

MINUTES
MEETING OF THE LA PORTE COUNTY COUNCIL
August 28th, 2023

The Regular Meeting of the La,Porte County Council was held on August 28th 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 Mr. Rosenbaum.

ROLL CALL

Auditor Tim Stabosz called the roll: Councilman Cunningham, Councilman Novak, Councilman Kiel, Councilman Rosenbaum, Councilman Mollenhauer, Councilman Koronka and Councilman Yagelski were all physically present for the meeting.

APPROVAL OF JULY 24TH, 2023 AGENDA

- i. Mr. Kiel motioned to approve the agenda with 3 corrections: Under Ordinances and Resolutions, add ordinance establishing a Pre-Trial Diversion Fund, add and ordinance establishing a Traffic Infraction Deferral Fund, and under Old Business, strike all items, as training had not yet been had by the Job Evaluation Committee, seconded by Mr. Novak.
- ii. Mr. Koronka requested that on page 4 of the agenda, under La Porte County Highway Department, that the request for appropriation be made not-to-exceed \$1.5 million.
- iii. Mr. Kiel amended his motion to include Mr. Koronka's request to amend La Porte County Highway Departments's appropriation to not-to-exceed \$1.5 million, seconded by Mr. Novak.

- iv. All members voted in favor.

APPROVAL OF MINUTES

1. July 17th, 2023 Joint Council/Commissioner Workshop Meeting Minutes

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

2. July 24th, 2023 Regular Meeting Minutes

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

PUBLIC COMMENT

Scott Meland – 200 Kenwood Pl., Michigan City

Mr. Meland voiced his concerns over the installation of license plate readers within La Porte County, and questioned their efficacy in solving local crimes. He inquired as to what the data retention policy was for the readers, and who controlled said data. Mr. Novak noted that the Council did not currently have jurisdiction over the readers, and that the Commissioners and Sheriff's Department would be able to provide more information about them. Mr. Cunningham noted that the few readers located on major highways were being used for drug interdiction by the state, while Mr. Mollenhauer added that the readers' data had been utilized in two recent prosecutions: a bank robbery in LaCrosse, and a stabbing in Michigan City, and there were likely many other crimes that the readers' data had assisted with. Mr. Rosenbaum directed Mr. Meland to reach out to the Sheriff's Department for further information on the license plate readers.

Timothy Greve – 5589 E. Wawasee Trl., Rolling Prairie

Mr. Greve pressed the Council to ensure that the Sheriff's Department be given enough funding to hire additional officers when needed and to allow for the purchasing and upgrading of equipment.

DEPARTMENT HEAD REPORTS

Matt Reardon – Office of Economic Development

Regarding the expansion of broadband connectivity across the county, Mr. Reardon urged county residents to go onto the county website to take a broadband survey and test, which would help provide useful information to the state to determine where funding should be directed to most. Mr. Novak added that the survey had the potential to increase the amount of funding given to La Porte County by the State of Indiana. Mr. Reardon noted that, in a previous meeting, it was clarified that funding for broadband expansion was not controlled by La Porte County, and that the State of Indiana worked directly with internet service providers to determine where broadband needed to be expanded.

Stephen Eyrick – Chief Probation Officer

Mr. Eyrick reported that the Adult Probation Office was repaired and that the employees had returned. He thanked the Council for their help in addressing the repair of the flood damage so that his employees could return and continue to serve the public locally. Judge Greta Friedman additionally thanked the Council and Commissioners for prioritizing the repairs in the Adult Probation Office.

LIAISON REPORTS

Councilman Mollenhauer: Mr. Mollenhauer attended the Solid Waste District Board Meeting, the Rail and Redevelopment Commission Meetings, and also the quarterly La Porte Government Insurance meeting. Mr. Mollenhauer additionally attended the Annual Ag Tour and Barbecue at the Museum of the La Porte County Historical Society. He also spoke with EMS Administrator Andrew McGuire, and added that the new railroad trestle at the Kingsbury Industrial Park was beginning construction.

Councilman Koronka: Mr. Koronka met with various department heads regarding their requests for the meeting. He also attended the Annual Ag Tour and Barbecue, and alongside Mr. Novak, Mr. Kiel, and Commissioner Rich Mrozinski, met with potential candidates for the Human Resources Director position.

Councilman Novak: Mr. Novak attended the Redevelopment Commission, FMEC, Animal Control, 911 Advisory Board, and Complex Flood meetings, and additionally met with the Commissioners regarding their budget. He also attended the Annual Ag Tour and Barbecue, and noted that the Special Olympics held a fire truck pull at the La Porte County Fairgrounds.

Councilman Kiel: Mr. Kiel waived his liaison report.

