



*LaPorte County Auditor
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**MEETING MINUTES
LA PORTE COUNTY COUNCIL REGULAR MEETING
JANUARY 14, 2013**

The Regular Meeting of the La Porte County Council was called to order on Monday, January 14, 2013 at 6:45 p.m. in the Assembly Room of the La Porte County Government Complex.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL.

The Meeting was Called to Order by President Yagelski who began the meeting with the Pledge of Allegiance and proceeded with the Roll Call. Council Members present included: Councilwoman Lois Sosinski, Councilmen Rich Mrozinski, Matt Bernacchi, Mark Yagelski, Earl Cunningham, and Jeff Santana. Absent: Councilman Terry Garner (excused). A quorum was present for the Meeting to proceed.

APPROVAL OF AGENDA.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Bernacchi to approve the Agenda. Councilwoman Sosinski noted that the GIS item can be removed as a desk was found in the Maintenance Department. Motion carries 6-0.

APPROVAL OF DECEMBER 4, 2012 SPECIAL MEETING MINUTES.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Mrozinski to approve the December 4, 2012 Special Meeting Minutes. The Motion carries 6-0.

DEPARTMENT HEAD REPORTS.

Mike Schultz – Assessor's Office

Mike Schultz, County Assessor gave a quick update on where the County is on the appeals process. Assessor Schultz was once again asking for the patience of the taxpayer. He stated the appeal process is closed, unless the taxpayer did not receive a Form 11. Over 7,000 appeals were filed, and as of this date approximately ten percent (10%) were processed. Once the Assessor's Office makes the adjustment, the Auditor must make the correction and generate a new bill. All three offices are hopeful that within the next two to three months things will be caught up. Mike wanted to remind taxpayers that your *10 pay 11* tax bill is due July 14th and not February 14, 2013. This extended date is on the back of the tax bill. All offices are working very diligently and expeditiously to get things done.

President Yagelski questioned Assessor Shultz regarding the 'pink slip' Homestead Verification. Assessor Schultz said that three (3) pink slips were generated to taxpayers for homestead verification. Since many years have passed, the State of Indiana is reverifying that the property the taxpayer is claiming on their homestead exemption is still their primary residence. Residents are able to contact the Auditor's

Office to see if the Homestead Verification has been received. The 'pink slip' Homestead Verification Form can be returned to the Auditor, Treasurer or Assessor's Office, as ultimately they will all end up in the Auditor's Office.

Councilman Cunningham would like clarification in regards to the February 14, 2013 tax date as many taxpayers are calling him. Assessor Schultz says that on the back of the *10 pay 11* tax bill the due date states July 14, 2013 as the Council voted to extend the final payment for 6 months. Assessor Schultz would like to remind everyone that the *8 pay 9* and *9 pay 10* tax bills are due on February 14, 2013. Councilman Cunningham would like a press release done so that taxpayers may understand this situation better in regards to due dates and tax years.

President Yagelski questioned Assessor Schultz in regards to the *12 pay 13* tax bills. Assessor Schultz advised the Council that there is a meeting with Manatron/Thomson Reuters and representatives of the DLGF in Indianapolis this week to review the schedule that is ahead of us in keeping the County on track the rest of the year.

Assessor Schultz knows that tax bills are a hardship for many and to please contact the Treasurer's Office to set up a payment plan if there is difficulty in paying.

Sheriff Mike Mollenhauer – Sheriff's Department

Sheriff Mollenhauer presented a Notice to Quit Fees to the Council. Sheriff Mollenhauer explained that Notice to Quit Fee is the first step in the eviction process. In 2007 with the help of the County Council, Commissioners, and the Attorney an Ordinance was created to place those fees into a Continuing Education Fund. Annual fees collected for this fund were \$7,630 for one-half year in 2007, \$12,040 in 2008, \$14,280 in 2009, \$12,425 in 2010, \$14,455 in 2011, and \$15,400 in 2012. The total amount of fees collected and used for additional officer training was \$76,230.

Darlene Hale – IT Department

Darlene Hale stated she has an employee who will be retiring in February and would like the Council's permission to advertise and rehire that position. A motion was made by Councilman Bernacchi and seconded by Councilwoman Sosinski to approve Darlene's request. Motion carries 6-0.

President Yagelski addressed the Council asking for their consideration that money be put back into certain funds that were zeroed out last year. This question came up when Council Members received correspondence received from Commissioner Milsap whether an attorney fee would be paid. President Yagelski would like to request a Special Meeting on January 28, 2013 at 5:30 p.m. to discuss funding line items that were unfunded at the Budget Hearings. The Auditor's Office will put out the Notice of Meeting.

