

**MINUTES**  
**MEETING OF THE LA PORTE COUNTY COUNCIL**  
**June 26<sup>th</sup>, 2023**

The Regular Meeting of the La Porte County Council was held on June 26<sup>th</sup> at 6:00 p.m. (central time) in the Assembly Room of the La Porte County Government Complex, 809 State Street, La Porte, IN 46350.

**CALL TO ORDER**

The meeting was called to order by Council President Mike Rosenbaum.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilman Mollenhauer.

**ROLL CALL**

Auditor Tim Stabosz called the roll: Councilman Cunningham, Councilman Novak, Councilman Kiel, Councilman Rosenbaum, Councilman Mollenhauer, and Councilman Koronka were all physically present, while Councilman Yagelski appeared electronically via Zoom.

**APPROVAL OF JUNE 26<sup>TH</sup>, 2023 AGENDA**

- i. Mr. Koronka requested one change with the agenda: move New Business item no. 5 “Consider approval of the La Porte County Election Board’s request to move from a precinct-based voting county to a vote center county” to follow after the Correspondence section of the Council Meeting, seconded by Mr. Kiel.
- ii. All members voted in favor.
- iii. Mr. Yagelski requested one change to the agenda: move Old Business item no. 1 “a” to the end of the meeting, seconded by Mr. Novak.
- iv. Five members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Koronka). The motion passed.

### APPROVAL OF APRIL 24<sup>TH</sup>, 2023 WORKSHOP MINUTES

- i. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.
- ii. All members voted in favor.

### APPROVAL OF MAY 22<sup>ND</sup>, 2023 REGULAR MEETING MINUTES

- i. Motion to made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. All members voted in favor.

### PUBLIC COMMENT

#### **Robert Vaughn – 505 A Street, La Porte**

Mr. Vaughn voiced his frustration that, upon dropping off his property tax bill payment in the county's payment drop box at roughly 7pm on the spring payment deadline date of May 10<sup>th</sup>, that his property tax payment was considered late since he had not dropped it off before 4pm central time that day. He explained that he thought receiving this penalty was unfair, as neither the tax bill paperwork that was sent to him nor the payment drop box indicated that the last pickup time for the bills was at 4pm, and advised the Council that allowing the drop box to be utilized until 11:59:59 pm on the date of the tax payment deadline would be more fair to the taxpayers of the La Porte County. Mr. Rosenbaum took Mr. Vaughn's information and informed him that he would reach out to him with a solution, while Mr. Cunningham questioned if a motion should be made to allow a 24-hour allowance for mail and drop box payments to be received by the Treasurer's Office on the day of property tax payment deadlines, to which Council Attorney Guy DiMartino noted that he would need to investigate such a motion, as it could interfere with statutory powers of the Treasurer.

Mr. Yagelski informed the Council that, since Treasurer Joie Winski was not available to speak via Zoom or in person, he had just reached out to her with a telephone call, to which she noted that she would address the nullification of penalties for the late tax bill payment. When Mr. DiMartino clarified that Mr. Vaughn was not the only citizen of La Porte County in this situation, Mr. Yagelski noted that Ms. Winski would be taking responsibility in issuing notices which indicated that 11:59:59 pm would be the latest time property tax payments could be dropped in the drop box on deadline days.

## DEPARTMENT HEAD REPORTS

### **Sean Fitzpatrick – La Porte County Facilities Director**

Mr. Fitzpatrick approached the Council to request a motion of support for a few last-minute requests, which included repairs needed at the Fairgrounds, infrastructure work in the Hiler Building, aesthetic work on other assorted county buildings and facilities, in addition to addressing budgetary shortfalls that the Facilities Department was anticipating receiving funding for. Mr. Fitzpatrick noted that he was not necessarily looking for an appropriation at this time, however was available to the Council regarding any questions they had regarding his requested motion of support. Mr. Kiel explained that getting Mr. Fitzpatrick's request last minute did not allow the Council enough time to review the items in detail, while Mr. Novak clarified that he was aware of the work that needed to be done on the La Porte County Fairgrounds and would entertain making a motion to approve Mr. Fitzpatrick's fairgrounds repairs request, however he would need more time to research the other requests.

- i. Motion of support to approve the \$74,000 request to spend on La Porte County Fairground repairs made by Mr. Novak and seconded by Mr. Mollenhauer.

Mr. Mollenhauer asked if the Hiler Building elevator was in need of emergency repair, to which Mr. Fitzpatrick clarified that even though it did not need emergency repair at this moment, all of the hardware in the elevator was outdated to the point that new parts and equipment for it could not be replaced, and if it did have a failure that rendered it unusable, the Hiler building would not be ADA complaint, as there was no other way up to the second floor of the building besides stairs. Mr. Koronka asked what kind of work had been done to the elevator at this point to keep it operational, which Mr. Fitzpatrick explained that following the roughly four occasions where elevator passengers had gotten trapped in the elevator car since January of 2023, OTIS needed to be called to make the car operational again, noting that hardware issues and software glitches were usually the cause of these trappings. Mr. Yagelski asked if the Facilities Department had methods to remove elevator passengers from a stuck car, which Mr. Fitzpatrick clarified that sometimes they were able to recall the elevator car, and on other occasions, the fire department needed to be called.

Mr. Yagelski asked if the Facilities Department had a fund used for the county's elevators, which Mr. Fitzpatrick noted that although there was a fund, it was specifically for the repair of all of county's elevators, and there was not enough money in it to fund the upgrading of the Hiler's elevator. He clarified that he had received two quotes for the upgrade so far: one from Schindler Elevators & Escalators, which included upgrades to the elevator car, for \$98,200, and another from OTIS, which was \$139,783, and did not include any upgrades to the elevator car. Mr. Fitzpatrick added that he was waiting for one more quote from another elevator service.

Mr. Rosenbaum reiterated that the original motion made was a motion of support to approve the \$74,000 request to spend on La Porte County Fairgrounds repairs, and asked that the auditor call the roll for the vote, even though the motion was for a motion of support.