Councilman Yagelski: Mr. Yagelski reported that he had been sworn in for the Economic Development Committee that he was appointed to, and that the committee had a one-time meeting that addressed the appropriation for Michigan City projects that focused on the railroad.

Councilman Cunningham: Mr. Cunningham waived his liaison, and gave credit to Mr. Yagelski for assisting Adult Probation and the judges by addressing the flood damage repairs and getting Adult Probation staff back into their La Porte office.

Councilman Rosenbaum: Mr. Rosenbaum noted that he had attended several of the events mentioned in the other Council Members' liaisons.

CORRESPONDENCE

**George E. Washington, 127 Ridgeland Ave., Michigan City
and Frank Mrvan, U.S. Congressman**

Auditor Tim Stabosz reported that La Porte County resident, George Washington, had reached out to Representative Frank Mrvan regarding a property tax issue with his house, which had resulted in his house being put up for tax sale. In turn, Mr. Mrvan reached out to La Porte County, and asked the Council and Commissioners to address Mr. Washington's concerns. When Mr. Cunningham asked if the Auditor had the ability to address the concern, Mr. Stabosz noted that the Treasurer and Auditor had the ability to waive interest and penalties for property taxes that were paid late, so as long as they had a mutual agreement. Mr. Cunningham clarified that the issue Mr. Washington had experienced was a result of his payment for his property taxes had been incorrectly addressed, as it had been missing the city and zip code on the mailing envelope, resulting in his tax payment arriving to the Treasurer's late.

Mr. Stabosz noted that there was not yet a determination on waiving Mr. Washington's fees, to which Mr. Cunningham asked Mr. Stabosz to coordinate with the Treasurer to resolve Mr. Washington's concerns, which Mr. Stabosz noted he would oblige, and inform the Council of the outcome via email.

PUBLIC HEARING

Economic Revitalization Area for S&G Partners LLC (for real estate) and Sammann Company, Inc. d/b/a Peepers by Peeperspecs

Matt Reardon reiterated that the request of S&G Partners LLC and Sammann Company was to refresh the creation of an economic revitalization area, primarily for consistency. Anthony Novak, the legal counsel representing S&G Partners LLC, Sammann Company, and Peepers by Peeperspecs, clarified that S&G Partners LLC owned and managed the real estate portion of the company, while Sammann Company Inc. d/b/a Peepers operated the business purchasing equipment. He explained that the prior year, these entities requested an abatement from the Council and were now returning as a formality to “clean up” the resolution, and to specifically update their building and equipment plans. They currently had two pieces of land: one for their offices and distribution center, and another piece of land to build a 34,000 sq. ft. expansion. The prior resolution only designated the land with the office and distribution center to be an economic revitalization area, so the newly proposed resolution would include the 34,000 sq. ft. expansion into that area. Mr. Novak continued to explain that the expansion would invest \$3 million in construction, for which groundbreaking was scheduled to begin in the following couple of months, with business operations at the new facility planned for the beginning of 2024 or 2025. \$110,000 in manufacturing equipment would be purchased, \$525,000 in logistical distribution equipment would be purchased, and \$125,000 worth of IT equipment would also be purchased. He added that 81 employees were currently employed by the companies, 55 of which lived in La Porte County, and an additional 30 employees would be hired following the completion of the expansion.

ORDINANCES AND RESOLUTIONS

1. Resolution No. 2023-08 – Confirmatory Resolution for S&G Partners LLC (for real estate) and Sammann Company, Inc. d/b/a Peepers by Peeperspecs – Economic Revitalization Area

- i. Motion to read by title only made by Mr. Yagelski and seconded by Mr. Cunningham.
- ii. All members voted in favor.
- iii. Mr. Stabosz read aloud Ordinance No. 2023-08 by title only.
- iv. Motion to approve made by Mr. Yagelski and seconded by Mr. Koronka.

Mr. Novak asked if there would be a conflict of interest if he were to vote on the approval of the item, as he was related to Anthony Novak. Council Attorney Guy DiMartino clarified that there would be no conflict of interest in this particular case.

- v. All members voted in favor.

2. Ordinance No. 2023-08A – An Ordinance to Adopt Request to Use Recorder’s Perpetuation Fund to Cover Office Expenses and Salaries

- i. Motion to suspend the rules made by Mr. Yagelski and seconded by Mr. Koronka.
- ii. All members voted in favor.
- iii. Motion to read by title only made by Mr. Yagelski and seconded by Mr. Novak.
- iv. All members voted in favor.
- v. Mr. Stabosz read aloud Ordinance No. 2023-08A by title only.
- vi. Motion to approve made by Mr. Kiel and seconded by Mr. Novak.
- vii. All members voted in favor.
- viii. Motion to read by title only for the second time made by Mr. Novak and seconded by Mr. Koronka.
- ix. All members voted in favor.
- x. Mr. Stabosz read aloud Ordinance No. 2023-08A by title only for a second time.
- xi. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.
- xii. All members voted in favor.

