, Public Outreach, Public Involvement, Task for inspecting construction sites, Post construction after the Project is completed, and Good Housekeeping. **Don Lode**, Chairman of the Board, said they are very supportive of this merge and do a lot of the same work. **Commissioner Mrozinski** said he has been involved from the beginning starting with the retirement of Director Rick Brown. Hiring an outside firm was one idea but then Soil and Water stepped up and offered to help out until a Director was hired. Discussions then took place on a possible merge of the two offices. **Commissioner Mrozinski motioned to move forward with the consolidation of the 2 departments and then motioned to seek and consolidate the budgets as well. Commissioner Haney seconded both motions and thanked the staff for stepping up and helping out. President Matias** thanked all of them as well. **Auditor Stabosz took a roll call vote: Commissioner Matias - aye, Commissioner Mrozinski - aye and Commissioner Haney - aye. Motion carried 3-0.**

At this time President Matias lost connection. **Commissioner Mrozinski** continued the meeting. He asked Commissioner Haney if he had any closing remarks.

Commissioner Comments

Commissioner Haney stated it has been a busy 2 weeks for him. February is Black History Month and Joe quoted Africa Brooke, 'When you become well trained at self-censoring, you'll struggle to know what it is you stand for. You then become easy to sway and manipulate because your sense of self is not rooted in solid principles that keep you in integrity. The opinions and beliefs of the group become yours. Said groups decide what your belief system should look like and how it should operate. In this state you'll find yourself regurgitating that which has been deemed acceptable, whilst steering clear of anything that might cause you to be rejected.' **Commissioner Haney** then quoted Frederick Douglas, 'Liberty is meaningless where the right to utter one's thoughts and opinions has ceased to exist. That, of all rights, is the dread of tyrants. It is the right which they first of all strike down.' Martin Luther King, Jr., 'One has a moral responsibility to obey unjust laws.' He stated we are seeing this right now with our neighbors in the North in Canada. He quoted Martin Luther King, Jr., 'Mass civil disobedience can use rage as a constructive and creative force.' He said it is

appropriate when we see people all over the world standing up for their rights and doing so in the honor of Martin Luther King, Jr. who affected so much change over his short life on this planet.

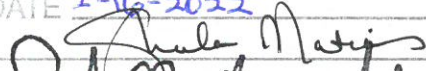

President Matias was unable to reconnect to the meeting so Commissioner Mrozinski, as Vice President, finished up the meeting.

Commissioner Mrozinski thanked all Sheriff Departments including the garage, EMS, Highway Department and Building Maintenance for their great job dealing with the snow, trying to clean up and attending to the community. He advised everyone to stay off the roads if you can, let the highway department clear the roads. Rich stated he has had conversations with Joe Golec, County Veteran's Service Officer, on the amount of money he brings back to our county with benefits for our veterans. Both full time VSO officer Joe Golec and the part-time VSO officer, George Watkins, work hard to help the veterans. Rich said he was having a meeting later in the day with Senator Todd Young's office on veterans' issues. Matt Reardon, Mark Yagelski, and Representative Frank Mrvan's office have been in conversations with Commissioner Mrozinski on the Franklin Street Bridge.

Commissioner Mrozinski said a State of Emergency has not been declared for our County. They will continue to stay in contact with the highway department, sheriff's department and EMA while the snow is coming down.

Commissioner Mrozinski adjourned at 11:26 a.m.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 2-16-2022



ATTEST: _____

Auditor

LA PORTE COUNTY, INDIANA

ORIGINAL