

*LaPorte County Auditor
Joie Winski
555 Michigan Avenue, Suite 205
LaPorte, IN 46350-3490*

**MINUTES
REGULAR MEETING OF THE LAPORTE COUNTY COUNCIL
NOVEMBER 24, 2014 AT 6:30 P.M.**

(Please Turn Off All Cell Phones)

The Regular Meeting of the La Porte County Council was held on November 24, 2014 at 6:30 p.m. (local time) in the Assembly Room of the La Porte County Government Complex located at 809 State Street, La Porte, Indiana, 46350.

CALL TO ORDER

The Meeting was called to order by La Porte County Council President Mark Yagelski at 6:30 p.m.

PLEDGE OF ALLEGIANCE

President Yagelski asked everyone to stand for the Pledge of Allegiance. Councilman Santana led the Pledge of Allegiance. President Yagelski asked that everyone, except emergency personnel, to please turn off their cell phones at this time.

President Yagelski acknowledges the students of South Central High School.

ROLL CALL

Auditor Winski takes the Roll Call. Council Members present were Councilwoman Sosinski, Councilmen Bernacchi, Cunningham, Garner, Mrozinski, Santana and Yagelski. A quorum was noted.

APPROVAL OF THE NOVEMBER 24, 2014 AGENDA

A Motion was made by Councilwoman Sosinski and seconded by Councilman Bernacchi to approve the Agenda. Motion carried 7-0.

APPROVAL OF THE OCTOBER 27, 2014 PUBLIC HEARING ON THE ADOPTION OF THE 2015 BUDGET MEETING MINUTES

A Motion was made by Councilman Santana and seconded by Councilman Garner to approve the September 27, 2014 Public Hearing on the 2015 Budget. Regarding the previously discussed 2% raise, Mr. Cunningham questioned if there was a conflict having Councilwoman Sosinski and her husband both working for the County. Attorney Biege stated there was not. Motion carried 7-0.

APPROVAL OF THE OCTOBER 27, 2014 REGULAR MEETING MINUTES

A Motion was made by Councilman Mrozinski and seconded by Councilman Santana to approve the October 27, 2014 Regular Meeting Minutes. Motion carried 7-0.

PUBLIC COMMENT

Coral Laun, 387 Evanston Road, Kingsford Heights, IN 46346

Ms. Laun stated that she is the Vice-Chair of the LaPorte County Republican Party and was present because she wanted comment on the EMA appointment that was scheduled to be discussed at tonight's meeting. She wanted to speak for herself, and all citizens of LaPorte County, to say that it is important for the Council follow Indiana Code 10-14-3-17 regarding the EMA appointment.

Tracey Flora, 7707 West Glenbrook Drive, Michigan City, IN 46360

Ms. Flora expressed concern over the LaPorte County Jail. She explained that an unnamed public servant told her that the Jail is understaffed and that the Council rejected a Motion in the 2015 Budget Hearings to hire additional staff. She also said that there was an incident at the Jail on November 15th and that all inmates should be presumed innocent until proven guilty. She asked the Council whether or not the Jail is, in fact, understaffed.

President Yagelski responded the County Council does not believe it is understaffed.

Ms. Flora went on to say that the Jail currently has 350 inmates, but had 400 six months ago, when the Jail's capacity is 368 inmates. She wants to insure that the inmates are receiving the proper care. She has sent emails to the Sheriff and Mr. Kellems, who referred her to the Sheriff. The Sheriff responded to some of the concerns in her emails earlier that evening. Councilman Garner commented that earlier in the year, the Council was told that the inmate totals were down due to the new Community Corrections building and said Ms. Flora's numbers were higher than the what was told to the Council. Ms. Flora explained that she received her information from Michael Kellems. She said that the Sheriff did not address her concerns about the staff at the Jail.

When questioned by President Yagelski about the November 15th incident at the Jail, Ms. Flora explained that her son was involved.

Councilman Santana said that, if Ms. Flora has her concerns listed, that the Sheriff should address them during Department Head reports. He thanked her for bringing up these concerns.

Dennis Metheny, 6757 West 450 North, Michigan City, IN 46360

Mr. Metheny started by wishing the Council members a Happy Thanksgiving. He then asked if this would be the last Meeting of the year.

President Yagelski responded that it was unknown until the final budget numbers come in and that an emergency meeting may have to be scheduled. He said they would hopefully be informed by December 7th or 8th.

Mr. Metheny explained he works with the County Home and heard at the last Commissioners Meeting that the County will be getting involved with a non-profit organization. He feels that type of comingling will create problems. He would prefer that the County does not go with a non-profit. He is concerned about the homeless, but feels "if you build it, they will come."

Mr. Metheny continued to comment on the previous resident who expressed concerns over the Jail and said he knew how to fix the problem: stop making criminals. Without criminals, there would be no overcrowding. He said that a \$25 Million Jail was built because of a Federal lawsuit and crime is creating the problem at the Jail.

Hearing or seeing no other Public Comment, President Yagelski closes Public Comment.

DEPARTMENT HEAD REPORTS

Sheriff Mike Mollenhauer.

Sheriff Mollenhauer began by addressing Tracey Flora's concerns and stated that Jail Commander Kellems is also present. Sheriff Mollenhauer explained that Ms. Florer had been sending emails to Commander Kellums and the Sheriff was copied on all of them. Sheriff Mollenhauer said that he had been out of town on Thursday and Friday and received an email from Ms. Florer earlier in the day on Monday. He read her email to the Council, which listed the concerns she spoke about during Public Comment and that she would contact her State Representative if necessary. He then read his email response to her, which included that he could not address everything for security reasons; he assured her that her son was being well taken care of; he explained that the alleged incident involving her son was being investigated and that he would be informed of the result; that he would be happy to speak to her on the phone if she would forward her number, to which he received no response; and that she should feel welcome to attend the Council meeting and/or contact her State Representative. He continued by saying that the Jail currently has 360 inmates and 368 beds, which is adequate. He also explained that they have gone over the limit of inmates, but that additional staff is brought in to help. He confirmed that there is always one staff to each pod, even if a person has to be brought in for overtime. He also said that was adequate. He felt very proud of the Jail and it's staff and that they keep everyone safe.

Sheriff Mollenhauer then informed the Council about the new computers that were bought for Administration, Patrol and Detectives. The cost was \$25,275.00 and was paid out of Commissary.

He also spoke about the Speed Warning Device that was discussed previously was at Critchfield Elementary on Johnson Road, and has since been put at Rolling Prairie Elementary on Michigan Street, New Prairie High School on Cougar Road and will be put at another school within the next two weeks. Sheriff Mollenhauer's intention is to put the device at schools that are located on busy streets and during the school break, put it on busy roads, other than school zones, to educate drivers of the speed limits.

Sheriff Mollenhauer was able to give \$5,000.00 donation to Harmony House/CASA for a new van that was purchased. The van is used for transportation for supervision, visitation and counseling. He was also able to donate \$2,500.00 out of the Commissary Fund to Dunebrook, the Child Abuse Advocacy Center on Johnson Road. A \$5,000.00 yearly donation is given in two increments and is used for materials.

The final item was regarding an email from Councilman Cunningham to Sheriff Mollenhauer regarding some Commissary public record requests, including (1) 2014 Commissary credit card statements and card number redacted except for the last four numbers; (2) monthly itemized income and expense ledger for the Commissary Fund for 2014 to date, August 31, 2014; and (3) Commissary report due July 14th.

He responded to Mr. Cunningham informing him the 3rd item was already distributed to all of the Council Members in July 2014, but he included it again in the requested items. He gave the packet to Councilman Cunningham.

Councilman Cunningham asked Sheriff Mollenhauer on what date the email was sent.

Sheriff Mollenhauer answered he received the email on August 29th and responded to it on September 2nd. Code required that he respond in a timely manner and felt that he did.

Councilman Cunningham then referred to the \$5,000 donation to CASA and said he distributed a picture from the newspaper to the Council Members of the Sheriff giving the donation. He went on to say that Sheriff Mollenhauer came before the Council on October 27th regarding a broken dishwasher at the Jail and that the Commissary Fund did not have enough to pay for the repair. At that meeting, the Council was told there was \$5,900.00 in the Commissary Fund. He then went back to discussing the picture that was taken four days before the election and the State Board of Accounts has said that Commissary money is not to be used for donations.

Sheriff Mollenhauer responded as he understands it could be, as long as it buys material things it is perfectly okay from what he understands and Councilman Cunningham is incorrect.

Councilman Cunningham then asked Auditor Winski if, in fact, the State Board of Accounts had said Commissary money should not be used for donations.

Auditor Winski replied yes they did.

Councilman Cunningham thanked him and briefly replied that he did not expect the requested items until after the election and that the taxpayers saw through the delay as well.

President Yagelski asked whether the dishwasher was repaired and how much it cost.

Sheriff Mollenhauer responded that it was fixed, but did not know the cost. He said the bill was submitted for payment from the Commissary Fund. He also said the repair person did an excellent job and worked quickly, as dishes were being washed by hand by the inmates.

Mike Yacullo, County Engineer

Mr. Yacullo began by addressing the bridge on 1000 North over Spring Creek. He explained that it's condition deteriorated to the point that the road had to be closed and measures will have to be made as soon as possible to replace the bridge or have a retrofit put into place. He also said he emailed pictures of the Bridge to the Council Members.

President Yagelski responded that he did receive them and has already been given prices for the retrofit. It would cost approximately \$80,000.00 for the materials and \$75,000.00 for the labor, but would be less than the \$500,000 for replacement. Mr. Yacullo said he may have a more cost-effective solution and introduced Jared Huss from Lawson-Fisher Associates who has been involved from the beginning. He said there could be a pre-stress slab brought in which could attach to the abutments. The question would be if the abutments are suitable and if the hydraulic opening, but the pre-stress slab would cost about \$55,000.00. There would also be a cost for demolishing the structure and engineering, but in total, would cost approximately \$100,000.00. The bridge would be back open between 2-3 months and would have to periodically be inspected. However, it may be able to exist for another 20-30 years and would save time, as replacement may take until the end of Summer 2015.

Mr. Yacullo asked that an emergency situation be declared and a \$100,000.00 appropriation be made from the Council for the solution.

President Yagelski had a price of \$160,000 and suggested that no more than \$175,000.00 be appropriated for the project.

Councilman Cunningham requested an opinion from Attorney Biege.

Attorney Biege responded that Indiana Statutes have criteria on what an emergency is. An emergency is granted if there is an environmental condition and is approved by the Presidents of the Council and Commissioners. The Council could later ratify the decision; however the Council could not declare an emergency on its own.

President Yagelski said that he had already spoken to the Commissioners and that they were going to declare an emergency and see if the Council does as well.

Councilman Santana asks how long the road has been closed.

Mr. Yacullo responded that it has been closed since Wednesday of last week and that people are moving the barriers and going over the unsafe bridge.

Council Mrozinski asked if the repair could be paid out of the Cumulative Bridge Fund.

Attorney Biege replied he believed so and if the Council chooses to vote, the Council should authorize the President should execute any necessary documents at a later date.

Councilman Mrozinski made a Motion to approve an amount not to exceed \$150,000.00 out of the Cumulative Bridge Fund, contingent on the Commissioners declaring an emergency and the Council signing off. The Motion was seconded by Councilman Garner. Motion carried 7-0.

Jerry Cooley, Head of Building Maintenance

Mr. Cooley discussed the flood that occurred in the Jail. The pins that were in there did their job, this time the flood was not due to blankets, etc. A contractor came in to look at the blueprints to see if a solution could be provided. The area that continually floods is the north side and it was found that two four-inch tiles come down from the top goes into sewage tiles. As it gets to the bottom, it goes into 4-inch pipes and into a 'Y' and still is in a four-inch pipe that and goes out about 35' out into a six inch pipe.

The plugged area was where the 'Y' comes together. There were many items that were found in the sewer, including banana peels, a plastic bottle and a plastic knife, amongst all the other normal sewage. The opposite side of the Jail does not flood and it was found that the 4-inch pipes come down and immediately go into a 6-inch pipe and no problems are occurring in that area. Mr. Cooley continued to explain that the sewage lines are in the ceilings and there are no flappers in the lines so the lines don't backflow. Also, cleanout drains would need to be put into the floor so the maintenance workers would not have to constantly be working over their heads to repair problems. The flood that occurred took approximately 13 hours to repair.

President Yagelski asked whether a preventative solution could be found, such as having the pipes periodically cleaned.

Mr. Cooley felt that items were purposefully flushed down on the occasion of the flood, but still believes the repair is necessary and would cost approximately \$30,000.

Sheriff Mollenhauer came up to substantiate Mr. Cooley's findings regarding the Jail. He feels that, along with the cost of repairs, replacement and labor, the health of the individuals is most important and that the problem with the pipes needs to be rectified.

LIAISON REPORTS

Councilman Santana explained as the Liaison to EMS Andrew McGuire will be coming before the Council to discuss a shortfall in fuel and request an additional \$16,000 until the end of the year. He will support his request by providing records that indicate this has happened in the previous two years. Also, Councilman Santana discussed another deemed emergency regarding the electric plug-ins at the barns that are used to charge their diesel engines. The repairs were necessary to insure no one got electrocuted and was approved by the Commissioners. Councilman Cunningham attended that Meeting and agreed with the repairs. The cost came out of CCD fund.

Councilman Santana also attended the Drainage Board Meeting on November 10th and wanted to remind all citizens to inform a Board Member or attend a meeting if you are having a drainage problem or concern. The Board wants to address all problems/concerns in a timely manner.

Councilman Santana spoke to the EMA Director and reported that he acted with LaPorte Hospital on a mock train derailment disaster. They noted some concerns to address if such a disaster were to occur, including the evacuation of the Jail. Also, there will be a countywide multi-hazard mitigation meeting on December 10th from 10:00 a.m. to 12:00 p.m.

Councilwoman Sosinski said she has two Departments on the Agenda looking for transfers, but they will discuss those themselves. Also, the Human Resource Director Mossman is in attendance and can address any questions in regards to Insurance Plan Premiums. Councilwoman Sosinski questioned whether or not there will be a December meeting, and 'word on the street' is they are, so the GIS position in Auditor Winski's office can be discussed. Auditor Winski will be getting information to the Council on that matter. Councilwoman Sosinski addressed the 2% raise for the employees and that she would support having the Council foregoes a raise so the employees could receive one.

President Yagelski responded that the Council has received no figures and that they would not be available until December 6th or 7th.

Councilwoman Sosinski said she was looking at the Auditor Winski's paperwork that the Council was given. She reiterated that she supports the employees receiving a 2% raise.

Councilman Bernacchi said, regarding tonight's Agenda, he is only the Liaison to the County Assessor and felt that Mr. Schultz could explain or clarify anything that is discussed at the Meeting.

Councilman Mrozinski congratulated the New Prairie Cougars on getting to the State Finals for Football. He then went on to discuss the Animal Shelter. They have a transfer on the agenda, but have the money for it. Also, they are in need of a truck, as it has over 100,000 miles on it and is over 8 years old. They should have all, if not most of the money to pay for the truck. The pet photos with Santa will take place on December 6th and 13th at Tractor Supply Company at 71 Pine Lake Avenue. The cost of each photo is \$10.00 and all types of animals are welcome. Also on December 14th, from noon until 2:00 p.m., there will be "The Dog and the Dolphin" book signing at the Shelter with Dr. James Dworkin.

Councilman Mrozinski is also Liaison to the County Home and explained that the Commissioners are going against the wishes of the County Home Advisory Board and are moving toward repurposing the building and turning the County Home into a homeless shelter. Part of the Commissioners' reasoning for this is to keep control of the building. However, Councilman Mrozinski explained that if the building is turned into a homeless shelter, it will be taken over by another company and, therefore, will no longer be in control of the County. He said other alternatives have been offered to the Commissioners, but they have shown no interest in them. There is a meeting at the County Home on December 10th at 8:00 a.m.

and Councilman Mrozinski hopes that Commissioners will attend and inform the Advisory Board of their intentions. Also, a decision needs to be made about the south barn. Councilman Mrozinski has reported twice that the insurance company has said the barn is a hazard and will cancel the insurance, so it either needs to be repaired or torn down.

