

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 12TH, 2023
10:00 A.M.**

(The entire meeting is available to watch on the Porter County website.)

The Regular meeting of the Porter County Board of Commissioners convened at 10:00 a.m. on Tuesday, September 12th, 2023 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners Laura Blaney, Barb Regnitz, Jim Biggs and County Attorney Scott McClure; Executive Administrative Asst. Melanie Massey and Recording Secretary Kathy Merle.

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – September 1st, 2023.

Approval of Claims – August 24th and August 31st, 2023.

Approval of Minutes for August 21st, 2023.

A request from Theresa Biggs to hold a Rosary Rally on the Courthouse grounds at the North East corner on Saturday, October 14th, 2022 from 11:45 a.m. until 1:30 p.m. There will have a 3' x 10' banner, one small table and approximately 30 people will be in attendance.

MEMORIAL OPERA HOUSE - ARTISTIC SERVICES AGREEMENT

- 1. David Markley – Little Shop of Horrors - \$1,400.00**
- 2. Alexandria Ingram – White Christmas - \$1,000.00**
- 3. Molly Oros – White Christmas - \$800.00**
- 4. Sharon Shepard – White Christmas - \$800.00**
- 5. Jesse Howe – White Christmas - \$700.00**
- 6. Cathleen Ramirez – White Christmas - \$500.00**
- 7. Emma Johnson – White Christmas - \$350.00**
- 8. Steven Koontz – White Christmas - \$300.00**

Com. Blaney, moved to approve the Consent Agenda, Com. Regnitz, second, motion carried.

ANNOUNCEMENTS

The regular meeting for the Porter County Plan Commission will be heard on Wednesday, the 27th of September 2023, at 5:30 p.m., in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana.

In addition to the Plan commission's regular meeting agenda, the Plan Commission will hear from the solar sub-committee on a proposed solar ordinance. The discussion shall be on zoning districts allowed, density and separation regulations from residential zoning and non-participating parcels. All discussions shall be on the proposed solar ordinance.

COMMISSIONERS

An Appointment to the West Porter Township Fire Protection District Board.

Com. Regnitz, moved to approve Craig Klauer to the West Porter Township Fire Protection District Board, Com. Blaney, second, motion carried.

An Ordinance Ratifying Porter County's Fifth Proposed Investment of American Rescue Plan Act of 2021 ("The Act") – 2nd Reading.

Com. Biggs, Scott can you give us all a brief update what this is exactly about?

Atty. McClure, This is the fifth proposed investment which is \$150,000.00 for Park band shell.

Com. Blaney, moved to approve the Ordinance Ratifying Porter County's Fifth Proposed Investment of American Rescue Plan Act of 2021 ("The Act") on 2nd Reading, Com. Regnitz, second, motion carried.

Skillman – Recommendation to award the MOH Bid Package #1.

- **Berglund Construction - \$242,000.00**
- **Gariup Construction - \$295,450.00**
- **BAMR – Bulley & Andrews Masonry Restoration – \$279,450.00**

Mr. Cherry, On September 5th we received bids for the Memorial Opera House Bid Package #1 which is the exterior masonry restoration and tuck pointing. All of the work will be on the exterior of the building. We received a total of three bids. All of which were relatively competitive from reputable contractors. We had a pre-award meeting with the low bidder. We make a recommendation that we issue a contract and a notice to proceed to Berglund Construction Company. Based on their low base bid and alternates 1 and 2. Alternate #1 is the clear water coating and alternate #2 is the pigmented water repellent coating. Two things that I think would be helpful. The amount that we would be rewarding would be \$242,000.00. This amount is within the range. I believe I had \$300,000.00 to \$500,000.00 on our budget. There are some allowances built in to take care of the other things. We recognize we are going to run into some things when we are set up out there. With your approval we will get started. In the next couple of weeks we will be coordinating around some of the events coming up here. I believe in October there are a couple. We are going to work with the Opera House and move forward on this project with your approval.

Com. Regnitz, moved to approve Berglund Construction in the amount of \$242,000.00 for Bid Package #1 on the Memorial Opera House, Com. Blaney, second, motion carried.

Mr. Cherry, Very quickly I can give you an update where we are on the rest of the package. The next package that comes out will be all of the interior renovation and all of the things we talked about. We had a good meeting a couple of weeks ago. When we get the new director in we will get further into that. The architect Schmidt and Associates are working on those drawings. They are in the schematic 50% design stage. We expect to get those and use October and November to work through that. Do some estimating and make sure that the scope is in line with the budget. Then we will keep moving forward from there. The next mile stone is coming up in late November where we have what we call the 50% documents. A lot of work to do planning and figuring out the schedule along with making sure we don't interfere with some of the operations that you have here in 2023 and 2024.

Com. Biggs, Thank you. Any other questions?

DLZ Indiana - An Owner/Architect Agreement for the Porter County Sheriff's Office & Jail Facility Improvements project. The cost will be 7% of construction costs.

Mr. Cherry, The study that we did we are all familiar with over the years. I've always said the next step is that we have to get a design team in there. I have worked with DLZ in the past on jails new and renovated with Scott. I'm certainly excited to see them being brought on board.

