



LA PORTE COUNTY BOARD OF COMMISSIONERS

555 Michigan Avenue, Suite 202
La Porte, IN 46350-3400
(219) 326-6808 ext. 2229

Connie Gramarossa
President

Richard Mrozinski
Vice President

Joseph Haney
Member

La Porte County Commissioners' Meeting Minutes Wednesday, October 4, 2023 at 10:00 a.m. County Complex Room 3 & via Zoom

President Connie Gramarossa called the meeting to order at 10:00 a.m. followed by the Pledge of Allegiance.

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

Presentation by Purdue Northwest Chancellor Thomas Keon, introduced the Senior Leadership Team: Provost & Vice Chancellor Chris Holford; Vice Chancellor of Finance & Administration Steve Turner; Vice Chancellor of Institutional Advancement Lisa Goodnight; and Vice Chancellor for Enrollment Management & Student Affairs Elizabeth Babcock Depew (both Director of Athletics ex officio Rick Costello and Vice Chancellor for Information Services & Assistant VP Tim Winders were not present). Reported on the current state of higher education nationally and in Indiana. Slide show consisted of charts with U.S. Birth Rates by High School Class. Since 2017, there has been a decline in young people and does not flatten out until 2036. Lake, La Porte, and Porter Counties K-12 School Enrollment compared 12th grade to kindergarten for years 2019 through 2024, Lake County will be down 16%, Porter County down 15½% and La Porte County only down a bit over 2%. College going rates indicated Indiana was lower than the national average of graduating high school students going on to college. Slides could be made available for the public on our county website. Reported students who enroll in Indiana **Public** Colleges & Universities from La Porte County Schools attend Ivy Tech Community College, Purdue University - Northwest, Indiana University - South Bend, Purdue University - West Lafayette, Indiana, Indiana University - Bloomington, Ball State University, Indiana/Purdue University - Indianapolis, Indiana State University, Indiana University - Northwest and Purdue University - Fort Wayne being the top ten colleges. **Provost Chris Holford**, Vision for the PNW Westville Branch Campus, contrary to social media pop-ups, Purdue Northwest has no intention of going anywhere. 'Changes and factors around us necessitate that we evolve as institution and think about the way we provide higher education in La Porte County and all the way over to the border.' For over a decade now, enrollment has been declining at the Westville campus due to a variety of external factors; demographic changes and then legislative changes in the state between 2010 and 2013 when Associate Degrees were eliminated from the comprehensive universities and transferred to Ivy Tech. The Westville campus had robust Associates Degrees offered in areas like Technology and Nursing. About the same time, the Prison system transferred their master service contract also to the Community College system, that had a significant impact on the Westville Campus because services were provided to the Indiana State Prison in Michigan City and the Westville Correctional Facility. A five-year analysis was conducted on the courses offered from the Westville Campus and found that almost half of the course credits consumed on the campus were focused in only 7 courses, those were General Education courses most commonly take by students that have an intent to start college and then transfer to another college or university. Also found in the analysis was that enrollment was not a function in the majors that was being offered on the campus, students were using the Westville campus to get their first couple of years of instruction and then in many cases looking to transfer elsewhere anyway. Focus then shifted to those 7 courses, the General Education requirements, that are most needed by the student population in this area. "We believed that we have eliminated the discussion of Westville, talking about only the four-year majors that are available on the Westville Campus instead of the opportunities that the Westville Campus offers." Clarity does need to be increased to PNW students and the community population that at some point opportunity for advance studies may be required to travel to the Hammond campus or transfer to another campus across Indiana to complete the degrees.

