



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Barbara Huston
President
Mike Bohacek
Vice President
Ken Layton
Member

LAPORTE COUNTY COMMISSIONERS

Tuesday, April 20, 2010

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, April 20, 2010, 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. Braje led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

Mr. Layton, please add Item C under New Business, Hupp Road Easement Documents.

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

APPROVAL OF MINUTES

Mr. Layton made a motion to approve as presented, the minutes of April 6, 2010, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mr. Layton made a motion to approve as presented, the Special Meeting Minutes of 3-30-10, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending April 30, 2010, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Regular Claims—\$601,154.70, Mr. Bohacek made a motion to approve, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Miscellaneous Claims—\$705,726.75, Mr. Layton made a motion to approve as submitted, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Matthew Bernacchi, LaPorte County Councilman, I see on the agenda where you are going to

revisit the LaPorte County Reassessment Bid. I want you to know my concerns. First, with the Commissioner's decision to go with the low bid for the reassessment; I cannot go in favor of this funding for a couple of reasons. This vendor has never done a reassessment before. The gentleman, who runs this operation is currently running for County Assessor, so if he wins, how is he going to be focused on LaPorte when he has his own assessor's office to run four hours away? I wanted to be involved in the process of reviewing the bids and to do a side by side analysis but no meeting time was made available to me that I could attend; only during the day was offered. I asked for an evening meeting but was turned down. I am not saying to go with the highest bid, but that we should all meet and discuss the issue at hand and communicate to come up with the best and most reasonable bid; not the cheapest, untested and knowing little or nothing about the reassessment at hand. Now that the commissioners have voted and decided on a vendor, the choice is made but I cannot support this vendor. All I wanted was to be included and come up with the best and most accurate decision for the tax payers. Look at the mess we are currently in, what monies we have spent in litigation and interest the city and schools have paid by borrowing money to fund their operation while we stew in this current tax mess. I think we are asking for more trouble and just might dig a deeper hole. I just wanted everyone to know how I feel. I just wanted to be more involved and that we start communicating better. If certain people want to keep me or other council members out of the loop, that's fine. If I know nothing about the issue at hand, I will abstain or vote nay, plain and simple. We cannot let the taxpayers down once again.

Mr. Dennis Metheny, 6757 W. 450 N., Michigan City. It seems to be a common practice that people with input seem to be left out. Glad to see Mr. Bernacchi give that information. I have a concern about the car signs. I would like to see cars permanently marked that are county cars not magnetic stickers or baseball dots on the back window. I also talked to Lynn Newland of IDEM and to inform the public that it is not the Springfield Wide Sewer District anymore it is LaPorte County Wide Sewer District. That was done by a letter from Mr. Bill Hager when he was commissioner. I was a little shocked at the last meeting to hear how the committee wanted to go with the reassessment and the lowest bid. We need to get this fixed and fixed now and right. I would like you to reconsider and I hope no contracts have been signed. I see many requests for tourism money again. Instead of giving the county fair board the money, give it to the people that worked in the sheriff's department.

Mr. Mike Kobos, Coolspring Township. Thank you for letting us speak at the last meeting in regard to the Michigan City Area Schools and not limiting public comments to three minutes. My concern is the clinic proposal. It said county employees could still go to their family physician. How could the insurance, now paid for by the county, be reduced? It couldn't. I feel this issue should be shelved since we are in financial trouble. Would they pay rent for this space in the complex? How would utilities be covered? The next issue is, Mr. Metheny says that records are molding in the basement. Medical records are private and it is very important in the medical arena. The county doesn't have enough room to bring in another white elephant. I don't see this beneficial, financially, to us at all. My second concern is our assessor. You unanimously came to an agreement on the lowest bidder of the five companies. Keep in mind our assessor said the company Ad Valorem, which is the highest, took 40 hard cards, went in the field and returned them showing errors on every card. That in itself does not say much for our Assessor's office or Nexus. Keep in mind, is the assessor simply stalling? It is disturbing to me why this has stalled so long. The last issue is the cell towers. I think the \$600 or \$700 the county was offered is a little lean for a 35 year lease.

Mr. Earl Cunningham, 6311 W. Shiva, LaPorte, IN. I gave the President three copies of an email from January 4, 2010 and a response from January 8, 2010, requesting records from Sheriff Mollenhauer. On January 8th I received a response from him that says, "pursuant to statute I acknowledge your request to access public records. I will make a more specific response in the near future." Today is 92 days later and I still do not have a copy of those records. I don't consider that "near future". I came to you in February and informed you I had not received the records. I came back to you in March and informed you 30 more days had passed and still no records. I am now back to you again and do not have the records.