Com. Biggs, I've had a front row seat to their work. In the jail industry there is no one more capable. That is why they were called upon. I look forward to working with them.

Com. Regnitz, moved to approve the DLZ agreement for the Porter County Sheriff's Office & Jail facility improvements project. The cost will be 7% of construction costs. Com. Blaney, second motion carried.

An Ordinance Amending Ordinance #87-16 Creating a Fire Protection District in West Porter Township – 1st Reading.

Com. Regnitz, The one thing we realized is that our ordinance was silent on the residency to apply for this particular board. We went back to the enabling statute to understand what that residency requirement was. We are just now adding that to ordinance. You have to be a resident of the fire district in West Porter Township to be able to apply.

Com. Biggs, Scott by any chance do you have that ordinance in front of you?

Atty. McClure, I do.

Com. Biggs, Can you read that?

ORDINANCE NO. 23-

**AN ORDINANCE AMENDING ORDINANCE NO: 87-16 REGARDING
THE FIRE PROTECTION DISTRICT IN WEST PORTER TOWNSHIP, PORTER
COUNTY, INDIANA**

WHEREAS, the ordinance creating the West Porter Township Fire Protection District was passed on June 8, 1987.

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Ordinance 87-16 to add new Section 6; and

WHEREAS, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

A new Section 6 shall read as follows:

Section 6. Board Member Requirements.

- A. The trustees must be qualified by knowledge and experience in matters pertaining to fire protection and related activities in the district; and
- B. Board members must reside within the West Porter Township Fire Protection District.

This ordinance passed and adopted this ____day of _____, 2023.

**BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA**

/s/ Jim Biggs
/s/ Barb Regnitz
/s/ Laura Blaney
/s/ Attest: Karen Martin, Auditor

PUBLIC HEARING OPENED

Com. Biggs, Is there anyone wishing to speak in favor of this ordinance? Anyone wish to speak in favor of this ordinance? Third and final call, anyone wish to speak in favor of this ordinance? Anyone wish to speak against this ordinance? Second call, anyone wish to speak against this ordinance? Third and final call, anyone wish to speak against this ordinance?

PUBLIC HEARING CLOSED

Com. Regnitz, moved to approve the Ordinance Amending Ordinance #87-16 Creating a Fire Protection District in West Porter Township on 1st Reading, Com. Blaney, second, motion carried.

THE RBI GROUP, LLC – BOB BYRD

An Amended Contract to Extend Consulting Services for the Porter County Public Safety Commission not to exceed \$5,000.00.

Com. Biggs, I gladly support this. You've really made some progress here in the last few months. We need to keep up the momentum and keep bringing information into us so we get a clear indication of what is going on with our public safety system. Any comment?

Com. Regnitz, moved to approve to extend the RBI Group Consulting Services contract for the Porter County Public Safety Commission not to exceed \$5,000.00, Com. Blaney, second, motion carried.

EMA – LANCE BELLA, DIRECTOR

A Request to Transfer Funds – Fund #1000 from Acct. #3930 Dues & Subscriptions to Acct. #3220 Telephone in the amount of \$1,598.17. Due to increase costs to pay monthly bills for the year.

A Request to Transfer Funds – Fund #1000 from Acct. #3130 Training & Education to Acct. #3220 Telephone in the amount of \$175.00. Due to increase costs to pay monthly bills for the year.

Com. Blaney, moved to approve the two Transfer Requests, Com. Regnitz, second, motion carried.

E911 – DEBBY GUNN, DIRECTOR

Miner Electronics, Inc. – A 3 year maintenance contract renewal for IP Sites, Track Units, GTR 8000 Base Stations, GPW 8000 Receivers, MLC 8000 Gateways, 2610-24 Ethernet Switches, RIC1-T1 Lines, RIC1-16, MTR Repeater and Siren Control Base. It will also include a 24 x 7 Onsite Infrastructure Response and Infrastructure repair. In the amount of \$70,552.08.

Com. Biggs, How does this price compare to last year?

Ms. Gunn, It hasn't been raised. They kept it the same.

Com. Biggs, That is what we want to hear.

Com. Blaney, moved to approve Miner Electronics for a 3 year maintenance contract renewal, Com. Regnitz, second, motion carried.

AUDITOR KAREN MARTIN

Trueroll - The Exemption Project – A software services agreement to assist in exemptions and deductions in the amount of \$148,759.00 for 3 years.

Ms. Martin, I have a request for an amount of \$148,759.00. The contract is in front of you. This is for the homestead exemption process. It is for 3 years. It is software that we'll be using. Right now we are in a reactive state where homesteads that come to our counter are the ones that are reviewed. This software will allow us to be more pro-active and find the ones that should not have the homestead or have rented half of their home out or have rented them out. Just so you know that any amount above \$250,000.00 we collect those into the General Fund.

Com. Regnitz, moved to approve the Trueroll Exemption Project software services agreement, Com. Blaney, second, motion carried.

Com. Blaney, Just to clarify is that amount for 3 years?

Ms. Martin, It is for 3 years.

Peterson Consulting Services – A proposal to verify Capital Assets for the following departments: Highway, ITS, Sheriff and Stormwater in the amount not to exceed \$6,600.00.

