



BOARD OF COMMISSIONERS

LAPONTE 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*

LAPONTE COUNTY COMMISSIONERS

SPECIAL MEETING

WEDNESDAY, JULY 13, 2011

The LaPorte County Board of Commissioners met in a special meeting on Wednesday, July 13, 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

Mr. Rich Mrozinski led the Pledge of Allegiance.

ROLL CALL

All present

PUBLIC COMMENTS

Mr. Layton, I would like to ask Mr. Milsap to make an opening statement pertaining to the ordinance.

Mr. Milsap, thank you for being a part of moving LaPorte County forward. Keep in mind this is just a draft. The input we receive tonight along with the committee's that was assigned, we will put in one pot and cook up something good for LaPorte County. LaPorte County could be a trail blazer for other counties.

Mrs. Huston I want to thank everyone for coming.

Mr. Layton, Mr. Jim Flannery, Executive Director of Northwest Indiana Quality of Council, Inc. has written a letter. (Please see attached) We will now open the floor for public comments.

Mr. Rick Kentaft, first ward, LaPorte. I think this is a good idea, the Federal government has it and the state government has it. I would like to address an area I think is missing. I would like to see where an elected official cannot become eligible to be appointed as a department

head for 12 months after leaving office somewhere else in county government. This would keep away any hint of impropriety. I think it would be an asset to this ordinance.

Mr. Jim Stemmler, I do think this is a great idea if it is implemented and as long as it is enforced consistently. If this is passed, will there be an appointment of an ethics officer or as Section 7 reads, the county's Human Resources Director shall serve as the Ethics Officer for the county? The way it is written, it seems as if it already provides for one. I would like to have that clarified to make sure that we know that if this is adopted, is there going to be another appointment for an Ethics Officer or is it already in place?

Mr. Mike Schultz, Assessor, I think some of this needs to be a little more well defined. When it talks about gifts and honoraria, it talks about reasonable value. If some vendor decides to give me a couple of cub's tickets; I am to give him some monetary value back. Is that the face value of the ticket? What keeps me out of trouble there? But if he cares to give me a \$1,000 contribution to my campaign, I just have to report that on my campaign finance report. I think there is a lot of politics in this because it seems like I can take all the money I want for a campaign. I think it needs to be defined as to what I have to give a vendor in return for a nominal gift. Do we need to assign a dollar amount? Section 7, where it talks about the appointment and functions of the Ethics Officer and Ethics Board, I don't think it is appropriate for the commissioners to make all five appointments. My recommendation would be that the commissioners get two appointments, the council gets one appointment, the elected officials get one appointment and the department heads and employees get one appointment, which would still be a five member board but that way anyone that is a player wouldn't have a majority appointed to the board.

Mr. Steve Mockler, Wanatah. Does this apply to all municipalities in the county; to all municipal appointees? I would prefer a clarification. In regard to nepotism, in a small town it is very, very, hard to disassociate yourself with relatives. What would be the difference in hiring your son or your best friend? I have friends I could treat better than relatives. In the letter Mr. Layton read tonight, the words used were a "perception of unethical behavior". Is this all brought about by perception of unethical behavior or actual unethical behavior?

Mr. Milsap, all accusations will be brought before the board.

Mr. Mockler, it also says the Ethics Officer, who is also the HR Director, will give opinions. That sounds like it would be individual, not going to the board.

Mr. Milsap, the officer would have some input to the board. The board would be the determining factor.

Mr. Mockler, I would like to think that not one person would set judge and jury over us. They refer to training in ethics. Is this to train us in ethics? Ethics is something that can't be taught. You can train a person for ethics but will they follow it. I think it needs a lot more

consideration. We also have state laws that hold us accountable. Nepotism doesn't apply to state officers. Let's take that out and just say, hire people when they are qualified.

Mr. Layton, this is for county government only and not small towns.

Ms. Diane Borowski, Michigan City first ward. I have concern that the public is quick to judge and assume guilt. All this could involve lawyer fees which could raise taxes. Once an accusation is made, the perception is there and a reputation is tarnished. I also have comments on Section 6, Standards of Ethical Conduct. A disclosure statement might cover all bases. I agree with Mr. Schultz that the board members be divided among the county personnel. In Section 1, #F, it says disclosure forms are to be filed....who must file? I would like that clarified. In Section 7, #C, it says the charged party shall have the right to be represented by counsel, at whose expense? In Part D, I'm sure the board will not consist of five lawyers so who on the board will be adept in the law to be able to come to conclusions?

Mr. Layton, Section 7 #E says the Ethics Board may forward its report to the Prosecutor, State Board of Accounts or any other appropriate person, who is that?

Mr. Matt Bernacchi, county councilman, I would like clarification on the Conflict of Interest situation. I want assurance that if we abstain from voting we will not be censured.

Julie Roseler, Union Mills. I am looking forward to having an ethics ordinance. I am on the ethics committee. I would like to respond to the comment that when accusations are made it can tarnish a reputation. The Ethics board will be bound by confidentiality. People use government sometimes to further their own purposes, most of the time this is a perception, this is something the voters could decide.

Mr. Steve Mockler, in reference to confidentiality, the public is subject to the open door law and public records request.