Mr. Frank Buss, Rolling Prairie. I am from the Conservation Department and it has come to our attention that there is a possibility that the Fair Board or Commissioner would like to take over the Conservation Building at the fairgrounds. This is the only place the conservation council has. The only place they can make any money to support anything. The building is in bad shape. For you to take it over and remodel it for offices or anything, the cost would be high. We don't want it done. We would like to let you know that we are against that and hopefully it will not be done. We hope you get this tax situation thing straightened out now.

DEPARTMENT HEAD COMMENTS

Mr. Jim Sosinski, Chief Deputy, Sheriff's Department. I was wondering where we stood with the contract for the Interact Public Safety System project and if the county attorneys had a chance to look at the contract?

Mr. Braje, we have approved the contract.

Mr. Sosinski, is it safe for us to proceed to the County Council with that?

Mrs. Huston, yes.

Ms. Lynne Spevak, Circuit Court Clerk and secretary to the Election Board. After the last meeting when we approved the polling places, we had a call from Countryside Christian Church and they have decided not to allow us to use their facilities for the Election Day. We will be moving that precinct into the fire station on 400 W. and have two precincts at the Coolspring Fire Station. Coolspring 1 and Coolspring 3 will both be at the Coolspring Volunteer Fire Department at 7111 W. 400 N.

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

Ms. Spevak, on our web site with the voter registration office, we just found out that our absentee application was not an updated form. They are now updating it and we have resent about 40 applications.

CORRESPONDENCE

None

REQUESTS

Sue Albertson, Building Maintenance/Request Payment for Unused Sick Days and Retain LaPorte County Insurance

Mr. Layton made a motion to approve for a 29 year veteran of LaPorte County, she has earned this benefit, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston, we wish her well in her retirement.

LaPorte County Fair/Request \$1,000.00 Tourism Funds

Mr. Bohacek, I believe we typically do not exceed \$500.00, so I will make a motion to approve \$500 for the LaPorte County Fair, seconded by Mr. Layton, motion carried by voice vote 3-0.

Wanatah Scarecrow Festival/Request \$500.00 Tourism Funds

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

Wanatah Area Chamber of Commerce, Inc., Townwide Garage Sale Days/Request \$500 Tourism Funds

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

OLD BUSINESS

None

NEW BUSINESS

Elaine Beaty, McCready and Keene, Inc. and Kris Callaway, Morgan Stanley Investment Advisors/Indiana Sheriff's 457(b) Plan

Elaine Beaty with McCready and Keene, Inc., we are the actuarial firm that provides services to the retirement plan that currently covers the sheriff's employees, the merit officers and the sheriff himself. We provide these services to all but two of the counties in Indiana so we have a very wide exposure. I have two gentlemen with me, Kris Callaway and Ed Painter who are with Morgan Stanley. They provide trust services to about half of the counties in the State of Indiana. Our firm is an actuarial firm and their firm is the investment arm. We got a lot of support in putting a program together. There is an awareness for people to start saving on their own for their own retirement. This is also available to the civilian employees that work for the Sheriff's Dept. There has been an incredible response. The program has been up and running for just over a year. There are currently 31 counties that have adopted this program to be made available on a voluntary basis to the employees. We are before you today, according to Indiana statute, it requires passage of an ordinance for you to make this program available to the employees. It would be done through payroll processing. There is no cost to the county, commissioners or the department to do this. The only fees that are a part of this program are the ones that are part of mutual funds, which is the nature of the beast. We are doing this as an added service.

Mr. Bohacek, what would stop the county from making this a joint ordinance to allow all county employees to participate, as well as the city's employees?

Ms. Beaty, in the way that the program is designed and approved by the government, with a sponsorship by the Sheriff's Assoc., they can't have other types of employees joining this program. It is not to say that the county could not start their own program with their own administrative group that would be deemed plan sponsor, like the commissioners. That is possible but it cannot be within this exact program. We are now back at the table putting a plan together that wouldn't have the same restrictions that this plan does; one perhaps, counties joining other counties, sharing expenses. We have a fixed fee for plans like this in design of \$7,000 a year administration costs.

Kris Callaway, one of the things we will offer is a financial plan to prepare for retirement.

Mr. Braje, I haven't seen the ordinance but it is likely that they can establish a plan for all county employees with a separate ordinance. This ordinance would just be in consideration of the sheriff's plan and if you wanted to expand this program, you would do so with another ordinance.