- ii. During roll call, four members voted in favor (Mr. Mollenhauer, Mr. Koronka, Mr. Cunningham, Mr. Novak) and three members voted not-in-favor (Mr. Rosenbaum, Mr. Yagelski, Mr. Kiel). The motion passed.

**Joe Haney – Board of Commissioners Member**

Regarding the Board of Commissioners' not-to-exceed \$1,729,462 Complex Building Repair request that was listed under Appropriations, Transfers and Requests, Board of Commissioners Member Joe Haney explained that neither he nor Commission Vice President Rich Mrozinski made the request to have the item added to the Council's agenda, and that the item needed further review and to be voted on by the Board of Commissioners to ensure that it was compliant with the SBOA, as well as Indiana Code 36-1-12. Mr. Rosenbaum noted that there would be more discussion held on the item when the Council addressed it under Appropriations, Transfers, and Requests.

**Connie Gramarossa – Board of Commissioners President**

Regarding Mr. Haney's concerns with the not-to-exceed \$1,729,462 Complex Building Repair request, Commission President Connie Gramarossa noted that the item had been addressed during previous Commission meetings as well as a Council and Commission Joint Workshop on April 24<sup>th</sup>, and therefore she figured that the Board of Commissioners did not need to vote on the item before presenting it to the Council.

For her second request, Mrs. Gramarossa voiced her concerns that the Commissioners' Secretary was only being paid a \$50 stipend to attend the Commissioners' monthly evening meetings, adding that said secretary did not receive pay for attending these meetings from January of 2023 through May of 2023. She cross-compared the stipend received by the Commissioner's secretary to the \$12 per-page contract for the Council's contracted minute-taker, a rate of pay which she felt was inconsistent as well as unfair, as taxes were not automatically taken out of the minute-taker's contract. She added that the contracted minute-taker in question was additionally a La Porte County employee, and was not required to attend the Council meetings like the Commissioners' Secretary was. Mrs. Gramarossa noted that both the Commissioners and the Auditor (who contracted said Council minute-taker) had part-time accounts that permitted them to designate how much their part-timers got paid, however she had been asked to come before the Council with her request for the Commissioners' Secretary pay when the Auditor did not have to come before the Council for the contracted minute takers pay in the past, whose pay was determined by a "gentleman's agreement."

Mr. Novak asked if the employees in question were required to attend the meetings without compensation, which Mr. DiMartino noted that they would likely need to be compensated; however due to funds coming out of the part-time budget, and depending on whether or not the payment for the employees was tied to the salary ordinance, he would need to look into the ordinance and discuss it at a later date.

Regarding a county credit card that was supposed to be given to the Board of Commissioners, Mrs. Gramarossa noted that the Commissioners had not yet been relinquished the card, while Mr. Stabosz responded that he had reached out to Mrs. Gramarossa regarding the credit card earlier that day. Mr. Rosenbaum asked that a conversation be had offline regarding the item.

## LIAISON REPORTS

**Councilman Cunningham:** Mr. Cunningham waived his liaison report.

**Councilman Kiel:** Mr. Kiel attended two AIC trainings regarding budgets, meetings for both the US 30 and South County Community Coalitions, and attended the Redevelopment Commission Meeting. He additionally participated in meetings about the county's proposed move to utilizing vote centers, and travelled to Detroit to attend the National Association of Regional Councils Annual Conference. He was also elected to the position of Senior Vice President of the NARC Board of Directors, and took time to congratulate Deputy Weights & Measures Inspector Dakota Euler, who passed his state exam with a 100% score, and who would be taking over the chief inspector position the following week. Like the month prior, Mr. Kiel focused on the county's generation of interest revenue and investment strategy, and despite his recommendation of investing the county's tax collection funds into a state-wide investment pool before the funds were distributed to other pools of government, the county unfortunately missed out on the opportunity to do so and missed out on a \$300,000 investment opportunity. He added that La Porte County kept a sizable amount of cash assets with Horizon Bank, and according to financial data, the county generated only a scant \$48,672 in the first five months of 2023, whereas the same amount of invested funds could have generated upwards of \$1.5 million in interest revenue in the same amount of time if it were invested in short-term CDs or the state's competitive investment pool. He urged that any opportunity for the county to generate interest revenue should be taken, and encouraged that a few of his fellow Councilmen join him in reaching out to the Treasurer's Office to figure out how to support them in generating more interest revenue.

**Councilman Novak:** Mr. Novak attended the Redevelopment Commission, Complex Flood, FMEC, and Purdue Extension meetings, in addition to speaking with the Clerk Heather Stevens regarding moving La Porte County from a precinct-based voting county to a vote center-based voting county.

**Councilman Koronka:** Mr. Koronka attended the Soil & Water District meeting in addition to few other meetings that fellow Council Members had already mentioned.

**Councilman Mollenhauer:** Mr. Mollenhauer attended salary discussion meetings with the Health and Sheriff's Departments, and thanked EMS for holding their May 24<sup>th</sup> open house at their new Rolling Prairie EMS Base.

**Councilman Yagelski:** Mr. Yagelski waived his liaison report.

**Councilman Rosenbaum:** Mr. Rosenbaum attended the AIC Conference, and spoke with a large amount of people and liaisons in the past month.