Presentation by Bethany Church, Carey Garwood, potential **Splash Pad for Pets** at the Jane Bernard Small Animal Adoption Center, slide show of photos with splash pad ideas. Raising the money is no problem however permission from the Commissioners to build the splash pad at the County Animal Shelter is needed. Main concern is the cost to maintain once the splash pad is built, possibly \$5,000 per year and may run May through September or June through August. **Commissioner Mrozinski** has met with Councilman Randy Novak, Carey Garwood, and Director Eric Hayes. This will be great for our County. **He motioned for County Attorney Pejic to draw up a letter of approval for Commissioners' signatures, include use of the land then pass it to the**

ORIGINAL

Council for funding approval if needed. President Gramarossa, concerned with maintenance, should also pass it to the Council for their approval if additional funds are needed. **Carey Garwood**, be sure to include the permission from the Commissioners for land use. **Commissioner Joe Haney** seconded the motion. **Motion carried 3-0. Roll Call - Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye; Commissioner Haney - Aye.**

Considered the agenda. **Commissioner Mrozinski** motioned to add 3 items to the agenda. **Consider** Pictometry Amendment for Assessor Mike Schultz; **Consider** change of classification for County Planner from appointed to hired and **Consider** a stop sign at the intersection of 600 S. and 1100 W. in New Durham Township. **Commissioner Haney** seconded. **Motion carried 3-0. Roll Call - Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye.**

Considered approval of the September 20, 2023 minutes. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. **Motion carried 3-0. Roll Call - Commissioner Mrozinski - Aye; Commissioner Haney - Aye; Commissioner Gramarossa - Aye.**

Auditor Tim Stabosz read the Claims with Payroll ending 9/15/2023 - \$1,468,954.25 and Operating Expense Claims - \$5,538,491.13. **Commissioner Mrozinski** motioned to approve payroll. **Commissioner Haney** seconded. **Motion carried 3-0. Roll Call - Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye. Commissioner Mrozinski**, last meeting we added claims for Friedman & Associates, Drayton, Biege, Sirugo & Elliott, and Alan Sirinek. Have they since been paid? **Auditor Tim Stabosz**, Doug Biege's are in the hopper and will be paid at the next meeting. As per Ordinance, cannot be 'expedited' but paid according to the claims schedule. **President Gramarossa**, what month are those invoices? **Auditor Stabosz**, not sure but will be paid at the next meeting in two weeks. No comment on the invoices from Friedman & Associates. **President Gramarossa**, the invoices in question are not part of the lawsuit between the Auditor and Vendor. The invoices for at least three different attorneys are for services provided in June and we are now in October. When are we going to start paying the bills in a timely fashion? **Commissioner Haney**, some of the invoices from June and July were during the transition period were not actually presented to the Auditor's office until September. **President Gramarossa**, three meetings have gone by without paying these invoices. Stop blaming the assistants. **Commissioner Haney**, those bills did not go to the Auditor's office, not sure where they were at but it is just now 30 days since they were submitted. **President Gramarossa**, these invoices were approved by the Commissioners and need to be paid. This is a total embarrassment when we don't pay our bills in a timely fashion. We have created a culture of not paying our bills. **Auditor Stabosz**, you're part of that culture because I have said that all attorney bills need to be paid. **President Gramarossa**, you paid attorney bills without our approval, \$21,000 worth for your attorney that were not brought to the Commissioners for approval. **Auditor