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

Carol McDaniel, LaPorte County Assessor/Revisit LaPorte County Reassessment Bid

Judy Anderson, Chief Deputy, County Assessor's office, I am here to represent Carol. We are asking you to reconsider the vote that you made at the last meeting for the vendor for the reassessment. We did not know at that time that he was running for the assessor's position in that county. We think we should bring more people on board and have that workshop on Monday and thoroughly research some of these other companies. With the situation the county is in right now, I think we need to take our time. I know that we have a dead line to meet.

Mr. Bohacek, when we had the last meeting, we voted based on the information we were provided with by the committee. We had no other alternative.

Mrs. Anderson, we are hoping there is some new information to come to light.

Mr. Layton, there was a secondary meeting when the gentleman in question and the company in question came here. I spoke to you specifically after the meeting and I think you had some of your questions answered and was relieved after his presentation. As I stated two weeks ago, my whole move on taking the A & S Company was financial. Statutorily, we cannot obligate this county beyond what money we have. We took a vote on what was presented to us and we took the low bid. It has said that this company has not done any reassessments, we found out that that is not true. They have been involved in reassessments since 1998 & has completed several of them. The president of the corporation has been in assessments and is a licensed appraiser for 42 years. There is a lot of misinformation out there. Since we have taken a 3-0 vote to accept this contract pending approval by the county council, we may well be opening yourselves up for some type of litigation if we decide to change our vote.

Mrs. Anderson, everything you said, I agree with. Your signatures are not the only ones on this contract, the assessor's signature is required also and at this time, she is not comfortable signing that contract. All I am asking is that we get together and discuss this further.

Mr. Bohacek, the only vendor that Mrs. McDaniel is comfortable with is Ad Valorem which there bid price is more money that we have. If that is her recommendation, it is not going to work. I would be more than happy to sit down at a workshop and hear some factual information. I am not in the position now to slow this process down one inch.

Mrs. Huston, this is the second time that we have asked for reassessment bids. We went to the DLGF and asked for qualified vendors throughout the state. A & S came back as a qualified vendor and they are the low bid. I am sorry Mr. Bernacchi does not agree with us but at the same time, there is only so much money in the reassessment fund. We cannot disqualify him because he is running for Assessor.

Mrs. Anderson, I am not asking you to change your vote. I am just asking for more time to investigate.

Mr. Layton, I think at this time to ask the commission to reconsider the bid is a mute point. It can go forward to the council and if they are not comfortable, they simply table our request for the 1.6 million for this and then they can have whatever period of time that is needed for everyone to be comfortable with this company or any other company. Ultimately it is the council's decision. If they do not fund this, it is dead.

Mr. Braje, I think it is important that everyone realizes that we are up against a deadline with the contract execution. We would recommend that the commissioners consider having a special meeting before May 1, 2010, to consider the issues. We really need to have a decision made on this issue by the first of May. We should now be prepared to have a meeting to approve the final agreement on the assumption that a consensus is reached and how to go forward.

Mrs. Huston, we will hold a special meeting at 10:00 a.m. on April 27, 2010.

Hupp Road Easement Documents

Mr. Braje, we have reached an agreement on the grant of temporary easement and we request that the commissioners approve this grant. It has already been signed by the transferring property and then authorize a person to sign.

Mr. Bohacek made a motion to have the president sign the document, seconded by Mr. Layton, with an explanation. Hupp Road goes into KOP and has the severely damaged bridge. The state of Indiana is going to repair the bridge and pay for it. They couldn't do that with private ownership, it had to be turned over to the county or the state. Motion carried by voice vote 3-0.

COMMISSIONER'S COMMENTS

Mrs. Huston, I listened to Mr. Metheny's radio show. A gentleman called in and said that Clay Turner was responsible in bringing in the Nexus Group. I don't remember this being the case. Mr. Turner has not been in office here for more than five years. I believe he was not the one responsible for that. He also said that Commissioners Harmon, Hager & Huston were responsible for the fly over. That is not an untrue statement, what is untrue is he said we do all of our assessment work because of the fly over. We used to do all of the assessment in house until the Governor took out our Township Trustee Assessors. We always had on time billing. Then they did away with the township assessors and it all went to Carol McDaniel's office. As far as us doing it all by a fly over, that is not true. The fly over is a very important tool and we do use it but that is not how we do our assessment. The Nexus Group was then brought in after that time. It is unfortunate that all that misinformation gets out.

I also wanted to take the time to say that because of the dire straits that the city is in, I am sorry to hear that the insurance rates are going up. I can remember back when the city employees paid 10 cents for their insurance. I am sorry to hear that you have an enormous amount for deductible.

ADJOURN

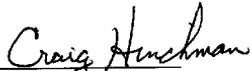
Mrs. Huston, President, adjourned the meeting at 11:11 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Ken Layton, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor