



BOARD OF COMMISSIONERS LAPORTE COUNTY

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*Ken Layton
President*

*Barbara Huston
Vice President*

*Willie Milsap
Member*

LAPORTE COUNTY COMMISSIONERS

Tuesday, July 5, 2011

The LaPorte County Board of Commissioners met in a regular meeting on Tuesday, July 5, 2011, held at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 6:-00 p.m.

PLEDGE OF ALLEGIANCE

Sheriff Mollenhauer led the pledge of allegiance.

ROLL CALL

All present

APPROVAL OF AGENDA

Mrs. Huston, please add under correspondence, LaPorte County Fair Board asking EMS to work the week of the fair, July 17 – 23, 2011.

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

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve as presented the minutes of June 21, 2011, 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 July 8, 2011, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Misc. Claims ----\$857,049.60, Mrs. Huston made a motion to approve as presented, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Ms. Diana Karaff, LaPorte County Home. Last night my boyfriend, who also lives at the county home, and I went to the fireworks. My brother in law came and signed us out. I put down that I wasn't sure when I would be back. We called at 10:04 on my cell phone that we would be late because he had lost his ID and money. He had remembered that he had used the restroom and found his belongings. We didn't get back until 2:00 a.m. This morning when I got up, one of the staff members told Kay that she smelled alcohol on my breath. I had drunk a little bit of wine at the fireworks. She told me she was going to dismiss me from the county home. I had until 2:00 today to get out. If I wasn't out, she was

going to call the sheriff and have me removed. There are a lot of things going on there. I called the ombudsman today and she told me Kay cannot just throw me out of there. There is a process she has to go through.

Mr. Layton, do you have everything documented?

Ms. Karaff, I do.

Mr. Layton, tonight is not the night.

Mr. Milsap, I will meet with Kay tomorrow. Do you have a previous history of problems there?

Ms. Karaff, I have been there for two years and I've been written up 9 or 10 times.

DEPARTMENT HEAD COMMENTS

Mr. Doug Biege, attorney, representing the County Council. I am here as a result of a motion by the council instructing myself as attorney to request the Commissioners to join the Council in a written request to the State Board of Accounts asking for a further audit and or referral of the Sheriff's commissary fund account. They are asking for an audit further back. There is a report dated January 4, 2011, mentioning some issues surrounding the Sheriff's commissary fund. The Council voted to further investigate and is asking the Commissioners to join in a request to the State Board of Accounts.

Mr. Milsap, why is the Council's attorney addressing us?

Mr. Biege, the Council instructed me to ask on its behalf. They voted as a majority and asked me to approach the commission.

Mr. Milsap, I make a motion that we deny the request.

Mrs. Huston, the State Board of Accounts already has done the audit, is this something special?

Mr. Beige, yes, they are doing a routine audit. The Council's request will be for a specific audit of the Sheriff's commissary fund each year. My understanding is that the State Board audits every year but not every account every year. There has been issues and questions raised and this request is to clear up those questions. They are asking the Commissioners to join in that request.

Mr. Layton, Sheriff, under the last five years you have been audited, was the commissary account made a portion of each of those audits?

Sheriff Mollenhauer, yes, especially this year. They not only audited 2009 but 2010 up to July 13th, so they are half way through already. When I viewed the tape last week of those councilmen voting to sue me, there was nothing about an audit. This was to try and receive some funds. State Board of Accounts has already said there is no repayment necessary or that they would order.

Mrs. Huston, the Sheriff is correct, they voted to sue the sheriff, there was no mention of a re-auditing. I am sure if they ask the State Board of Accounts they will do it.

Mr. Biege, there was also some talk of the telephone fund. The Commissioners support or lack of support will have direct bearing on how the Council wishes to move forward.

Mrs. Huston, they are the legislative body in charge of the county funds. I can't see how our voting to support or not support would help or hinder the State Board of Accounts doing their job.

Mr. Milsap, my motion still stands.

Mr. Layton, this is for the audit purpose and not the law suit purpose. I see no reason to sue the sheriff. The Sheriff would not have a problem with being audited a second time. This can go on without us. There is a motion to deny the request from the council, chair will step down and second the motion, motion carries by roll call vote 2-1.

Mr. Mike Schultz, LaPorte County Assessor. I have met with Craig and Nancy; we are about 30 days behind in getting our 2007 pay 2008 material to the state. When they started doing the personal property, they found out back then that the personal property was never balanced. We hope by the end of the week we can get that close to balanced. June 1 was a deadline that they wanted our information to them. Mr. Braje notified them that we would not be meeting that deadline.