Ms. Martin, Of course we have to report our assets every year. In order to make them accurate. Two of most accurate departments are the Sheriff's Dept. and the Highway Dept. We do have other departments that we need to review on a regular basis to find out if any of them were moved. If any of them have been discarded as with reference to sale. Things of that sort. You can move them from department to another but we're not always notified. In order to put the assets that department this is what he's doing internal. He has already met with the Sheriff's Dept. and he got the report from Shelley at the Highway Dept.

Com. Blaney, moved to approve the Peterson Consulting Services agreement, Com. Regnitz, second, motion carried.

ITS DEPT. – LEE CHILDRESS, DIRECTOR

NITCO – A contract renewal for internet service at the Animal Shelter. The contract is for 36 months in the amount of \$124.95 per month.

Mr. Childress, This is just for internet services. It is the same amount that we had last year.

Com. Regnitz, moved to approve the NITCO contract for renewal for 36 months, Com. Blaney, second, motion carried.

F.E. Moran – A contract to replace the fire suppression system in the main IT server room from a water based pre-action system to a Novec 1230 clean agent system in the amount of \$41,200.00.

Mr. Childress, In our main data processing room we have a million dollars-worth of equipment, which right now our fire suppression solution is regular water sprinkler system you see in any commercial building. Should a fire or a match light in that room water is going to ruin a million dollars-worth of equipment. We want to swap it out with a chemical based system which floats the room with a chemical. Harmless to equipment. It just sucks out all of the oxygen so a fire can't burn.

Com. Blaney, moved to approve the F.E. Moran contract, Com. Regnitz, second, motion carried.

A Resource and Disaster Recovery Analysis Contract Proposal in the amount of \$4,000.00.

Mr. Childress, Some of our computers along with our backups aren't working as they should. I am told by our consultant I am paying more in licensing fees than we need to. This is for a consultant to come out and tell us what we are doing right. What we are doing wrong and we should fix it.

Com. Regnitz, moved to approve the Resource and Disaster Recovery Analysis contract, Com. Blaney, second, motion carried.

FACILITIES – DANIEL SULLIVAN, DIRECTOR

Voter's Registration Move Update.

Mr. Sullivan, The first thing we had to move was their high speed voting machine, which normally resides here at the Admin. Center in the closet down by the garage. This was the space that we chose at the Expo Center. It was not quite deep enough. It was really close. Lori Daly was gracious enough to give that us in exchange for turning this pleasant little kitchenette right across the hallway from it into a nicer looking space. The result was we had to buildout the space a little bit to accommodate that machine. Put stronger doors on there. A better lock system and also a camera on that closet. This is the new kitchenette that we put in. We did that with in-house labor. I bought the cabinets from a South Haven based store for about \$1500.00 or so. As of the summer we're going to be working on their new offices which is going to be at 157 Franklin. We did our demo in-house there. A couple of walls we are taking out here. Making sure we had everything accounted for before we take out the studs. This was the old restaurant. Vinyl lament floor. It's a pretty nice space. As we start tearing out walls we found we had to do

some flooring work and some patching. There used to be some open plan office space in there. More demolition. Taking out a lot of wires from above the ceiling. Getting rid of some creative ventilation plan. This is the entrance from the hallway, which we are going to adapt and change just a little bit. A couple of weeks ago we started new construction out there. We are working with a contractor to do the framing to make sure we get that done well. Starting with new walls there. This is actually the new director's office. Making use of the front windows along Franklin St. This is from inside a room we are expanding from the current plan. This will be there counting room where they will do the on camera counting should they need to in a secure location. We're still trying to use that open structure that the restaurant had complete with this sound absorbing trellis style ceiling pattern enhancements. We're making the office to be a little larger to use for their counting room. This just shows the pattern of the flooring and the carpet we will be putting in. This is the building, 157 Franklin. This entrance now is functional again. The door has a badge reader on it. The Voters Registration and other staff can get into. I haven't decided what to do with this yet (signage above the door). You can either put a sign over it saying Voters Registration which might be a little too much or just clean it up and paint over it. Maybe we make it 157A or something like that depending on Voters Registration.

Com. Blaney, I think it should be identified as Voters Registration.

Mr. Sullivan, Do you think something printed on the glass or something on the fascia?

Com. Biggs, That is going to be expensive. I agree with Laura that there needs to be some kind of (Inaudible).

Mr. Sullivan, For sure. Then the back of the building. This will be the back entrance for them. That is what Barb was just talking about putting a badge reader on it.

Com. Blaney, Are you planning on painting this?

Mr. Sullivan, We will paint it pretty much the same color as they are right now. This will be the customer waiting room. We will be moving the counter from the old place to the new place.

Com. Blaney, If all of the walls are grey and white (Inaudible).

Mr. Sullivan, It's just the way it was before. That's not to say we couldn't but it would take a lot at this point frankly. I could look into it.

Com. Biggs, A lot as far as money.

Mr. Sullivan, Money and time. I would probably just bring in a spray painter to do that.

Com. Biggs, Want you look and come to us with what the cost is. I agree with Laura.

Com. Blaney, We are doing all of that work.

Mr. Sullivan, A lighter color you are thinking.

