



BOARD OF COMMISSIONERS LAPORTE COUNTY

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Willie Milsap,
President

Dave Decker,
Vice President

Dr. Vidya Kora,
Member

PLEASE TURN OFF ALL CELL PHONES

AGENDA

LAPORTE COUNTY COMMISSIONERS

Wednesday, February 20, 2013

To be held at 6:00 p.m. in the LaPorte County Complex Meeting Room #3

1. CALL MEETING TO ORDER

Commissioner Milsap called the meeting to order.

2. PLEDGE OF ALLEGIANCE

Mike Yacullo leads the Pledge of Allegiance.

3. ROLL CALL

All three Commissioners present.

4. APPROVAL OF AGENDA

Commissioner Decker requests that the January 16, 2013 Special Meeting minutes be added to approval of minutes. Commissioner Kora seconds. Motion carried by voice vote 3-0. Commissioner Decker requests that F. Resolution on Senate Bill 560 be added under New Business. Commissioner Kora seconds. Motion carried by voice vote 3-0.

5. APPROVAL OF MINUTES

- A. January 2, 2013
- B. January 16, 2013
- C. January 16, 2013 Special Meeting

6. WEEKLY REPORTS

7. CLAIMS

- A. Payroll Ending 2/15/13-1,007,802.12
- B. Miscellaneous Claims-\$1,985,328.15

Commissioner Kora moves to approve the Claims both A. and B. Commissioner Decker seconds. Motion carried by voice vote 3-0.

8. DEPARTMENT HEAD COMMENTS

Matt Reardon: From Economic Development. Just wanted to give you guys a brief update, we're currently working on three different projects, two in the City of LaPorte and one in the County, working very well with Burt Cook and just want to give you a brief update on that and to let you know that we're available 24/7, whenever there's any item that may come up with the Commission and/or any other staff, you guys have our number, you know where we're at, I'd also like to introduce my colleagues Doug Olson and Nick Minnick back here, so like I said, the County has access to all 550 professionals that our firm has and we look forward to our continued working relationship.

Commissioner Kora: Mr. Reardon thank you for coming and giving a brief presentation we're excited to have you over here, with all the knowledge base of your entire firm and team of 500 people. Sometimes there have been some

concerns expressed because you live in a different county and I know the kind of professionalism that you bring to the table, maybe you may want to comment to address the concerns of the people who have expressed those concerns.

Matt Reardon: Well I think that presenting the facts and allowing the elected officials to make those decisions has been part of what we've done here at SEH for the County over the last 6 or 7 years, so that's not changed, that won't change. We're a professional service firm, much like hiring a professional service firm from Evansville or Indianapolis or Fort Wayne or South Bend, we just happen to be in actually Northwest Indiana and you guys are one of our best clients we like working here, we love Economic Development and we have the staff ready to handle your business.

Commissioner Kora: Thank you very much; we like to work with the best of the best and thanks for being here.

9. **CORRESPONDENCE**
None

10. **REQUESTS**
LPCCVB Community Event Promotion Fund Requests from:
Dick Reel- Pioneer Land Christmas Open House- \$500.00
Film Acres Independent LLC. - \$5000.00

Commissioner Decker moves to approve the Pioneer Land Christmas Open House request. Commissioner Kora seconds. Motion carried by voice vote 3-0.

Commissioner Decker: Film Acres Independent has petitioned us for \$5000, which pretty well takes all the budget that we have, I talked to Jack Arnett this morning to get these funds you have to meet the requirements of, it has to be to promote an event that's in the County and we don't feel that this meets that requirement so I would make a motion that we do not fund this one. Commissioner Kora Seconds. Motion carried by voice vote 3-0.