Stabosz** said he does not know what she is referring to. **Commissioner Haney**, she is talking about invoices that were brought to the Commission in May and unanimously approved 3-0, they were approved here and approved by the Council, approved under statute. **President Gramarossa**, they were never brought to this Commission, stop lying. **Commissioner Haney**, check the minutes, check ALCO, go to YouTube. **Commissioner Haney** motioned to approve the Claims as presented. Motion died for lack of second. **Commissioner Mrozinski**, there have been two bills from the Auditor's personal attorney that were not approved. A point was made not to pay these invoices for his personal attorney in the lawsuit with the former County Attorney however we have attorneys currently working on behalf of the County that are not getting paid. The Auditor refuses to do his job, it's an embarrassment to the County, vendors don't want to do business with us. It leaves us no other option except to file a writ of mandamus and have him removed from office for not doing his job. **Auditor Stabosz**, a writ of mandamus does not remove me from office. It's just an order to pay bills. **President Gramarossa** asked Attorney Pejic to weigh in. **Attorney Scott Pejic**, with respect to one of the vendors, there is an MOU for the Commission's consideration regarding the Auditor's office. Agreed the bills do need to be paid but the jam up here seems to be to a degree when the invoices are submitted to the Auditor's office for review. With regard to pending litigation with one of the vendors, I have made my opinion clear with the Commissioners and Auditor, but that is currently in litigation right now and a court will ultimately decide the extent of the Auditor's statutory authority in auditing certain vendors' bills. He has emailed an MOU to President Gramarossa with regard to one vendor and the Auditor's office. All attorney bills should be paid in a timely manner, he proudly reported, even among the negativity and drama, as County Attorney, we are still doing a good job. He thanked the Commissioners for allowing him to conduct the work. He will speak to Diane, assistant to the Commissioners, to find out what the jam up was for the delay of the invoices getting to the Auditor's office in a timely manner, possibly due to the transition in August. **President Gramarossa**, questioned what is the MOU about, explain for the public's view. **Attorney Pejic**, the MOU would be an understanding, with the Commissioners' approval, between Auditor Tim Stabosz and the Board of Commissioners in paying future bills going forward in a timely manner. **President Gramarossa**, what is a timely fashion? 30 days, 45 days, 60 days? Is every bill that comes in monthly part of this litigation? **Attorney Pejic**, no. **President Gramarossa**, only the invoices set aside by the courts are in litigation? **Attorney Pejic**, that's my understanding. **President Gramarossa**, the bills we are talking about are not a part of this case in litigation. **Attorney Pejic** handed the MOU, signed by Auditor Stabosz, to President Gramarossa. **President Gramarossa**, it is important that the public understands why we are doing this, please explain how and when the bills get paid. Attorneys Biege and Sirinek have no litigation going right now with the County yet they are not being paid in a timely manner. Our offices should not be used for personal vendettas. **Auditor Stabosz**, we made a settlement. **Attorney Pejic**, one of our current vendors is in litigation with Auditor Stabosz that is pending in Porter County right now in front of Special Judge DeBoer, dating back to 2022. Under Title V, don't have the specific code section but under Title V the Auditor has the responsibility to certify claims for truthfulness and accuracy. **Auditor Stabosz**, to the terms of the contract. **Attorney Pejic**, under Title 36-2-6-2, the Executive or