Com. Blaney, Just a white or basic ceiling color.

Mr. Sullivan, Okay.

Com. Biggs, Something that goes with the walls. Otherwise these types of paneled ceilings it is going to look totally out of place.

Mr. Sullivan, All the same color.

Com. Biggs, We may as well do it now because someone could be sitting up here 5 years from now asking about it.

Com. Blaney, Probably the same color.

Mr. Sullivan, That would make it a lot easier. This will be the entrance from the customers' point of view. This will be as far as they go generally. We will probably take out the window on the left. The badge reader is working here now. This is the other view as you come in from the other side. This area will be where their open file storage is. This will be an open office area. We may use these desks if they will fit in the plan. We just received those recently from a donor.

Com. Blaney, Daniel are we going to be able to use the back for wheelchair accessibility?

Mr. Sullivan, Yes I believe so. There is wheelchair accessibility from the front for sure. There is handicap accessible parking back there. I'm 90% certain there is a way to get up there from here as well.

Com. Regnitz, I'm pretty sure there is as well.

Mr. Sullivan, It might be in my photos. This is for Sundae's office, the assistant director's office.

Com. Biggs, The doors are pretty wide.

Mr. Sullivan, We're not putting doors on them. They prefer the open floor plan. We'll just leave it opened like that. I also tried to make that if we decide to have doors down the road all of these headers we could put doors on there. Not that wide. Then this will be opened to create more office seating. It will go back into their break area.

Com. Biggs, Will you be putting a ceiling in there?

Mr. Sullivan, Yes. There was a ceiling before but it was really beat up. That was the kitchen area. This is the entrance to that counting room and looking down the hallway to what is now the entrance from first floor hallway. This was a doorway that we are going to drywall in. There will now be a door here and one here. The reason that we're doing that is to take advantage of the fact that there are two very nice washrooms up here that are barely getting used. There is only one uni-sex washroom for the entire building to be used by the public. By doing this we could actually open that up so they could use those. They are in great shape we just need to do a little bit of work there.

Com. Regnitz, Can you talk about the lower level and what your plans are for all of the voting equipment.

Mr. Sullivan, There are mostly Clerk's files down there. A lot in boxes. A little bit in file cabinets and a lot on sliding shelves. There is a woman that comes over two or three times a week that has to go in those files. Ideally we would like to be able to move all of that over to the Courthouse. The first floor space on the west side. We can't find a good use for it for an office right now. It used to be where Probation was but now they moved over to 157 Franklin. I'm thinking it would be wonderful to put them over there. It is going to take quite an effort. We're still working on a contractor that could help us with that moving file storage over there. It's moving that whole file system that is going to take work. Either way we will get the voting machines into the basement of 157 after the November election. When it has to come back from election we want it to go to the new location rather than back to the old location.

Health Dept. Reno Update.

Mr. Sullivan, Last Tuesday we had our first meeting with the designers. Great meeting, a lot of great ideas. Right now they're on their two to three week clock generating the first sketch. We are specifically asking them to focus on the future which had been Voters Registration will now be the Veteran's Services and Coroner's Office. We will need to move them out of their space so we can focus on what the Health Dept. does on the higher east wing of the first floor.

HIGHWAY DEPT. – JIM POLAREK, DIRECTOR

Receive, Open and Award Bids for Additional Paving Projects.

Mr. Polarek, On the bids we found both bidders were responsible. With that said Milestone the lowest bidder with the 3 additions it comes out to \$3,163,735.75 and that is who we would recommend.

Com. Regnitz, moved to approve the bid from Milestone in the amount of \$3,163,735.75.
Com. Blaney, second, motion carried.

A Memorandum of Understanding between the Porter County Board of Commissioners and the Town of Chesterton Town Council regarding a Roadway Pavement Project on CR 1050 N. between CR 50 E. & CR 100 E.

Mr. Polarek, That road is included in the bids that we just opened that you will hopefully be awarding here in a second. 1050 North half of it belongs to Chesterton and the other half belongs to us. This is just a memorandum of understanding that we will align the paving and when it is done they will pay 38% of the bill.

Com. Blaney, Are they aware of it.

Mr. Polarek, Yes the Town Council approved it.

Com. Blaney, moved to approve the Memorandum of Understanding, Com. Regnitz, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

American Structurepoint, Inc. - An LPA Consulting Agreement regarding the Willowcreek Rd. Extension from CR 650 W to 0.25 miles North of SR 130 in the amount of \$1,477,090.00.

Mr. Thompson, This is for Phase 2 on the Willowcreek. It is from S.R. 130 the two railroad tracks and then terminate down at 650 W. We had originally approved as Supplement No. 3 to the agreement. I believe it was about a year and a half ago. INDOT came up and questioned a lot of things and we had to go back and do some work to be able to get each one of these phases a project number. What they call a DES number through their INDOT system. Eric Wolverton and Chris Murphy had been working on that and we got that through. Now we are coming back with an actual agreement. INDOT wants an actual agreement for each phase that is going forward. We have the environmental phase that is currently in place. We have Phase 1 that is going on. We are waiting for the environmental to be complete before we can go on and complete Phase 1 and now what is before you is Phase 2.