**CONSIDER APPROVAL OF THE LA PORTE COUNTY ELECTION BOARD’S REQUEST TO MOVE FROM A PRECINCT-BASED VOTING COUNTY TO A VOTE CENTER COUNTY**

County Clerk Heather Stevens explained that La Porte County was a precinct-based voting county, meaning that the only place that voters in La Porte County could vote was at locations designated specifically within the precinct that their addresses resided. She explained that switching to vote centers would allow registered voters of any precinct to vote at any voting location, regardless of where their precinct was located. She explained that this would be especially beneficial to those who lived in smaller townships or those who had to travel for work and would hopefully assist with voter turnout. This would also be beneficial to poll workers, for if poll workers did not utilize early voting and were scheduled to work a polling location, they may not be able to vote on voting day if they were stationed at a precinct location which was not their own. Mrs. Stevens explained that even though the county was only required to have eight vote centers in total, she planned on having eight centers in the city limits of Michigan City alone, and planned in total to have no fewer than 38 voting centers across the entire county. Additionally, the county would save money by hiring less poll workers to work voting centers instead of precincts, as staffing by precinct required more employees, however she would still be able to supply additional poll workers at voting centers if a busier election season was anticipated. During this year’s municipal election, the Election Board passed a resolution to staff by location rather than precinct and thus reducing the amount of poll workers required during an election, which Mrs. Stevens explained saved La Porte County roughly \$25,000 for a single primary, even with the increase in poll worker pay.

- i. Motion to approve made by Mr. Novak and seconded by Mr. Mollenhauer and Mr. Kiel.

Mr. Kiel asked Mrs. Stevens where the public could receive more information about the vote centers, which Mrs. Stevens noted that she was in the process of trying to get the information online. Additionally, there would be a public meeting that upcoming Thursday at 6pm, and she would also be reaching out to Drew from ALCO to see if the meeting could be aired. Another meeting would be scheduled in July in Michigan City, however Mrs. Stevens wanted to ensure that all the meeting dates would be added to the county website. She would additionally be a guest on the WCOE radio program Sound-Off on July 17<sup>th</sup>, and would be speaking about the vote centers. Mr. Cunningham added that Mrs. Stevens could schedule an interview with Drew from ALCO on the topic of the vote centers, which could be recorded and re-aired as necessary.

- ii. All members voted in favor.

## **CORRESPONDENCE**

The Auditor reported no correspondence.

## **PUBLIC HEARING**

### **1. NP Westville Industrial, LLC Economic Revitalization Area**

Dan Botich of the SEH explained that NP Westville Industrial had not filed the required 322-RE or CF-1 tax abatement forms with La Porte County, and that the request brought before the Council was for a waiver of non-compliance for the filing not occurring in a timely manner, and that this request was a one-time issue as the La Porte County Council would not entertain any additional waivers following the potential approval of this request. He noted that the abatement was for the Dollar General cold storage logistics facility.

NP Westville Industrial's Tax and Incentive Specialist Andy Hurtig explained that the late filing of the forms was a result of confusion following the restructuring of La Porte County's Economic Development Department, as the former head had facilitated the processing of the required forms for the tax abatement in the past. He noted that NP Westville Industrial was unaware that there was any mistake until they received their 2023 tax bill from the Auditor, which is when they noticed that their abatement had not been applied. He noted that upon reaching out to the Auditor, he was then informed that the abatement needed to be filed through the Auditor's Office. Mr. Hurtig took full responsibility for the error, and noted that to his knowledge, NP Westville Industrial was otherwise in full compliance with the terms of the abatement. Mr. Kiel confirmed with Mr. Hurtig that this waiver was tied to the original 5-year abatement, and that this request came at no additional cost to the taxpayers of La Porte County. La Porte County Assessor Mike Schultz emphasized the importance of having an economic development local team to manage the abatements of local businesses in La Porte County.

Mr. Rosenbaum closed public comment.

## **ORDINANCES AND RESOLUTIONS**

### **1. Resolution 2023-6 – A Resolution Granting a Waiver of Non-Compliance with Respect to a Tax Abatement for NP Westville Industrial, LLC**

- i. Motion to read by title only made by Mr. Novak and seconded by Mr. Kiel.
- ii. Auditor Tim Stabosz read aloud the resolution by title only.
- iii. Motion to approve made by Mr. Novak and seconded by Mr. Kiel.
- iv. All members voted in favor.

### **OLD BUSINESS**

**1. Reconsider the following tabled items from the previous Council Meeting:**

La Porte County Superior Court No. 1 – A General Fund transfer from Court Reporter Pay (10174) to Subscriptions (31007) to pay for:

ZipRecruiter Fee \$4000

- i. Motion to un-table the item made by Mr. Koronka and seconded by Mr. Novak.
- ii. All members voted in favor.

Superior Court No. 1 Judge Jaime Oss explained that the transfer of funds would be used to pay for the remainder of the bill for ZipRecruiter, which was utilized to help find a Court Reporter for Superior Court No. 1. Mr. Rosenbaum clarified that the item had been previously tabled because the Council was unsure if funds could be transferred from a one-hundred account to a three-hundred account, which upon further investigation, the Council deemed that the transfer would be legal.

- iii. Motion to approve made by Mr. Koronka and seconded by Mr. Novak.
- iv. All members voted in favor.

### **NEW BUSINESS**

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

La Porte County Prosecutor's Office – Victim Advocate

- i. Motion to approve made by Mr. Novak and seconded by Mr. Kiel.
- ii. All members voted in favor.



**2. Consider approval of recommendation from the 2022 Job Evaluation Committee to modify the following position:**

La Porte County Board of Commissioners – Increase the Executive Assistant to the Commissioners from a COMOT V to a COMOT VI

- i. Motion to approve made by Mr. Novak and seconded by Mr. Mollenhauer.

Mr. Koronka asked if the Executive Assistant's duties were any different from that of other COMOT V employees so that a difference in job classification was warranted. Mr. Kiel noted that he and Mr. Rosenbaum had recently spoken to Waggoner Irwin Scheele & Associates regarding the employee pay and job classification structure, and had learned that the county may not be applying the classifications properly, adding that the job classification structure utilized a series of point ratings and looking at the positions themselves, not the specific employee, to determine what the job classification for a position should be.

- ii. Motion to amend the original motion, and instead enlist Waggoner Irwin Scheele & Associates to retrain the Council and Job Evaluation Committee on how to apply job classifications, and revisit agenda items 2, 3a, and 3b at the next Council Meeting made by Mr. Kiel and seconded by Mr. Cunningham.