11. **OLD BUSINESS**
A. **Bid review and approval for Sheriff vehicles.**

Chief Jim Sosinski: At your February 6 meeting Attorney Friedman opened the sealed bids you received for the new police vehicles, they were then turned over to me for my examination. There were three dealers that submitted bids, they were Pine Ford Lincoln, Lakeshore Ford, and Sauers Ford Lincoln. With respect to the Pine Ford bid, in their bid they did not show the difference between two of the 15 sedans and two of the three SUV's that were spelled out in the bid specs. Their bid for 15 sedans and 3 SUV's is \$492,972.00 with a trade allowance of \$64,700.00 for a total bid of \$428,272.00. They also did not submit either a bid bond or a non-collusion affidavit. With the respect to the Lake Shore Ford bid, they did bid per specifications requirements showing the difference between the two of the 15 sedans and 2 of the 3 SUV's per the bid specs, their bid for 15 sedans and 3 SUV's was \$446,644.00 with a trade allowance of \$64,700.00 for a total bid of \$381,944.00 they also did not submit a bid bond or a non-collusion affidavit. With respect to the Sauers Ford bid, they did bid per the bid specification requirements, showing the difference between the two of the 15 sedans and two of the three SUV's for the bid specs. Their bid for the 15 sedans and 3 SUV's is \$445,964.00 with a trade allowance of \$ 96,000.00 for a total bid of \$349,964.00 Sauers did submit a 10% bid bond along with a non-collusion affidavit. After thoroughly examining these bids, it is my recommendation that the best and lowest bid is Sauers Ford Lincoln and that the bid be awarded to them in the amount of \$349,964.00. I am also asking the Commissioners for permission to use funds from the CCD Fund to fund that, and then I will request the appropriation from the County Council at their March 25 meeting.

Commissioner Kora moves to approve. Commissioner Decker seconds. Motion carried by voice vote 3-0.

B. **Appointment for EMS Council**

Commissioner Kora: Mr. President I nominate Larry Butcher from the Michigan City Fire Department. Commissioner Decker seconds. Motion carried by voice vote 3-0.

C. **Consider process with Assessor Mike Schultz regarding re-valuing/trending NiSource and Boyd Gaming properties.**

Attorney Friedman: Mr. President, go ahead, we were involved in a conference call and if you'd like to summarize how that went that would be fine.

Commissioner Milsap: In reference to the conference call that our assessor Mike Schultz, our Councilman Mr. Matt Bernacchi, Marilyn Meagan and myself, we had a conference call yesterday in Indy and I know our County Assessor Mike Schultz is not able to be here tonight, however, as anyone who attends Commissioner's meetings knows I have raised concerns back in November at our Commissioner's Meeting about the re-assessments regarding NIPSCO and Blue Chip, and wanted to make sure that we had all the resources necessary to ensure that the generation stations and various properties owned by NIPSCO were properly assessed in LaPorte County. As everyone knows any assessed

valuations that are reduced for large corporate tax payers like NIPSCO and Blue Chip has to be picked up by someone else, usually it's us, ordinary tax payers. I am particularly concerned that we have the benefit of special counsel in appeals like NIPSCO and Blue Chip and Mr. Schultz agrees with that, he feels we can work well with Marilyn Meighen who is present here tonight who will be recommending that the PTABOA Board later meet in this month's period. Mr. Schultz agrees that we want to have a role in potentially re-evaluating NIPSCO's 2010 assessments and we expect that the PTABOA will be meeting on the 28th of this month for that very purpose. I know my fellow Commissioner's feel strongly like I do, that every tax payer, no matter how big or how much they have in their deep pockets needs to pay their fair share. I look forward to working with the Assessors and PTABOA to make sure that we have legal counsel to protect the County's interest in these big appeals and provide expert appraisals as well.

Attorney Friedman: As you indicated Mr. President, it was a good conference call and we've got some part of that that we're going to address a little later in the meeting with the appointment of Ms. Meighen. It's an agenda item later in the meeting.

12. **NEW BUSINESS**

A. **Date Change for Commissioner Meeting**

Commissioner Decker: Yes, Mr. President, I'd like to change our next meeting to Monday, March 4, 2013 at 10:00 a.m. instead of Wednesday. Because all three of us will be heading to Road School in Lafayette at that time.

Commissioner Kora: Seconds. Motion carried by voice vote 3-0.

