



BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202
LaPorte, IN 46350
Phone: (219) 326-6808 ext. 2229 - FAX: (219) 326-9103

Ken Layton
President
Barbara Huston
Vice President
Willie Milsap
Member

LAPORTE COUNTY COMMISSIONERS REORGANIZATION MEETING TUESDAY, January 4, 2011

The LaPorte County Board of Commissioners met in a reorganization meeting on Tuesday, January 4, 2011 at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

CALL MEETING TO ORDER

Mr. Craig Hinchman, LaPorte County Auditor, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE

Mr. Craig Hinchman led the Pledge of Allegiance.

ROLL CALL

All present

ELECTION OF OFFICERS

Mr. Hinchman, I will open nominations for President.

Mrs. Huston, I make a motion to nominate Commissioner Layton, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, thank you. We now need a nomination for Vice President.

Mr. Milsap, I nominate Barb Huston, motion to close by Mrs. Huston, motion carried by voice vote 3-0.

APPROVAL OF AGENDA

Mrs. Huston, under New Business please remove item A. and add item C., RPM Fest Settlement and item D., Dog Handlers Settlement, seconded by Mr. Milsap, motion carried by voice vote 3-0.

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of December 21, 2010 as written, seconded by Mr. Milsap, motion carried by voice vote 3-0.

APPOINTMENTS

County Attorney

Mr. Layton, the county attorney has been decided.

Insurance Agent of Record

Mrs. Huston, we have three insurance companies that we deal with. Apex for our health insurance, Tom Swanson of Swanson and Swanson, however he has sold to GIS, and the other is Michiana Insurance where we have our employee's life insurance, I move to accept all three, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Switchboard Operators

Mrs. Huston, I nominate Mary Bishop, Shirley Oberholtzer, and Eleanor Schnable, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Department Head Appointments

County Home Administrator

Mrs. Huston made a motion to appoint Kay Felton, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Veterans Service Officer

Mrs. Huston made a motion to reappoint Mr. John Wantuch, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Museum Curator and Assistant Museum Curator

Mrs. Huston made a motion to approve James Rogers and Susan Richtor, seconded by Mr. Milsap, motion carried by voice vote 3-0.

EMS Administrator

Mr. Milsap made a motion to nominate Pat Pease, seconded by Mrs. Huston, motion carried by voice vote 3-0.

E-911 Director

Mr. Milsap made a motion to nominate Brent Soller, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Assistant E-911 Director

Mr. Milsap nominated Beth West, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Animal Shelter Director

Mr. Milsap nominated Jane Bernard, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Stationary Engineer

Mr. Milsap nominated Allen Ott, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Emergency Management and Disaster Director (Civil Defense)

Mr. Milsap nominated Paul Young and Mrs. Huston nominated Fran Tibbot. Fran Tibbot won the nomination by roll call vote 2-1.

Inspector of Weights and Measures (By Affirmation only – State Appointment)

Mr. Milsap nominated Mike Quinn, seconded by Mrs. Huston, motion carried by voice vote 3-0.

County Highway Engineer

Mr. Milsap nominated Jeff Wright, seconded by Mrs. Huston, motion carried by voice vote 3-0.

County Highway Superintendent

Mr. Milsap nominated Robert Young, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mrs. Huston, as usual, your department does an excellent job under some dire circumstances. I know you work around the clock and give up time with your families to help the citizens of LaPorte County. We couldn't be more pleased with your department.

General Foreman

Mr. Milsap nominated Rick Webb, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Garage Foreman

Mr. Milsap nominated Steve Cox, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Bridge Foreman

Mrs. Huston, I understand Mr. Lawson will be retiring May 1, 2011, I would like to nominate Mr. Lawson from this day until May 1, 2011 and then ask Mr. Young to bring forward nominees for that position of bridge foreman, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Rolling Prairie District Foreman

Mrs. Huston nominated Lee Wuthrich, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Hanna District Foreman

Mrs. Huston nominated David Dowd, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Utility Inspector

Mr. Milsap nominated Richard Dombrowski, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Community Right to Know Director

Mrs. Huston nominated Jeff Hamilton, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Commission Liaison Positions for 2011

County Highway

All commissioners

Regional Bus Authority

Mr. Milsap

County Home

Mr. Milsap

Plan Commission

Mrs. Huston

Right to Know

Mr. Milsap

NIRPC

Mr. Layton

Animal Control Board

Mr. Milsap

Kankakee Valley Workforce Development

Mr. Layton

Northern Indiana Commuter Trans District

Mrs. Huston

Drainage Board

Mrs. Huston

E-911 Board

Mrs. Huston

EMS Board

Mr. Milsap

Data Board

Mrs. Huston

Juvenile Services Board

Mr. Milsap

Solid Waste Management District Board

All commissioners

Local Planning Council (Kankakee Valley Job Workforce)

Mr. Layton

Fair Board

Mr. Layton

Community Corrections Board

Mr. Layton

Advisory Boards

LaPorte County Public Library

Mr. Layton, Mr. Moryl is the current appointment and he can no longer serve.