Mr. DiMartino added that he felt that receiving training from Waggoner Irwin Scheele & Associates would be highly beneficial, not just for the items currently on the agenda, but also to address the concern like the employee pay disparities at the Juvenile Services Center. Mr. Novak explained that the Commissioner's Executive Assistant was a unique case as there was no position similar to it in the rest of the county's job pool. Regarding New business item no. 3b, Circuit Court Judge Thomas Alevizos argued that this particular item had been on the table since February, to which Mr. Rosenbaum explained that the item would be addressed at the next Council Meeting in July.

Mike Schultz, as a member of the Job Evaluation Committee, reminded the room that when an employee's job classification and pay was being considered, department heads and elected officials should approach the committee, and they should not send the employees whose jobs were under consideration, and that employees should reach out to the Human Resources Department regarding any questions that they had about their pay or classifications.

Mr. Cunningham noted a discrepancy in approving a classification and pay increase for a judge's employee in December, and that if one position is approved to receive a classification increase, the county should offer an increase for similar positions across

the board. Mr. Novak agreed with Mr. Cunningham, and stated that he felt as though there wasn't an issue until the new individual who was currently serving as the Commissioner's Executive Assistant was appointed, and added that the item also had trouble getting onto the evening's agenda. Mr. Rosenbaum noted that he did not feel as though the item was being reconsidered because of the individual person, but only because it was the first item under New Business regarding a classification increase, and that he ensured it was on the agenda as the request came directly from the Commissioners' Office.

- iii. Five members voted in favor of approving the amendment (Mr. Cunningham, Mr. Kiel, Mr. Rosenbaum, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Novak, Mr. Yagelski).
- iv. Five members voted in favor of approving the amended motion (Mr. Cunningham, Mr. Kiel, Mr. Rosenbaum, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Novak, Mr. Yagelski). The motion carried.

**3. Consider approval of recommendations from the 2023 Job Evaluation Committee to modify the following positions:**

- a. La Porte County Adult Probation – Increase the Administrative Assistant from a COMOT V to a COMOT VI
- b. La Porte County Circuit Court – Increase the JDAI/Quest Administrator position from a PAT III to a PAT IV

Per the motion passed in item no. 2, items no. 3a and no. 3b would be tabled until the following month.

**4. Consider appointment of Councilman, Mark Yagelski, as liaison to the Michigan City Economic Development Commission**

- i. Motion to approve made by Mr. Cunningham and seconded by Mr. Novak.
- ii. All members voted in favor.

**5. Community Crossings Commitment Letter – Mitch Bishop, La Porte County Planning Director**

La Porte County Grant Writer Mitch Bishop explained that a commitment letter was needed for the state's Community Crossings Grant, which would open on July 1<sup>st</sup> and

close on the last day of July. It would entail the county's commitment to pay 50% of the project's cost as a requirement of the grant. This year, the grant would be used to replace 43 road segments for a total of 19 miles around the lower Fish Lake area and surrounding county roads. Mr. Rosenbaum added that the grant would allow for upwards of \$1 million in funding for the roughly \$2 million project.

- i. Motion of Support to sign a commitment letter for the Community Crossings Grant made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. All members voted in favor.

**6. Discuss recent changes at Purdue University Northwest – Westville Campus – Councilman Mark Yagelski**

- i. Motion to table made by Mr. Cunningham and seconded by Mr. Kiel.
- ii. All members voted in favor.

Since Mrs. Gramarossa had temporarily left the room, Mr. Yagelski asked that the item be put on the Commissioners' meeting agenda so they may first address it before it is returned to the Council.

**7. Consider changing the date of the September County Council Meeting**

- i. Motion to reschedule the September 2023 Council Meeting to October 2<sup>nd</sup>, 2023 made by Mr. Kiel and seconded by Mr. Cunningham.
- ii. All members voted in favor.

**APPROPRIATIONS, TRANSFERS, AND REQUESTS**

**La Porte County Prosecutor's Office**

Requesting to Transfer Funds from the Unappropriated Fund (2500) to the Prosecutor Pretrial Diversion & Deferral Fund (2501) for:

To Cover Appropriated Funds \$171,295.93

Prosecutor Sean Fagan clarified that all the funds from traffic tickets and pretrial diversion agreements were deposited into the Unappropriated Fund (2500), while the Prosecutor Pretrial Diversion & Deferral Fund (2501) was used to pay for claims and to cover the cost of the individual running the pretrial diversion program. To his knowledge, Mr. Fagan noted that the

funds were transferred from the Unappropriated Fund (2500) to the Prosecutor Pretrial Diversion & Deferral Fund (2501) every year as needed as the funds were already appropriated and were not in excess, and was required to ensure that the balance in the Prosecutor Pretrial Diversion & Deferral Fund (2501) was sufficient. He noted that the funds were 2023 appropriations that were approved during the 2022 budget hearings.

Chief Deputy Auditor Rhonda Graves advised that the Council would need to appropriate the funds from Unappropriated Fund (2500) before it could be transferred into the Prosecutor Pretrial Diversion & Deferral Fund (2501). Mr. DiMartino clarified that the funds from the Prosecutor’s pretrial diversion services account self-funded the upkeep and support of its office, and questioned if the item was budgeted, if it was also already appropriated.

- i. Motion to transfer made by Mr. Mollenhauer and seconded by Mr. Cunningham.
- ii. All members voted in favor.

**La Porte County Parks Department**

Requesting Additional Appropriation from Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Purchase of Tractor \$38,800

Request to Spend from Park Non-Reverting Fund (2052) for:

Seasonal Employment \$3000

- i. Motion to approve \$38,800 out of ARP (8950/8951) for the purchase of a tractor and approve request to spend from Park Non-Reverting Fund (2052) in the amount of \$3,000 made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. During roll call, all members voted in favor.

