



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, September 15, 2009

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, September 15, 2009, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

CALL MEETING TO ORDER

Mrs. Huston, President, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mr. Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Layton, under New Business please remove Item B., and under Old Business, please move Item A. to the end of the program.

Mr. Bohacek made a motion to approve as amended, seconded by Mr. Layton, motion carried by voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of September 1, 2009, as presented, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

The Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending September 18, 2009 and October 2, 2009, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$ 730,267.28, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims ———\$1,343,235.67, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Keith Blozis, 1907 Welnetz Rd., Trail Creek, I am still trying to find out what is going on with the drainage. We are living with water.

Attorney Braje, the town of Trail Creek has been involved and we have been working preparing the easements with Mr. Herrbach, the attorney for Trail Creek. That process is about completed and we should be moving forward.

Mr. Michael Seitz, President of the Greater LaPorte Chamber of Commerce, I am here with direct authority from the North Pole. Santa Clause has requested, if it would be possible to place the Santa statue on the front lawn of the county courthouse. Just the statue, the Santa Chalet will be back by the train depot. We have had some requests that it is community tradition that they like the Santa statue on the courthouse lawn.

Mr. Bohacek made a motion to allow Santa to reside on our front lawn, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mr. Dwight Graham, 346 Holton Road, LaPorte, IN, I am Executive Director for LaPorte County Habitat for Humanity. I wanted to express our disappointment that the Ordinance to establish an affordable housing trust fund for LaPorte County is on the agenda to be rescinded. For the record, I would like to give you some information about that. This ordinance, which was passed over a year ago, sent a clear message that decent affordable housing is important to this county. The improvements in many of the neighborhoods that we have built in and by utilizing lots that generate little or no tax money for the county, has been a benefit also. Each house we build generates approximately \$1,000 in taxes each year. We will be finishing our 32nd home in about a month here in LaPorte. They all generate tax money for this county. Approximately this year, we will be generating about \$30,000 in property tax revenue for LaPorte County. This fund would help us sustain and possibly increase our capacity to serve more low income families and generating more property tax dollars for LaPorte County. It certainly is a win win situation for both the citizens of this county and the low income families. This ordinance received unanimous support from the County Commissioners last year and nearly unanimous support from the LaPorte County Council. Now there is a glitch because a cap was placed on the recording fees. In my research for this, I took a sample week which happened to be last year in September. I got the information from the Recorder's office. There were 280 documents that were recorded that week and of those 280 documents, 47% were only one page so a cap would not even be needed. 72% were under the cap that the LaPorte County Council put on this as an amendment. The average was four pages which is under the cap. Probably the cap was not even needed and that is what caused the glitch with the state. We feel this is important for the citizens of LaPorte County. I am asking that this ordinance be reintroduced at a later time.

Mr. Tim Wall with Ken Herceg and Assoc., we are hear to touch on old business in regarding asking for your approval and processing the fees related to the litigation that was approved back in March.

Mr. Bohacek, there is still some concern about the white on the bricks. We were told that that was going to happen but we also were told it would be going away. It seems to be getting worse and worse. What is the vendor's position on that?

Mr. Wall, in talking to them recently, they are surprised it is taking this much time. Efflorescence is the technical term. It is salts that were naturally in the stone that is being drawn out by the patching material. About a year ago, there were a couple small spots that were tested on a window sill. The salts that were drawn out were cleaned and the concern is there is more salt that may be drawn out. It appears it has reached a balance. In talking to the vendor, what they propose is, this fall to do a larger cleaning test and let it set over the winter. Next spring look at what the best options are.

Mrs. Huston, Tim, did you know this was going to happen?

Mr. Wall, we didn't anticipate how much there would be or how long it would take. It is a natural effect of patching stone in this manner.

Mrs. Huston, we have a beautiful building except for the white blotches all over the building. Another thing, where they attached the scaffolds to the building, it was to be patched. Now we have two little holes in a different color on the cement going around the building.

Mr. Wall, we can certainly address that issue as well. The patches are working, that is kind of good news, bad news. When they did the sample cleaning just on the window sills, they also cut out a little section of the sill which they need to come back and patch. The patching material has become part of the stone. At this point it is only aesthetic, which is obviously

important but the repairs were very necessary and they have held. What we would propose is doing more test cleaning to make sure we get the right product and then doing the whole building.

Mr. Layton, who is going to pay for that?

Mr. Wall, that is a discussion we need to have.