Mrs. Huston, I would like to nominate Jim Dermody, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Alcoholic Beverage Commission

Mr. Milsap nominated Dave Lamb, Mrs. Huston nominated Mr. Roger Wolff, Mr. Wolff won the nomination by voice vote 2-1.

Mr. Layton, I would like to clarify my vote, I know Mr. Lamb would have done a good job and I also know that Mr. Wolff has served in this capacity for the previous year and has had good attendance and service. That is the reason for my vote.

LaPorte County Animal Control Advisory Commission

Mrs. Huston, I would like to nominate Gerald Wagner, Betty Shively and Barbara Hooper, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Board of Construction Review

Mrs. Huston nominated Phil Ennis Byers and Joseph T. Wellinski, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Board of Health

Mr. Milsap nominated Michael Sandy, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Layton, we also have two others retiring from the board this year, correct?

Mr. Sandy, that is correct. State law requires a nurse or doctor.

Board of Zoning Appeals

Mr. Milsap, I would like to nominate Dwayne Hogan.

Mrs. Huston, I would like to be the commissioner's appointment to this board.

Mrs. Huston won the nomination by voice vote 3-0.

Community Corrections Advisory Board

Mrs. Huston, we have several people that have asked to be taken off this board.

Mr. Craig Braje, Public Defender, I am a member by statute.

Mrs. Huston, I nominate Kristine Kittle, probation officer, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Huston, I nominate Mr. Matthew Burden, the CEO of the Swanson Center, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Huston, I nominate Mr. Lou Webber, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Milsap, I would like to nominate Hosea Lynch, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Convention/Tourism Bureau Board of Managers

Mrs. Huston nominated Gene Shurte, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Data Board

Mrs. Huston, by change of office we have Mike Schultz, Lois Sosinski will take Mark Yagelski's place and by nomination, Brent Soller, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Drainage Board

Mrs. Huston, this is a district board and I will nominate John Coulter and Ken Purze, seconded by Mr. Milsap, motion carried by voice vote 3-0.

E-911 Advisory Board

Mr. Layton, most of these are representatives because of their office. Fran Tibbot will take Mr. Young's place and Mark Swistek will take the Chief of Police place.

Property Taxes Assessment Board of Appeals

Mr. Layton, Mr. Uminski has opted to resign from the board.

Mrs. Huston, I would like to nominate Grace Goers, Michael Mack and Roger Miller, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Public Defender Board

Mr. Milsap, I would like to nominate Stanley Hynek.

Mrs. Huston, I would like to nominate Cary Kirkham.

Mr. Kirkham won the appointment by roll call vote 2-1.

LaPorte County Redevelopment Commission

Mr. Milsap, I would like to nominate Terry Larson, John Knoll, Sam Ferguson and Don Przybylinski.

Mrs. Huston, you had a Mr. Jim Laughlin and I would like to nominate Clay Turner.

Mr. Layton, we need a motion to approve Sam Ferguson, Terry Lawson, John Knoll, and Jim Laughlin.

Mr. Milsap made a motion to appoint Sam Ferguson, Terry Lawson, John Knoll and Jim Laughlin, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Turner won the nomination by roll call vote 2-1.

Designation of Publication

Mr. Layton, we have the LaPorte Herald Argus, Michigan City News Dispatch, Westville Indicator and the Regional News.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Legal Notice-Commission Meetings

Mr. Layton reads notice (see attached)

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Agenda Notice

Mr. Layton reads notice (see attached)

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Payroll Ending January 7, 2011, Mr. Milsap made a motion to approve, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Miscellaneous Claims---\$338,738.49, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

None

DEPARTMENT HEAD COMMENTS

Mr. Tony Hendricks, LaPorte County Surveyor, I want to thank the commissioners for their support and perseverance for the projects we got completed last year. Three projects I would like to note for the record, Hupp Road, Karen Court and Roeske and Welnetz in Trail Creek.

Mr. Layton, thank you for your efforts as well.