Councilman Mrozinski is also liaison to GLEDC (Greater LaPorte Economic Development Corporation) and said that at the Board of Director's Meeting on November 20th, there was a review of all the accomplishments of GLEDC and EDCMC over the past year. He explained all of the expansions, relocations, additions, 200 new jobs and 790 retained jobs, and the capital investment of \$52,398,000. Councilman Mrozinski expressed his disappointment in the lack of participation of the Commissioners with all the things going on in the County.

Regarding the County Parks, Tim Morgan has resigned to accept another position. He's been the champion of finding grant money, staying within his budget and has done an amazing job managing the parks and that the parks are amazing assets to LaPorte County. Council Mrozinski also wanted to comment on the raises. He acknowledged other counties are falling into a similar situation as LaPorte County, but is in favor of having another meeting in December to try to address raises for the employees, especially since there is additional income from the toll roads. He then questioned Auditor Winski regarding the exit hearing from the State Board of Accounts. Councilman Mrozinski had concerns about some of the violations and that they should be addressed with this administration.

Auditor Winski stated she has heard nothing yet, but because of weather, the visit was delayed. She expects a visit either on Wednesday or the following week.

Councilman Cunningham wanted to follow up with Auditor Winski about a previous State Board of Accounts regarding County credit cards being used by outside consultants. Can she confirm that and also thanked Auditor Winski for the outstanding job being done by her in her Office.

Auditor Winski verified that they were, but immediately addressed the situation in an email to the County Attorney and said it would not happen again.

Councilman Cunningham stated so County credit cards were used by people who were not employees of the County and Auditor Winski again verified that.

President Yagelski spoke about the Swanson Center moving out of the Marquette Mall in December. A building has been purchased and a grand opening will be held on December 3rd. It will be a significant savings from the rent at the Marquette Mall, approximately 1/3 less.

Also, the Public Defender Braje has a concern about paying \$30,000 for the firewall. It was determined that the Public Defender's Fund has such an excess of money, that this is an expenditure it can afford and pay for. However, President Yagelski feels that the Council needs to provide a letter of support to the Public Defender can pay the \$30,000 firewall.

Councilman Cunningham made a Motion to have the Council's Attorney draft a letter to Mr. Braje to use no more than \$35,000.00 from the Public Defender's Fund to pay for the Firewall. Motion carried 7-0.

President Yagelski went on to discuss the need for a meeting in December. He has previously said that there will be a need for a Meeting, even if it's December 31st. And as soon as some numbers come in from the Auditor's Office, a date can be set.

Auditor Winski discussed the ongoing process. She explained that the tax collection was \$62,000,000.00, but other units must be paid from that. The process usually takes 1 to ½ weeks and hopes it will be completed by December 5th.

Mr. Cunningham asked about the amount of money that is left and the remaining payrolls.

Auditor Winski said two payrolls are left and cautioned the Council that when they see the claims for this period, they will be over \$3,000,000. However, \$2.8 Million is for trucks being bought for the Highway Department.

Auditor Winski acknowledged that some money has been used from the CAGIT fund to pay benefits, approximately \$1.5 Million.

Mr. Cunningham asked what, historically, is the percentage is the County's share of the tax revenue.

Auditor Winski said they ran some numbers today and explained them. The office starts with the \$62,000,000 and then subtracts the 17-T's, or the refunds given to citizens who have overpaid taxes, which is currently \$14,491,384.00. That leaves a total of \$47,508,615.00. That is multiplied by 24%, which gives a total of \$11,402,067.00 that would go back to the General Fund.

Explaining further 17-Ts are paid, most of the money comes back from each unit, approximately \$12,000,000 to \$14,000,000. For example, most of the appeals are from Michigan City and they will reimburse the General Fund. That will give approximately \$25,000,000 to the General Fund. With the two payrolls left, and claims of approximately \$2,000,000, which leaves the fund \$25,000,000 to \$26,000,000 in the red. When the revenue is added back, including approximately \$1,000,000 from the excise tax, Auditor Winski anticipates the fund breaking even, or possibly \$1,000,000.00 in the red. However, it won't be to the point where the Emergency Reserve Fund would have to be used. Auditor Winski went on to remind the Council that it is not unusual for a County to operate in a deficit position during the first 6 months of the year. Fund borrowing is not unusual and it is made up when the County receives its tax draw. She reiterated that it is important to keep tightening belts, but that the County is in a much better position than it was 2 years ago.

President Yagelski briefly commented on the toll roads. He explained that he spoke to the Commissioners and that he was not against the idea of the toll road, but the amount of time, the 75 years, that the future would be indebted. He reminded the Council that they were chastised by the state for not spending the money, but that they were the only city that didn't. He feels very encouraged about the toll road, even though there is much more to find out, but hopes that all will keep an open mind when listening to the evening's presentation.

NEW BUSINESS

Barb Mossman, Human Resources Director – 2015 Insurance Premiums

Ms. Mossman asked if all of the Council Members received the 3 pages of information. It was only received by email, so Ms. Mossman handed each Council member a packet. She explained that Anthem had a 2.6% increase for total health insurance premium cost in 2015, and she is before the Council to find out how that increase is going to be spread out between the County and the County employees. President Yagelski asked whether she had attended the previous meeting, but she replied no. He explained that, at the budget-hearing meeting, it was discussed that the County would absorb the cost of the increase until the salary increases were discussed in December.

President Yagleski asked whether any of the Council Members felt differently or had comments, but none replied. Therefore, Ms. Mossman confirmed that as of now, the County will absorb the increase, but that could change at next month's meeting. Also, if necessary, open enrollment will be extended.

Councilman Cunningham questioned whether the percentage being paid by the employee would decrease. Ms. Mossman explained that the employee's cost would stay the same, but the percentage would decrease slightly. Currently, the County pays a little over 84% of the cost and with absorbing the increase, it would increase to a little over 85%.

Steve Eyrick, President, Drug Free Partnership – Drug Free Partnership Grant

Mr. Eyrick explained that each year, the courts throughout the County and State require those convicted of DUI pay an additional fee of \$200, which is called the Drug and Addiction Fund, and the money goes to the state. Eventually, the money is distributed to local drug-free partnerships. It is used as be given as grants to members of the Drug Free Partnership, the only membership requirement being attendance at the meetings. This year, Mr. Eyrick is requesting to disperse this year's money, approximately \$68,000, to various entities that submitted grant proposal and is asking for the Council's approval of the appropriation for next year. Councilman Garner made a Motion for approval and seconded by Councilman Mrozinski. The Motion carried 7-0.

Options for Courthouse Exterior

Attorney Shaw Friedman approached the Council and explained that Commissioner Decker is coming up. However, he wanted to reiterate the importance of what the Auditor previously discussed. He wanted to make sure that the general public understands that, based on figures so far, the County will be at a break-even figure by the end of 2014, and that is because of the collaborative effort between the Commissioners and the Council. The Commissioners retained Cender & Co. to give various projections and fortunately the projection given by Mr. Cender earlier this projected a break-even at the end of 2014 and the Auditor has confirmed this.

Councilman Garner called for a point of order. He asked where Commissioner Decker was and if he could come and speak himself.

Attorney Friedman asks on what issue.

Councilman Garner states on any issue that pertains to the Commissioners.

Commissioner Decker states that anything that has to do with legal, Mr. Friedman will be doing the speaking – anything.

Councilman Cunningham states the financial matters are not legal matters and since Mr. Friedman brought this up asks him a question. Auditor Winski speaks about a zero balance and asked her for today's General Fund Balance which is -\$25 to \$26 Million and she said that's better than previous years. That is not exactly accurate because in 2013 -\$18.9 Million in debt, 2012 - \$20.0 Million, 2011 - \$18.2 Million in debt he does not see significant improvement.