B. **Appointment of Special Counsel for PTABOA Board- Marilyn Meighen, Esq.**

Attorney Friedman: As Commissioner Milsap indicated we had a very good conference call yesterday with the Assessor, Attorney Meigher, Councilman Bernacchi, and I know that my concern from legal counsel stand point has been that PTABOA, the Property Tax Appeal Board have the benefit of counsel and expert appraisals and testimony if need be to support assessments during any appeals. Part of the assessment budget available to PTABOA and the Assessor is to cover attorney fees, expert costs, appraisals and I'm pleased as President Milsap is as well that Assessor Schultz believes he can work with Attorney Meighen, she comes to us from Indianapolis with a solid track record, working on behalf of Counties to prevail in cases in front of the Indiana Board of Tax Review and I'll stack her one loss record against anyone out there, if it would be the Commission's pleasure it would be helpful to have a motion recommending her as the new special counsel for PTABOA Board on these larger appeals.

Commissioner Kora: So moved. Commissioner Decker: Second. Motion carried by voice vote 3-0.

Attorney Friedman: Let me also indicate Mr. President I've indicated that I believe with the millions of dollars of assessed valuations at stake, the PTABOA Board needs local counsel as well available on an as needed basis to provide legal assistance to that board. My firm already has plenty on our plate, we're not seeking that position but believe it would be helpful for the PTABOA Board to request proposals from interested area attorneys whose practice focuses on land use, property and tax law. Mr. Schultz is prepared to have the PTABOA Board issue a request for proposals or interest from any interested attorney in the County who could apply and be selected, and we had discussed that as well on the conference call yesterday.

C. **Consider Waiver of Level 2 Assessor status for PTABOA board member Barbara Dreiner per I.C. 6-1.1-28-1**

Attorney Friedman: Just some clarification for you on that, the statute permits the consider of a waiver of Level 2 Assessor status for PTABOA Board Members, but you've got to make it a part of the record at a meeting.

Commissioner Kora: Mr. President I move that we waive the Level 2 Assessors status for PTABOA Board member Barbara Dreiner. Commissioner Decker: Second. Motion carried by voice vote 3-0.

D. **Cintas AED Presentation**

Pat Pease: Good Evening, you had requested me to check out pricing on the upgrading of the AED's that are existing in the building so I brought the company with to do a presentation for you.

Commissioner Kora: Ms. Pease, first of all I want to thank you for looking into this matter, I don't know whether this really falls under your jurisdiction, but I appreciate you going the extra mile and taking on this responsibility and thanks for this presentation.

Nathan Barkus: Service Manager that oversees the AED program for LaPorte County. I approached Pat a couple of weeks ago to educate her on the fact that your AED's, that you've had them for three years.

Commissioner Kora: Could you for the benefit of viewers can you just tell us what an AED is, that way they know what you're talking about.

Mr. Barkus: Sure and AED is Automated External Defibrillator. I approached Pat and the County to educate them on some of the newer programs, you currently have had the AED's, Defibrillator's for three years, and we have approached with a couple of different options to get you guys the newest models that we offer, the best possible service for those defibrillators. Proposed option 1 which would be no upfront investment whatsoever to LaPorte County you would actually be leasing 16 brand new defibrillators this includes all the monthly maintenance site visits, training, replacement of any pads or batteries, or any type of malfunction that may happen with the defibrillator, we oversee all of that program. You would actually be spending \$17,088.00 annually for that, it is all inclusive. Option 2 would be to upgrade the current models that you have by updating any AED pads, batteries, things like that, it does not include any type of training or medical direction which is included in option 1, option 1 for the reviver view leased AED covers monthly maintenance and documented checks for the units replacement of pads, batteries are provided at no additional cost, regular device upgrades are managed and performed as needed, written program provided for and employees are trained, medical prescription and medical direction program are implemented and managed with the State Law at each location, data is recorded analyzed and written in report for the daily purpose of if the unit is ever used. Also AED training for your employees would be included in that option 1 that we had offered as well.

Commissioner Kora: I wanted to ask you, when you said medical direction what kind of medical direction do you provide, what does it include?

(speaker did not identify himself): Hi thank you so much for having us. Part of the program with medical direction of course is there will be written protocols as to how you would respond in case of an event, and of course depending on where the units are deployed you're going to have varying skill sets, as to who might be responding, but that would provide the paper work that helps limit exposure to liability. And that's a result of the Cardiac Arrest Survival Act of 2000 as well as the State of Indiana's requirement to have medical direction, it basically, of course is a network of doctors we have throughout the country through an organization called STAT PADS that will sign off on the County's defibrillator program and they are the ones who coordinate with EMS to make sure that EMS is familiar where all the AED's are deployed. They will also be the ones that would provide a prescription as these are still prescriptive devices for the FDA and they will provide written protocols as to how those units would be used in the case that someone were to pull them off the wall, out of a vehicle or anything of that sort.

Commissioner Kora: Is there a State mandate to have this AED's and how they are maintained? Are there any regulations that govern that?

(?) There are certainly regulations as to how they should be maintained and typically they are very vague and they tend to say per manufacturers suggested maintenance policies, that's one of the nice things about the program that CINTAS provides is that they know what's required to be covered under the States Good Samaritan Act and make sure that that is a part of their maintenance program that with that maintenance program includes monthly checking of the equipment, the state it's in physically, technologically they actually do a check on the unit that shows the readiness and state of that unit, they also then with that training that's provided, you know there is still a requirement for training when the AED's are deployed. Very vague once again, the verbiage there is the reasonable amount of people trained. There's never been a formula per say what they do is make sure you dot the I and cross the T in the given state make sure all the regulations are active, effective so that you're covered by the State's Good Samaritan and the Federal's Cardiac Arrest Survival Act.

Commissioner Kora: And lastly I wanted to ask you when you do the training, whom do you train and how many people do you train, do you train everybody in that building or do you assign certain individuals for the training?

(?) We would help you set a type of a safety program up where you're going to have a certain amount of numbered employees per building that will be trained. I'm more than willing to come and do hands on basic training of the AED but you definitely would want to have a responder set up in each building so there's protocol set up in case there was a time to employ that defibrillator.

Commissioner Kora: Just one more last question, does your company Cintas, do you know of any grant opportunities for local governments to implement programs like this?

(?) Off the top of my head I do not, but the one thing I forgot to mention earlier with option 1, upgrading the units is you would be able to trade the units in that you currently have for \$6,400.00.

Commissioner Decker: We have these in mostly public access now what happens if the public pulls one of these off the wall, I mean that may not be, if they can't get to one of our people that are trained quickly, somebody from the public could pull that off the wall and try and use it. Is there any...

(?) Actually that's the lay public is really, their protected more than anyone by the State's Good Samaritan Act and it says if the unit is used in good faith to resuscitate a victim that they're protected from any litigation, they're actually, there's no requirement that says you need to be trained if you will. By that I'll say certified training to effectively use an AED as a matter of fact, the ideal is that whomever is closest quickest grab it and they're protected by Federally what was signed in 2000 Cardiac Arrest Survival act as well the State's Good Samaritan Act which says the, a lay responder, who isn't certified, is protected from litigation or liability if they were to pull that unit off the wall.

Commissioner Decker: I know where they are at there's no directions on how to use them and from what I understand that they aren't that hard to use there's only like 2 or 3 steps but there's no signage or anything at any of our AED's on how to use them, if the public wanted to use them.

(?) One of the reasons that we partnered with difibtech is because of the user friendly studies of the units that they offer, the units that you guys currently have in place have voice prompts to walk you through every step of the process and will not move on to the next step until the first step has been properly accounted for. Also in option one with the upgrade of the units the newer unit that we have here has a LED screen on there so everything is picture animated so that you can follow it from a picture stand point you can follow it with the voice and there's also text on there too so you could read it if you needed to.

It's live motion video that responds to the skill set or it works with the skill set of the responder. If it's a trained responder, certified, even advanced life support the unit is going to go immediately into analyzing shockings they're going to put those pads where they are supposed to be but if it's someone who's never seen a unit before, it's going to be a panic filled situation, there's going to be some nerves, the unit is going to guide them through preparing the patient proper placement of pads, performing of CPR, it's going to go at their pace if you will. So they really try to make them as unintimidating and as capable to inspire people to act as possible.

Commissioner Kora: One last question Mr. President, when you go with option 1 which is the all inclusive one, do you upgrade it, like if newer models come out do you keep upgrading those?

Mr. Barkus: Yes absolutely.

Commissioner Milsap: I have a couple of questions, regardless of the option we choose, what time frame are we talking from once we make the decision, sign the contract, getting them out of our facility and replacing them what time frame are we talking?