Councilwoman Sosinski questioned if the Special Meeting would be limited to specific line items in the Budget. President Yagelski stated it would include the insurance/claims, legal fees and recorder as well as any other line items.

LIAISON REPORTS.

E-911. Councilwoman Sosinski attended an E-911 Advisory Meeting on January 9th, 2013. Pat Pease was elected President and Chief Mark Swistek of Michigan City was elected Vice-President. The E-911 Director reported that 36,321 inbound calls were received last quarter. Additionally, Chief Swistek

applauded County workers John and Wendy for exemplary service in regards to a New Year's Eve radio traffic incident. A situation occurred wherein radio traffic needed to be quickly transcribed and sent to Chief Swistek. This was done and emailed within hours to Police Chief Swistek. E911 will try and meet more often than quarterly.

Recorder. Councilwoman Sosinski stated that all Council Members should have received an email from the State Board of Accounts in regards to the usage of Recorder's Office's Perpetuation Fund and that line item being zeroed out. This will be addressed further at the Special Meeting on January 28th.

Salary Schedule and Compensation Policies Ordinance (Hiring Freeze). Councilwoman Sosinski and Councilman Mrozinski spoke with Attorney Biege individually in regards to the Hiring Freeze that is normally ratified at the end of each year. There was still some confusion in regards to the judiciary system and in particular judges, as to how this Ordinance would apply to them.

Attorney Biege stated he has begun drafting a document but would like some clarification from the Council on which items would be excluded *i.e.*, E-911, Sheriff, Emergency Personnel, as well as the question in regards to judicial hires. Attorney Biege would like to defer to the February 25, 2013 Meeting for a final format for the Council Members.

Councilwoman Sosinski also spoke with Human Resources in regards to judiciary positions. Human Resources stated that the only judiciary positions that must come before the Council for permission are position or classification changes.

Attorney Biege advised the Council that since there was a Motion made and passed in December in regards to the Hiring Freeze Ordinance, there will be no need to re-ratify. Attorney Biege also spoke with Judge Boklund. Judge Boklund felt that the Judge's did not need to come before the Council for permission. Attorney Biege looked at case law and agreed with Judge Boklund that the judges may mandate positions as they so wish. Attorney Biege said he will include that language in the Hiring Freeze Ordinance to prevent or avoid future confusion.

Councilman Bernacchi had nothing to report at this time.

Councilman Mrozinski was pleased to report that La Porte County Home Administrator Kay Felton put \$388,014.94 back to the General Fund for 2012. Councilman Mrozinski applauded Kay Felton for the Home's effort.

EMS. Councilmen Mrozinski and Yagelski toured the Michigan City EMS Facility. The Facility is in very bad shape and needs much improvement, which will be beyond the scope of the Budget. La Porte EMS will also lose their lease at the end of the year. Much work will need to be done and looked at this next year.

Councilman Santana had nothing to report at this time.

County Ambulance. Councilman Yagelski reported for the last four years County Ambulance Service has been utilizing La Porte Hospital. He was informed that with the Hospital's corporate needs, the County Ambulance will have to leave at the end of the year.

PUBLIC COMMENT

D.E. 'Sonshine' Troche gave a big thank you to Councilman Bernacchi and Councilwoman Sosinski. She was told by both of them that she did a very good job at her workshop and she will not be giving up!

Friends of the Barn reported that the barn roof was on and there was still some work to do. Councilwoman Sosinski stated she is the liaison for Friends of the Barn and there will be a meeting scheduled soon.

President Yagelski asked if there was any more public comment. Hearing or seeing none, public comment was closed.

CORRESPONDENCE

Honorable Judge Stalbrink

Judge Stalbrink reported to Council Members that Janet Gilpin is leaving his office after 29 years of employment. While he is happy for her retirement Judge Stalbrink also realized he will need to fund sick and other days. Judge Stalbrink was not sure of the exact amount he would need; however Councilman Bernacchi stated the amount would be \$3,053.66. A Motion was made by Councilman Bernacchi and seconded by Councilwoman Sosinski to approve this amount. The Motion passes 6-0. Congratulations to Janet on her retirement!

County Clerk Lynn Spevak

Lynn Spevak would like the Council's approval to fill a vacancy in La Porte Superior Court 1 and 2 Clerk's Office. This position is for a 1st Deputy and paid at a COMOT V rate. A Motion was made by Councilwoman Sosinski and seconded by Councilman Santana to approve this request. The Motion carries 6-0. There will be no monies needed or necessary in regards to sick or vacation days.