Commissioners approve claims, the Auditor 'interprets' that statute under Title V to interpret that contract between the attorney and the Commission and what is within the scope of that contract. Both statutes have never been litigated before therefore there is nothing to compare it to, there is no legal precedent. 'Since the filing of the lawsuit, and while that's pending, there have been some of this vendor's bills that the Auditor has questioned and there's been...for lack of a better term, held up in payments. An effort to try to have a smoother function in administration in our county government, to pay this one particular vendor, there's this Memorandum of Understanding that the Auditor has signed that basically calls for, basically that claims will be paid within 30 days of submission however, if work product on a future line item of a billing is requested by a Commissioner, I believe that will be provided.'

Commissioner Haney stated he had only heard about the MOU this morning. **President Gramarossa** questioned him whether he needed more time to review the agreement. **Commissioner Haney**, he is good with it. **Auditor Stabosz**, this is a proposed settlement that he initiated due to hearing a writ of mandamus may be issued against his office. Discussion took place. **Attorney Scott Pejic**, the County is doing good things and at times, the public only hears about this issue and not the overall positive work being done. **President Gramarossa** asked if the invoices will be 'time stamped' when submitted and Auditor Stabosz said yes, invoices will be time stamped. She then asked Assistant Diane Gonzales if she will get copies of the time stamped invoices. It's been two and a half years of nonsense. **Assistant Diane Gonzales**, invoices from this vendor arrive on the 16th of every month, at the beginning of each year when the Board of Commissioners' meeting dates are set, the Auditor's office puts together a 'Claims Schedule' and that is when departments submit invoices for payments. Legal fees do not fall under the category of 'expedite' for payment whereas utilities or insurance do so those are paid quicker than the regular dates according to the Claims Schedule. Usually, 3-4 weeks when payment is made after Claims are approved at the Commissioners' meeting. **President Gramarossa**, are there any 'loop holes' because there are two codes saying two things, one says once the Commissioners approve the claim then it should be paid yet the other one says the Auditor has a right to review it as well. If the Auditor has a question about a line item on the invoice, does he get to 'hold it up' for payment past 30 days, is there a 'loop hole?' **Attorney Pejic**, a contract is only as good as the parties signing it. **Auditor Stabosz**, reassured that this is intended to be a confidence building measure between the Commissioners and Auditor. **Attorney Scott Pejic**, the benefit of this agreement is that the Auditor does not have the unilateral right to seek certain work product for itemized billings, but an individual Commissioner can so it doesn't go to the Auditor, it goes to the Commissioners moving forward, starting today if approved by the Commission so this is why this is called a confidence building measure. 'Any future billings, if there's an issue with an item, that any Commissioner has, they can seek verification from that vendor of what that is before the bill is processed.' **Auditor Stabosz**, I am waiving my claim to work product for the purpose of this vendor exclusively. Discussion held on work product previously requested by a Commissioner in 2021 from this vendor. A 10-minute recess took place. **Attorney Pejic**, if the agreement is not followed then either party has a right to assert legal rights and principles under the law. Hopefully we can all move forward and allow the positive work being done to outweigh the negative. **President Gramarossa**, this MOU is only for one vendor when we have had a few vendors not paid in a timely manner or not paid at all. **Commissioner Mrozinski**, via Zoom, will vote for this MOU on one condition, and he predicts that probably by the next meeting that the Auditor will not hold up his end of the agreement and legal action will be sought. **Commissioner Mrozinski** motioned to sign the MOU yet had little faith. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye; Commissioner Haney - Aye. **President Gramarossa** stated if the MOU is not followed then another course of action will take place. **Commissioner Haney** motioned to approve the Claims as presented. **Commissioner Mrozinski** seconded. Motion carried 3-0. Roll Call - Commissioner Gramarossa - Aye; Commissioner Haney - Aye; Commissioner Mrozinski - Aye.

Public Comment

Rodney McCormick, 617 Union Street, Michigan City, commented on the display of the bickering at these public meetings. Auditor Stabosz, just pay the bills. Currently a Candidate for 1st Ward in Michigan City, attending the meetings to see how government business is conducted. Changes can be made at the ballot box. Iron out our differences behind closed doors. Next, he spoke about the James Lloyd Wright Bridge in Michigan City, sent emails to Commissioners. Clean up was conducted and inquired as to the responsibility of the bridges, who tends to them?

Tommy Kulavik, 1316 Ohio Street, Michigan City, via Zoom, Fire Merit Commission will be conducting interviews of 20 candidates that applied for the Michigan City Fire Department. Most are lateral moves from other fire departments. Expressed his gratitude for the upcoming paving of Paks Road which was a partnership between the County and Michigan City.

Roy Morgan, 503 Woodson Street, La Porte, requested policy change for allowing electronics in the courthouses. It is the right of the people to record public officials in their duties in the courthouse, it's been ruled on by the 7th Circuit which includes Indiana, a First Amendment protected activity. It's a violation to **not** allow people to have their cell phone to record. Attorneys are allowed to have cell phones in the courthouses. To avoid issues with federal law, requested the policy be changed.

Department Reports/Comments

Rob Sabie, EMA, FEMA will be conducting a nationwide alert system test at 1:20 p.m. A partial solar eclipse will take place next Saturday, October 14th. A full eclipse will happen on April 8, 2024 for most of the state of Indiana, La Porte County will be about 90-95% in that eclipse. Reported on October 19th will be a full-scale exercise which is basically a drill to test the emergency response with different agencies. October 11th the National Weather Service is hosting a Weather Spotter Class at the Purdue Campus, free to the public, starts at 6:00 p.m.