Mr. Barkus: A week and a half at most. It could be a very quick turnaround for you.

Commissioner Milsap: Define quick turnaround.

Mr. Barkus: 10 business days.

Commissioner Milsap: Secondly, once we make that decision and we move forward, you will be working under our EMS director?

Mr. Barkus: Yes if that's how you prefer it, yes.

Commissioner Milsap: And that would be my next question for her, Pat is that the program idea that you have in mind?

Pat Pease: That would be fine with me, as I spoke to each one of you I believe, I don't have the personnel in my department to oversee the program, but if this company is going to oversee the program I certainly would take them under my wing. I have one more thing to interject in this whole thing is, I know the dollars sound like a lot, but you have to remember we have 16 AED's in 16 different locations so that comes to about a thousand dollars, a little over a thousand dollars per unit annually.

Commissioner Kora: Mr. President I was going to suggest that we digest this information and then bring it back the next meeting and make some decisions. Commissioner Decker: I'll second that. Motion carried by voice vote 3-0.

E. First reading of proposed Resolution Concurrence With a Proposal to Revise the LaPorte County Federal-Aid System, Micheal Yacullo.

Mike Yacullo: County Highway Engineer, Commissioner's would you like me to read through the entire document then?

Again this Resolution 2013-02

Resolution Concurrence with a Proposal to Revise the LaPorte County Federal-Aid System, Whereas, to be eligible for certain types of federal-aid funds, a roadway must be on the federal-aid system; and Whereas, after careful analysis by the LaPorte County Highway Engineer based on current and future traffic volumes, current and future development trends and other relevant factors, it has been determined that this revision to the Federal-Aid System should be made, Now Therefore, be it resolved by the Board of Commissioners of the County of LaPorte that: Section 1: The following revision is requested to update the functional class system in LaPorte County to reflect accurate system layout and usage:

County Road 950 West, This road, the extension of Cleveland Avenue, IR-461, is to function as a major collector. The existing Functional Classification is Rural Local Road.

Section 2. This resolution shall be in full force and effect from and after the 20th day of February, 2013.

All of which is adopted by the Board of Commissioner's of LaPorte County this 20th day of February, 2013.

Commissioner Milsap: Thank you Mike, any questions from my fellow Commissioners?
Commissioner Kora moves to accept. Commissioner Decker seconds. Motion carried by voice vote 3-0.

F. Resolution on Senate Bill 560

Resolution no. 2013-03 Of the Board of Commissioners of LaPorte County

Whereas, customer electric bills for Northern Indiana Public Service Company (NIPSCO) continue to increase (see attached customer bill chart from Indiana Utility Regulatory Commission) and the electric utility's customer bills remain among the highest in the State of Indiana, and Whereas, reasonable energy costs are a key site determinant for manufacturing industries looking to locate new facilities, and Whereas, industrial and commercial customers in LaPorte County seeking to survive a difficult recession are hard-pressed already to pay high energy costs, and Whereas, already hard pressed residential customers can ill afford constantly increasing electric bills, and Whereas, county government has taken an active role in prior proceedings involving NIPSCO rates and service, and Whereas, NIPSCO's executives have thrown their support (see attached article from Times of Northwest Indiana, 2/20/13) behind a piece of legislation-S.B. 560- that would make it easier for investor-owned utilities like NIPSCO to add to customer bills with "tracker" costs before having to secure approval from regulators in a full scale rate case, and Whereas, in addition to allowing utilities to simply add trackers without having to justify such added charges in a rate case, the legislation gives utilities a windfall in the event regulators take more than 300 days to decide highly complex rate cases. Indeed, utilities would automatically be awarded 75% of the requested rate relief if regulators did not decide issues in a given rate case within such 300 day period. Whereas, recent media reports indicate that NIPSCO's parent company NiSource remains highly profitable, largely on the strength of captive electric ratepayers (see attached article from Times of Northwest Indiana, 2/20/13) and the utility's shareholders do not need or require the windfall that S.B. 560 would provide, Now therefore be it resolved by the Board of Commissioner's of LaPorte County, We the undersigned are opposed to the passage of Senate Bill 560. We intend to communicate our opposition to all legislators in this region and encourage our constituents to call or write legislators as well to express opposition. We urge the Indiana Utility Regulatory Commission to examine ways in which rate relief can be provided to customers of NIPSCO and that shareholders must begin to bear more of the cost burden, rather than the long-suffering commercial, industrial and residential ratepayers in NIPSCO's electric service territory. All of which is approved this 20th day of February, 2013.