Mr. Friedman went on to read what Auditor Winski had explained earlier "as it stands today, based on the last two tax settlements, I anticipate the spring tax collection to be \$61-\$62 Million. La Porte County's share should be around \$18 to \$19 Million. Add to that additional revenue from other sources, CAGIT, EXCISE, FIT, and CVET we should be at approximately \$25 Million which will cover our expenses which I anticipate to be close to \$20 Million. I expect the same to be true for our Fall Settlement. Per State Board of Accounts it is acceptable to use interfund borrowing to meet payroll and invoices so long as we are zero balance at the end of the year. I project that we will begin our fall 2014 settlement process

December 1, based on figures received this we will be at break-even at the end of 2014. I could be slightly off, but any deficit realized could be funded through CAGIT, Win-Tax or Riverboat. I am looking at December 5 as the completion date for this process.”

Attorney Friedman and the Commissioners are not arguing about it, but frankly all should be pleased we have reached this.

Councilman Garner spoke to President Yagelski and said that when the Commissioners come to speak before the Council, it should be a Commissioner speaking and not an attorney. He went on to say the Commissioners are elected to represent the people and that the Commissioner should speak for himself. He said that this has occurred for the last two years and feels strongly that it is the duty of the Commissioners to speak for themselves.

Commissioner Decker tells Councilman Garner that’s his opinion.

Councilman Cunningham agreed, as did Councilman Mrozinski. Every time Councilman Mrozinski sends a letter to the Commissioners, he receives a response from the attorney, or anytime there is a workshop, it is conducted by an attorney. He states he has not spoken to Willie Milsap in a long time.

Commissioner Decker says that’s because...what’s your name again? You have a standing invitation to come to the County Commissioners’ office and questioned how many of the Councilmember’s have come to the office in the last 2-3 years.

Councilman Cunningham said he has been to meetings several times and that he no longer attends because issues that should be discussed at public meetings are not and, instead, are asked to be discussed the following day at the office. That is not open and transparent as you talk about all of the time.

Commissioner Decker responded he’s talking about other things here. The Council wants to know what’s going on but never ask the Commissioners. They set up meetings on a monthly basis and none of the Council Members have taken them up on that invitation.

Councilman Cunningham states that is an outright lie. He asked President Yagelski whether or not he has been invited to the Commissioners’ Office weekly meeting.

President Yagelski responded no he has not and hits the gavel for order.

Councilman Santana concurred with the Council Members and asked how was the invitation delivered, did it come via mail, email or hard copy.

Commissioner Decker reminded Councilman Santana that he is an elected official and should feel free to come into the office at any time.

Councilman Santana stated Commissioner Decker is saying two different things, and there has never been an invitation.

President Yagelski asked for point of order and moves to discuss the courthouse exterior.

Councilman Santana said he would stop by.

Commissioner Decker said he would be there tomorrow morning.

Councilman Cunningham states there was a meeting where he and Councilman Mrozinski were sent by President Yagelski, the Commission Attorney tried to throw Councilman Mrozinski and I out of that Meeting.

Ken Herzog and Associates, Inc., 211 W. Washington Street, South Bend, IN

Mr. Herzog began by handing out a pamphlet, which explains that Herzog & Associates merged with Donohue & Associates approximately 2 years ago in early 2013. They were sub-consultants of Herzog & Associates, grew quickly and wanted an office in this area, so the companies merged. He reviewed that in the summer of 2006, the contractor completed the exterior restoration of the late 19th century courthouse. The restoration revealed that there were 100's of sheared off stone faces that were dangerously close to falling off of the building, due to decaying mortar joints. The restoration of the stone faces was successful, and the new material supplied for repair was confirmed by the supplier to have bonded successfully to the sandstone beneath. However, within one year, aflouescence was coming down the sides of the building, so the supplier, U.S. Heritage of Chicago, was contacted. U.S. Heritage explained that the aflouescence would disappear within 2 years. By late 2009, the aflouescence was gone, but there was discoloration, making it obvious where the repairs had occurred. After keeping in touch with U.S. Heritage regarding this issue since then, Mr. Herzog was happy to report, after engineering reports and testing, that U.S. Heritage is standing by it's promise to resolve the discoloration problem. They have agreed to stain all discolored patches at no cost to the County. However, while that work is being performed, LaPorte County could benefit by allowing U.S. Heritage to perform other work, including tuck point repair and moss removal. This would be beneficial because all of the equipment would already be available. He went on to explain that a sandstone building, such as the courthouse, is uncommon. Previously, someone decided to put in hard cement mortar, instead of a soft lime mortar, and created damage to the building. The building must be tuck pointed every 7-10 years, especially vertical facing units. By summer 2015, it will be 9 years, so this type of maintenance on the building would be in order.

Mr. Mario Machnicki, President, U.S. Heritage Group, 3516 N. Kostner Avenue, Chicago, IL 60641

Mr. Machnicki explained that U.S. Heritage supplied the materials and the expertise to evaluate the condition after the work was completed in 2006. He said that U.S. Heritage has evaluated samples and sources of the staining on the building. He went on to explain that the stone did not breathe the moisture properly and there was a lot of salt imbedded in the body of the stone. During the restoration work, salt was removed, but not all. Therefore, when the patching was installed, it pulled some of the salt and discolored. In 2013, a mock up of the south elevation of building was created. The Commissioners reviewed it and were satisfied. A proposal was submitted by U.S. Heritage on July 21, 2014 to implement the work, together with the maintenance work. The joints of the building are open and moss is growing, especially on the north elevation of the building. A masonry company would be hired to assist U.S. Heritage with the repairs/maintenance.

President Yagelski discussed whether or not this would be the time to also do the maintenance.

Councilman Garner said he supported completing the maintenance when the repairs occur.

President Yagelski questioned Commissioner Decker on what would be the total cost.

Commissioner Decker responded that the costs would be the following: scaffolding: \$81,450; moss removal: \$13,000; moss prevention: \$12,000; and tuck-pointing: \$41,900 for a total of \$148,950.

President Yagelski explained that the additional scaffolding is necessary. He also questioned whether the bill could become due and Mr. Machnicki said that the repairs/maintenance could only occur when the weather is warm. Therefore, it would begin in May and finish in June or July, so payment in the summer would not be a problem.

Councilman Cunningham clarified that the maintenance would occur at the same time as the repairs as a convenience because the equipment would already be present. President Yagelski responded affirmatively.

Councilman Bernacchi commented that no dollar amount was advertised and Councilwoman Sosinski agreed.

Attorney Biege confirmed that no dollar amount was advertised, but it would be an appropriation or resolution supporting the work in the following year.

Councilman Garner made a Motion to give support for U.S. Heritage to start the work next year and it was seconded by Councilman Santana.

Mr. Mrozinski asked whether the Council can appropriate since it has not been advertised.

Attorney Biege confirmed that the Council cannot appropriate because it has not been properly advertised. He continued to explain that allocations can be made for future projects, but decisions for future Councils cannot be made. If there is a December meeting, and it is advertised, the Council can make a decision and the Auditor can allocate funds for next year.

Councilwoman Sosinski commented that the amount was not included with the packet from the Auditor's office.

Auditor Winski stated that the office did not receive the dollar amount, and that the presentation was for informational purposes only.

Attorney Biege stated that the intent tonight was informational purposes only and no dollar amount was being requested at tonight's meeting.

Councilman Santana asked whether a formal request was going to be submitted and Commissioner Decker responded affirmatively. President Yagelski said there was a Motion and a second for support. Motion carried 6-1 with a Nay from Councilman Mrozinski.