**La Porte County Extension Office**

Requesting to Transfer from their General Fund 2<sup>nd</sup> Deputy Budget (10114) to Purchase Equipment for:

Purchase of Copier \$8,698.99

- i. Motion to approve made by Mr. Koronka and seconded by Mr. Novak.
- ii. During roll call, all members voted in favor.

**La Porte County Redevelopment Commission**

Requesting Additional Appropriation from LIT Economic Development (1112) or ARP (8950/8951) for:

Kingsbury Trestle Bridge

not-to-exceed \$600,000

Redevelopment Commission Coordinator Matt Reardon informed the Council that the project's reimbursement through the READI Grant would begin roughly 60-120 days once the paperwork was completed, and reminded them that the county would be reimbursed the expenditure should the revenue from the rail car counts not amount to the repayment that was owed to the county. He noted that in the agreement, the repayment would need to be made to La Porte County in three years.

- i. Motion to approve out of LIT Economic Development (1112) with the exception that once the repayment is received the funds will be directed back into LIT Economic Development (1112) made by Mr. Novak and seconded by Mr. Kiel.
- ii. During roll call, all members voted in favor.

**La Porte County Community Corrections**

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Body Cameras \$39,288.69

- i. Motion to approve out of LIT Public Safety (1170) made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. During roll call, all members voted in favor.

**La Porte County Sheriff's Department**

Requesting Additional Appropriation from LIT Public Safety (1170) or Riverboat (1191) or WinTax (4220) or ARP (8950/8951) for:

Body Worn Cameras \$114,545

Sheriff Ron Heeg informed the Council that the reason that his request for appropriation for body cameras was more expensive than Community Corrections' request was because the body cameras for the Sheriff's Department performed additional functions and had more safety features that would be utilized.

- i. Motion to approve out of LIT Public Safety (1170) made by Mr. Mollenhauer and seconded by Mr. Kiel.
- ii. During roll call, all members voted in favor.

**La Porte County Superior Court No. 4**

Requesting Additional Appropriation from Riverboat (1191) or WinTax (4220)  
or ARP (8950/8951) for:

Budget for Drug Court \$38, 881.52

Mr. Rosenbaum explained that the original request for appropriation was \$38,881.52, however, under further review, most of the funds could be gleaned from the department’s Opioid Fund, although at this time, there was an immediate need to cover July’s costs in the amount of \$9,720.08.

- i. Motion to approve a \$9,720.08 payment out of ARP (8950/8951) and have the remainder of the appropriation request added to the next Council Meeting agenda to be paid out of the Opioid Fund made by Mr. Novak and seconded by Mr. Koronka.
- ii. During roll call, all members voted in favor.

**La Porte County Auditor**

Requesting Additional Appropriations from LIT Public Safety (1170) for:

Pole Raises Approved during last year’s Budget Hearings \$400,000  
Sheriff’s Merit Program \$100,000

- i. Motion to approve both items out of LIT Public Safety (1170) made by Mr. Kiel and seconded by Mr. Koronka.
- ii. During roll call, all members voted in favor.

Requesting Additional Appropriations from Riverboat (1191) or Wintax (4220) or ARP (8950/8951) for:

Stepping Stone Shelter – Donation #2 of 2 \$75,000  
Employee Mid-Year Bonus – Payment #4 of 4 not-to-exceed \$675,000

- i. Motion to approve both items out of ARP (8950/8951) made by Mr. Mollenhauer and seconded by Mr. Novak.
- ii. During roll call, all members voted in favor.

**La Porte County Board of Commissioners**

Requesting Additional Appropriations from Riverboat (1191) or Wintax (4220)  
or ARP (8950/8951) for:

Workman’s Compensation Insurance – Payment #3 of 4 \$228,079

|  |                  |           |
|--|------------------|-----------|
| Workman’s Compensation Insurance – Payment #4 of 4 | <u>\$228,079</u> | \$456,158 |
| County Auto Insurance Policy                       |                  | \$170,000 |

- i. Motion to approve all three items out of ARP (8950/8951) made by Mr. Koronka and seconded by Mr. Novak.

Noting that ARP funds were limited and did not generate additional funding, Mr. Kiel asked how many more insurance bills the county expected for the rest of the year. Mr. Rosenbaum explained that there was roughly \$200,000 that was currently due, however there was \$235,000 in an account that could be directed towards payments, and the current item on the table would cover insurance costs for the next several months. Mr. DiMartino added that at the end of the year, there were always issues with insurance and potential claims because of SIR [self-insured retention], with the latter requiring another payment at the end of the year. Mr. Kiel asked what a potential cost for workman’s compensation might amount to at the end of the year, to which Mrs. Gramarossa responded that an insurance deficit in late 2022 amounted to almost \$500,000, which carried over into 2023. The \$228,079 was already overdue and would end up getting paid late, and the second was not due until August. She noted that not enough money was being put into the account, and it would need to be addressed at future budget meetings to prevent the bills from rolling into the following year. Mr. Yagelski noted that he had reached out to Mrs. Gramarossa in November, December, and January to request the development of a committee to forefront issues with the insurance, to which Mrs. Gramarossa responded that since the county’s insurance carrier had changed, there was room to work with Mr. Yagelski’s plans, and an executive session or meeting could be planned, and informed him that she would coordinate with Mr. Rosenbaum to schedule a meeting.

Mr. Rosenbaum informed Mrs. Gramarossa that when she was briefly out of the room earlier in the meeting, there was a vote to table New Business item no. 6 as it needed to be brought before the Board of Commissioners first, and asked Mrs. Gramarossa to please add it to the Commissioner’s agenda for discussion.

- ii. During roll call, all members voted in favor.

Requesting Additional Appropriations from Emergency Reserve Fund (1186) for:

La Porte County Complex Flood Renovation

|                                       |                                |
|---------------------------------------|--------------------------------|
| Galvanized Water Line                 | not-to-exceed \$596,000        |
| Replacement of Hot Water Heating      | not-to-exceed \$486,898        |
| Make Up Air Unit Replacement          | not-to-exceed \$284,815        |
| Insulation for Galvanized Water Lines | not-to-exceed \$103,000        |
| Alarm System Components               | <u>not-to-exceed \$258,750</u> |

Total: not-to-exceed \$1,729,463.00

- i. Motion to approve the five projects for not-to-exceed \$1,729,463 with the exception that any funds unused will return to the Emergency Reserve Fund made by Mr. Novak and seconded by Mr. Mollenhauer.