Chief Adult Probation Officer Steven Eyrick

Chief Adult Probation Officer Steven Eyrick informed the Council that he is only requesting two positions right now instead of the three he had originally requested. The two positions he would like to create are an officer in Michigan City and a Presentence Investigation Report officer.

The current employee in Michigan City is now working in the Problem Solving Court and putting more hours in than is imaginable with Magistrate Friedman. There are currently 39 people in Drug Court, and each individual's appointment is twice a week for a half an hour. The old case load has been disseminated among other employees. In a report received from Human Resource Director Joyce Leon and submitted to the Judges, she recommended this additional person would help fill a necessary void.

The second position is for Presentence Investigation Report (PSI's), primary custodial reports. In 2012 over 400 PSI's were prepared and they are very exhaustive and required for any felony conviction. PSI's can be anywhere from 6-15 pages in length, if not longer. Currently, 60% of the reports currently pending are from Michigan City and this will require the Michigan City Police Department to drive to La Porte for the custodial reports. To establish these positions, there was a law passed on July 1, 2003. Every felony pay \$100 and misdemeanor pay \$50 and since its inception, this fund has not been used. There is enough money to fund these two positions for twenty-three (23) years and Officer Eyrick requests to use those funds to pay for those two positions.

Councilman Cunningham commends Officer Eyrick on the wonderful use of funds and suggests that perhaps an Agreement be drawn up so employees understand the condition of their employment.

President Yagelski questions that when Drug Court was created it did not come through the Council, could a part-time employee be used for the second position? The Council has asked other Departments to do this as well.

Probation Officer Steve Eyrick states that a part-time person will not work for the PSI officer. This individual must be a certified probation officer with a Bachelor's degree, must go to Indianapolis to receive risk training, and pass a certification exam. This is a big process just for a part-time person.

Judge Alevizos approaches the Council and explains that two-full time employees are necessary as arrest rates are high within the Michigan City Police Department. Judge Lange's criminal court numbers have increased by 60%, and as such the numbers of people on probation are higher. With split sentences, this Court is going to be in this position for quite a while and these positions will not cost the taxpayer a thing.

Judge Alevizos discussed the possibility of retired probation officers writing PSI's. With the unification of the probation departments, and increases in technology these positions may not be needed in the future. Furthermore to compound things, there have been four retirements this year as well as the increase in the Michigan City Police Department's criminal filing rates. PNC has reviewed the effectiveness of the program and it does work. Judge Alevizos urges the Council to ask him about these positions during the Budget Hearings.

A Motion was made by Councilman Cunningham and seconded by Councilman Santana to fund two positions with all benefits out of the program's Department's Administrative Fee.

President Yagelski interjects and questions how much money is in this fund?

Officer Eyrick states at the end of December 31, 2012 there was \$573,562.14. These funds are statutory and fall into the same position. The law was developed for administrative fees that were written in the bill. The Statute states the funds collected and deposited are to be used to increase salaries and supplement probation services. Officer Eyrick sent a request to the State Board of Accounts asking if this was an appropriate use of those funds, and they whole-heartedly agreed with the use. There are funds yes, but they cannot be used elsewhere.

Councilman Cunningham amended his Motion to fill both positions and pay salaries and additional costs as long as it is being paid out of the Administrative Fee Fund. The Amended Motion was seconded by Councilman Mrozinski. Motion carries 6-0.

Legal Fees.

The Council received correspondence from Attorneys Friedman and Braje correspondence in regards to legal and insurance claims being paid. President Yagelski stated that this line item will be addressed at January 28 , 2013 Special Meeting since there are no legal outstanding bills to be paid.

ORDINANCE ADOPTING SALARY SCHEDULE AND COMPENSATION POLICIES

President Yagelski and Councilwoman Sosinski contacted the prior auditor in regards this Ordinance being placed in the packet and on the Agenda. The prior auditor stated that this had been presented in prior years; however no other Councilperson could remember that. A Motion was made by Councilwoman Sosinski and seconded by Councilman Santana to defer this to Attorney Biege and Human Resource Director Leon for the February 25 Meeting. Motion carries 6-0.

APPROPRIATIONS, TRANSFERS, REQUESTS

Building Maintenance

Maintenance Director Jerry Cooley approached the Council requesting additional monies to fund three part-time switchboard operators. Councilwoman Sosinski stated they were in the part time salary in the Commissioner's Budget which was cut to \$1.00. These employees will retain part time status. A Motion was made by Councilwoman Sosinski to remove \$21,500 from the General Fund for the part-time Switchboard Operators. Motion dies for lack of a second.