Attorney Friedman: Just that you'd asked me Commissioner Milsap after the last meeting you raised with the board concern about this particular bill, I know all three Commissioner's are concerned about the impact of high NIPSCO rates and you asked me to draft a Resolution for consideration tonight and this is what we've come up with.

Commissioner Milsap: The Chair would entertain a motion. Commissioner Decker: So moved. Commissioner Kora: Second. Motion carried by voice vote 3-0.

13. PUBLIC COMMENTS

Matt Bernacchi: Councilman just a comment on the AED units, they're not going to be coming for money yet, it would probably be wise if they would come back on Monday for a regular Council meeting that way if the Council had any questions about the units also, I know last time some of the monies was provided in grant money but it would probably be wise to have them come and we could ask some questions and then just give a recommendation back to you guys if it fits in their schedule.

Commissioner Kora: I would urge Pat Pease to see if that's feasible and that would be nice, that way the Council can also hear from them directly. Thank you very much.

Jerry Frost: Frost Engineering, I just wanted to introduce my firm in a few short brief minutes, if I may approach, what you'll find inside that document is some qualifications of my firm, one item that's important to you guys I suspect is INDOT pre-qualification which we received in a whole host of areas, we've done work for the Indiana Toll Road and several other counties in the northern part of Indiana, and a lot of private work, so I would just like to drop this off to you, digest it and perhaps in the future we could meet again. And that will be all, thank you.

John Mills: I'm not very prepared, I just seen it on TV and I zipped over here, that you had a meeting tonight, but I got a letter here that you might want to read before you decide to even with the barn like turn it over to the Dales Chalmers thing here so, I didn't bring my glasses so maybe would somebody want to read it.

Commissioner Decker: Why don't you give it to us and we'll give it to our secretary and she can make copies of it so all of us can read it and then if you would call her we can put that on the agenda, you can read it at our next meeting.

Mr. Mills: Okay, because we shouldn't even jump to conclusions because we can get, what it's for is to get it on the National Registry and then we can be able to get government grants. And this man has gotten White County and Marshall County with their county home. I think there's only a handful, I bet there isn't 6 or 7 of 92 Counties left.

And he said that with everything there this will be able to go on the fast track, but we gotta get his fee and so I could maybe could get on the agenda. I just didn't want you to jump, I wanted to speak my mind about.

Commissioner Decker: No problem if you give that letter to our secretary and she'll make sure that you're on the agenda for next time.

Commissioner Milsap: John out of curiosity are you working with Friends of the Barn?

Mr. Mills: Uh, no sir, I've got a campaign that I'm kicking off and I've got a sign, as a matter of fact my meter is to show how much money that we raise as it's being raised, will progress up and I gotta get the okay from you guys but Kenny Layton I already spoke to him when he was still in, and then my wife had illness so I got kind of put on the back burner. I got many ways that we'll be able to do it, hope the community will be involved.

14. COMMISSIONERS COMMENTS

Commissioner Decker: Well not really, I think I was glad to see Matt here tonight and his report on Economic Development and all three of us are working every day we do something on trying to set up something in the County as far as providing jobs and Economic Development it's a slow process but we're moving quicker than we had anticipated on a lot of things and we're going to keep plugging away and hopefully that within a month or two we can have some really good results.

Commissioner Kora: No comments Mr. President

Commissioner Milsap: I would like to thank Ms. Marilyn Meighens for coming tonight look forward to working with you to ensure that all these reassessment valuations are done properly and I would also like to commend Matt and his crew for coming in, because we're going to go along with that ride with you guys and make sure that LaPorte County is at the top. Thank you no further business to the Commission. Commissioner Kora moves to adjourn. Commissioner Decker seconds. Motion carried by voice vote 3-0.

15. ADJOURN

EXAMINED AND APPROVED BY THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF LA PORTE, INDIANA
DATE _____

ATTEST: _____
Auditor
LA PORTE COUNTY, INDIANA