Mr. Rosenbaum clarified the item was off the table to allow for the payment of construction projects that were not going to be covered by insurance to allow the Complex Flood Renovation Project to move forward while the county underwent litigation with said insurance company.

Mr. Kiel inquired how the appropriation originally went from the initially requested \$3 million down to the not-to-exceed \$1,729,463. Mr. DiMartino noted that if both the Commissioners' Emergency Reserve Fund requests were totaled together, they would sum up to just under \$3 million. Mr. Kiel noted that he did not recall discussing contractor invoices for the month of May coming up in the April 24<sup>th</sup> workshop, and noted this was unusual, as the county would not have been sure as to whether the insurance company would or would not pay these fees. Mr. DiMartino explained that the insurance company fronted the county \$1.5 million in March, and the county was told that until this money was exhausted, the insurance company would not offer additional funding. Currently, the insurance company was also wanting to see building inspection reports, which the county only just started acquiring, and would be providing to the insurance company in the near future.

Mr. Kiel asked if the Council knew that they had \$1.5 million to provide for appropriations for the Complex Building's repair, why the appropriations were advertised to come from the Emergency Reserve Fund. Mr. Rosenbaum explained that even though \$1.5 million had been given by the insurance company, some of the funds in this account had already been appropriated, and roughly \$605,000 currently remained in the account.

Mr. DiMartino added that during the April 24<sup>th</sup> workshop, the numbers regarding material costs were estimated, however the numbers currently being presented came as a direct quote from the vendors, which could explain why some of the quotes might have been higher than what was presented at the workshop. Mr. Kiel additionally inquired as to why the contractor's invoices for April and May had not been included in the April 24<sup>th</sup> workshop, or presented in the original \$3 million motion of support, to which Mr. Novak explained that there had been ongoing conversations about what the insurance company would or would not cover in the original motion of support.

Mr. Kiel additionally inquired if the projects should have undergone the bidding process, as the Emergency Reserve Fund was considered taxpayer money. Mr. DiMartino noted that he was unsure if the project needed to undergo the bidding process, and if Mr. Kiel wanted to confirm that the bidding process needed to be done, he might need to approach litigating the matter with the courts. Mr. Kiel explained that per the Public Works Statute, to utilize taxpayer funds during an emergency project, two quotes needed to be received. Given the quick onset of the



Complex Building’s flooding and swiftly ongoing repairs, Mr. DiMartino questioned when the county could have afforded the time to bid the project out, as well as when and how it should theoretically be that the county demanded that the repairs come to a stop mid-job to allow for the bid process to begin.

Mr. Kiel additionally noted that he felt as though there were two emergency components that needed to be considered if the county wanted to utilize Emergency Reserve Fund monies to pay for the project: the Title 10 Declaration of Emergency that followed the initial flood in late December of 2022, and the county’s follow-up actions and projects to begin bringing the building back up to repair, which were intended to restore the building as soon as possible to allow for the county employees that worked in the building to return. He noted that if the latter was to be considered an emergency and taxpayer funds were being used to pay for it, the project should follow the bidding process and receive two separate quotes, which the county did not follow through with. If the Council wanted to do this, Mr. DiMartino recommended stopping the project and acquiring the two bids, while subsequently dealing with the outcomes of doing so, or otherwise, the county could move forward with seeking a ruling from the courts.

Mr. Novak questioned how the county was going to secure bids from contractors when the project was already underway, the work area was already undergoing construction, and there were no blueprints, drawings, or plans to offer to inquiring contractors. Building Commissioner Mike Polan noted that if the project was stopped for litigation purposes, then parts of the building would need to be condemned for the safety of its inhabitants due to the fire suppression and detection system not being up to code, including the Sheriff’s Department, E-911, EMS, and the jail’s inmates. Mr. Yagelski added that if the county’s insurance company was only offering a certain rate of pay for contractors, it would not matter if the project was bid out, and he felt that the emergency status that the building was in made it an exception, however if the bid process was required, sealing off the non-emergency areas for bidding at a later date and addressing the areas that were considered an emergency could be an option.

- ii. During roll call, six members voted in favor (Mr. Cunningham, Mr. Yagelski, Mr. Rosenbaum, Mr. Koronka, Mr. Novak, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Kiel). The motion passed.

Requesting Additional Appropriations from Emergency Reserve Fund (1186) for:

La Porte County Complex Flood Renovation

|                               |                                   |                                     |
|-------------------------------|-----------------------------------|-------------------------------------|
| Contractor’s Invoices – April | not-to-exceed \$456,219.77        |                                     |
| Contractor’s Invoices – May   | <u>not to exceed \$580,000.00</u> |                                     |
|                               |                                   | Total: not-to-exceed \$1,036,219.77 |

Mr. Rosenbaum reiterated that the roughly \$605,000 that was remaining from the \$1.5 million given to the county by the insurance company should be utilized to pay everything possible first

to allow for more funds to potentially be offered to the county by the insurance company. Mr. Stabosz informed Mr. Rosenbaum that the Auditor's Office had a bill for \$456,000 in the office from the Commissioners to pay from the Complex Renovation Fund, a bill that was paid earlier that day. Mr. DiMartino also noted that Servpro had not yet been paid, adding that Servpro was a preferred vendor by Chubb as Chubb did not want to pay high fees that were associated with tradespersons, and explained that these fees currently stood in the amount of a few hundred thousand dollars. Despite Chubb negotiating Servpro's contract, the contract itself was still between Servpro and La Porte County. Chief Deputy Auditor Rhonda Graves informed the room that if the remaining appropriation were approved, only \$154,000 would be left in the account to pay it. When Mr. Rosenbaum stated that he was unsure if it was the county's responsibility or the insurance company's responsibility to pay Servpro, Mr. DiMartino noted that Servpro's pay was originally to be covered by monies received by the insurance company; however the payments were so far behind, that when \$400,000 was issued to La Porte County Project Management, money was also issued to Servpro, and the county was considered Servpro's client as indicated by a signed agreement initiated by the previous Facilities Superintendent. La Porte County Project Management's Andy Skwiat informed the Council that the April and May invoices would not be considered paid late if the county had to push back their payment of the bills to the following month, which Mr. DiMartino explained that by then, he would also know if Chubb would be issuing another check.