Mr. Layton, I don't think it is a discussion we need to have. This is something that happened because of the contract we had for over \$2,000,000.00. I remember a discussion I had with you Mr. Wall and you told me it was as simple as the rain would wash it off. Well, last September we had 17 inches and this spring we had 7 inches and it is getting worse not better.

Mr. Wall, our information from the manufacturer of the material is that is what should be expected. Time will take care of it.

Mr. Bohacek, when could we have some kind of meeting with this vendor?

Mr. Wall, we asked them to come today but, unfortunately, they were short staffed and were unable to come. Certainly at your soon convenience.

Mrs. Huston, which one of the vendors was this?

Mr. Wall, US Heritage Group. They manufacture the repair mortar. We will call them and find a time in everyone's schedule and sit down talk about this.

Mrs. Huston, monetarily, I don't think we are in tune to talk about paying any more for our beautiful building. I think it was about \$3,000,000.00 we paid out, plus the law suit that ensued, the settlement agreement, and now we have a blotchy building.

Mr. Wall, I can not speak for the manufacturer of the patching material. It is doing what it is suppose to do. With your permission, we will call them and schedule a cleaning meeting.

Mrs. Huston, please call our secretary to schedule a workshop because all three commissioners will want to be there as well as the council.

Mr. Earl Cunningham, 6311 West Shiva Drive, LaPorte. I was somewhat shocked to see this controversy in the paper about this fall election. I am just here to express, on behalf of the majority of the council, our support of your position that we not fund this. It is not necessary to have the election in November. My interpretation, speaking with experts in the field, there is no penalty for not having the election. We are in unanimous agreement to not fund this fall election.

DEPARTMENT HEAD COMMENTS

Mr. Tony Hendricks, LaPorte County Surveyor. I would like to thank Mr. Bohacek and the Drainage Board for their support. I went to the Kankakee River Valley Commission. Indiana granted \$1,000,000 to the KRVC for cleaning the Kankakee River for six counties. That included LaPorte County and our request in removing log jams, removing debris from the river and cleaning out silt. We have teamed up with Starke County and we were granted \$200,000 to clear up log jams and debris in the river. We are working up a proposal to get that out to bid. We would like to thank Commissioner Bohacek for his support for A., to clean out the river and B., to help the economy to get local vendors to do the work for us.

Mr. Bohacek, Tony, did you get a chance to get the creek elevation for the White Ditch?

Mr. Hendricks, we went out and did some work on White Ditch. We also did some GPS work. We did do some manual observation and it looks to be in pretty good shape. We will continue to do some more detail studies.

Mr. Jeff Wright, LaPorte County Engineer, County roads 200 E. and 300 E. are in progress. We are doing pile driving at night. We are pile driving at night because we are in the vicinity

of a high voltage tower and it has to be done during the shut down, there is no other opportunity. We notified the adjacent home owners that we would be doing this at night.

Mr. Wright, Bridge 34 letting was September 10th. That was primarily an INDOT driven project. LaPorte Construction was the low bidder. It was \$967,560.24. We, as the county, need to notify the state recommending and awarding that contract to LaPorte Construction.

Mr. Bohacek, I have looked at the other bids and they are all within a couple thousand dollars of each other. LaPorte Construction is \$300,250 less than everyone else. Whenever we get bids this far off, we are concerned.

Mr. Wright, bids are always a concern when we have one that is much lower than what the cluster is. We always think there is not a meeting of the minds. So far, Alberno has done a spectacular job. To this point, we have not had any change orders for material or labor.

Mrs. Huston, I am sure that you did check that LaPorte Construction did meet all the criteria in this bid.

Mr. Wright, INDOT combs through the bids in detail and it is quite a rigorous process.

Mrs. Huston, we do not particularly care for change orders. Mr. Bohacek is right, there is \$300,000 between the lowest bidder and the low bidder.

Mr. Wright, the three higher bids are higher than the engineers estimate.

Mr. Bohacek made a motion to recommend LaPorte Construction for the project, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Mrs. Huston, keep a close eye on that one.

Mr. Wright, the DLZ submitted a supplement for the engineering for the NICTD bridges. It is in our favor and it was signed before by the Commissioners. Somebody filed it and we need to have another one signed.

Sheriff Mollenhauer, for your information, we are presently getting our cameras installed. Visionhawk is the company we ordered them from. They installed nine of them last Wednesday and they are going to install another nine tomorrow and nine Thursday. Then, three days the following week and we should be close to being totally installed by then for about 55 or 56 cars. The officers are being trained.