Mr. Jeff Wright, LaPorte County Engineer, thank you for the support last year. We did get a lot of work done and hope to get a lot done this year again. Welcome Commissioner Milsap, I look forward to working with you. In terms of consultant fees and keeping costs down, I ran across some interesting numbers. 2006, 2007, 2008, 2009, we averaged about \$850,000 in consultant fees. In 2010 we were down to \$400,000, coming up in 2011, as projects look now, we will be somewhere around \$200,000. I thought I would share those with you.

CORRESPONDENCE

None

REQUESTS

None

OLD BUSINESS

None

NEW BUSINESS

Al Ott, Stationary Engineer/2011 Bid Recommendations

Mr. Ott, you have a copy of my recommendations. (Please see attached)
In regard to the elevator vendor; Otis Elevator was the highest bid at \$1900.00 but when you figure in the costs of mileage for the others, their bids are in the \$2300 to \$2500 range. My recommendation is Otis Elevator.

Mrs. Huston made a motion to approve Mr. Ott's recommendations, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, we have one for vending machines.

Mr. Ott, CL Vending is my choice.

Mr. Milsap made a motion to approve, seconded by Mrs. Huston, motion carried by voice vote 3-0.

RPM Fest Settlement

Mr. Braje, as a result of substantial litigation, the mediation which occurred between the parties and after further discussion, there is a proposed settlement for consideration of the commissioners. That proposed settlement is the payment of \$75,000 for the officers and for fees. If the commissioners were to approve completing that settlement it would require court approval and the execution of release documents. We are asking that the commissioners authorize our office to complete the proposed settlement of \$75,000 for a full and final settlement of all claims.

Mrs. Huston, I make a motion to approve, seconded by Mr. Milsap.

Mrs. Huston, I am not sure if I have a friend or a family member on that settlement, but I have to disclose if we do. I do not know if my son-in-law is involved or my nephew.

Mr. Layton, I have a daughter that works for the Sheriff's Department and has been there for eighteen years and I don't know if she is part of this litigation. In case she is, I want to make it perfectly clear that my daughter works for the Sheriff's Department.

Motion carried by voice vote 3-0.

Dog Handler's Settlement

Mr. Braje, I will give you some background. As the commissioners are aware, there are two dog handlers that did not participate in the original law suit. Those individuals contacted me this summer under which we began a discussion to settle any potential claims that they may have by being dog handlers during the previous two years. I would express to the commission that both have been gentlemen and worked with me to come to a fair conclusion. Why we may not agree as to what the appropriate number would have been, there has been a lot of discussion and I received information to verify their demands. As of right now, there is a current total demand which represents a slight increase to our last offer. The total demand \$48,369.00; broken down, \$31,022 and \$17,347. There are no costs or attorneys fees in the case. If we settle at this point, the money would be paid by 1099 because it is not a current wage claim. It is the recommendation of our office that the commissioners consider making that offer and give our office the opportunity to complete the settlement documents on the case.

Mr. Layton, the chair will step down and make a motion for settlement, seconded by Mrs. Huston, motion carried by voice vote 2-1.

COMMISSIONER'S COMMENTS

Mr. Milsap, as you all know, I was elected county commissioner on a pledge of "service before self". I understand that to keep the faith of the voters, voters have got to feel that we are conducting the public's business openly and fairly. It's disappointing to me that my fellow commissioners have chosen to shut me out of various decisions and to do business in the backroom when I believe all of our key decisions need to be made openly and in public. Whether it's the decision on an attorney (which for the last 60 years was made at the first meeting of the year) or the decision on emergency management director (who is doing a very good job) there have been decisions made privately and I will not stand for violations of the Open Door law. I understand that's how the previous commissioner here wanted to conduct himself, but the winds of change are sweeping through county government and I urge my fellow commissioners to join me in doing this publicly, not making the decisions privately in the commissioner's office. One of the things I hope to accomplish early in my term is seeing an ethics ordinance adopted and I will be coming with a draft ordinance in the next few weeks so that we can provide guidance to elected officials and employees on what is acceptable and how to avoid conflicts of interest. I also intend to push for an office for the commissioners in the Michigan City Superior Courthouse. When I opened up a ward office on Michigan Blvd., it was because I wanted residents to feel close to their representative on the city council and have a place to bring complaints or issues. I feel the same way that the commission needs to be approachable so that Michigan City constituents can meet a commissioner there in the Michigan City courthouse. I will be working on that in addition to trying to get the county involved in job creation again and standing up for ordinary families on issues like utility rates, public health and safety. I look forward to working with my fellow commissioners in the coming year and God bless.