Mr. Yagelski asked if a motion could be made to allow the Servpro bills to be paid with the remaining \$154,000 in insurance funds, which Mr. DiMartino noted that he was unsure of, as he did not have specific billing information from Chubb Auditor Ken Driscoll, and was unsure if Mr. Driscoll already had a chance to audit these bills. Mr. Rosenbaum advised Mr. DiMartino to reach out to Mr. Driscoll to get an update on his bills. Mrs. Gramarossa informed the Council that a purchase order for IRecorder would be submitted the following morning, and to expect an invoice in the sum of \$42,000, which the remaining \$154,000 in insurance money could potentially help pay for.

Mr. Cunningham noted that the \$580,000 bill would need to be paid eventually, while Mr. Kiel recommended having a provision in the motion that would allow any additional insurance money that was received to be redirected into the Emergency Reserve Fund to replenish it before paying off anything else.

Mr. Rosenbaum asked Mr. Skwiat what the exact amount for his May bill was, which Mr. Skwiat explained that his current May billings sat at \$660,000 due to purchasing flooring for Adult Probation, in addition to the arrival of a few materials that arrived earlier than anticipated.

- i. Motion to pay for the \$580,000 appropriation request with the remaining \$154,000 in insurance funds and the rest from the Emergency Reserve Fund (1186), with the provision that any additional insurance money received will be used to replenish the

Emergency Reserve Fund (1186) before being used to pay for other appropriations, made by Mr. Cunningham and seconded by Mr. Novak.

- ii. During roll call, six members voted in favor (Mr. Cunningham, Mr. Yagelski, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Kiel). The motion passed.

### **OLD BUSINESS (CONTINUED)**

- a. La Porte County Auditor – an additional appropriation for legal fees \$10,000
  - i. Motion to take off the table made by Mr. Koronka and seconded by Mr. Kiel.
  - ii. Five members voted in favor (Mr. Cunningham, Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Koronka) and two members voted not-in-favor (Mr. Novak, Mr. Mollenhauer).

Mr. Kiel noted that his understanding was that it was the Council's obligation to provide legal defense to elected officials in the county whether they agreed with the suit or not. He noted that in this case, the La Porte County Auditor was being sued personally, however there was reasonable question to be decided by the court as to whether he should be sued as an individual or an elected official, and if he was being sued as an elected official, the county was therefore obligated to pay his legal fees in his ongoing case against former Commission Attorney Shaw Friedman.

- iii. Motion to approve with the provision that, if the courts decided that the Auditor should be sued in his personal capacity, that the Auditor fully reimburse the Council for the not-to-exceed fees of \$10,000 made by Mr. Kiel and seconded by Mr. Cunningham.

Mr. Novak stated that he did not approve of a year's worth of bills being brought before the Council instead of monthly statements, and clarified that the attorney that the Auditor hired had a rate of \$250 per hour, a rate which Mr. Novak felt was excessive. Mr. Stabosz explained that he did not have any monthly invoices to give to the Council as the attorney did not submit the bill until January of 2023. Mr. Novak asked Mr. Stabosz how much his new attorney was charging, which Mr. Stabosz answered was \$280 per hour. Mr. Novak disputed this new rate, exemplifying that La Porte's public defenders got paid less per hour. When Mr. Novak stated his concerns that there was no control over the selection of the pay of the Auditor's attorney, Mr. Stabosz clarified that a settlement was offered to the opposing party of the suit to settle for

half and split the difference, which could have saved money, and indeed, when he had previously asked for the support of the Council to aid the Auditor in protecting the taxpayers of La Porte County, Mr. Novak and two other Council Members who were members on the Finance Committee felt as though some of the attorney's charges that were presented to them were inappropriate. Mr. Novak explained that in the 12 emails that the Auditor sent to the Finance Committee regarding billing information for the settlement agreement, that he, Mr. Yagelski, and Mr. Cunningham found only four of the billings to be questionable. Mr. Novak suggested that the Council pay for the Auditor's legal fees if he agreed to pay Friedman & Associates' bills that were owed from 2022.

Mr. Kiel asked Mr. DiMartino if he considered the Auditor's attorney fees to be outlandish, which Mr. DiMartino explained that his fees as a private attorney started at \$300 per hour, with some attorneys in the area having fees as high as \$700 per hour.

Mr. Yagelski noted that he felt that there should be an incentive for parties that have had their counsel paid for by the county to settle more quickly in court, and having a cap on the amount of legal fees the county was willing to pay might prevent cases from being drawn out. Mr. DiMartino explained that while the county could legally establish a cap for the amount of legal fees it was willing to pay, this could not be enforced retroactively, and could not be applied to the Auditor's case.

When Mr. Cunningham took accountability for his scrutiny of the aforementioned billings that the Auditor had presented to the Finance Committee in the past, Mr. Yagelski noted that the bills in question had discrepancies that were noticed by all three of the Council Members that served on the committee. Mr. Novak asked Mr. Stabosz if he scrutinized the bills from his attorney, which Mr. Stabosz noted that all attorney bills crossed his desk, however Mr. Novak alleged that Mr. Stabosz had overlooked a fee on another bill that regarded a question about the Federal Student Loan Forgiveness Program, which had nothing to do with county business, and noted that Mr. Stabosz turned Attorney Andrew Jones' bills around in as little as 72 hours.