CORRESPONDENCE

None

REQUESTS

Phyllis Tadros/Request Payment for Unused Sick Days and Vacation Days

Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by voice vote 3-0.

Mrs. Huston, she is retiring after twenty-five years of dedicated service to the county and to the tax payers of LaPorte County and we wish her well in her retirement.

OLD BUSINESS

Newby, Lewis, Kaminski & Jones/Petition to Vacate a Portion of Grapevine Lane, a 30' Right of Way in LaPorte County, IN (Tabled)

Mr. Layton made a motion to remove from the table, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Jim Kaminski, I am an attorney in LaPorte. I gave you material for your packets requesting a vacation of Grapevine Lane in Hudson Lake. I would like to file for the Commissions records proof of publication, as well as, the original notices that not only went to the adjoining land owners, but to additional land owners in the area. I represent what I will call the Maxey family which owns one of the parcels that joins the portion of Grapevine Lane which we are requesting to be vacated. The Maxey family now owns a cabin which has been in their family since 1965. Marilyn Sytsma who lives across the street joins in the petition and she has owned her parcel with her late husband for well over 40 years herself. They are requesting that about 140 feet of the 30 foot platted right of way be vacated. When Grapevine Lane was platted in 1927, the plat really hasn't been modified since then. Grapevine Lane, when you look at it, was intended originally to be a roadway down from Tulip down to Lakeshore Drive down to the water's edge of Hudson Lake. The reality is that Lakeshore Drive has never been built and has never become a roadway. Grapevine Lane has never become a roadway other than up to the Sytsma parcel at which point it stops. It has essentially been used as the back yard for both the Maxey family as well as the Sytsma family. Long ago, a fence was erected in the middle of the roadway by the Sytsmas kind of establishing a boundary. The reason for the request, in the last year, individuals who own a parcel of real estate to the north of the Maxey and Sytsma parcels erected a pier at the water's edge where Grapevine Lane is located and would have intersected Lakeshore Drive if it would have ever been built. They erected it on what is currently county property. Of course, to gain access to that pier, they are using the unimproved portion of Grapevine Lane that passes through the Sytsma and Maxey family parcels. The conservation office has verified for me the pier was done without their permission. Since the county right of way would be the only way they could possibly justify erecting a pier there, they are going to ask that the pier be removed because they have no property rights running to the water's edge, like the Maxeys and Sytsmas do. This problem has caused my clients to have just concern about other people from the public using this unimproved right of way for access to the lake. I have presented you with a variety of pictures. I just wanted to point out a few things. Number 1, there are a variety of mature trees in that portion of the roadway that we are asking to be vacated that have existed for a long time. Also, the grade from the lake leading up to the improved part of Grapevine Lane is rather steep, very steep, so there is concern about the general public using that as a walk way to the lake. The pictures also depict where Lakeshore Drive would be if it had ever been built. Frankly, it is under water and lily pads. The bottom line is the plat from 1927 that the county had recorded includes some roadways that just won't conceivably ever be built and certainly this 140 foot section of Grapevine Lane will never be used by the county as a road way. There wouldn't be any reason to do so. We think now it is a hazard that a pier has been erected what appears to be a platted county right of way. We are asking that the county vacate the roadway so that the reality can become of record and that is that it is the back yard of two neighbors that peacefully have coexisted. There are other access points to Hudson Lake for the public. There is a public boat launch to Hudson Lake. There is a public beach on Hudson Lake. This portion of the lake just isn't appropriate for use by the general public. So, we asking that the commission act favorably on this petition to vacate that portion of Grapevine Lane, the legal description which is part of the record I provided. Although we have ten members of the Maxey family here today, as well as Mrs. Sytsma, is one representative of the family who is able to answer any questions you might have about past use.

Mr. Bohacek, who is the property owner with the pier? Where is their lot in relation to this map?

My name is John Betancourt, I own the property that adjoins the Maxey's that they are talking about. I am not the only one involved in that dock, there are three of us. We use it for our boats. My kids go down there and fish off the pier. I don't understand why they have such a problem with it. It is hurting nothing, all we are doing is having a right to the lake. The pier has been in just this year. We started to do it last year, this is one of the reasons I bought the house to have access at the end of the road. It shouldn't be a problem, we aren't causing any problems.

Mr. Bohacek, who else is involved in the pier with you?

Mr. Betancourt, Mike and Tom.

Mrs. Huston, where is your property?

Mr. Bohacek, can you give me the other property owner's full names?

Mr. Betancourt, Tom Cullens and Mike Schmidt.

