



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Barbara Huston
President*

*Mike Bohacek
Vice President*

*Ken Layton
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, October 19, 2010

The LaPorte Board of Commissioners met in a regular meeting on Tuesday, October 19, 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. Craig Braje led the Pledge of Allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of October 5, 2010 as printed, seconded by Mr. Layton, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending October 29, 2010, Mr. Layton made a motion to approve as presented, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Misc. Claims ---\$1,026,007.58, Mr. Bohacek made a motion to approve as presented, seconded by Mr. Layton, motion carried by roll call vote 3-0.

Regular Claims--\$833,690.11, Mr. Layton made a motion to approve as presented, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Mr. Earl Cunningham, 6311 W. Shiva Drive, LaPorte, IN. At a previous meeting, I asked that you request the monthly credit card statements from the commissary fund. I don't know if you have received any of those at this time but the Council's attorney has received a letter from James A. Masters, attorney at law from South Bend, Indiana. Per the council's request for past credit card statements, the letter says they cannot give us that information unless the credit card number has been redacted. We have no problem with that, all that amounts to is when you get the credit card statement,

take a black felt tip pen and draw a line through the credit card number. I want to make sure that the Commissioners and the public understand that James Masters is a new attorney surfacing at this time. We have had payments to an A. Howard Williams who the sheriff has eluded with the Indiana Sheriff's Assn. Attorney. At our convention, Mr. Layton you can confirm, A. Howard Williams specifically said he does not represent the Indiana Sheriff's Assn. He is individually contracted by individual sheriffs. Is that correct?

Mr. Layton, yes, that is what he said.

Mr. Cunningham, he even mentioned that he is contracted by 90 of the 92 sheriffs in Indiana. Our payment, that I am aware of, has been consistently \$3,500 annually. We have attorney Braje and attorney Willoughby who have weighed in with the Sheriff at no additional expense to the county. We have had A. Howard Williams who has been paid out of a public fund, and Paul Lotus with the State Board of Accounts. Now a new attorney has entered in and I want to make sure you have not approved any additional funding for an attorney. Maybe he is paying this out of his own pocket. The council has not approved any additional funding for an attorney to merely tell us that you are going to redact credit card numbers. Secondly, I don't know how I overlooked this but someone called it to my attention recently. A newspaper article back in February, there was a National Sheriff's Assn. conference in Washington D.C., January 28-31, four days. The commissary fund credit card paid for seven nights at the J. W. Marriott for \$2100, slightly over \$300 a night, for three nights more than the conference lasted. I raised that question at our last meeting. This is a repeat of the trip to Anaheim, California, where the conference lasted five days but was charged for eight nights on the commissary credit card. I am just making this a matter of public record.

Sheriff Mike Mollenhauer, I will comment on that right now as far as the attorney. I am paying the bill for Mr. Masters, personally.

DEPARTMENT HEAD COMMENTS

Sheriff Mollenhauer, I would like to let you know that we are having our second annual Trick or Treat festivities in the park, across the street from the complex, on Washington Street. It will be October 31, 2010, 3:30 p.m. – 5:00 p.m. The public is welcome to bring their children. They will get a necklace and bracelet that glows in the dark for their safety and also trick or treat bags, hot chocolate and cookies.

CORRESPONDENCE

None

REQUESTS

None

OLD BUSINESS

None

NEW BUSINESS

Pat Pease, EMS Administrator/Additional Appropriations EMS Ambulance, Support Vehicle, Equipment & Overtime

Mrs. Pease, I am here to request your approval to approach the council for funding for the ambulances, \$213,532. Next, equipment for two new ambulances; an itemized estimate of \$23,000. The other, a support vehicle, I have two quotes, one from Sauers and one from Harbor. Sauers was less at \$34,158. Then, the overtime account; we have had five people not on the roster for unforeseen circumstances, 1 military leave, 3 for FMLA and 1 resignation for a new position in Indianapolis. As you are well aware, we cannot operate shorthanded in the field and must staff the ambulances. These vacancies have temporarily more than doubled our usual bi-weekly payroll OT expense.

Mr. Bohacek, on the support vehicle, we are going to advertise that and take bids, is that how we are going to handle it?