Commissioner Decker and Attorney Friedman - Multi-County Consortium Bid on Indiana Toll Road

Attorney Friedman handed out packets to each Council member. Included in each packet is: the Commissioners' resolution to authorize entering into the Multi-County Consortium; and the financial analysis done by the investment banking firm of Piper Jaffray that gave life to this project and brought it to the attention of the Commissioners as being a feasible proposal. Attorney Friedman explained it's an exciting proposal and that can potentially offer benefits to the County, if the Multi-County Consortium successful in the bid to the creditor's committee that is handling the toll road bankruptcy. The current toll road operator, ITR Concession LLC, filed bankruptcy in September 2014. The bankruptcy court has approved an auction, or sale, of the lease rights to potential bidders. The packet includes a Piper Jaffray report that lists various proformas and talks about the benefits to a Multi-County Consortium coming together and using a non-profit entity. The entity would be modeled after the governance model of NICTD, in terms of Commissioners and Council members participating. If successful, the non-profit entity would issue non-recourse toll road revenue bonds to purchase the toll road lease rights. Lake County joined LaPorte County in the proposal, but it is not known who else is competing for the lease rights but likely to be foreign consortiums competing. Attorney Friedman explained that there is a provision in the proposal that, if the Multi-County Consortium is successful, there would be a minimum guaranteed \$10,000,000 payment per year to be split by the participating two counties. If other counties

chose to join later, they would be entitled to participate on the board, but not be entitled to the guaranteed yearly payment. Instead, they would be entitled to a share of the net profit. The proposal would provide for engagement of a U.S based private operator to assume responsibility on the road. The Commissioners will keep the Council informed of the status and explained they need to get through Phase 1 of the bid selection process. If the County is successful, there would be a guaranteed revenue source. The non-profit toll road authority, or the Northern Indiana Toll Road Authority, would be the governing body; the bonds would be issued by that authority and there would be no County assets or credit rating at risk. The County is only a sponsor and the bonds are issued in the name of the Northern Indiana Toll Road Authority. Three professional firms have come on to assist with the proposal at no upfront fees. They are Chicago bankruptcy firm of Goldstein & McClintock, Piper Jaffray and Krieg DeVault as bond counsel. The only participation expense is \$10,000, which has been allocated by the Commissioners out of professional consultants to cover the expense of the bid. The Commissioners are enthused to have an Indiana based bid with profits staying in Northern Indiana instead of being shipped overseas. President Yagelski asked if there were any questions.

Councilman Santana questioned that if no other counties come on board, will the two counties, Lake and LaPorte, be able to move forward.

Attorney Friedman responded yes because there are no County assets at risk and the County assessed valuation is not necessary. A separate non-profit entity that will be issuing a bond. Two counties were necessary, and there are two counties. With additional counties, the guaranteed minimum would have to be split between more counties. Attorney Friedman assured the Council that all of the counties were informed and there were conference calls with the County attorneys. However, the proposal came on quickly and although there was real interest by other counties, it was too quick for more counties to come on board.

Councilman Cunningham asked for explanation of the private operator.

Attorney Friedman responded that the winning bidder would have to state, as part of the proposal, who would be the operator. U.S. based operators are being spoken to, which makes the Multi-County Consortium unique in its bid.

Councilman Cunningham questioned Commissioner Decker's closing comment in a previous Commissioner's meeting. Commissioner Decker said the County has 1100 miles of road and the Commissioners know about roads, and the toll road is only 157 miles. Councilman Cunningham questioned what that had to do with a private operator.

Attorney Friedman responded that the non-profit authority would be comprised of Commissioners and Councilmember's, as it is with NICTD. He went on to explain that NICTD has been working well for 40 years, serving in an oversight role. He said that the point Commissioner Decker was trying to make was that County Commissioners already take care of 1100 miles of road, including maintenance, sanding, paving and plowing so they have do have knowledge and experience to share, more so than a foreign entity.

Councilman Cunningham asked if the federal government supplements NICTD. Attorney Friedman responded by asking the Council to look at the proformas. Piper Jaffray is one of the most respected investment banks in the world and when others were trying to hide assets offshore, these banks were involved in doing municipal debt offerings around the country. Their analysis says that there is a reason that private operators are looking at bidding and it is because it has become so lucrative. Tolls have increased considerably and that's why so many are looking at it.

Councilman Cunningham questioned that if there is no risk whatsoever, why wouldn't the state of Indiana want to bid on it. Attorney Friedman explained that the Indiana Finance Authority chose not to do it.

Commissioner Decker said that, originally, the resolution was for the state to do it. In a matter of 2 ½ weeks, it moved forward with the counties. The \$10,000,000 is not a one-time shot, it is a yearly payment. If the bid is accepted, as time goes on and everything is brought up to where it should be, the profit could be \$40,000,000 to \$50,000,000 per year.

Councilman Garner stated that the toll road is approximately 60 years old and the state never operated at a profit. Attorney Friedman reminded him that it was at the prior toll structure. Councilman Garner responded that the present entity that bid on the toll road is in bankruptcy, so he is hesitant to support it. Attorney Friedman told Councilman Garner to look at the analysis from Piper Jaffray. He continued that to say that this group will not load on derivatives. What is not well known is that the current operator bought \$2,000,000,000 in derivatives, or hedges, against interest rates rising and when that went south it added to the \$4,000,000,000 debt, which left the toll road \$6,000,000,000 in debt. The \$2,000,000,000 in derivatives is what contributed to the bankruptcy.

Councilman Garner told Attorney Friedman that he trusts his opinion, thinks he's a good attorney and values his advice. Attorney Friedman thanked him and said the Commissioners or Council would not have been approached without having the team of Goldstein & McClintock, Piper Jaffray and the bond counsel of Krieg DeVault.

Councilman Santana asked Attorney Biege for his legal opinion and his thoughts on the endeavor.

Attorney Biege responded that the Council asked him to check on some things. He questioned where the guaranteed \$10,000,000 is coming from and who is guaranteeing the profit.

Attorney Friedman answered that it would part of the winning bid, it is part of the proforma. It was negotiated with Piper Jaffray to say that it has to be an above-the-line expense, as opposed to part of the net. Attorney Biege commented that it assumes that there would be a profit to be distributed.

Attorney Friedman reminded Attorney Biege that there are no County assets at risk, no investment other than the initial \$10,000. All of the fees are being deferred. And the Consortium gets past Phase 1, the only expense that cannot be deferred is a bond rating that must occur by Standard & Poor or Moody's early next year. The Council will then be approached for assistance with this cost.

Attorney Biege continued that, in the proforma, in 2018, there is a forecasted projected growth of 9.58%. He questioned whether or not that was based on expected toll increases.

Attorney Friedman responded that the proforma was done before there was access to the data room. It has been revised, but still shows a net increase in both toll revenue and motorists. Looking at the Crowe Chizek report done for the Indiana Finance Authority in 2006, Attorney Biege explained that in the previous two years, the toll road lost money, and the operator projected a 22% increase in traffic flow, but actually experienced an 11% decrease. Therefore, if it lost money, the traffic decreased, and \$4.1 billion is going to be borrowed, how is growth forecasted?

Attorney Friedman said that the Crowe Chizek report states that they were off by a factor of 10. They never assumed in the Crowe Chizek report that there would be \$250 Million in annual debt service, when they projected only \$26 Million. Attorney Biege disagreed that was in the report, but agreed on how they floated the bonds and felt there was a negative amortization.

Attorney Friedman explained why the counties are being approached. There is a big advantage in that the counties can tap the municipal debt market and have lower finance costs than the private sector. He, frankly, believes the County's proposal will be more competitive than will be coming from the private sector. The private sector has to tap a different interest level because they cannot use the municipal debt market. He stated that companies like Piper Jaffray, or anyone, would only be interested talking to the counties because the benefit of municipal debt market offering. Attorney Biege replied that there may be a second reason, which has to do with them not charging the County upfront and that their fee comes in with the floating of the bonds.

Attorney Friedman responded that was how they were able to negotiate with them and they are in for a very substantial back-end fee if they are successful. Attorney Biege questioned if there was an independent entity, that does not stand to profit, who is providing an analysis. Attorney Friedman said that the non-profit entity would be obtaining the bonds, not the County, but Attorney Biege still questioned whether or not there is a third party, that doesn't stand to gain any financial benefit, since all of the advice being given is coming from the people who are going to profit from the floating of the bonds. Attorney Friedman said that they won't even enter into this endeavor unless they believe there is a substantial possibility of success. He also reminded Attorney Biege that the key to keep in mind is there are absolutely no County assets at risk. He said there has been a lot more due diligence done on this than the Solid Waste investments. Attorney Biege said the Indiana Public Finance Authority took a hard pass on the toll road and is concerned because the toll road has consistently lost money year after year, and understands there wasn't a rate increase until 2008. Attorney Friedman said money was also diverted for toll road corridor funds, which paid for Capital Avenue in Elkhart County and water in sewer at 39 North. He continued that not all of the money went back into expense, and that tolls were artificially kept low, such as the Hammond exit. The tolls have not risen and there are good feasible projections of profit and why various private bidders are attracted.