Sheriff Mollenhauer, I would like to report for the "Notice to Quit" money. It is the first step in the eviction process. When I took office, the notice to quit money was not being put in any kind of account. Our association attorney advised to put the money in an account; it is going into the continuing education fund. In 2007 we were able to put \$8, 890 in that account, in 2008, \$11,760.00, in 2009, \$14,420.00 and in 2010, \$12,425.00 and the first five months of this year, \$4,165, for a total of \$51,660.00. It is being used each year to educate the officers, specialized training, detectives, patrol division, every officer for additional training that we would not be able to afford if it wasn't for that money. I think we are one of the best educated sheriff's departments in the state of Indiana.

Mrs. Huston, there is a Neil Thompson scholarship award but I never hear, is that being given out?

Sheriff Mollenhauer, at next month's merit board meeting, and you are welcome to attend, we will be giving two of those scholarships out. I think we have about \$66,000 in that fund and we are able to give them a \$1,000 scholarship. They give us a resume and what continuing education they are going into and one year is all they can apply for. We haven't turned anyone down so I don't think there is any reason for a board.

Mrs. Huston, with \$66,000 in that account, you know you can't do a whole lot for a \$1,000, could you give them more?

Sheriff Mollenhauer, I think that would be the merit board's decision to raise the amount.

CORRESPONDENCE

LaPorte County Fair 2011/EMS Agreement

Mr. Layton, we received a letter today from the LaPorte County Fair Association and it says, "To Honorable Board of County Commissioners and LaPorte County EMS Service: The LaPorte County Agricultural Assn d/b/a LaPorte County Fair requests the support of the LaPorte County EMS Service in providing emergency medical service for the LaPorte County Fair 2011. Service would be needed July 17th through July 23rd. Attached is a schedule of estimated needs based on last year's schedule. We understand the Director, Patty Pease, is going to oversee selection of officers. It is agreed whereby personnel will be paid \$25.00 per hour. Upon receipt of names of personnel, individual checks will be issued and where applicable #10099 forms will be issued. Workers will be paid within ten days or sooner after the fair. Respectfully submitted, Eugene Shurte, Manager LaPorte County Fair Board" I was also told there was a contract that was prepared last year between the LaPorte County Fair and the Emergency Medical Service by Mr. Braje and Mr. Herrbach and that that same document would be the order of business this year.

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

REQUESTS

None

OLD BUSINESS

None

NEW BUSINESS

Government Channel Management Agreement

Mr. Bart Lombard, Access LaPorte County, Inc., are there any questions?

Mr. Layton, we have in front of us an agreement drawn up by your....

Mr. Lombard, yes, the only difference in the proposal is it went from a 3 year contract to a 1 year contract with a one year renewal period in place. That annual rate is the same and any kind dated material was omitted from the previous document which I believe was submitted six years ago.

Mr. Willoughby, per your request, I reviewed the contract and there are a few changes that aren't necessarily material but some things that we have made standard practice. My recommendation to the board would be to approve it pending finalization and authorize the board President to sign once that is finished.

Mrs. Huston made a motion to approve the contract and give Mr. Layton permission to sign on behalf of the board after our attorneys have reviewed the contract, seconded by Mr. Milsap, motion carried by voice vote 3-0.

COMMISSIONER'S COMMENTS

Mr. Milsap, I have received a number of questions from my constituents and from members of the press about what is happening in our 911 Department. I want to make it perfectly clear and on record that I was not consulted by Commissioner Huston before she chose to fire both our 911 director and our assistant 911 director. To this day, I still don't know what the reason was for firing these two longtime dedicated individuals. I have concerns about being looped out of these decisions. I have made it clear that as an elected commissioner I'm entitled to have a say so in matters such as this. To my knowledge, Mrs. Huston has been serving as interim 911 director making all kinds of decisions on hiring and policy that was never approved here at a public meeting, which I think it should be. To my knowledge, the 911 Advisory Board has never approved her serving in that capacity. 911 is a very important department that deals with public safety. As someone who has served as a firefighter for 30 years, my career has been focused on protecting public safety and I believe I deserve more input in the running of the department. The voters who elected me expect that. The operation of the department is too important to continue handling behind closed doors. I just wanted to go on record and the taxpayers deserve nothing less.