3. Ordinance No. 2023-08B – An Ordinance to Establish Infraction Deferral Fund (2501)

- i. Motion to suspend the rules made by Mr. Yagelski and seconded by Mr. Koronka.
- ii. All members voted in favor.
- iii. Motion to read by title only made by Mr. Yagelski and seconded by Mr. Koronka.
- iv. All members voted in favor.
- v. Mr. Stabosz read aloud Ordinance No. 2023-08B by title only.

- vi. Motion to approve made by Mr. Yagelski and seconded by Mr. Novak.
- vii. All members voted in favor.
- viii. Motion to read by title only for the second time made by Mr. Novak and seconded by Mr. Koronka.
- ix. All members voted in favor.
- x. Mr. Stabosz read aloud Ordinance No. 2023-08B by title only for a second time.
- xi. Motion to approve made by Mr. Novak and seconded by Mr. Koronka.
- xii. All members voted in favor.

4. Ordinance No. 2023-08C – An Ordinance to Establish Pre-Trial Diversion Fund (2501)

Mr. DiMartino noted that while these funds had been previously established, he had been unable to locate the original ordinances for both the Infraction Deferral Fund and the Pre-Trial Diversion Fund, and so the purpose of Ordinances 2023-08B and 2023-08C was simply to reestablish the ordinances for both funds.

- i. Motion to suspend the rules made by Mr. Novak and seconded by Mr. Kiel.
- ii. All members voted in favor.
- iii. Motion to read by title only made by Mr. Novak and seconded by Mr. Kiel.
- iv. All members voted in favor.
- v. Mr. Stabosz read aloud Ordinance No. 2023-08C by title only.
- vi. Motion to approve made by Mr. Yagelski and seconded by Mr. Novak.
- vii. All members voted in favor.
- viii. Motion to read by title only for the second time made by Mr. Yagelski and seconded by Mr. Novak.
- ix. All members voted in favor.

- x. Mr. Stabosz read aloud Ordinance No. 2023-08C by title only for a second time.
- xi. Motion to approve made by Mr. Yagelski and seconded by Mr. Koronka.
- xii. All members voted in favor.

NEW BUSINESS

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

- a. **La Porte County Soil & Water – Education Coordinator**
- b. **La Porte County E-911 – Network Administrator**
- c. **La Porte County Community Corrections – Field Coordinator**
- d. **La Porte County Highway Department – Equipment Operator and Mechanic**
 - i. Motion to approve items a., b., c., and d. made by Mr. Kiel and seconded by Mr. Koronka.
 - ii. All members voted in favor.

e. La Porte County Board of Commissioners – Veteran Services Officer

Mr. Rosenbaum explained that the Veteran Services Officer position required a certification that could take up to three months to acquire, and that the position on the table would only be part-time, temporarily increasing the staff of the department to three. Once the part-time employee was trained, however, they would be taking over the full-time position of an employee who was slated to retire, which would bring the number of staff in the office back down to two.

- i. Motion to approve, as long as the position was only active no later than the end of the year, was made by Mr. Kiel and seconded by Mr. Mollenhauer.
- ii. All members voted in favor.

2. Courthouse Security Committee – Sheriff Heeg and Judge Stalbrink

Mr. Rosenbaum recommended appointing Mike Mollenhauer to the Courthouse Security Committee, due to his past experience working as a Sheriff.

- i. Motion to approve the appointment of Mike Mollenhauer onto the Courthouse Security Committee made by Mr. Novak and seconded by Mr. Cunningham.

- ii. All members voted in favor.

3. La Porte County EMA – Discuss moving the Long Beach Siren

Mr. Rosenbaum explained that a new public safety building was being built in Long Beach, and the current building that the siren was housed next to was being removed, and as a result, the siren pole would need to be relocated. He added that there had been talks about the pole being moved across the street from its current location and behind another building, so that it may still utilize the same generator backup that it had been using in the past. Mr. Rosenbaum clarified that the siren pole in question would remain in its current spot while the building next to it was being removed, however hopefully there would be more exact numbers for the cost of relocating the pole at the next Council Meeting.

- i. Motion to direct EMA Director Rob Sabie to receive quotes for the cost of moving the pole and for the Auditor's Office to agenda the item for the next Council Meeting made by Mr. Kiel and seconded by Mr. Novak.