Com. Regnitz, moved to approve American Structurepoint LPA Agreement regarding Willowcreek Rd. Ext., Phase 2, Com. Blaney, second, motion carried.

A Rezoning Map Amendment from CH, High Intensity Commercial District to RR, Rural Residential District – Petitioner Valerie & Garry Blumenfeld – 1st Reading.

Mr. Thompson, This is Plan Commission Res. No. 23-05. Petitioner Valerie & Garry Blumenfeld. They are requesting a zoning map amendment from CH High Intensity Commercial District to RR, Rural Residential District. They were before the Plan Commission at their August 28th meeting and they want to build a single family home on this particular parcel. The CH zoning has been around since 1983. With the original map done with that master plan. We separated all of the uses out. Under the UDO the old 1983 master plan had a pyramidal scheme which allowed single family to go in CH but now that we have the UDO we separated out, residential goes in residential, commercial goes in commercial. The Plan Commission forwarded this to the County Commissioners with a favorable recommendation by an 8 to 0 vote.

Com. Biggs, In favor.

Mr. Thompson, In favor.

PUBLIC HEARING OPENED

Com. Biggs, Is there anyone wishing to speak in favor of this ordinance? Anyone wish to speak in favor of this ordinance? Third and final call, anyone wish to speak in favor of this ordinance? Anyone wish to speak against this ordinance? Second call, anyone wish to speak against this ordinance? Third and final call, anyone wish to speak against this ordinance?

PUBLIC HEARING CLOSED

Com. Regnitz, moved to approve the Rezoning Map Amendment from CH, High Intensity Commercial District to RR, Rural Residential District – Petitioner Valerie & Garry Blumenfeld on 1st Reading, Com. Blaney, second, motion carried.

Com. Blaney, Were there any concerns at the Plan Commission?

Com. Regnitz, None at all.

BOB THOMPSON RESIGNS

Mr. Thompson, I do have one quick little announcement. This morning prior to this meeting I submitted to H.R. my letter of resignation. It is not how I wanted to end a 33 year career. After camping with my family this weekend it was decided that it's best. I do not want to work here anymore. I am moving on. I work with a lot of great people here in this building and I wish to thank them. To my staff they are awesome. I am really proud of that department up there. They have done a lot of amazing work. A lot of amazing work. Over these past few weeks I cannot thank them enough for having my back and supporting me. I love them all up there. They are great. I wish them nothing but the best of luck. The decision is I can't work here anymore and I'm moving on. I just feel I have done nothing wrong, but it's best. Thank you.

BOARD OF HEALTH REMOVAL OF APPOINTEE

Com. Biggs, Over the last few months an issue has arisen. Actually it has been an issue somewhat over the last few months and it just seems to be growing as a problem. As most of you may be aware part of our job as the Board of Commissioners is to make appointments to the Board of Health. It is also our responsibility if a problem with one of our appointments happens to develop it is our responsibility to fix that problem. Unfortunately we are talking about a board member by the name of Jessica Jepsen. There is much that has been said over the last few months and I just want to make clear I don't think everything Jessica said is wrong. Quite the contrary. We are not going to replace her with a voice that is going to sit and be silent and just go away with the problem. That is no good for anybody. But at the same time her stated and written comments and views are contrary to the statutory duties of the Health Board. We can't allow that. I did not support her appointment 9 months ago only to change it today. That is how serious that I think that breach was. It has to be corrected. I know a lot of people want to see that happen and a lot of people don't want to see that happen. It's our job. We took them on. We have to make the tough decision of what we are going to do here. My recommendation is to remove Jessica off of the board for the reasons that I just stated. I will make that a motion.

Com. Blaney, I will second. There is a certain decorum level that needs to be upheld on any board. And whether we agree with opinions of the board members or not is irrelevant to that professionalism and decorum that we need to be a functioning board. I don't agree with most of what Jessica thinks regarding public health but that is not the issue here. Though I hope whoever we bring on next is more professional and stays off of social media.

Com. Biggs, I will just end with this is that this is not a decision that I wanted to make, but I have a responsibility to that department and the general public as a whole. And that is why it was made.

Com. Regnitz, I know that a lot of people think that we have a responsibility to honor people's first right amendments, freedom of speech. However, when you are speaking for a company, a board, an entity you do have certain responsibilities with that freedom of speech. Social media is one of those tricky platforms. And when you making comments on social media and not as yourself the implication is that you are speaking on behalf of that company, that board. You might not even acknowledge that you're on that board or part of that company. A lot of companies have social media policies just for that reason. I was a financial advisor for 16 years and we were not allowed to make social media comments whatsoever without prior approval. The problem is that there is not context in social media. There is just not. You don't have any background or anything and people can take that social media post and do anything that they want with it. They can make acquisitions and innuendos. We just have to make sure that those people that we have appointed have taken the responsibility to represent the Health Board. To represent the Health Dept. To represent County Government in a responsible manner. It doesn't mean you can't express your views, but those views should really be expressed within the board's setting and not on social media. That is my concern in this particular situation.

Com. Biggs, Anything else Laura?

Com. Biggs, moved to remove Jessica Jepsen from the Health Board, Com. Blaney, second, motion carried.