Attorney Biege read part of a letter from Indiana Public Finance Director, Kendra York written to Senator Joe Donnelly. Ms. York wrote "in 2005, the year before the road was leased, the State of Indiana did not collect sufficient tolls to support the basic road treatments or repair the deteriorating conditions of the highway and the bridges. These improvements could not have undertaken within INDOT's Budget without neglecting other parts of the state highway system."

Attorney Friedman said that she is entitled to her opinion, but that Senator Donnelly feels the exact opposite. Senator Donnelly feels strongly that the toll road is a moneymaking machine and a revenue-generating asset. Attorney Friedman said that a U.S Senator has looked at the numbers and also feels strongly, so different folks are entitled to different opinions. Attorney Biege agreed, but still has concerns that the advice being given is from firms and entities that will profit from the floating of a bond. He, again, questioned whether or not an independent entity that does not stand to profit is looking at this proposal and give us advice.

Attorney Friedman questioned whether Attorney Biege is prepared to approach the Council for a \$50,000 to \$100,000 allocation, because he said the Commissioners are not. Attorney Biege responded that is not his job and Councilman Cunningham thanked Attorney Biege for simplifying it for the majority of the Council.

Attorney Biege went on to say that his job is to give advice to the Council and look for potential problems, not make requests. Attorney Friedman said that the Commissioners have tried to do this with incurring expense to the taxpayers. That is why one of the best investment banks in the country was contacted for an analysis. In terms of a flat guarantees, that cannot be given. What can be given are best projections based on a proforma offered by Piper Jaffray. Attorney Biege said that he has done research and reading and has found that other toll roads and deals have failed when they also floated bonds and

took recommendations from investment banks. Therefore, his advice to the Council would be to have a third party take a look at the proposal, and if that entity said everything looked good, it would at least have been checked. Attorney Friedman said the worst-case scenario would be that the road files Chapter 11 in 3 or 4 years, but during that time, the County would get as much revenue as possible, without any risk to County assets. This proposal was brought to the County to try to bring in revenue.

President Yagelski confirmed the length of the road, which is 156 miles. He continued that with NICTD, 50% is the going rate for the loss and revenue for the ridership. It is based on what is believed to be affordable to allow that. The state and federal government give reimbursement dollars to the County to keep people off of the road. Looking at the argument at how the state did, President Yagelski feels that the Democrats and Republicans both did a terrible job running their offices. It costs about \$1 Million per linear mile to pave the toll road, but he doesn't feel that the issue. One of the issues is that commuters still want to pay cash and those people are treated discourteously. President Yagelski said he doesn't use the toll road enough to get a transponder but recently came back from Chicago using the toll road. He waited 15 minutes in line and was not able to even get his money in the machine. Secondly, the condition of the bathrooms and stops is terrible. Roads can be maintained, but overall, the disappointment is in the condition of the road. He doesn't feel the road is going to last that long because of the deterioration of the road and buildings. He feels that it would be better to have an Indiana entity be involved over a foreign country. He said he appreciates Mr. Biege's comments, but the toll rates have gone up 5 times, so he doesn't understand what happened with the previous consortium. Therefore, he feels it's a breath of fresh air to hear about this. If the Commissioners come to the Council for the bond issue, the Council may agree with Mr. Biege and find it necessary to spend \$50,000 to look at the proposal. However, he does like the direction in which they are going. Commissioner Decker added that people who now use the toll road will put their money in the machine but the gate may not rise. Therefore, there is a long back up and there is no help because there are no workers at the gates anymore. If someone was there, at least the gate could be manually raised. He also feels that the projections are based on current rates and flow on the toll road, not 10 years in the past or future.

Attorney Biege responded that one of the largest criticisms was the projection on volume growth on the toll road. Also, when Indiana leased the toll road, it kept oversight authority for road and kiosk maintenance. The toll road was not completely turned over to the leasing company and that the state was supposed to keep an eye on it. Commissioner Decker responded they did not and Attorney Biege agreed. He said that the Commissioners and Council all know about roads because they are always on them. Councilman Bernacchi questioned who is maintaining the toll road during the winter months since the other company is in bankruptcy. Attorney Friedman responded that it is a debtor in possession, so ITR will continue to operate it during the reorganizational bankruptcy. They have kept on employees and kept vendors paid and have been authorized by the bankruptcy court to continue to pay existing vendors.

Councilman Santana asked when bidders will find out when they have made it past Phase 1. Attorney Friedman responded it is such an opaque process, unlike what they are all used to, but will probably hear within the next month. At that time, they will ask for the \$10,000 allocation for the bond rating. He also said that should be a condition of pride that they all should share, competing against some of the biggest international corporations. President Yagelski asked that if anything major should happen, a workshop should be called.

Attorney Friedman said that the Council should be included as a full partner. Commissioner Decker said to hire a third party to do a study in 30 days would be very difficult. Attorney Biege said that's why he brought it up now, that he's not trying to torpedo the project, but his concern is that it will move so far ahead, there won't be time to get a pair of eyeballs on it who is an authority in this area. Commissioner Decker replied that you have to take the word of the investment bankers because they are one of the best in the United States. Attorney Biege said, with all due respect that, so were many of the bankers in New York

several years ago. Commissioner Decker agreed. President Yagelski asked if there were any more questions or comments from the Council. Councilman Mrozinski confirmed that there were only two counties involved at this time. He then said that in one breath, no taxpayer money was being asked for, but then it was said that the Council would be approached for the bond rating. Attorney Friedman explained that an expense is different from fees. For instance, any of the participating counties that get to Phase 2 will have to get a bond rating, or a best evidence letter that the bond rating is good. However, if the County can be paid a guaranteed \$5 Million a year, then Attorney Friedman said he would be comfortable coming to the Council for consideration of that expense.

Councilman Mrozinski said that if it's an expense, a fee or a cost, it's still taxpayer money that the Council is being asked to appropriate and taxpayer money is a responsibility of the Council. He said he is only trying to get a straight answer. Attorney Friedman said there is a legal distinction between Attorney fees and expenses. Councilman Mrozinski said he was well aware of that after following what's going on in Kingsbury. He said he just wanted a straight answer as to whether the Council would be approached for money and said that they will and that's all he needed to know. Attorney Friedman asked that he look at the resolution where it states that if the Consortium makes it past Phase 1, the Council will be approached for money to get a bond rating from Moody's or Standard & Poor's. President Yagelski asked if there were any more questions or comments on this subject.

Councilman Cunningham clarified that he polled the Council Members, except for one, and none were ever invited to a monthly meeting. Commissioner Decker said that there have been workshops and it was verbally told to everyone, and specifically to Councilman Santana when he was running for office, that the door was open to all of them. Councilman Cunningham said that the question was whether any of the Council Members were invited to a monthly meeting. Commissioner Decker said they don't hold monthly meetings but tried. Councilman Cunningham asked with whom and Commissioner Decker responded that when monthly meetings are being set up with the Council, the Commissioners are only given 15 minutes notice and that is not enough time. Councilman Cunningham asked if Commissioner Decker in 23 months he has been in office, has he asked the Council to come before the commission for an hour or hour and a half. Commissioner Decker said he did not, but it was because of the Council. Councilman Cunningham thanked him.