Ela Bilderback, Recorder, reported she attended AIC Conference, Association of Indiana Counties, great learning experience. She was presented with a certificate acknowledging she had earned 30+ credit hours of training within three years. Also took training from a software vendor on Daniel's Law, involves shielding information on judges, sheriffs, different groups that require protection. A federal judge was located by an individual upset with comments made in the courtroom who went to the judge's house, killed her son and wounded her husband. This law will be coming to La Porte county.

Commissioner Rich Mrozinski, via Zoom, the storage of hand sanitizer by a business here in La Porte has produced several fires at two of their locations, one here in the City of La Porte and one in Stillwell, Pleasant Township. Several entities have been investigating the fires for a while now and will continue to investigate.

Commissioner Joe Haney, asked Attorney Pejic to look into Roy Morgan's request for cell phones in the courthouses. **Attorney Pejic**, it has been a judicial rule, **not** a Commissioner rule, not to allow electronic devices in the courthouses. The Indiana Supreme Court's rule is in conflict of a ruling with the 7th Circuit and as to what prevails, he will get more information. **Commissioner Haney**, he started asking questions at the Right-to-Know/Hazmat meetings about the fires from the Glycerin Traders storage facilities, possible violations with the zoning codes, it was ironic that after that meeting, he was removed as liaison to the Board. He questioned as to why he was removed once he started asking questions. **Commissioner Mrozinski**, he was asked by the board members for a liaison replacement from the Commissioners.

Requests

Considered permission to approach the Council for additional appropriations to replace firefighting foam, **Jeff Hamilton**, Hazmat. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - **Commissioner Gramarossa - Aye; Commissioner Haney - Aye; Commissioner Mrozinski - Aye.**

Considered resignation of Michigan City Library Board member Dr. Mark Jacobi. **Commissioner Mrozinski** motioned to approve. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - **Commissioner Mrozinski - Aye; Commissioner Haney - Aye; Commissioner Gramarossa - Aye.**

Considered appointment of Matt Kubik to the Michigan City Public Library Board replacing Dr. Mark Jacobi. **Commissioner Mrozinski** motioned to approve. **President Gramarossa** stepped down and seconded. Motion carried 2-1. Roll Call - **Commissioner Haney - Nay; Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye.**

Old Business

Considered opening bids for Demolition of 217 W. Coolspring Avenue in Michigan City. **Commissioner Haney** motioned to open bids. **Commissioner Mrozinski** seconded. Motion carried 3-0. **Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye.** One bid by Beaver Excavating out of Plymouth for \$29,800. **Commissioner Mrozinski** motioned to accept the bid, give it to **Engineer Sullivan** for review then take it to the Council. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - **Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye.**

Considered 2023 Municipal Election Absentee Voting locations, **Heather Stevens**, Clerk. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. Motion carried 3-0. Roll Call - **Commissioner Gramarossa - Aye; Commissioner Haney - Aye; Commissioner Mrozinski - Aye.**

New Business

Considered Condor contract, for back indexing, for Recorder **Ela Bilderback**'s office. No additional funds are needed and Attorney **Pejic** has reviewed it. **Commissioner Haney** motioned to approve. **Commissioner Mrozinski** seconded. Motion carried 3-0. Roll Call - **Commissioner Haney - Aye; Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye.**

Considered opening bid proposals for Food Services in the Jail, **Ron Heeg**, Sheriff. **Commissioner Mrozinski** motioned to approve bid opening. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - **Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye.** Three bids: **Canteen Services, Tiger Services and Trinity Services.** **Commissioner Mrozinski** motioned to accept the bids, give them to **Sheriff Heeg** for review then award the bid at our next meeting according to **Sheriff Heeg**'s recommendation. **Commissioner Haney** seconded. Motion carried 3-0. Roll Call - **Commissioner Gramarossa - Aye; Commissioner Haney - Aye; Commissioner Mrozinski - Aye.**