Mrs. Huston, the choices we make dictate the life we lead. I have always tried to make the right choices in my private life and in my service to this community. Between Mr. Layton and myself, we have almost 60 years of service to this county. I know you have probably read all the newspaper articles and editorials; most of them were against one former Commissioner Mr. Bohacek. One of them did pertain to me. It was the one where I voted where the canine handlers were concerned. I never thought about recusing myself from that vote. Mr. Stan Hynek has called the Clerk's office and asked if I had a conflict of interest form signed and I had not and still have not. I have sought legal advice from lawyers in this county. I have in black and white the conflict of interest form. I will read part of it. According to the state statute, I do not have to sign a conflict of interest because he is not my dependent or any of the following. The spouse of a public servant, a child, step child or adoptee, as defined in I.C. Code 31-3-4-1 of a public servant who is unemancipated and less than 18 years of age and any individual more than one half of whose support is provided by the public servant. Thank God I do not have to support them. But no, I do not have any support for them, he is not under 18 years of age. From now on we will just disclose that these people are my family, and thank God I do have family and friends. It will be a sad day when a public servant sets up here and says I do not have any family or friends. That is one part I would like to disclose. The other thing is I have been said to be unethical as far as taking the county's insurance. That is not true either. As a public servant, in the state, the commissioners, under PERF, are considered 24/7 employees. We have to pay into PERF, part time employees do not pay into PERF. We are, as elected officials, including the Council, considered full time employees. I was questioned as to how I can justify taking the insurance as a part time employee. Well, I can and I do. If there is anything else, as far as clearing up things that have been in the paper, yes, I have friends, yes, I have family and I am proud of that. I try to work for this county. As what to Mr. Milsap eluded to earlier, I have no idea what he is talking about. We have had no closed door meetings with Paul Young. We did discuss this with Paul Young, he has decided to step down and is very pleased that we have appointed Fran in his place. Having said that, I am glad to see so many here and thank you for the great job you have been doing. Hope to continue to see you at other meetings. I understand also that Senator Arnold has an ethics bill that will be coming through that we will be more than happy to take a look at. I don't think I have ever been unethical. Thank you.

Mr. Layton, my comments are going to be brief. First of all, I would like to thank my fellow commissioners for the opportunity to serve as president for the year of 2011. I consider that to be a high honor and one that I will try my utmost to hold in high esteem and hope that the workings of the board be held that way. There have been a lot of innuendos and a lot of negative comments printed in the newspaper, some that were hurtful. I choose at this time to allow that to pass by; welcome Mr. Milsap to the board. I think he can bring something to the board that we have not had in the past. I am sorry that you took the motion that was made on the acceptance of the attorneys for two years as a personal issue; it was not I assure you. It was an issue that we held valid because of the service that we had received from Braje, Nelson & Janes' law firm. I stand by that vote and don't see any difference in the vote that we took to retain the law firm that we did and the vote that you took in 2007 to nominate Mr. Meyer and bring him on the city council. This vote was made in November prior to four new board members coming in. That is going to be the extent of my slap.

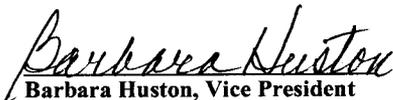
ADJOUN

Mr. Layton, President, adjourned the meeting at 10:58 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

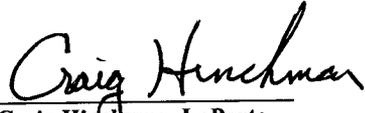


Ken Layton, President



Barbara Huston, Vice President


Willie Milsap, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor

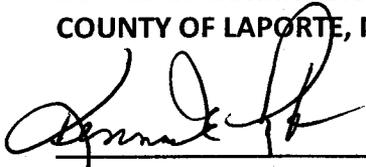
DESIGNATION OF PUBLICATION

Pursuant to IC 5-3-4, the LaPorte County Board of Commissioners moved that the following newspapers be designated the newspapers of qualified publications in which LaPorte County shall publish notices as required by law:

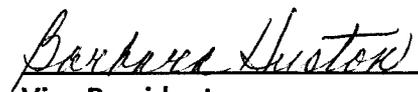
1. LaPorte Herald-Argus
2. Michigan City News Dispatch
3. Westville Indicator
4. Regional News

This designation shall be subject to each of the above submitting to the Board of Commissioners, on or before January 4, 2011, written confirmation that the newspaper or qualified publication meets all criteria to be designated as a newspaper or qualified publication under Indiana Code 5-3-1, et seq.