Auditor Winski – Retirement Closure of the Funds

Auditor Winski first spoke about a matter brought up by the Board of Accounts relating to the annual exit and report. For the last two years, she was told by the Board of Accounts that several accounts needed to be transferred to the general fund. This may be because the balance was too low or it was a grant that wasn't spent. Also, some of the funds are in the negative, so they must be brought to zero so they can be closed out. This was advertised on November 12th in the Herald-Argus and the News-Dispatch. Therefore, Auditor Winski asked that the \$570.45 be transferred to close out the grants that still have a remaining balance, and that \$2,332.58 is allocated from Win Tax or Riverboat to bring those funds to a zero balance. Only the Council can vote on this. She explained that maintaining a negative balance is not the same as a negative grant balance. President Yagleski commented that the Council cannot submit money to a grant. Auditor Winski explained that she was following what she was told by the Board of Accounts. She said the Auditor has to come to the Council and ask to take all of the grants that have a minor balance or are over 2 years old, and zero them out and clean up the balances.

President Yagelski responded that it would look good for the Auditor's office, but not for the Council. It doesn't look good to spend \$2332.58 to straighten out a fund's mess. He said it is necessary to find out where the grants are coming from, who owes them money, which departments, and go after the grant writer or who wrote the grants in the first place. Auditor Winski brought up a library settlement and President Yagelski said the library has its own taxing unit, so go after the library for that. Auditor Winski then brought up Center Township Poor Relief and continued that these two funds may have been over-

allocated. In 2001, the Auditor probably over-allocated these two funds. And in 2005, there is a LaPorte County Emergency Response grant in which \$2,203.75 was overspent. President Yagelski said he agrees, but that should come out of that department. Auditor Winski replied that some of the accounts are closed and that's why the Board of Accounts suggested that the Auditor approach the Council and have them allocated money out of one of the funds, possibly the CAGIT fund.

President Yagelski stated that the any deficit should come out of the department's funds. He continued that the attorney should send letters to each department and state that it is paid or it will be taken out of their accounts. Councilman Bernacchi said that due to the taxing situation and that some of the balances are as small as 16 cents that the Council pay it this time and make sure it corrected from now on. He feels it will take more time and money than it's worth to straighten it out. Therefore, he made a Motion to transfer the \$570.45 to the general fund and make an appropriation of \$2,332.58 from the general fund to take the appropriate funds out of the red. President Yagelski asked for a second and Councilwoman Sosinski seconded the Motion. Auditor Winski informed the Council that, per Kristie Deckard, the money cannot come out of the general fund and that it must come out of another fund. Councilman Cunningham asked Councilman Bernacchi if he would modify his Motion to transfer the money from the closed positive accounts to the general fund, and that letters be sent to the Emergency Response people and the Center Township because they are the largest departments in the negative and ask them to pay it themselves. Worst-case scenario, it can be revisited at the December meeting. Councilman Bernacchi changed his Motion and asked that the positive accounts of \$570.45 be transferred to the general fund and Councilwoman Sosinski seconded it. The Motion carried 7-0.

Councilman Bernacchi made a second Motion to have the Library (\$37.62), Center Township (\$91.21) and LaPorte County Emergency Response (\$2,203.75) be sent a statement from the Auditor that tells them they have a negative balance that needs to be paid. If not, they can approach the Council for a recommendation of how to pay it. Councilwoman Sosinski seconded the Motion and it passed 7-0.

Councilman Cunningham asked Attorney Biege that if the negative balance is not paid, can the amount appropriated for the following year be less. Attorney Biege said he believes the answer would be yes, but he will verify it. Councilman Cunningham asked that he forward that information to Auditor Winski.

CORRESPONDENCE

Attorney Biege – Letter Regarding EMA Director Appointment

Attorney Biege explained he was asked by the Council to look at the Emergency Management scheme, so to speak, when he was given a copy of the statute last month. He issued an Opinion Letter of what the EMA Council is supposed to consist of. The point of the Council is to have a representative from each of the governmental entities of the County, including the County Commissioners, County Council, Mayors of each city, representatives of the legislative bodies and the public entities, which is essentially those persons who will cooperate and work with the Director. At the time the letter was written, he did not know there was such a Council in LaPorte County, but has since found out one does exist. He explained he did not believe it met this year, but had met in the past. Councilman Cunningham said that they did meet this year, and Attorney Biege said he wasn't asked to it's history.

Councilman Cunningham said they met on February 26th and the problem was that the former Director left on February 28th. Attorney Biege continued that there is a Council and they are formed. Councilman Cunningham asked whether Attorney Biege had a professional opinion as to why the Statute is set up as it is.

Attorney Biege replied that he believes that the point is to get input from all government entities so if there is a disaster or emergency situation, there can be input from each entity. That goes to the

nomination of the Director and who all of the governmental entities are willing to work with, through their representative. It is one of the tasks of the Council, to recommend a Director, with the approval of the Commissioners.

Councilman Cunningham said that, in light of the current situation, should a Director or interim Director be appointed, since all new Commissioners are going to be renamed after the first of January. Attorney Biege said he believes the Council should meet to either confirm a current appointment or make a recommendation. Councilman Cunningham asked whether a Motion could be made to have the Council's representative, Councilman Santana, call a meeting of that Advisory Council. Attorney Biege replied affirmatively and that any Council Member has the authority to call a meeting. Councilman Cunningham made a Motion to have Councilman Santana call an emergency meeting of the Advisory Council to follow IC Code 10-14-3-17, and was seconded by Councilman Garner. Motion carried 6-1 with Councilman Santana abstaining.

ORDINANCES AND RESOLUTIONS

Excess Levy Appeal – Council Resolution 2014-11

Auditor Winski said that her office received a Resolution from Cender & Company, authorizing the appeal to the department of local government finance for excessive levy for property tax shortfalls, and she would like the Council to consider it. President Yagelski asked for the resolution number and Auditor Winski replied it was 2014-11. President Yagelski asked if there was a Motion to read by title only.

Councilman Santana made a Motion on Resolution 2014-11 to authorize the County the County consortium bid on the Indiana Toll Road lease, but President Yagelski and Auditor Winski told him this was a different resolution and Auditor Winski explained it again. She explained they do this every year, and that her office asks the DLGF for relief from levy limitations. They usually grant something, but possibly not the amount they are asking for this year, which is \$10 Million to cover the shortfall. President Yagelski asks whether there is a Motion to read Resolution 2014-11. Councilman Santana made a Motion and Councilwoman Sosinski seconded it.

Auditor Winski read by title only. Councilman Santana said he was confused and asked for the Resolution number again because he already has a 2014-11 from the Commissioners. Auditor Winski responded that this was a Council Resolution, not a Commissioner Resolution. Councilman Santana asked if they were both the same resolution number and Auditor Winski replied yes, but that they are separate legislation. President Yagelski asked if there were questions or a Motion for resolution 2014-11. Councilman Mrozinski thought there was already a Motion, but President Yagelski explained that was for read by title only. Councilman Mrozinski then made a Motion to accept the Resolution and Councilman Bernacchi seconded it. Councilman Cunningham asked Auditor Winski to confirm that it was for a \$10 Million shortfall and Auditor Winski said yes. She continued that every year when the budget is submitted, there is a shortfall in the budget. Therefore, this year, the Auditor's office is asking for a \$10 Million levy increase. Councilman Cunningham said that he was confused and heard that earlier in the meeting, he heard that the budget was at even. Auditor Winski said that's what happens. Every year the DLGF is asked for a levy increase to fund the money that is needed. The Motion is carried 7-0.

APPROPRIATIONS, TRANSFERS, REQUESTS

La Porte County Clerk of Circuit Court

Requesting Permission to Transfer

ARRA (8894-20200-000-0571) TO (1000-10130-000-0101)

for Part-Time Help

\$1,565.00

A Motion is made by Councilman Garner and seconded by Councilwoman Sosinski to approve. Motion carried 7-0.

La Porte County Home

Requesting Permission to Spend
RUTH ROHRABAUGH MEMORIAL (4108)
for County Home Residents Christmas Party \$1,000.00

A Motion is made by Councilman Garner and seconded by Councilwoman Sosinski to approve. Motion carried 7-0.

La Porte County Small Animal Shelter

Requesting a Transfer
CITATION FEES (4008) TO (1000-10130-000-156)
for Part-Time Help \$7,000.00

A Motion is made by Councilman Garner and seconded by Councilwoman Sosinski to approve. Motion carried 7-0.