My property has a Tulip Lane address and theirs has a Grapevine Lane address.

There is a discussion on where everyone's lots are located.

Mr. Michael George Smith, 7946 North Orchard Lane. One of the things I am concerned about if this goes through is....I myself have a pier and in the same position they are in. Many people have piers in the same manner. If this passes, I am afraid this will limit the access to all of the people who are full time residents. Most of the people along the lake are not. You are going to have 50 roads that they want to close so these people can have their private lake.

Mr. Bohacek, there is no way a vehicle can go down this road?

Mr. Smith, right. Where we have our pier the grade is much steeper than here.

If you go ahead and close the road, my family has been paying beach property taxes since 1948. Will they reevaluate it and will we get a reimbursement check since we didn't have rights to that lake? You will be opening a can of worms.

Mr. Layton, was there something in the contract that you signed that said you had lake rights?

I tried to find it, I couldn't find it in there but I can go to the title company and get it.

Mr. Layton, I would like to commend Mr. Kaminski on the documentation that he presented to us. This is the first time I have seen anything like this in this format. I would like to table this until I have the opportunity to walk the site and to learn from the residents out there; both from the Maxey family and the other petitioner, as well as the others that are out there. I can honestly not make a decision on this issue today without seeing for myself. Mr. Bohacek seconded the motion with a request. I would like to take a look at it as well. I would hope that while this is on the table these parties could get together and modify the petition to allow walking access. Additionally, I don't feel that pier is going to stay but certainly should have walking access to the lake. That is my opinion. It would be a lot easier if the parties could get together and work out some kind of solution if possible.

Mr. Hendricks, LaPorte County Surveyor, we have been dealing with pier issues on most of the lakes in LaPorte County. The DNR has been in the surveyor's office about the size of piers and docks on lakes that are DNR lakes or county owned property. We have been discussing some issues and we would like to discuss with the commissioners. Homeowners have been putting things on Lake Michigan's edge. We are working with the DNR on other lakes, Fish Lake is having the same issues.

Mr. Layton, Mr. Kaminski, you made reference to the pier being established without DNR approval. Is there a process that these folks were to follow?

Mr. Kaminski, the explanation I had from the county and my personal review of the statute, was in order to place a pier, you have to have some riparian rights, some right to the water's edge. In this case, the DNR officer said unless the county gave approval to use that portion of Grapevine Lane to place a dock on the water's edge, then there is no right to the lake. Otherwise, you would run into situations where anyone that wanted to place a dock in the lake could do it regardless of where they lived.

Mr. Bohacek, there is quite a few docks on that lake. I don't think we have ever looked at it to see who has riparian rights and who doesn't.

Mr. Kaminski, I believe they call this Small Hudson Lake.

I would like to reiterate the fact that our deeds say beach resort lots, that sounds to me like it should give us access to the water down there. If it isn't, we would like to have them reevaluated and be reimbursed since we have overpaid for all of these years.

Mr. Smith, if something like this goes through and it goes around the lake, all the people on the lake that are behind these houses, like me, my dad and my son, are not going to be able to use the lake except for one or two certain areas around the lake.

Mrs. Huston, may I ask you a question, John? How long have you lived there?

Mr. Betancourt, since 2004.

Mrs. Huston, why, just this year did you choose to put in a dock?

Mr. Betancourt, I didn't do this alone. We own it together. I was traveling so much I didn't have time. I have now retired and am disabled and have the time.

Mrs. Huston, how long have you lived there sir?

I have lived there since 1993, my grandfather bought the property in 1948. This lake has a natural seven year cycle, going up and going down. When it is down, our side has no water. It is not every year that we need a dock there anyway. That is why it wasn't there before.

Mrs. Huston, how long have you lived there?

Four years.

Mr. Smith, his dad in the early 70's, they tried to close the lake road. My Dad and Grandpa got lawyers and fought it to keep the lake public.

Mr. Smith, a lot of the lake is under water. There are artery roads that come down to feed it. The lake goes up and down. The roads were laid out, they might not be there today but you never know what next spring will bring.

Mr. Layton, are you saying, sir, that Grapevine Road, South Bend Road, or any of the others, that there was a petition back in the 70's to do what this petition....

Mr. Smith, yes, the road did not go clear to Grapevine. It was probably drawn out to be at one time. It went almost to Grapevine and stops there. Now, on the west side of the lake, it is only a ¼ mile of road. It used to come all around the north side, all around to the island when my Dad was very young.

Mr. Layton, which road are you talking about?