Councilwoman Sosinski made another Motion which was seconded by Councilman Cunningham to move \$21,500 from the General Fund (1000-10130-000-142) for the switchboard operators. The Motion carries 6-0.

La Porte County Clerk of Circuit Court

County Clerk Spevak approached the Council requesting approval from the Council to transfer monies from the Clerk's Perpetuation Fund to the Document Storage Fund (1119-20200-000-341). It will not be an additional appropriation, but rather a transfer of funds. A Motion was made by Councilman Cunningham and seconded by Councilwoman Sosinski to approve this request. Motion carries 6-0.

La Porte County Drainage Board

The La Porte County Drainage Board has the opportunity to become the host county for the three-county drainage boards. Currently, this is funded through the Kankakee River Basin Commission for projects which help economic engine on the river. Surveyor Tony Hendricks will become the technical advisor to the three county boards. With the meetings be held and hosted here in La Porte County, this will eliminate driving expense and employee time of travelling to Knox at least 24 times a year.

Board Member Mike Polan reported that the Drainage Board met today and approved utilizing the existing budget line item for legal fees and cutting back the number of meetings. By cutting back the number of meetings from 12 to 8 the Drainage Board will be paying their counsel less. The Drainage Board is asking the Council to pay for those 4 additional meetings in case they are needed, while still operating within the means of their budget.

Councilman Mrozinski questions what the current retainer fee is, who their Attorney is, and is the \$1,000 on top of the retainer amount?

The present retainer fee is \$2,840 annually for 12 meetings, if any additional fees are incurred it will be at the county rate of \$150 per hour. Member Polan stated the Drainage Board tries to avoid legal fees and cover business at their meetings. The Attorney is Michelle Johnson and the other two counties involved are Stark and St. Joseph Counties. Those other counties would share in the expense to conduct the business of the three-county boards and would be billed accordingly.

Councilman Cunningham wanted and received confirmation that the additional expense will offset the mileage and lost-time incurred. A Motion is made by Councilman Cunningham and seconded by Councilman Santana to approve \$1,000 from the General Fund (1000-10142-000-0136) for Additional Meeting Duties for Attorney. Motion carries 6-0.

Councilman Santana thanked the Drainage Board for their excellent fortitude and common sense.

La Porte County Health Department

A Motion was made by Councilman Bernacchi and seconded by Councilman Mrozinski to approve this transfer of funds in the amount of \$59,000 (2704-20200-000-526) for Blood Profiles, Overseas Travel and Immunizations. Motion carries 6-0.

La Porte County Sheriff Mike Mollenhauer

A Motion was made by Councilman Bernacchi and seconded by Councilman Santana to approve the transfer of funds in the amount of \$3,590 (1175-20200-000-0591) for the purchase of two restraint chairs for the jail. Motion carries 6-0.

For informational purposes only, the Harris Global Software (Cisco) was removed from the Agenda.

La Porte County Surveyor

A Motion was made by Councilman Mrozinski and seconded by Councilwoman Sosinski to approve the transfer of funds in the amount of \$6,200 from the Surveyor Corner Perpetuation Fund (1202-20200-000-0271) for Analyst Recurring Fees. Motion carries 6-0.

OLD BUSINESS.

Councilman Mrozinski spoke in regards to the County's Ethics Ordinance. Councilman Mrozinski reminded Council Members they made a recommendation to the Commissioners that in light of the fact the State had adopted an Ethics Ordinance; the County had to either keep theirs or use the State's. They County's Ordinance could be stronger than the State's, but at a minimum it had to be at least as strong. This is the information the County Council acted upon.

As such, the County Commission did away with the County's Ethics Ordinance as well as the Board. It appears that the County Council was misinformed and possibly made a mistake by making this recommendation. There was a lot of time and effort spent in preparing the Ethics Ordinance and it appears we are back to where we began. In rethinking things, Councilman Mrozinski feels that the Council should reissue the Ethics Ordinance and reinstate the Board as well.

Councilman Cunningham asks if that is in the form of a Motion.

Councilman Mrozinski states he will put it in the form of a Motion.

A Motion was made by Councilman Mrozinski and seconded by Councilman Cunningham to send a letter to the Commissioners asking them to reinstate the Ethics Ordinance and reappoint the Ethics Board. Councilman Cunningham stated he was the only one who voted against this originally.

Councilwoman Sosinski questions Attorney Biege on the appropriateness of making a Motion on opinions? Attorney Biege would like to look at the State and the County Ethics Ordinances in more detail before giving an opinion to both the Commissioners and the Council Members. Councilman Mrozinski will retract his Motion in regards to the Ethics Ordinance and will contact the Commissioner's to be put on the Agenda for clarification in regards to the Ordinance.