Mr. Yagelski noted that Long Beach had originally paid for the installation and maintenance of this pole in particular, as well as a few others, and questioned if the Council would end up taking full responsibility for the pole in the future if they made the choice to pay for moving it instead of Long Beach. Mr. Novak stated that poles in Springfield Twp. and Westville also had issues that had been addressed with appropriations from La Porte County, and by performing the most recent siren study, the county had indicated its jurisdiction over the sirens. Mr. Yagelski added that the purpose of taking ownership of the sirens was so La Porte County could secure grants for their maintenance and repair, to which Mr. Novak clarified that there were no grants available for the sirens at this time. Mr. Kiel stated that the reason for the county offering appropriations for this particular siren pole was because Long Beach was moving their public safety building, and added that there would be another month before the next Council Meeting to investigate the moving of the pole before the Council made a decision on whether or not appropriations should be given to the project.

- ii. All members voted in favor.

4. Confirm dates for Required Budget Hearings

- a. Suggested date of Public Hearing – October 2, 2023
- b. Suggested date of Budget Adoption – October 23, 2023

Due to the number of new items that would need to be addressed at budget hearings, Mr. Rosenbaum requested that a workshop, which would serve as a continuation of the budget hearings, be scheduled for September 18th, 2023 at 5:30pm (CST).

He reminded the room that September's regular Council Meeting had been rescheduled to October 2nd, 2023 at 6:00pm (CST), and requested that a public hearing on the topic of budget hearings be held prior to the October 2nd, 2023 meeting.

Mr. Rosenbaum also noted that October 23rd, 2023 would be the date scheduled Budget Adoption. Mr. Rosenbaum clarified that a motion would not be needed to secure these dates.

APPROPRIATIONS, TRANSFERS, AND REQUESTS

Mr. Yagelski asked how much money was currently in the General Fund; there was a nine-minute recess so Chief Deputy Auditor Rhonda Graves could access the information regarding the account. Upon returning from the recess, Ms. Graves informed him that with some deposits coming in earlier that day, there was a positive cash balance of \$10,006,349.21, and the unexpended balance was -\$266,601.68. She clarified that the available balance to spend, at the end of December 31st, 2023, as reported by the DLGF, was \$119,269. Mr. Cunningham questioned how the General Fund could fluctuate between \$10,006,349.21 and \$119,269 so wildly, to which Ms. Graves noted that these numbers were an estimate. Additionally, Ms. Graves reported that there was an Unappropriated Fund within the General Fund itself, and of the appropriated amounts, the county had overspent the appropriated amounts. All deposits initially went into the Unappropriated Fund, however statutorily, it needed to be used on certain items, such as jury pay. It was currently at a balance of -\$365,000, however she was unsure as to how or why it got funded this way, and unfortunately, the cash balance didn't mean much when looking at it individually.

Mr. Kiel asked Ms. Graves to explain what it meant that zero dollars were available to spend out of the General Fund. Ms. Graves explained that this meant that the General Fund was very low compared to what it had available in past years, so when the DLGF stated that they estimated the county's ending balance for December to be \$100,000, it wouldn't leave many funds to utilize. Ms. Graves stated that she was told by the previous Chief Deputy Auditor to indicate that these were the only funds available and to advise not to spend from the account. She noted that if the county continued to spend as it has been, the balance could be closer to -\$4 million in the General Fund after property taxes came in, and added that the General Fund required a lot of attention and care to ensure that it maintained a positive balance, and appropriations from it could be detrimental in the future, as the exact total within it was difficult to pin-point, especially when property taxes were brought into the equation.

Mr. Cunningham stated that he spoke with Treasurer Joie Winski, who informed him that the county's share of the tax draw in November would be somewhere between \$10 million and \$12 million, and noted that what the county drew from property taxes in November was supposed to cover the county's payroll from January to May of the following year. Ms. Graves explained that in April of 2023, the General Fund was already -\$10 million, and she had seen the General Fund as low as -\$23 million by April in previous years. Ms. Graves added that having the General Fund be positive at the end of year was the goal, however Mr. Cunningham was correct

in stating that it would be optimal to not only have the General Fund be positive at year's end, but also positive enough to be able to fund January through June of the following year. While she was unsure as to how this changed, she explained that in past years, the county would receive money in June that was utilized to reimburse itself for its spending going as far back as January of that particular year, and advised that it would be smarter if the county had maintained the practice of utilizing December monies to fund the following January through June.

Mr. Cunningham asked if the DLGF had ever fined La Porte County for having a negative balance at year end, to which Ms. Graves noted that the county had not been fined as it had always balanced at the end of the year. Mr. Kiel noted that there was a high likelihood that there could be an increase to the county's circuit breaker cap impact, which could have an effect on the amount of property taxes the county will be able to collect. The result is that only an estimated \$100,000 of new additional property tax revenue will be able to be collected in the following year, which he found to be potentially problematic. Mr. Stabosz agreed with a recent proposition to enlist Baker Tilly to investigate how the recent legislative changes in property taxes might affect the county's budget. Ms. Graves noted that the Auditor's Office investigation determined interest income in the amount of roughly \$2 million from 2021-2023 that had not been posted yet. She explained that Treasurer Joie Winski stated that she would begin reporting the back interest for 2023 to the Auditor so that it could be posted.