Com. Blaney, I just want to say that I have been a part of County Government for 20 years now and I have found Bob Thompson to be one of our best. I am just sick to see him go. It is a big loss.

Com. Biggs, It is but I will hold comment. I'm not going to speak to employee issues in a public (Inaudible).

Ms. Miller, I'm really disappointed that you guys made this decision. Jessica may have made a mistake by putting facts on Facebook in a private thread. It was a class member that died. She puts some facts out there. I don't see how that is any different than Dr. Mirochna going on the attack saying those of us that had that Health Board meeting that was cancelled. That was cancelled for malicious reasons they can say whatever they want. Dr. Mirochna is out there giving false information. He's posting that Porter County is in orange. We should be putting the suffocation devices on. Well no that is not true. I looked on the Indiana State Dept. of Health's website. I also called them. They have no recommendations. I also looked on the metric map. It's green. We're not in orange. So he's giving out miss information. He is doing the exact same thing that you guys are taking someone off that is a valuable asset.

Com. Biggs, Dawn I appreciate your comment. There is one glaring obvious point to this....

Ms. Miller, (Interrupted) there is a point to this.

Com. Biggs, Mirochna does not sit on the Board of Health.

Ms. Miller, Just kind of throwing that in there with it. Indiana Code 5-214 Chapter 1.5 Public Meetings Open Door Law. So you have pretty much removed Jessica. Why have we not removed Laura Blaney? She has violated the law. This is the law. The Indiana Code. The Indiana Law. The open door violations that she has committed. She has been asked multiple times to resign. Why has that not been taken under consideration? Those were laws that have been broken in public (Inaudible) know of them.

Com. Biggs, Dawn first of all two of the Commissioners do not hold statutory authority over the third Commissioner or a Commissioner, number 1. Number 2 is we're not talking about a violation of an open door law here.

Ms. Miller, Exactly hers was put on social media. This is something that is against the law. These are broken laws that (Inaudible).

Com. Blaney, I have broken no laws Dawn. No laws.

Com. Biggs, And I understand.....

Ms. Miller, (Interrupted) Indiana Code said you did at the meetings behind closed doors.

Com. Biggs, Let's try to stay on point here. The point is you're objecting to us taking Ms. Jepsen off of the board. And again you can do with this what you want. I would rather be doing a thousand things today than have to do that. I did not appoint her or help to appoint her only to take her off 9 months later. That would have been ridiculous. We were forced to. We had no alternative. You either believe that or you don't believe that.

Ms. Miller, How are you forced? I mean for clarification. In the hypocrisy of letting someone stay on an actual board that has broken laws.

Com. Biggs, I talked to Jessica about this for over an hour. She agreed to resign. I sit here today with no resignation. She has told at least one other Commissioner that she was going to resign. And three other people that I know are close to her that she was going to resign. I am sitting here without her resignation. It is the whole story when you put it all together.

Ms. Miller, Oh I see the whole story. Trust me.

Com. Biggs, No I don't think you do.

Ms. Miller, Oh trust me I do. Absolutely I do. The whole story when it comes full circle.

Com. Biggs, Okay.

Ms. Miller, I just think it's sad that you are going to take someone off of our Health Board since she is kind of voice for the rest of us. And again the comparison. You have someone sitting up here that's a Commissioner that has broken (Inaudible) law.

Com. Biggs, It's an appointment that has to do with the Health Dept. That has nothing to do with the issue that you have with Com. Blaney.

Ms. Miller, It's comparable that is why I'm putting them together.

Com. Biggs, I'm just saying. Try to stay on point here with the issue.

Ms. Miller, That is on point.

Com. Biggs, The issue here is the un-appointment of Jessica Jepsen.

Ms. Miller, And again the point of me bringing up that you are taking an appointed person off because of something she put on social media may have not been professional whatever. You have a person that is sitting on an actual board here that has committed (Inaudible) the law.

Com. Biggs, Since it seems you are not going to be satisfied until you get an answer it was beyond unprofessional. It was reckless. And it actually put this county into a liable position by saying it because she was on the board at the time she said it.

Ms. Miller, So she made a mistake so instead of giving her a chance you throw her to the wolves.

Com. Biggs, There are mistakes and then there are mistakes. This is not the only event. I am going to speak for myself. This is not the only event that brought me to this conclusion. I put it into the category of an employee issue. I spoke to Jessica for over an hour. I told her what my feeling was. I gave her every benefit to ask me what she wanted to ask or to plea her innocence. And I got none of that.

Com. Regnitz, Can I also say one other thing? We did ask her to apologize. We asked her to send a letter of apology. We did and we didn't receive that. We did ask her to do that.

Ms. Miller, So if she made the apology would you guys have said oh we'll keep her on.

Com. Biggs, I will speak for myself. No.

Ms. Miller, So basically the apology would have been just pointless.

Com. Biggs, I didn't ask for the apology.

Ms. Miller, I know the whole situation. I know who asked what and what. That's neither here nor there.

Com. Biggs, No Dawn with all due respect. I think you think you know the whole situation but there are details made to us that are not made available certainly to you.

Ms. Miller, That's fine.

Com. Biggs, Again, you can do with it what you want but I would not make this decision unless it was absolutely necessary to do it.