Considered Resolution for Old Indiana State Prison Cemetery, **Guy DiMartino**, Attorney, Ddalt Corporation owns real property in Michigan City that contains the 'Old Indiana State Prison Cemetery' and it has been offered to the La Porte County Commissioners. The Pioneer Cemetery Commission will be responsible for maintaining the cemetery but will need additional funds in their budget. **Commissioner Mrozinski motioned to accept the cemetery and to approach the Council for additional funding in the budget for the Pioneer Cemetery Commission. Commissioner Haney seconded. Motion carried 3-0. Roll Call - Commissioner Haney - Aye; Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye. ***Resolution 2023-9**

Considered changing Highway Superintendent position from annual appointment to 'hired' classification. **Attorney Pejic**, under Title VIII, mandated that we 'shall' make the Highway Superintendent an appointment, he requested time to research that Title. **President Gramarossa**, the County Planner was 'hired' in 2004 but Commissioners changed the position to an annual appointment along with the IT Director, GIS, and Commissioners' Confidential Executive Assistant on January 2, 2013. The positions should be classified as 'hired' and not annual appointments. It is unfair to the employees. Requested a motion to table this item for Attorney Pejic to research it further. **Attorney Guy DiMartino** suggested putting a small committee together for discussion of these positions. Committee should include one commissioner and two councilmen. **Commissioner Mrozinski added the County Planner. Commissioner Mrozinski motioned to create a committee to review these positions for the future. President Gramarossa stepped down and seconded. Motion carried 2-1. Roll call - Commissioner Gramarossa - Aye, Commissioner Haney - Nay, Commissioner Mrozinski - Aye. Commissioner Mrozinski motioned to table for further information. Commissioner Haney seconded. Motion carried 3-0. Roll Call - Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye; Commissioner Haney - Aye.**

Considered two temporary right-of-ways for sidewalk improvements with INDOT, one on the SE corner of Washington Street and US 12 in Michigan City and the other one at the corner of Lincolnway and US 35 in La Porte. **Commissioner Mrozinski motioned to approve both improvements. Commissioner Haney seconded. Motion carried 3-0. Roll Call - Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye; Commissioner Haney - Aye.**

Considered MOU for EMA full scale training exercise, **Rob Sabie**, EMA. **Commissioner Haney motioned to approve pending signature and review. Commissioner Mrozinski seconded. Motion carried 3-0. Roll Call - Commissioner Haney - Aye; Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye.**

Considered Renewal Amendment with UMR, **Monique Thomas**, Interim HR. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Roll Call - Commissioner Gramarossa - Aye; Commissioner Haney - Aye; Commissioner Mrozinski - Aye.**

Considered Ordinance for a 4-way stop at 600 South and 1100 West in New Durham Township, anticipating traffic with the move of the Indiana State Prison to this location. **Commissioner Haney motioned to approve. Commissioner Mrozinski seconded. Motion carried 3-0. Roll Call - Commissioner Mrozinski - Aye; Commissioner Gramarossa - Aye; Commissioner Haney - Aye. ***Ordinance 2023-1**

Considered Pictometry amendment for Assessor Mike Schultz. Funding was approved by the Council at a previous meeting. **Commissioner Mrozinski motioned to approve. Commissioner Haney seconded. Motion carried 3-0. Roll Call - Commissioner Haney - Aye; Commissioner Gramarossa - Aye; Commissioner Mrozinski - Aye.**

Commissioner Rich Mrozinski motioned to adjourn at 12:10 p.m. Commissioner Joe Haney seconded. Motion carried.

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE 10-18-2023

Conne Gramarossa

ATTEST: Rich Mrozinski
CLERK

LA PORTE COUNTY, INDIANA

ORIGINAL