Ms. Graves recapped Mr. Yagelski's concerns regarding the tax sale surplus that were mentioned during budget hearings. She explained that the Auditor's Office researched all the way back to 2015, and was unable to find where the tax sale surplus was directed into the General Fund, as required. The Auditor's Office did plan on redirecting these funds into the General Fund by 2026 however, noting that for 2019-2020, an estimated \$300,000 of the \$1 million available had already been directed into the General Fund's Unappropriated Funds account, with the remainder of the funds to be directed into the account before 2023's end. 2021-2022's tax sale surplus monies would be directed into the account in 2024, and by 2026, the Auditor's Office would know that all of these funds were at least three years old and couldn't be claimed, and then could therefore be transferred for use appropriately. Regarding the interest revenue that had not been posted yet, Mr. Kiel asked if those cash balances were reflective of the interest revenue, which Ms. Graves noted that it was in the account, however it had never been given to the county for the funds. Mr. Yagelski added that the past, the Commissioners' Sale had helped bring additional income into the county in the amount of roughly \$20 million, and questioned where the money from the Commissioners' Sale was directed to, to which Mr. Rosenbaum redirected the question and recommended taking it offline so as not to add confusion to the conversation.

Mr. Novak noted that if the General Fund was \$4 million short at the end of the year, funding from other accounts would need to be directed to ensure that the General Fund would balance, so all other funds were at stake if the General Fund remained negative. He asked if the ordinance for the newly established Rainy-Day Fund required the Council to physical transfer money into it from Riverboat. Mr. Kiel clarified that there were two provisions in the ordinance

that allowed for the transfer of funds into the Rainy-Day fund; one provision allowed for a transfer of funds quarterly, while another provision allowed for a transfer of funds at the end of the year. Mr. Yagelski voiced his concerns that the county wouldn't be able to fund itself at the rate that it was spending, noting that payroll cost \$23 million for payroll up to April of 2023 alone, and voiced that it would be best not to accept requests for additional appropriation during the meeting until the Council got a better understanding of the county's financials, including if this meant hiring a financial advisor. Mr. Rosenbaum stated that he did not disagree with Mr. Yagelski, however he advised approaching the Appropriations, Transfers, and Requests list and addressing each item individually, and added that he hoped to have answers for these concerns prior to the September 18th workshop.

La Porte County Superior Court No. 1

Requesting to Transfer from 1000.30037.000.0149 (Transcripts) to 1000.2001.000.0149 (Office Supplies):

\$1,000

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

La Porte County Plan Commission

Request to Transfer from 2067.30007.000.0246 (Maintenance Contracts) to 2067.20001.000.0246 (Office Supplies)

\$1,000

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

La Porte County Prosecutor's Office

Request to Transfer from the Unappropriated County User Fee Fund (2500) to the Prosecutor Pretrial Diversion & Deferral Fund (2501) for:

Assist Law Enforcement in Purchasing Needed Equipment

\$35,000

- i. Motion to approve made by Mr. Cunningham and seconded by Mr. Koronka.
- ii. 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 made by Mr. Koronka and seconded by Mr. Kiel.

ii. All members voted in favor.

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

Legal Fees \$2,875.16

i. Motion to deny made by Mr. Yagelski and seconded by Mr. Cunningham.

Mr. Novak read aloud a text that he received from Mr. Stabosz, which he remarked that he felt as though the correspondence was hostile: "I just thought I'd let you know I'm not going to tolerate your attacking, demeaning, shaming, and degrading me tonight...and then, in a completely two faced manner, pretending you are my best friend in the world after the meeting. If you feel you have to do the bidding of your master, to show him your loyalty, and want to bring about a s--- storm, I'm going to fight back. Your open hostility to my role and function is offensive, disrespectful, and debased...especially since you were one of the 4 that admitted inappropriate charges. I am not going to let you politically degrade me, without holding you accountable for your own behavior. If you want to fight, we can fight." Mr. Stabosz rebuked, stating that he felt as though he had been politically degraded and his integrity had been attacked during the June Council Meeting by Mr. Novak, and added that he felt as though Mr. Novak had gone too far, which Mr. Novak retorted that he had not. Mr. Novak voiced his concerns that with the Auditor's current appeal in his court case, the county would end up paying \$30,000 over the Auditor's \$9,000 dispute with vendor Friedman & Associates. Mr. Stabosz responded that Mr. Novak was destructive, hostile, and acted as though he was his best friend following the meeting, which he had taken offense to. Mr. Novak stated that he and Mr. Stabosz could disagree while also still being on speaking terms, to which Mr. Stabosz opined that Mr. Novak was two faced. Novak exclaimed that this was an absolute bold-faced lie and that Mr. Stabosz was trying to apply political pressure. Mr. Stabosz then accused Mr. Novak of serving as a stooge for Shaw Friedman, and furthermore, that Mr. Novak was afraid of Mr. Friedman, thus acting in his favor as a result; Mr. Novak responded that this accusation was an absolute lie.