BOARD OF COMMISSIONERS
COUNTY OF LAPORTE, INDIANA



President



Vice President



Member

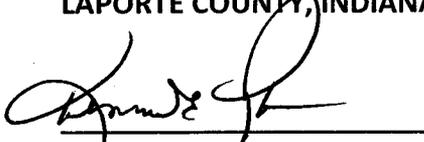
ATTEST: 

Craig Hinchman, Auditor

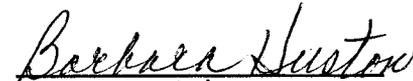
AGENDA NOTICE

Due to the increasing amount of business to be conducted by the LaPorte County Board of Commissioners at their regularly scheduled meetings, the Commissioners request anyone wishing to appear before the Board, contact the Commissioner's secretary, in writing, no later than the close of the business day on the Wednesday prior to a meeting, to be considered for placement on the agenda. The secretary can be contacted on the second floor of the LaPorte County Office Annex, 555 Michigan Avenue, Suite 202, LaPorte, Indiana 46350 by fax at (219) 326-9103. For further information, please call (219) 326-6808 ext. 2229 or 2329.

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



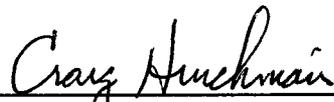
President



Vice President



Member

ATTEST: 

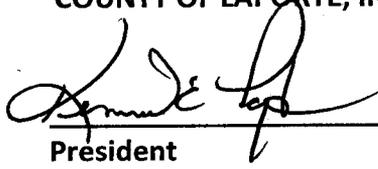
Craig Hinchman, Auditor

LEGAL NOTICE/COMMISSION MEETING

NOTICE OF MEETINGS
LAPORTE COUNTY BOARD OF COMMISSIONERS

The LaPorte County Board of Commissioners, LaPorte County, Indiana, shall meet in continuous session on the first and third Tuesday of each month from January 4, 2011 to December 20, 2011. The Board of Commissioners shall meet specifically on the first Tuesday of the month at 6:00 p.m. and on the third Tuesday at 10:00 a.m., throughout the year, except for January, which will be at 10:00 a.m. for both meetings. Meetings will be held at the LaPorte county Annex and Security Complex, Meeting Room Number 3, Lobby Level, LaPorte, Indiana.

BOARD OF COMMISSIONERS
COUNTY OF LAPORTE, INDIANA



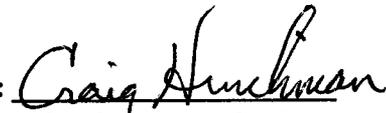
President



Vice President



Member

ATTEST: 

Craig Hinchman, Auditor



BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202
LaPorte, IN 46350
Phone: (219) 326-6808 ext. 2229 - FAX: (219) 326-9103

Barbara Huston
President

Mike Bohacek
Vice President

Ken Layton
Member

NOTIFICATION

TO: All Board of Commission Members and Media

FROM:

DATE NOTICE POSTED:

TIME OF NOTICE:

PUBLIC NOTICE OF EXECUTIVE SESSION OF THE LAPORTE COUNTY
BOARD OF COMMISSIONERS

DATE OF MEETING:

TIME OF MEETING:

PLACE OF MEETING: LaPorte County Commissioners Office, 813 Lincolnway,
Suite 301, LaPorte, Indiana 46350

SUBJECT MATTER (S) OF THE MEETING IS/ARE CHECKED BELOW:

- (1) Where authorized by federal or state statute (5-14.5-6(B) (1))
- (2) For discussion of strategy with respect to:
 - A. Collective bargaining
 - B. Initiation of litigation or litigation which is pending or has been threatened specifically; in writing
 - C. The implementation of security systems; or
 - D. The purchase or lease of real property by the governing body up to the time a contractor option to purchase or lease is executed by the parties. (5-14.5-6(b)(2))
- (3) To receive information about, and interview, prospective employees. (5-14.5-6(b) (4))
- (4) With respect to any individual over whom the governing body has jurisdiction:
 - A. To receive information concerning the individual's alleged misconduct; and
 - B. To discuss, prior to any determination, that individual's status as an employee, student or independent contractor who is a physician (5-14.5-6(b)(8))
- (5) For discussion of records classified as confidential by state or federal stature. (5-14.5-(b))
- (6) To discuss before any placement decision an individual student's abilities, past performance, behavior and needs (5-14.5-6 (b) (7))
- (7) To discuss a job performance evaluation of individual employees. (5-14...5-6(b) (8))
- (8) When considering the appointment of a public official to:
 - A. Develop a list of prospective appointees
 - B. Consider applications; and
 - C. Make (1) initial exclusion of prospective appointees from further consideration. (5-14.5-6(b) (9))