Mr. Smith, Lakeshore Road used to go all the way around. They tried closing that main road that went all the way around.

Mrs. Huston, we have a motion on the floor to table, with a second, motion carried by voice vote 3-0.

NEW BUSINESS

Rescind Ordinance Number 2008-18, Establishing County Affordable Housing Fund, Advisory and Administrative Committee

Mr. Braje, there are actually two ordinances relative to this issue. We believe it would be best to table this ordinance to bring both of them together in front of you for review.

Mr. Bohacek made a motion to table per the attorney's recommendation, seconded by Mr. Layton, motion carried by voice vote 3-0.

Consideration of Ordinance Regarding LaPorte County Assessor's Forfeiture of Office

Mr. Layton made a motion for the presentation of the ordinance, second reading, seconded by Mr. Bohacek.

Mrs. Huston reads the entire ordinance. (Please see attached)

Mr. Bohacek, I have been one of the most outspoken proponents of this action. I have heard a lot of discussion about it that, what is done is done and that removal of Mrs. McDaniel from office isn't going to make anything better. It is not going to change history. My concern is that going forward we have a reassessment to complete and we are going to need strong leadership in that office going forward. In light of some activity that occurred in that office as recently as last week, I am extremely concerned that going forward, I don't think that leadership exists in that office at this time.

Mr. Layton, I guess I have some concerns about whether it will make a difference or not if Mrs. McDaniel is removed from that office. Quite honestly, that decision is not ours. The decision will be made by the Circuit Court of this county and/or a special judge. That is only if the prosecutor of this county finds the evidence that was submitted by the Department of Local Government Finance to follow the statute. I heard some references to, as Mr. Bohacek related to, that this is old hat, that this happened two or three years ago and the action should have been taken at that time. Quite honestly, the action could not have been taken at that time it wasn't even law until July 1 of last year. So the action, to this date, could not have been taken. There has been, as we all know, a major change in the leadership of the DLGF through the commissioner's office there. I have questions in my own mind and we have all read what was presented to us by the DLGF; it was very condemning of Mrs. McDaniels, especially the portion brought to us as an excerpt of the court proceedings. As Mr. Bohacek eluded to, there was controversy there last week. We were all shocked, about three weeks ago when we received a letter from the vendor that represented the county of LaPorte, notifying us that not only are they going to sue us for last years payment we have refused to pay because we didn't think the job had been done correctly, are also going to send us another bill for another \$250,000.00 for work that was reportedly done over and above the contract that was signed by the commissioners five years ago. I don't know who authorized this additional work but this is another thing that strikes in my mind. It is my opinion that the heart of this action is to find in our own hearts and mind whether we believe that the evidence that was presented by the DLGF is of the nature that we should follow through and move this ordinance forward and present it to the prosecutor.

Mrs. Huston, I, too, have strong feelings about this. I do not believe that Mrs. McDaniel always got the best advice. I do believe that the DLGF is also at fault for this. When something is submitted and they somehow turn it around. We recently submitted work to the DLGF on the 05/06, 06/07. They came back and didn't want us to do it that way. There was an appeal and then they came back with this is the way you are going to do it. So I do believe that Commissioner Musgrave, who was there formerly, I do think she had a strong hand in how all of this went down. Then, she was removed and I did believe moving forward with Mr. Rushenberg was a good idea, now I am not quite sure how that is being handled because I believe they have a hand in what is going down. Do I believe she was totally at fault for this? No I do not. I believe she is the Department Head and as the Department Head she is the one that has to take the fall. She was elected by the people and someone did point out that this should go to a referendum. Do you want her out of office or should she stay for the rest of the year? It is a very hard decision. I believe the paperwork was very damning. But I also think that the thirty-six questions taken from an entire deposition were the most damning and those were the only ones presented in this document. There were other things, and of course, as everyone knows, you go back far enough and you can dig up anything on anybody. Do I believe that the work is getting done, because everybody is wondering how this is going to come out and what is going on? No. It is probably at a stalemate, everybody is to worried about what is going to happen. Is she going to be taken out of office? Do we go forward? I think that is damning in itself because it stops the process. I also have talked to some people who feel the state more or less demanding that we take this action and everyone is watching from all over the state as to the action that we do take. It is almost a communistic type of rule and that is my opinion only. I am not speaking for anyone but myself.

Mr. Bohacek made a motion to adopt the ordinance that Carol McDaniel has failed to adequately perform her duties as LaPorte County Assessor and further determining that Carol McDaniel forfeits the office of LaPorte County Assessor, seconded by Mr. Layton, motion carried by roll call vote 2-1.