NEW BUSINESS

Councilman Mrozinski asks Commissioner Decker to come up. (Commissioner Decker approaches the microphone)

Councilman Mrozinski states that within the last few days, he was informed that the Commissioners have transferred the County Planner to a different position. Councilman Mrozinski questioned if there was anyone else who is a certified grant writer? The County Planner was working on four different grants and if you hire a certified grant writer it could cost the County at least \$25,000 per grant. Who will be writing the grants?

Commissioner Decker tells Councilman Mrozinski that his information is wrong. The County Planner is doing both and will continue to do both and will finish up current and work on future grants. He would like Councilman Mrozinski to stop by the Commissioners' Office anytime when he has a question; as their door is always open.

Councilman Mrozinski thanks Commissioner Decker for the clarification.

Councilman Cunningham questions Commissioner Decker if the previous Commissioner's Secretary was non-exempt?

Commissioner Decker states that is not correct. She was a confidential secretary and according to state law that is what she was.

Councilman Cunningham expressed his concern regarding the action that was taken prior to January 2nd informing the previous Commissioner's Secretary she would not be retained by Commissioner Milsap. The August 26 job description states she was full-time, non-exempt.

Commissioner Decker states that is not correct and did not know where that information or job description came from. She was a confidential executive secretary and according to state law the Commissioner's had a right to do that.

Councilman Cunningham states he will stop at the Commissioner's Office to speak with Commissioner Decker for more clarification.

OLD BUSINESS

Attorney Biege found the Hiring Freeze Ordinance and at the January 11, 2012 Meeting there was still a hiring freeze in effect. For clarity, Councilwoman Sosinski makes a Motion that the hiring freeze with the additional amendments from 2010 on remain in effect until will get the new document from Mr. Biege at the next meeting. The Motion was seconded by Councilman Bernacchi. Motion carries 6-0.

Attorney Biege will also research what falls under the 'judiciary' heading. Attorney Biege states judiciary means the judges not the clerks. Councilwoman Sosinski clarifies that Juvenile Services is the only Department that has come before the Council.

COMMENTS BY THE COUNCIL

Councilman Santana thanks the public and his fellow Council Members for their support and will try and bring a live upbeat perspective to the Council. If any County Employees need to contact him, his door is always open via email and phone. He also thanked Scotty Ford who has helped mentor him into his new role.

Councilman Cunningham would like to thank Melissa Mischke for her service to the County. He would like to thank Matt Sikorski for his work on the Alcohol Beverage Commission.

Councilwoman Sosinski welcomes Councilman Santana and thanked Matt Sikorski for his work.

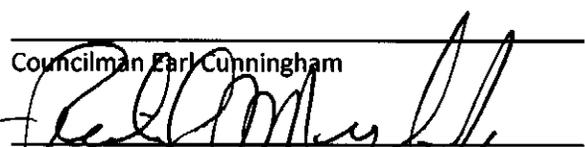
President Yagelski thanked Chief Deputy Andrea Smith for filling in for Joie Winski who could not make this evening's Meeting.

A Motion was made by Councilwoman Sosinski and seconded by Councilman Bernacchi to adjourn the Meeting. Motion passes 6-0. The Meeting adjourns at approximately 8:35 p.m.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL, dated this 25th day of February, 2013.



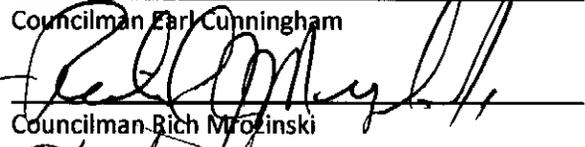
Councilman Matt Bernacchi



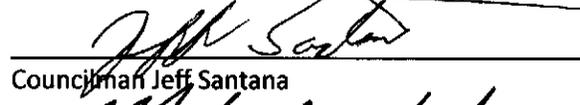
Councilman Earl Cunningham



Councilman Terry Garner



Councilman Rich Mrozinski



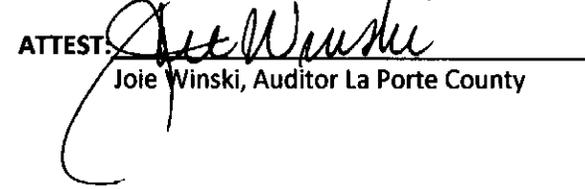
Councilman Jeff Santana



Councilwoman Lois Sosinski



Councilman Mark Yagelski

ATTEST: 

Joie Winski, Auditor La Porte County