Ms. Miller, Why did you feel it was absolutely necessary?

Com. Biggs, Because she put the institution of County Government at risk with her statement that was posted on a public, Facebook or whatever it was. That was the straw that broke the camel's back. We cannot do that. An appointment can't do that and a Commissioner can't do that.

Ms. Miller, And yet you have a Commissioner that sits up here and has broken the law.

Ms. Watts, Good morning my name is Kathy Watts. I reside in Valparaiso. Thank you for doing the right thing in preserving the integrity of our Health Dept. As you move forward in your selection to fill the position please follow Indiana Code 16-20-2-11 which says that the members of the Board of Health provide you with 5 of their selections and you can choose from that. I'm sure you are aware of the code so I will not go through and read it. To the Commissioners I have reviewed the FOIA that was requested regarding the recent funding that the Health Board received. And while I listened to the last Commissioners' meeting targeting Laura for unknowingly not including the other Commissioners in one email. I did see multiple

emails that Barb penned not including Laura and sometimes not including you Jim. Saying shhh at the beginning. And I can present those to you. The email said shhh just between us. And agreeing with conspiracy theories regarding COVID. Even going so far as her and Ms. Jepsen contacting attorneys. One being in Illinois. So when Ms. Regnitz recently shared with me that she was unaware of Devorah Silvert's what she was using the Chambers for when she granted permission to share her theories that the recent funding was medical tyranny promoted by the World Health Organization and the U.N. I find it to be misleading as that information was shared with all of you by Ms. Silvert. And that included you Ms. Regnitz. So my ask is that Ms. Regnitz recuse herself from the selection of the next board member because at least two of them Ms. Jepsen along with Ronald Michael are definitely not the best that Porter County has to offer. Thank you.

Mr. Pavey, My name is Don Pavey. I live at 662 N. 625 W., Hobart, Indiana Portage Township. I was referred to come here by a member of the Porter Plan Commission. I'm hoping this is the right spot. I would like to give you a little heads up of what is going on. I am here today to talk to you about the Bauer Farm Parcel located at the 600 block of 700 N. Porter County with 55 more or less acres. This property is being development into an R4 subdivision by RCJJ Development. RCJJ approached the City of Portage and had the land annexed to allow for a subdivision. So it is no longer Porter County. I'm here today to represent over 20 residents adjacent to the Bauer Farm Subdivision which is Porter County in rural residential. RCJJ Development started working on the proposed subdivision in early spring without proper permits according to the Portage Planning Commission. RCJJ Development has significantly changed the topography and the land and destroyed the drain tile system causing flooding and saturation all around the planned subdivision. Also 8 acres of trees approximately. They raised the north end of the property about 3 feet causing flooding on the north end and have sloped the south end to drain towards Duck Creek which is not on their property causing the farmers crop to be washed out and the ground to be constantly saturated. Portage Own Rule which is no dirt can be moved until the plat is approved. And they started way early. The surrounding residence and I have tried to do their due diligence. Once notified of the subdivision we attended the Planning Commission meetings and submitted our concerns. I have also addressed the City Council as well. I feel because we are not Portage residents this is falling on deaf ears. I have filed an official complaint with the Indiana Dept. of Environmental Management because their permit along with the City of Portage approval was needed to start work. I come to you with the following issues that all of the residents are concerned with. RCJJ Development is causing the flooding on adjacent properties without repercussions or penalties. Their representative Steve Kill said in a meeting "the storm water runoff is what it is. This is a total disregard for the residence of Porter County affected by the subdivision. The City of Portage says RCJJ is doing what is required within the city. The Planning Commission lawyer stated he does not have to have county sign off on the drainage. I find that a little odd the county has no say in how the drainage affects their residents. Another concern is the traffic. There will be 236 homes built on this property. There is only one entrance and exit point on 700. The subdivision is landlocked by the surrounding county properties. This will dump approximately 500 cars on 700 N. The County Road and intersection is not made for that amount of traffic. We did ask for a traffic study. One was done. They basically threw it out. I am here today as a county resident asking the Board to help in this matter or at least put me in the right direction who I can ask to resolve this matter. I did have pictures and I tried to email them. They were too big. Showing the massive amount of flooding saturating that area. It is all on county land and Portage doesn't care.

Com. Biggs, Have you reached out to our Plan Commission/Stormwater Dept. at all?

Mr. Pavey, I have not. I was told to come here first. Wherever I have to go that is where I will go.

Com. Biggs, Scott what would you recommend?

Atty. McClure, I think Stormwater would be the best place to gain some knowledge.

Mr. Pavey, Is that the gentleman that just resigned?

Com. Blaney, Mike Novotney is our Stormwater Engineer.

Atty. McClure, This property was annexed by the City of Portage. There is a development attempting to (Inaudible) through a primary plat. The land disturbing activity has occurred. The primary plat has not been approved yet. So therefore the development cannot proceed any further with their storm water improvement. (Inaudible. Audio system issues.)