When he was asked by Mr. Mollenhauer if he was holding Friedman & Associates' other billings "for ransom," Mr. Stabosz noted that he felt as though he himself were being held at ransom, in the sense that he was informed that if the Council approved his request to pay for his legal fees, certain parties would try and have opposing candidates run for select Council members' seats during the next election.

Mr. Rosenbaum took a moment to inform the room that the exact total for the Auditor's attorney fees from December of 2021 to the end of 2022 was \$9,610, and there was no current bill amount available for his attorney fees for services rendered in 2023. At this time, Mr. Yagelski noted that he would want to see a cap on attorney's fees for elected officials be no higher than \$150 per hour, with a potential cap of \$6,000 per-year obligation to encourage

cases to settle out of court. Board of Commissioners Attorney Scott Pejic noted that he felt as if the bill needed to be paid by the Council, and explained that even though the Commissioners could approve attorney bills, it was the duty of the Auditor's Office to audit the bills that attorneys presented. He explained that if the Auditor brought scrutiny for an attorney's bill before the Board of Commissioners, he was unsure if the Commissioners would even be able to override the Auditor's scrutiny and force the payment of a bill without it becoming a political issue. Since there currently was no precedent on cases like the Auditor's ongoing lawsuit, he hoped a finality would be decided soon so as to help with future lawsuits of similar circumstances.

Mr. Novak voiced his concerns that, even if the Council paid the current legal fees before them, there would be more bills coming from the Auditor, as his case was still ongoing. Mr. DiMartino clarified that the finality that Mr. Pejic spoke of was regarding a ruling of the court, not a settlement, and emphasized the importance of the case establishing what the law would say about the scope and duties of the Auditor's role.

Mr. Kiel asked if it was considered fair to expect elected officials to front money for their own legal defense until they won their legal case. Mr. Pejic explained that if the Auditor was being sued in his capacity as an elected official and had been supplied legal counsel by the county, the case could have had the potential to settle very quickly, and proposed potentially giving future Auditors budgets for their own attorneys in the event that they needed them. Mr. Kiel then asked Mr. Pejic if he and Mr. DiMartino would be willing to draft a policy that would identify whether or not the county was obligated to provide legal defenses for elected officials. Mr. DiMartino explained that there was already a policy of this nature in place that stated if the complaint was within the duty of the elected official's job, the county should provide legal defense of its own choosing, and noted that the Auditor's case was not handled like a normal lawsuit from the start due to the drama that surrounded it.

Mr. Stabosz argued that he would not be able to locate a local attorney for \$150 per hour because of the reputation of the plaintiff in his lawsuit, and reminded the Council that he withheld payments of Mr. Friedman's services due to Mr. Friedman refusing to supply emails and source documents for the bills not just to himself, but also to Commissioner Joe Haney when asked, and that it was his duty as the Auditor to ensure that vendors were held accountable for their actions.

Mr. Yagelski reiterated that he wanted to establish a cap on how much the county could offer for legal fees, while Mr. Kiel stated that he hoped that attorneys would not take advantage of a cap by drawing out the case until the cap was reached, and only then attempting to settle cases in court. Mr. DiMartino informed Mr. Kiel that this wasn't too much of a concern, as the opposing parties in any lawsuit needed to continue to pay legal fees if these cases dragged on, which would hopefully prevent any intentional hindrances in such cases. Mr. Pejic noted that

even though the Council had been willing to settle the case in the past, if the Commission motioned to settle the case and the Auditor still refused to pay Mr. Friedman's bill anyway, the Council would still be in the same position that it was currently.

Mr. Kiel informed the Council that since they did not have a definitive bill for the current 2023 invoice for the Auditor's new attorney, the Council could only make a motion on the December 2022 bill. Mr. Novak asked Mr. Stabosz to provide the new attorney's current fees to the Council at his earliest convenience, including monthly invoices if they were available.

- iv. Motion to amend the original motion to approve the appropriation of \$9,610 out of Riverboat (1191) with the provision that, if the courts decided that the Auditor should be sued in his personal capacity, that the Auditor fully reimburse the appropriations issued, and to indicate that the motion had nothing to do with the Council weighing in on the merits of the lawsuit, as the Council was only providing legal defense as they were obligated to do so made by Mr. Cunningham and seconded by Mr. Kiel.
- v. During roll call, five members voted in favor (Mr. Cunningham, Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Koronka) and two members voted not-in-favor (Mr. Novak, Mr. Mollenhauer). The motion passed.

#### COUNCIL/ATTORNEY COMMENTS

Mr. Novak informed the room that the La Porte County Fair would be going on from July 8<sup>th</sup> to July 15<sup>th</sup>.

Mr. Cunningham congratulated Dakota Euler on his 100% score on his state exam.

Mr. Kiel thanked his colleagues for respecting his questioning throughout the course of the meeting.

Mr. Yagelski explained that he voted in favor of the appropriation for the Auditor's legal fees with the intention of getting the case to reach a conclusion, and additionally noted that he felt as though representation for La Porte County's economic development was suffering, and urged that the county needed to sell itself better to economic opportunities.

**ADJOURNMENT**

- i. Motion to adjourn made by Mr. Koronka and seconded by Mr. Novak.
- ii. All members voted in favor.

**Examined & Approved by the La Porte County Council this 24<sup>th</sup> day of July 2023.**

  
\_\_\_\_\_  
Councilman Earl Cunningham

  
\_\_\_\_\_  
Councilman Adam Koronka


  
\_\_\_\_\_  
Councilman Justin Kiel

  
\_\_\_\_\_  
Councilman Mike Mollenhauer

  
\_\_\_\_\_  
Councilman Randy Novak

  
\_\_\_\_\_  
Councilman Mike Rosenbaum

  
\_\_\_\_\_  
Councilman Mark Yagelski

ATTEST:   
\_\_\_\_\_  
Timothy Stabosz, Auditor