ii. During roll call, four members voted in favor of denying (Mr. Cunningham, Mr. Yagelski, Mr. Mollenhauer, Mr. Novak) and three members voted not-in-favor to deny (Mr. Koronka, Mr. Rosenbaum, Mr. Kiel). The request for appropriation was denied.

Regarding prior discussion about the Council hiring Baker Tilly to investigate the county's General Fund, Mr. Kiel asked if the Council needed permission from the Commissioners if the

Council were to hire Baker Tilly themselves. Mr. DiMartino explained that the Commissioners would eventually need to sign the contract for Baker Tilly, however he would need to research the statutory language. When Mr. Stabosz noted that the Commissioners established both Baker Tilly and Cender and Company as the financial advisors for La Porte County at the beginning of the year, Mr. DiMartino advised the Council go through with reaching out to Baker Tilly, and if there happened to be a prohibition, the Commissioners would be able to address it.

La Porte County Building Maintenance

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

Part-Time Pay \$52,200

Mr. Rosenbaum broke down the appropriation request for part-time pay, noting that the request of \$52,200 indicated that the highest level of pay for a part-time maintenance employee, which was \$16.50, would equate to roughly 3200 hours worked total, and over a seven-week period, would come out to about 186 overtime hours worked. He added that part-time employees could work no more than 28 hours per week, and this would mean that 6.6 part-time employees would need to be working for the next 17 weeks under the proposed schedule according to the \$52,200 request for appropriation, which Mr. Rosenbaum found to be a lofty request considering Building Maintenance's current full-time workforce. Mr. Novak asked Facilities Director Sean Fitzpatrick what the original part-time budget was for the year, which Mr. Koronka clarified was \$105,200. Mr. Fitzpatrick explained Building Maintenance employed 16 part-time personnel, 11 of which were housekeepers. The average time worked for these housekeepers was 3 hours per shift, many of which worked various, non-consecutive days of the week, as many of them held other full-time jobs. Additionally, many of these part-time housekeepers did not work the maximum 28 hours per week that they were permitted to work. Three additional part-time employees served as seasonal mowers, and the two remaining part-employees worked for building maintenance.

Mr. Kiel asked how much money was remaining for the two line items that Building Maintenance requested, to which Mr. Fitzpatrick noted that his part-time budget had roughly \$8,000 remaining, which would likely cover just one more pay period. Mr. Kiel followed up by asking if the appropriation could wait until the following Council Meeting, and Mr. Fitzpatrick stated that he might not have the money in his budget to keep all of his staff, which could potentially result in lay-offs, and subsequently, those laid-off employees drawing unemployment. Mr. Koronka added that at the time the Council was setting budget hearings, Building Maintenance had \$64,901 spend out of their allotted \$105,200 budget for part-time employees.

- i. Motion to approve \$25,000 out of Riverboat (1191) and to review Building Maintenance's budget made by Mr. Novak and seconded by Mr. Yagelski.

- ii. Five members voted in favor (Mr. Novak, Mr. Koronka, Mr. Yagelski, Mr. Rosenbaum, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Kiel). The motion passed.

Overtime Pay \$21,900

Mr. Novak asked Mr. Fitzpatrick how much money he currently had in his overtime budget, which Mr. Fitzpatrick noted he had about \$9,000 left of his total \$25,000 annual budget. Mr. Koronka noted that through June 30th, \$15,352 of the fund had been expended. Mr. Fitzpatrick explained that the overtime was primarily used on building checks to ensure building integrity, safety, and compliance, in addition to about \$5,000 that was spent for overtime addressing the Complex Building flooding.

- i. Motion to approve \$5,000 out of Riverboat (1191) made by Mr. Novak and seconded by Mr. Koronka.

Mr. Yagelski reported on the part-time and overtime budget from 2022, and explained that these budgets were not even fully expended in 2022. Mr. Rosenbaum clarified that the \$5,000 in overtime for the Complex Building flood damage was an exception. When Mr. Novak asked if Building Maintenance had increased part-time staff from the year prior, Mr. Fitzpatrick clarified that there was a substantial increase in the number of part-timers that he hired, primarily with his housekeepers. Mr. Kiel noted that originally, Mr. Fitzpatrick submitted an appropriation request that was lower than what was on the evening's agenda, and then asked Mr. Fitzpatrick why this number changed. Mr. Fitzpatrick explained that that the initial request for the appropriations was discovered to fall short of his needs when he recalculated his numbers, primarily based upon the remainder of payments he needed to distribute in comparison to that which had already been paid out, which was in turn based off of the average rate of pay and the number of hours worked.