Mrs. Pease, we had a letter from Scipio Fire requesting to purchase that vehicle outright. That is on hold with the commissioners until I get permission to buy a new vehicle and then you can decide on how to dispose of it.

Mr. Bohacek made a motion to pass the request indicated by Mrs. Pease and support all four of her recommendations, seconded by Mr. Layton, motion carried by voice vote 3-0.

**Ralph Howes, Attorney/Petition to Vacate a Portion of a Right of Way Adjacent to
407 Walker Street, Rolling Prairie, IN**

Mr. William VanHook, we are in the process of selling our home and we have discovered that where our garage sits needs to be vacated so that we may proceed with the closing. The garage sits on the right of way and it has been there since 1932. We have been in the house since 1996. We were supposed to be represented by Ralph Howes today.

Mr. Bohacek, why wasn't this caught by a title company when you purchased the home?

Mr. VanHook, the real estate agent that represented me also represented the sellers so it was never brought up until the day we closed. It has now been disclosed because we had a survey done on the property. The only thing we were told before, is that if the garage comes down, we cannot rebuild it there.

Mr. Braje, we need the copies of the certified mailings to all adjacent property owners.

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

Approval of 2011 Holiday Schedule for LaPorte County

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

**Atty. Craig Braje/Department of Homeland Security Northwest Indiana District 1
Mutual Aid Inter-Local Government Agreement**

Mr. Braje, I have two signature copies and three copies for the commissioners of the Inter-Local Government Agreement. We find it in proper form for the Commissioners to consider.

Mr. Bohacek made a motion to concur with the attorney's recommendation to accept the agreement and allow the board President, Mrs. Huston, to sign on behalf of the board. The motion was seconded by Mr. Layton, motion carried by voice vote 3-0.

**Atty. Craig Braje/Ordinance Regarding Prohibition of Sale of Substances Containing
Synthetic Cannabinoids or Their Use in or at Public Facilities**

Mr. Braje, we prepared the ordinance pursuant to other forms of ordinances so we are satisfied with the content and the language so it is available for the commissioner's review.

Mr. Layton made a motion to present the ordinance by title only, seconded by Mr. Bohacek.

Mrs. Huston, Board of Commissioners of LaPorte County, Indiana an Ordinance Prohibiting the Sale of Substances Containing Synthetic Cannabinoids and Their Use In or At Public Facilities.

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

Mr. Bohacek made a motion to waive the rules and approve the ordinance on the first reading.

Mr. Layton made a motion to approve on the second reading.

Mr. Bohacek, so moved.

Mr. Layton seconded the motion, motion carried by voice vote 3-0.

Ordinance No. 2010-07.

Mr. Braje, would the commissioners direct the publication pursuant to applicable Indiana law?

Mr. Layton, so moved, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Atty. Craig Braje/Ordinance Regarding Establishment of Telephone Fund

Mr. Braje, at the direction of the commissioners we prepared an ordinance creating a non-reverting telephone commissions fund for the acceptance of money that is received as a result of certain contractual relationships with telephone service providers or vendors and appropriation of that money by the council.

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

Mrs. Huston, An Ordinance Creating a Non-reverting Telephone Commissions Fund.

Mr. Bohacek, I think it would be appropriate, for the record, to read the ordinance in its entirety.

Mr. Bohacek reads the ordinance. (See attached)

Mr. Bohacek made a motion to waive the rules and present the ordinance by title only on the second reading, seconded by Mr. Layton, motion carried by voice vote 3-0.

Ordinance No. 2010-08.

COMMISSIONER'S COMMENTS

Mr. Bohacek, would you like to call a fifteen minute recess so the attorney will have time to come for Mr. VanHook?

Mrs. Huston, there will be a fifteen minutes recess.

Mrs. Huston, President, calls the meeting back to order.

Ms. Halaschek, we have presented to you our petition and proof of service and we would ask that you consent and approve our petition.

Mr. Braje, I don't understand, it shows on the petition, a yellow segment, that can't be the entire roadway. Are you saying that the entire yellow area represents part of the roadway?

Ms. Halaschek, first of all I would like to apologize for my tardiness, I am here on behalf of Ralph Howes.