Mrs. Huston, first of all that is a personnel matter. I have tried diligently to keep it out of the press. I don't believe that is where it should be discussed. I, to, have served this county for thirty years in several different capacities and I have served it well. I respect everyone who has voted for me and expect to continue in this position in the future. I have been serving as interim director of the 911 center. Yes, I have made decisions and they have been very good decisions. Yes, I have tried to keep up and we have a different center than we had before. Mr. Milsap, as commissioner, you are always welcome to the 911 center. I would be happy to give you a tour and tell you exactly what is going on. I also told Mr. Milsap that if he is approached on the street by someone who wants to know this and he is not sure what is going on to tell them he is not sure and he will find out. He was fully informed; I had a stack of paperwork when this first started and of course we put the director and assistant director on paid administrative leave until I could sort out what was going on. Mr. Layton and Mr. Milsap read through all of the paperwork that I had. I did do due diligence in the center. Mr. Milsap never once came over, he never once asked me any questions, he obviously knew where I was and what I was doing. I didn't loop him out of anything. I called a 911 advisory board meeting where Mr. Milsap came and I explained everything to them. He knew from the beginning what was going on. I didn't believe it should be brought before this board until the entirety of it was over and it is not finished yet, so I chose not to. Mr. Milsap has chosen to bring it forward in a public discussion. He also said he didn't respect my decisions and I do resent that. I also resent the upcoming ethics ordinance that we are going to have a meeting on the 13th about. In the 30 years I have worked for the county, I have done the best job I can. Mr. Milsap has come in and within the first couple of months and before he even took office, he wanted to put through an ethics ordinance. Actually, the ethics ordinance he wants to put through, basically says that before he became a commissioner, we were all unethical. There is no respect there for any of us. I think that is disrespectful and that is my problem with the ethics ordinance. I have no reason to not want the ethics ordinance, if it is good for everybody that is fine. I just resent the way that it is being presented to this county by a new commissioner who makes everyone feel we are all unethical. We have a very good county policy and it has worked for me for 30 years. I just want to go on record and say that Mr. Milsap's comments are disrespectful to me personally.

Mr. Layton, I am going to readdress the minutes of June 21, 2011, on page five of the commissioner's comments. When we were speaking about the ethics ordinance, previously, Mr. Milsap was upset that

we didn't allow it to come to the table, and I tried to explain at that time that there were adjustments that had to be made. Your personal counsel was here and agreed to that. During your dissertation at the end of the meeting you said, "we are one of the only counties in this area, all the other counties surrounding us have ethics ordinances, and I don't think we are any better than any other community". It just so happened that on the following Thursday, as you know I am the President of the Northwest District for the Association of Indiana Counties and Vice President of the Association of Indiana Commissioners for the Northwest District and I just happened to be in a meeting with Gerry Scheub of Lake County, Mr. Russ Collins of Newton County, Mr. Mike Tiede of Pulaski County, Mr. Kendell Culp of Jasper County, Kathy Norem of Starke County, Nancy Adams of Porter County, Bob Kovach from St. Joe County, and Kevin Overmyer from Marshall County, none of those counties that surround us has ethics ordinances.

Mr. Layton, I have an announcement to make tonight one that has taken a long time to come to and it is not easy. I have been in the service of the United States Army and the County of LaPorte for 45 years. I think it is fair to everyone that is questioning themselves whether or not they want to enter the political arena and run against an incumbent or not. I am not going to seek reelection to the LaPorte County Commissioners in the fall of 2012 for the 2013 circuit. I have given my life to our country and to this county, I have enjoyed it immensely 99.9% of the time. Evenings like this are not enjoyable, I must admit. I have hundreds and hundreds and hundreds of people to thank for the honor of serving this county, not only as policeman for nearly 30 years, as the Sheriff of the county, Auditor of the county, Treasurer of the county and currently as a commissioner of this county, I have been truly blessed by the citizens of LaPorte County. I know I have not made everybody happy over the years; it is a fete that cannot be accomplished. I believe I have always done what I felt to be the right thing to serve the citizens of LaPorte County. All I can say is thank you for those years. I will not quit. I asked you for four years on my last job interview and I will give you those four years but I will not seek reelection.

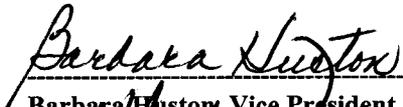
ADJOURN

Mr. Layton, President, adjourned the meeting at 6:59 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS



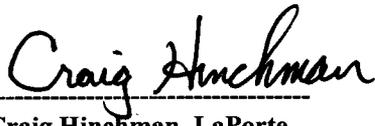
Ken Layton, President



Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: 

Craig Hinchman, LaPorte
County Auditor