La Porte County Circuit Court Judge

Requesting Permission to Spend
for Computer Purchase \$1,500.00

President Yagelski states the computer was purchased already in error by Judge Alevizos. Motion was made by Councilman Mrozinski and seconded by Councilman Bernacchi. Motion carried 6-1, with Councilman Santana voting Nay.

La Porte County Community Corrections

Requesting Permission to Spend
CTP GRANT (9105-20200-000-563)
for Purchase of a Lap Top Computer \$1,462.40

A Motion was made by Councilman Bernacchi and seconded Councilman Cunningham. Motion carried 7-0.

La Porte County Voter's Registration

Requesting a Transfer
(1000-30003-000-0132) TO (1000-20001-000-0132)
for Office Supplies \$325.00

A Motion is made by Councilman Garner and seconded by Councilwoman Sosinski to approve. Motion carried 7-0.

La Porte County Assessor

Requesting Permission to Replace an Employee
(1000-10119-000-0109)
for COMOT IV Position

A Motion was made by Councilman Mrozinski and seconded by Councilman Bernacchi. Motion carried 7-0.

La Porte County Parks and Recreation Department
Permission to Replace and Advertise for an Employee
(1000-10111-000-0155)
for Park Superintendent Position

A Motion was made by Councilmen Bernacchi and Mrozinski, seconded by Councilman Santana. Motion carried 7-0.

La Porte County Planner
Requesting an Additional Appropriation
CCD (1138), RIVERBOAT (1191) OR WIN TAX (4220)
for Local Grant Match Countywide Sign Inventory and Replacement \$25,000.00

President Yagelski is liaison to the Highway Department this is supposed to replace all the signs; however the \$25,000 amount is high. President Yagelski suggested repurposing some of the existing signs. Motion was made by Councilman Mrozinski and seconded by Councilman Garner to pay this out of the Sign Department. Motion carried 7-0.

Requesting an Additional Appropriation
CCD (1138), RIVERBOAT (1191) OR WIN TAX (4220)
for Local Grant Match ADA Sidewalk and Curb Ramp Improvements \$100,000.00

Councilman Bernacchi questions in regard to the Sidewalk Grant, why would some of the work have to be contracted out.

Attorney Biege states an April 28, 2014 correspondence from INDOT was for matching funds not to exceed \$100,000, but the Council has committed. If there is a less expensive way to do it, perhaps there is, but usually on a funds match it has to be done to specifications.

A Motion is made by Councilman Mrozinski and seconded by Councilman Garner to use CCD Funds. Motion carried 7-0.

La Porte County EMS
Requesting an Additional Appropriation
CCD (1138), RIVERBOAT (1191) OR WIN TAX (4220)
for Fuel for Remainder of 2014 \$16,000.00

A Motion is made by Councilman Mrozinski and seconded by Councilman Santana to use CCD Funds. Motion carried 7-0.

La Porte County Sheriff
Requesting an Additional Appropriation
RIVERBOAT (1191)
for Jail Inmate Food \$40,000.00
for Overtime for Deputies \$10,000.00

Sherriff Mollenhauer states in regards to Jail Inmate Food from January 1, 2014 to October 31, 2014 328,531 meals were served to the inmates and to work release 17,320 meals were served. A Motion was made by Councilman Garner and seconded by Councilman Santana to approve. Motion carried 6-1, with Councilman Cunningham voting Nay.

For clarification Councilwoman Sosinski asks Attorney Biege if her husband does not receive overtime pay, there is no conflict. Attorney Biege confirms that. Councilwoman Sosinski states she knows the answer, but wanted to put that out there for any Councilman that might be concerned.

A Motion is made by Councilman Bernacchi and seconded Councilman Santana to approve. Motion carried 5-2 with Councilmen Mrozinski and Cunningham voting Nay.

Sheriff Mollenhauer would like the money that is reimbursed from Federal Government for the two people, one full time and one part time in the FAST Team (Fugitive Apprehension Street Team) that money is going back into the General Fund. It never did years ago, but now the State Board of Accounts says it needs to go there. This makes the Sheriff short that money and that is part of the reason why he is here asking today.

La Porte County Auditor
Requesting an Additional Appropriation
CCD (1138), WIN TAX (4220) OR CAGIT (1110)
for Northwestern Indiana Regional Planning Commission \$39,013.50

A Motion is made by Councilman Mrozinski and seconded by Councilman Santana to pay out of CCD. Motion carried 7-0.

COUNTY COUNCIL/ATTORNEY COMMENTS

President Yagelski states this is the last Regular Meeting of the year and wants to thank Councilman Cunningham and Councilman Mrozinski for their years of service. They have brought many good points and discussions to the table and appreciates their hard work and presents them with watches for their years of service and wisdom.

Councilman Mrozinski states the last eight years have gone by quick. Looking back at some of the accomplishments he is proud of would be the Cancer Center in Westville, Barker Woods Enrichment Center, ILPK Groundbreaking Project, Rolling Prairie Sewer, 211 Information Service, Beacon Website, opened up the unused part of the County Jail, new 911 Center, Established the Hiring Freeze, Etc.

They have not raised taxes in eight years even though they were pressured hard. They cut the 2015 Budget low as possibly could, and feels that is good work considering there are unfunded mandates which would include the Swanson Center \$500,000 and fund the Sheriff's Retirement Fund \$1,000,000 a year, but there were resourceful ways to save money.

A lot of hard work was done in constructing the Ethics Ordinance and Board established only to have that thrown out when the only ethics charges filed were against Commissioner Milsap. One of the best things this Council established the GLEDC the Economic Development Alliance. Councilman Mrozinski hopes he left the County a better place to live and work than when he got here and believes he has.

Councilman Cunningham agrees that the last eight years have gone quickly. Since this may be his last Meeting, Councilman Cunningham announces that he has become so disgruntled with the leadership of the Local La Porte County Democratic Party that he is recusing himself from the Democratic Party of La Porte County.

Councilman Santana wishes all Happy Thanksgiving and to make it safe. Councilman Santana explains in regards to employee raises he was being fiscally responsible and does not want to use Riverboat Monies. He voted Nay on one issue tonight and that had to do with the Circuit Court Judge on a computer

purchase that was already purchased. The reasoning behind his vote was because he wants to be consistent and this Council voted no when the EMA Director came and asked for a computer that was already purchased and a restock fee had to be paid. He thanks Councilman Cunningham and Mrozinski for their service and insight.

Councilman Garner would like to have a Reorganizational Meeting in the beginning of January.

Councilman Bernacchi tells Councilman Cunningham and Mrozinski its been interesting and a pleasure to work with them the past six years. They have sometimes had battles, but came together at the end and always got done what needed to be done and wishes them the best and go Slicers and go New Prairie!

Councilwoman wants to congratulate both teams going to the State Finals and parents, coaches and members need to be very proud. Although she is a Michigan City graduate, she has a La Porte County heart and was excited to sit with the orange and black on the sidelines. Go Slicers and New Prairie!

ADJOURNMENT

A Motion was made by Councilman Santana and seconded by Councilwoman Sosinski to adjourn, Motion carried 7-0.

EXAMINED & APPROVED BY THE LA PORTE COUNTY COUNCIL this 26th day of January, 2015.

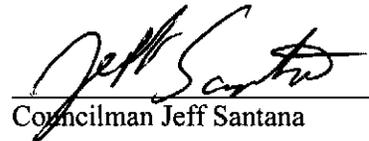

Councilman Matt Bernacchi

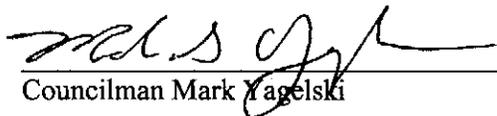
N/A
Councilman Earl Cunningham

Absent
Councilman Terry Garner

N/A
Councilman Rich Mrozinski


Councilwoman Lois Sosinski


Councilman Jeff Santana


Councilman Mark Yagelski

ATTEST: 
Joie Winski, La Porte County Auditor