Mr. Milsap, boards can have executive sessions.

Attorney Shaw Friedman, there are exceptions. Final action would need to be taken at a public session. The issuance of gifts of nominal value, there is a provision prohibiting gifts of significant value. This is all to increase public confidence. The Ethics Officer and the Ethics Board is designed to keep people out of trouble. We can make changes; a lack of definition can be cause for concern. A respondent is not provided with legal fees that would be at his or her own expense.

Mr. Jim Stemmler, there has been a great amount of good dialog here tonight. Confidentiality is a major concern; you are dealing with very sensitive subjects when you are on a board and making life changing decisions. I suggest assigning numbers to the subjects and not even know the name of the person being discussed. The board will be discussing a subject and not a person. I have seen this work well.

Mr. Steve Mockler, who will do the policing of the Ethics Board? Where would those charges be taken?

Mr. Earl Cunningham, Section 6, #D does not prohibit from engaging in political activity when not on county property. I think that should prohibit use of a county vehicle off grounds when engaging in political activity.

Mrs. Nancy Hawkins, County Treasurer. Nepotism does not apply to my office. Will there be a grandfather clause in there for someone working for a close relative? Is this for new hirings and only going forward?

Mr. Milsap, from this date forward.

Mr. Jerry Cooley, 1777 W. 1000 N., LaPorte. I have been involved in the unions. This will be good that everyone lives by the same rules. It brings things above board as it should be. You are on the right track, thank you for doing it.

Mr. Layton, it is hard to get into the trades. I know your son and Mr. Stemmler's son is in the trades and they are good at what they do. It used to be a known fact that you needed help getting into the trades. Is that acceptable for the trades but not for the county of LaPorte? Is there any difference?

Mr. Cooley, there is no seniority in the trades, if you aren't any good you are out.

Mr. Friedman, we are talking about those under line of authority or supervising a relative.

April VanBureen, Michigan City. I have seen a lot of nepotism in LaPorte County. With this ethics ordinance, it will give everyone a fair share. We can do this the right way and run the county in a professional way. This is long overdue.

Mr. David Decker, 8686 S. 175 E., Hamlet, IN. This ethics ordinance is mainly for larger level problems.

Ms. Linda Bonay, this is the best I have seen, thank you Mr. Milsap for your hard work.

COMMISSIONERS COMMENTS

Mr. Milsap, I want to thank everyone for giving me more work to do. Thank you for coming and your input. We can now move into 2012 on the same page.

Mrs. Huston, we heard a lot of good comments tonight. I feel that if you are perceived in doing wrong, it is hard to overcome. State I.C. codes already have most of this covered. We

already live by these rules. Confidentiality is nonexistent in some things. I like Mr. Stemmler's suggestion of using a number and no name. Thank you all for coming.

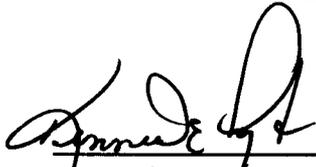
Mr. Layton, on behalf of the commissioners, I want to thank all of you for attending.

Mr. Milsap, I would like to ask that we withdraw the Ethics Ordinance on the July 19th agenda for the commissioners meeting until we revisit this ordinance and make some changes. I would like to meet with the Ethics committee after tonight's meeting.

ADJOURNED

Mr. Layton, President, adjourned the meeting at 7:18 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


Kenneth Layton, President


Barbara Huston, Vice President


Willie Milsap, Member

ATTEST: 
Craig Hinchman, LaPorte
County Auditor



Quality of Life Council

Creating a Sustainable Future for Northwest Indiana

(219) 795-1271 Fax: (219) 756-4607

Mr. Ken Layton
President
La Porte County Council

7/13/11

Dear Mr. Layton,

I am writing in support of the initiative of La Porte County to adopt a county ethics ordinance. For far too long this Region has suffered under the public perception of unethical local government. If we are to compete in a global economy for the benefit of the present and future generations, we must pro-actively demonstrate our commitment to ethical behavior in government.

It is fitting that La Porte County takes a lead role in setting a high bar for the surrounding Region. A number of municipalities have adopted ethics ordinances and trained their employees in the application and expectation of conducting themselves in an ethical manner including Munster, Crown Point, Hammond, Whiting and Schererville in Lake County. As you know, the State of Indiana has such a program for all State employees, however far too many local County and municipal units of government have not followed suit.

La Porte County can send a clear message to prospective investors and existing businesses that doing business in La Porte County is done right. There are no "corruption tax" penalties or prohibitive practices that drain resources of the entities that provide jobs and economic development in this county.

Of course there will be some who question the need, the cost and the time required for adoption and implementation of such an endeavor. My answer is "What do you fear?" How can anyone argue that assuring the public that their elected officials and municipal employees are properly trained and diligent in protecting the administration of public funds for the benefit of all is a problem?

As the Council engages in this effort, let me encourage all to be courageous in setting the example for all Northwest Indiana by adopting an effective ordinance and committing to training all County employees in its meaning and implementation. This initiative is not just about today but the future of our entire region.

Sincerely,

Jim Flannery
Executive Director
NWI Quality of Council, Inc.