Mr. Bohacek, Mr. Hendricks is here and he did the survey.

Mr. Hendricks, President of Charles Hendricks and Assoc. P.C., yes, we did this house location for these individuals. That part in yellow is completely on the county dedicated right of way of Hatfield Street and part of Walker. In the past, other house locations have shown that that right of way has not changed and the garage has always been in that spot. In our estimation, this garage was built sometime after these right of ways were dedicated. Mr. Hendricks continues to explain the surveyor's location report.

Mr. Hendricks, I believe you should have a legal description from us that we submitted that only encumbers the garage itself.

Mr. Braje, the only real description in the petition is of the property at 407 E. Walker Street, Rolling Prairie, IN. That's why I am concerned. There is no real description of the vacated portion of the road, only a general description. That description should be added to clear the title for this particular issue. Normally, what we would see is a legal description of the section that is sought to be vacated.

Ms. Halaschek, maybe that is something we need to modify.

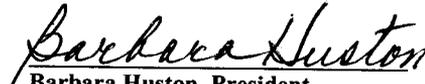
Mr. Braje, I think the commissioners can act on this petition if they want at this point. What is important is that at some point there in the motion be an exact legal description of the portion being vacated so that it is part of the record so there is no confusion on what is or is not being vacated.

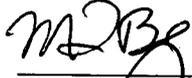
Mr. Bohacek made a motion to grant the request subject to the addition of the legal description for the vacated portion, seconded by Mr. Layton, motion carried by voice vote 3-0.

ADJOURN

Mrs. Huston, President, adjourned the meeting at 10:39 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Michael Bohacek, Vice President


Ken Layton, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor
Chief
Deputy

**BOARD OF COMMISSIONERS
OF LAPORTE COUNTY, INDIANA**

ORDINANCE NO. 2010-_____

**AN ORDINANCE CREATING A NON-REVERTING
TELEPHONE COMMISSIONS FUND**

WHEREAS, I.C. § 36-1-3-2 grants the Board of Commissioners of LaPorte County, Indiana (the "Board"), as a unit of government, all the powers necessary for the effective operation of government as to local affairs;

WHEREAS, LaPorte County receives commissions or other payments as a result of certain contractual relationships with telephone service providers or vendors for the provision of telephone services at the LaPorte County jail facility; and

WHEREAS, the Board has determined that such commissions or payments should be deposited into a special fund in order to provide more efficient control and use of the commissions or payments; and

WHEREAS, the Board has determined that there is a need for a non-reverting fund in which to deposit said commissions or payments,

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of LaPorte County, Indiana, as follows:

1. There is hereby established a non-reverting, special fund to be known as the Telephone Commissions Fund (the "Fund"), which shall be under the joint supervision of the La Porte County Auditor and the LaPorte County Treasurer.
2. Any and all commissions or payments received by LaPorte County and/or the LaPorte County Sheriff's Department from any telephone service provider or vendor as a result of any contractual relationship with LaPorte County and/or the LaPorte County Sheriff's Department shall be regularly deposited into the Fund.
3. The Fund may be used for any purpose provided for under applicable state and local laws, but no amount shall be expended from the Fund unless a request is submitted to and an appropriation is approved by the LaPorte County Council.
4. Upon receiving notification of approval of an appropriation for a requested expenditure, the LaPorte County Auditor and the LaPorte County Treasurer

shall then cause a payment to be made from the Fund in the amount requested by co-signing the requisite documentation.

5. All receipts and disbursements from this Fund shall be regularly itemized and maintained in a ledger available for public inspection and/or review.
6. The balance of this Fund on December 31st of each year shall remain in the Fund.
7. All other provisions of the LaPorte County Code which are not in conflict with this Ordinance shall remain in full force and effect.
8. This Ordinance shall be in full force and effect from and after its passage and approval by the Board of Commissioners of LaPorte County, Indiana.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of LaPorte County, Indiana, this 19th day of October, 2010.

**BOARD OF COMMISSIONERS OF
LAPORTE COUNTY, INDIANA**

By: _____
Barbara Huston, President

By: _____
Mike Bohacek, Vice-President

By: _____
Ken Layton, Member

Attest: _____
Craig Hinchman, Auditor