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

La Porte County Coroner

Requesting Additional Appropriation from Coroner Non-Reverting Fund (2053) for:

Remote Starters for Both Coroner Vehicles not-to-exceed \$750

- i. Motion to approve made by Mr. Koronka and seconded by Mr. Yagelski.

- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

La Porte County Board of Commissioners

Requesting Additional Appropriation from Rainy Day 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>
	not-to-exceed \$1,729,463

- i. Motion to approve out Rainy Day Fund (1186) made by Mr. Yagelski and seconded by Mr. Novak.
- ii. All members voted in favor.

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

Museum Curator's Pay Account	\$40,662.90
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- i. Motion to approve out of Riverboat (1191) made by Mr. Yagelski and seconded by Mr. Novak.
- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

La Porte County Weights and Measures

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

Part-Time Assistant	\$6,550
Repair & Equipment	\$1,000

- i. Motion to approve both items out of Riverboat (1191) made by Mr. Yagelski and seconded by Mr. Novak.
- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

La Porte County Animal Shelter

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

Fuel \$4,000

- i. Motion to approve out of Riverboat (1191) made by Mr. Novak and seconded by Mr. Koronka.
- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

Mr. Novak informed the room that the previous veterinarian who worked at the animal shelter, Dr. Dora, had retired and that the La Porte County Animal Shelter had been looking for a new vet to take his place since January. Animal Shelter Director Eric Hayes explained that the position was mostly paid for by a grant, which provided anywhere between \$40,000-\$50,000 depending on the year. Pay for the Animal Shelter Veterinarian had not increased over the years, and it was revealed that Dr. Dora was only being paid roughly half of what other veterinarians made, a statement which Mr. Novak bolstered by stating that veterinarians who are just starting off often made upwards of \$100,000 per year, and emphasized that with a lesser salary, it might be difficult to secure a new veterinarian. He added that with the Animal Shelter needing to outsource animals to other veterinary offices as a direct result of there being no in-house veterinarian at the La Porte County Animal Shelter, their resources were quickly draining.

La Porte Superior Court No. 4

Requesting Additional Appropriation from Riverboat (1191) or Opioid Unrestricted (1238) or WinTax (4220) or ARP (8950/8951) for:

Psychological Evaluations \$3,000

- i. Motion to approve out of Opioid Unrestricted (1238) made by Mr. Koronka and seconded by Mr. Mollenhauer

Mr. Novak asked why Opioid Restricted was not considered as a fund for the appropriation request, to which Mr. DiMartino stated that he was unsure where the psychological evaluations would be utilized, as the request was not strictly for drug court.

- ii. Five members voted in favor (Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Yagelski).

La Porte County Community Corrections

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

BJ's Lockshop Invoice

\$17,669

Mr. Novak noted that he would like to make a motion to have the item appropriated through the Community Corrections Commissary Fund, to which Mr. DiMartino clarified that it would not need to be reappropriated and readvertised, and that the motion would be for permission to spend.

- i. Motion granting permission to spend \$17,669 out of the Community Corrections Commissary Fund made by Mr. Novak and seconded by Mr. Koronka.
- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

Policy Revision and Updates via Lexipol

\$38,888

Community Corrections Director Mericka Beaty explained that the Department of Corrections had been asking for Community Corrections to update their policies and procedures for four years, and explained that a policy update had not been done since 2014. She noted that she had previously reached out to Sheriff Boyd, who recommended Lexipol, a service that the Sheriff's Department and surrounding counties utilized with success. She emphasized that updating the policies would take full-time work in order to ensure that all of the policies and procedures aligned with state regulation. Mr. Yagelski recommended holding off the request for a few months until the county got its finances in order. Mrs. Beaty emphasized that Community Corrections would be at risk of losing the grants that were issued to it by the Department of Corrections if they did not comply, and that the deadline to begin the policy revision was at the end of the year at the latest.

- i. Motion to table until the October 2nd, 2023 Council Meeting made by Mr. Yagelski and seconded by Mr. Koronka.
- ii. All members voted in favor.

La Porte County Clerk

Requesting an Appropriation from the Clerk's Record Perpetuation Fund (1119) for:

Bolt Invoice

\$10,288.50

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

La Porte County Highway Department

Requesting Additional Appropriation from Cumulative Bridge (1135) or Major Bridge (1171) or ARP (8950/8951) for:

Franklin Street Bridge Repairs

not-to-exceed \$1,500,000

Mr. Yagelski explained that the bridge was in its third year of its five-year repair plan, and purchasing equipment and making additional repairs at this time was imperative as the winter season was coming up.