Ms. Hearn, Anna Hearn, Valparaiso Indiana. I first want to thank the Commissioners for helping Aberdeen and Autumn Oaks with the property issues that were in the back. We really thank you. It is starting to settle down even though we have to keep you apprised. I thank all of you because you all three worked together. Second, people don't think. Not just the county, the Health Dept., the schools because of the COVID response for Porter County. You guys all work together. You weren't on the Board at the time. You with your daily reports. Laura the Health Dept. with its phenomenal response. Going to the Fair Grounds you could go without an appointment to get a COVID test or vaccine. The Valparaiso Community Schools, the Duneland Community Schools. They were full time by that following semester. Except there was that kid that was a hacker that was home schooled and the teachers needed some time to recoup. They had to do online and in school so they got the Wednesdays. We should applaud Porter County, the City of Valparaiso, and the schools response during COVID. And the Health Dept. and not keep smacking them down. Our kids are in sports. I as a single mother, I get it. I'm a professional working single mother. I get it. Why we needed those kids in school. I had to hire a college student to help with my daughters. And we should be proud that our schools also fed our kids on a daily basis. We should come together right now. We learned a lot. There were mistakes made. We had daily briefing from the White House in the Trump and the Biden administrations. It doesn't matter if your Republican or Democrat. People were getting vaccinated under the Trump administration as well. Social distancing. In Porter County we got our restaurants opened. I want my kids to wear masks all of the time during that? No I didn't, but it kept their schools opened. Did I think that it was fair after school hours because there are things from the state that came out that at the football games people didn't really have to wear masks? We learned from our mistakes. We cannot keep bashing the Health Dept. I pray that your next appointment that is either going to be a doctor that works in this county. Not Lake County or Chicago. Who cares about the citizens of Porter County. Someone who really gives and volunteers in this community whether they are a doctor or not. One that will work with the Health Dept., the doctors and the medical field. Also, the poor people in this community. Let's face it either have private insurance or public insurance. We rely on the state. A person that is on this board Dr. Michael if you look at his cases there are cases that he has for collections that he has. He goes against these states. I will send it to you. He doesn't take private insurance. He does worker's comp. or he had personal injury cases as a neurosurgeon. We as a county we're are public servants. You are here because you want to help this community. I hope the next person that you get on this board is from and practicing in this county. Or if it's not a person that has health experience that cares and volunteers and does the benefit for this community. I know all of you wants what's best for this community. Regardless of politics anymore. I love Porter County. I'm glad my kids are in school full time. I'm that there were able to be in sports during COVID. The elderly, everyone needs to be looked after. And not for their self-serving political agenda. Thank you for making a stance and I appreciate it.

Ms. Kusmick, I'm Penny Kusmick from Valparaiso Indiana. You seem like a nice lady the woman that just spoke. I was looking up something. This is from Eleanor Roosevelt. It says great minds discuss ideas. Average minds discuss events. Small minds discuss people. So what is discussing ideas? It means talking about higher level messages and conflict. Understanding the messages behind an event. Discussing human thought and behavior. Looking beyond what is there and finding solutions to help the world. I know a lot of people that are (Inaudible) about the Health Dept. have never been to a Health Dept. meeting and I have. They did not meet during COVID. So when they did start meeting again I was there. And I've been to every meeting since then. I missed one but I listened to it. A lot of people have opinions about what's going on in government who've never come to any of these meetings. Any of the Commissioners' meetings, Council meetings nothing. I've been to almost everything in the last two years. Some of it is boring but there is a lot of information in between the boring. A lot of people that have something to say and saying that it shouldn't be political are being political. Our health should not be political. I totally agree with that. You need to be honest with yourself what you are doing. Now if you'd come to some of the Health Dept. meetings they are not being attacked by anyone. The people that are getting up are people just like you w+ho have freedom of speech. They are not people on the board.

Com. Biggs, Excuse me. I will let you speak to us.

Ms. Kusmick, Well I'm speaking to them too.

Com. Biggs, Well then you can do that outside the meeting.

Ms. Kusmick, I'm just saying the only thing that is being asked is and the whole rest of the world if anybody is reading the news somewhere beyond the TV at night and you're going to India and you're going to England and you're going to Israel and you're looking at what's happened in Africa. And what happened to all of these other countries who are now themselves

going in and assessing what happened during COVID. Are assessing information that is out there including on the NIH's own website. The CDC's own website. You can find these things. It's not an opinion. Its research papers. When you look at those things and people are asking questions. My question is why is not our national health board and if they are great but they need to be looking at what is out there. It is not helpful to have our head in the ground and our butt in the air. We need to know what is going on. Like Eleanor Roosevelt said we need to discuss what is happening. We need to discuss what did happen. That is the best thing to do. Is there something wrong with that? It seems like that is the way it should be. I see the appointments that you did make to the Health Board were a desire for that. I desire for there to be openness there.

Com. Biggs, You're certainly right.

Ms. Kusmick, I commend you for the appointments that you made. I know that they are with the hope of things actually being done for the betterment of Porter County. So anybody thinking that that was not your intention is wrong because I've been here for every single meeting. Including the Commissioners' meetings and the Council meetings and the Health Board meetings and I have seen that that is the truth. Thank you.

With no further business, the meeting was adjourned at 11:17 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jim Biggs

Barb Regnitz

Laura Blaney

Attest: _____
Karen Martin, Auditor