Mrs. Huston, this will be known as Ordinance #2009-05.

COMMISSIONER'S COMMENTS

Mr. Layton, one of my comments references what we just went through. That was not a vote that I cherished making one way or the other. I believe it was a process that was forced upon us by the state of Indiana whether we agreed with what has happened in the past in the Assessor's Office or not. It is a vote that I will carry for a long, long, time. It wasn't easily made, but we must go forward and whatever happens is in the court of law. There is some good news I think. I thank Mr. Cunningham in coming forward this morning in support of the commission in their voice against having the referendum this fall. I don't know where that is going to go, but I believe that we are right in their feelings that it is a waste of tax payers when it could happen just six months later. This is the good news I am referring to, I think we need to make known the work that you have done and the work that Mr. Bishop has done in the grant application for LaPorte County. We have just found out that LaPorte County is the recipient of a \$462,000.00 Federal Grant to make county buildings green. At least light and window wise. We will replace the courthouse windows in Michigan City courthouse and replace all these lamps in the buildings to the tune of that grant it should save us around \$65,000 annually on our NIPSCO bill. If there is a positive in this days meeting, this grant is that positive.

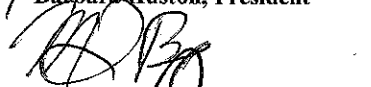
Mrs. Huston, the grant came from the Department of Energy and we do appreciate all the work that Mitch Bishop did on it.

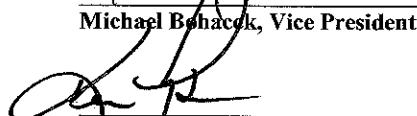
ADJOURN


Mrs. Huston adjourned the meeting at 11:06 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Ken Layton, Member

ATTEST: 
Craig Hinchman, LaPorte County
Auditor

ORDINANCE 2009 - 05

ORDINANCE DETERMINING THAT CAROL MCDANIEL HAS FAILED TO ADEQUATELY PERFORM HER DUTIES AS LAPORTE COUNTY ASSESSOR AND FURTHER DETERMINING THAT CAROL MCDANIEL FORFEITS THE OFFICE OF LAPORTE COUNTY ASSESSOR

WHEREAS, in accordance with I.C. § 6-1.1-4-31(f), Mark Yagelski, in his capacity as President of the County Council of LaPorte County ("County Council"), has represented to and informed the Board of Commissioners of LaPorte County ("Board of Commissioners") that he was informed by the Indiana Department of Local Government and Finance ("DLGF") in writing on or about the 10th day of August, 2009, that after the DLGF's review of assessment work in LaPorte County, pursuant to I.C. § 6-1.1-4-31(a), the DLGF determined that the assessment work of the LaPorte County Assessor, Carol McDaniel, is not being properly conducted; and

WHEREAS, upon receipt of such information from the County Council President, the Board of Commissioners may adopt an ordinance to determine that the information received indicates that the LaPorte County Assessor, Carol McDaniel, has failed to perform adequately the duties of County Assessor and/or further determine that by that failure Carol McDaniel forfeits the office of County Assessor and is subject to removal from office by an information filed under I.C. § 34-17-2-1(b), all as provided for under I.C. § 6-1.1-4-31(f)(1),

NOW, THEREFORE, be it ordained by the Board of Commissioners of LaPorte County that:

1. The Board of Commissioners has determined that the information provided by the County Council President indicates that the LaPorte County Assessor, Carol McDaniel, has failed to perform adequately the duties of County Assessor.
2. The Board of Commissioners has further determined that by the failure of the LaPorte County Assessor, Carol McDaniel, to perform adequately the duties of County Assessor Carol McDaniel forfeits the office of County Assessor and is subject to removal from office by an information filed under I.C. § 34-17-2-1(b).
3. The Board of Commissioners refers this matter to the LaPorte County Prosecutor for the filing of an information under I.C. § 34-17-2-1(b).
4. This Ordinance shall take effect upon its passage, posting and publication as prescribed by law.

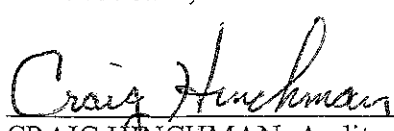
ADOPTED as of this 15th day of September, 2009.

BARBARA HUSTON, President

MIKE BOHACEK, Vice President



KEN LAYTON, Member

ATTEST: 

CRAIG HINCHMAN, Auditor