- i. Motion to approve out of Cumulative Bridge (1135) and to have any remaining funds taken out of Major Bridge (1171) if Cumulative Bridge (1135) could not cover them all made by Mr. Yagelski and seconded by Mr. Novak.

Mr. DiMartino asked if there was any spending out of Cumulative Bridge where appropriations were still pending, to which Mr. Novak noted that \$600,000 would go into Cumulative Bridge at the beginning of each year. Mr. DiMartino additionally asked if there were any grant monies that the county was anticipating matching through motions of support, to which Mr. Koronka stated that he had reviewed all of the motions of support for 2022 and 2023, and could not find anything qualifying as grant work that would require appropriation from Cumulative Bridge. Mr. Kiel asked if the La Porte County Planner might happen to have internal appropriation requests that simply had not been brought before the Council yet that may need Cumulative Bridge funds for appropriation. Mr. Yagelski emphasized that anything that would utilize Cumulative Bridge funds had already been brought before the Council, while Mr. Kiel voiced his opposition to the motion, noting that there was neither a sustainable long-term funding plan to support future projects of the Franklin Street Bridge, nor had the county bid out the \$1,500,000 appropriation request to comply with the competitive procurement process, which was required by law.

Mr. Stabosz requested that the Council, as it had done in the past, ask the Auditor to waive any concerns of his around adherence to the public purchase statutes as part of their motion.

- ii. Motion to amend by adding the Auditor's waiver of any concerns regarding the public purchase statutes, to the original motion made by Mr. Yagelski and seconded by Mr. Novak.

- iii. Five members voted in favor (Mr. Yagelski, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and two members voted not-in-favor (Mr. Cunningham, Mr. Kiel).

La Porte County EMS

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

Maintenance Contracts

Image Trend	Report Writing Software	\$12,028	
Stryker	Cardiac Monitors	\$24,480	
Stryker	Lucas CPR Devices	\$14,044	
Stryker	Cot Maintenance	\$35,000	
Net Cloud	Modem Software	<u>\$4,059</u>	\$89,611
Corporate Compliance			\$41,300

- i. Motion to approve all items out of LIT Public Safety (1170) made by Mr. Novak and seconded by Mr. Mollenhauer.
- ii. Six members voted in favor (Mr. Yagelski, Mr. Kiel, Mr. Rosenbaum, Mr. Novak, Mr. Koronka, Mr. Mollenhauer) and one member voted not-in-favor (Mr. Cunningham).

COUNCIL/ATTORNEY COMMENTS

Mr. DiMartino noted that there was good progress in the rate of repairs in the downstairs portion of the Complex Building, including the removal of IT's equipment, the upcoming removal of the Health Department's belongings, and even more clearing out following the Prosecutor's upcoming meeting with the industrial hygienist.

Regarding the multiple occasions in which the Council spoke about hiring a financial advisor to investigate several fiscal concerns, Mr. Kiel sought to make a motion.

- i. Motion to hire a financial advisor (pending a legal review by Mr. DiMartino) to examine the potential outcomes of the year-end balance of the General Fund, to provide clarity on why property tax income was declining, and to ensure that La Porte County was not running a deficit budget in 2024 made by Mr. Kiel and seconded by Mr. Yagelski.

Mr. DiMartino explained to the Council that the Auditor had previously informed him that, during the Reorganizational Meetings, the Commission had approved the hiring of both Cender and Company and Baker Tilly as the county's dual financial advisors. Once Mr. DiMartino reviewed the meetings to confirm this, he noted that he would have no issue with the Council reaching out to Baker Tilly to investigate the items listed in Mr. Kiel's motion.

- ii. All members voted in favor.

Mr. Koronka requested that an executive session be held to discuss the available candidates for the Human Resources Director position, and additionally requested that a discussion about the creation of a Human Resources Advisory Board be considered during this meeting as well. Mr. DiMartino informed the Council that if they planned on creating an advisory board for Human Resources, it would be subject to the Open Door Law.

Regarding his votes against certain items on the agenda, Mr. Cunningham explained that he felt as though the Clerk's appropriation request to spend out of her non-reverting fund should not have been listed as an additional appropriation, despite what the statute said. He also clarified that his 'nay' votes were mostly directed against those items which were listed as requests for additional appropriations.

ADJOURNMENT

- i. Motion to adjourn made by Mr. Yagelski; there was no audible or visual second.
- ii. All members voted in favor.

Examined & Approved by the La Porte County Council this ^{30th} ~~2nd~~ day of October 2023. *gdn*


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