

**PORTER COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
WEDNESDAY, FEBRUARY 16TH, 2022
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 Wednesday, February 16th, 2022 in the Commissioners' Chambers of the Administration Center.

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

Call to Order/Pledge

Com. Good, Good morning this is the Porter County Board of Commissioners' Special Meeting, Wednesday, February 16th, 2022.

ARP - Committee Plan Discussion

Com. Good, The first thing on the agenda is an ARP Committee Plan Discussion. Would you like to give us a little outline?

Central Committee and Subcommittee structure and membership.

Com. Blaney, Yes why don't I go through what I sent to the two of you as to what my ideas are and see if you like or do not like them? We spoke about the Committee Plan last time. I just honed in on that a little bit and tightened it up. What I am looking at right now I would like to have one Central Committee chaired by a non-voting facilitator. I would still like to recommend Stu Summers. Then we will have 4 sub-committees. One would be Behavioral Health and Social Services which would consist of 1 Commissioner, 2 Council Members and 2 Citizens. The Portage and Center Township Trustees as non-voting advisors since this is the population that they deal directly with. Non-Profits and Employers would consist of 1 Commissioner, 2 Council Members and 2 Citizens and a Non-Profit expert to be determined. Maybe someone from the business community to be determined as a non-voting advisor. Infrastructure & Facilities, this would also include any industry that was affected more than normal. They would consist of 1 Commissioner, 2 Council Members, 2 Citizens, Mike Novotney our County Engineer and Ray Cloyd our Facilities' Director as non-voting advisors. The County Government Health Response which would have 1 Commissioner, 2 Council Members, 2 Citizens, a Health Dept. representative and our H.R. Director as non-voting advisors. The citizens on all of these committees the Board of Commissioners would appoint one and the County Council would appoint the other. I would like to take applications through March 8th so on March 15th we could appoint. Curt and I worked on an application yesterday that should be online immediately to take applications. It is pretty self-explanatory once you get there. So public input for these committees, every committee should have at least one meeting that is either on the weekend or in the evening to take public comment. All of the meetings will be opened and videotaped. The public can sign up for text alerts so they know when all of the meetings will be. Online applications will be taken immediately through March 8th, along with online input. We will have a deadline for the input so the committees can do their work which will probably around the end of March. This is what I have. I am opened to suggestions.

Com. Biggs, The Infrastructure & Facilities Committee you said that would include businesses that were affected by....

Com. Blaney, Like tourism and hospitality. That kind of stuff.

Com. Biggs, Then the County Government Covid Health Response. What is that exactly?

Com. Blaney, That would include anything that we need as a County to prevent or mitigate if the pandemic swings up again or if something else comes around.

Com. Biggs, The Behavioral Health and Social Services Committee. I see we have Center and Portage Township Trustees as non-voting advisors. My recommendation there would be to

add two of the role townships to that as well. The other question I had is your recommendation that Stu Summers chair as non-voting facilitator. My concern with that is Stu is a great guy, very bright, great guy but he has a current contract with the RDC. As we know from the first list of projects the RDC was on that list to awarded \$1 million. There is probably little doubt that that million dollars would go toward at least in part to service that contract. I just see that as a conflict that we need to avoid.

Com. Blaney, Well the other thing that we're doing today is looking at that list and potentially revising it. I think Stu is very organized and works very well this type of thing. Anyone we choose someone is going to not be happy with them.

Com. Biggs, And I don't argue that. That could very well be. To deliberately appoint someone who could very well have financial interest on the very projects that we're funding we should absolutely avoid that. Stu as you know is also involved with the Broadband Committee and I'm sure he is not doing that for nothing. We're very likely to be funding Broadband in the unincorporated areas at least in part.

Com. Blaney, Scott do you see this as a conflict legally?

Atty. McClure, To be able answer the question we would have to be able to identify whether or not the underlying issue whether or not the money that would come from...any potential money would come out of the Commissioners' and the Council on the next ARP Plan would actually be funding any work that Stu is doing as the ARDC Financial. We would have to look at that. I don't know off of the top of my head. I believe the RDC has the funding already in place to pay for Stu, but don't know that as I sit here enough to say for sure. We can look at it and figure that out for Tuesday.

Com. Biggs, I'm not shy about saying it this is going to get my vote for approval Stu cannot be chairing the Steering Committee. Even if we were to come back and say his contract is currently being serviced by another lot of money that doesn't mean moving forward once the ARP monies are flushed into say the TIFF district in South Haven or to Broadband months from now that he will be serviced with it. I think there are plenty of resources out there that we can task to bring somebody in here that has absolutely nothing to do with anything in our County that would come in and help guide us through this. I don't know why we wouldn't avoid any appearance of any type of conflict. Especially considering after what we've had to deal with over the last few weeks with this. I commend you for laying it out. It obviously took work I appreciate that. I have no issue with it the way it is laid out. The only issue I have again is Stu is a great guy but I just don't see where it is tantamount under the circumstances that he is the facilitator of the committee.

Com. Blaney, I appreciate your comments. Don't forget it's non-voting and not a voting position.

Com. Biggs, I get it, but he's still steering.

Com. Blaney, Alright well we can figure that over the week. What do you think Jeff?

Com. Good, I think that if that is the direction that Com. Biggs wants to go I would ask him to offer up some suggestions. It is easy to pick holes at things when you don't put anything together, but if you have some ideas. I personally have a problem bringing someone in from a consulting that doesn't understand the County and has never worked with the County. I think that is troublesome. I think it is going to add a lot of time to the process. Right now if we go that route we have to start all over. We have to do an RFP, Request for Proposal. Then we have to market it. We would have to go through meetings to receive. First we would have to write the RFP. Then we would have to promote. Then we would have to market it. Then we would have to accept the RFP's and then we would have to go through the process of picking who that person would be. That would probably be another 30 to 45 days to pull that all together. My only concern is it is going to slow the process and it will add more red tape and someone who doesn't really have a grasp of what is going on here in our County. That is really my only concern. I like everything else that has been put together. I would like to see us move on it and act quickly so we could get into these groups and we can start vetting these all out. If this is going to hold it up then we have to be prepared for that as well too. That is all I'm really saying.

Com. Biggs, My understanding Vicki how long do we have before we have to show any of this money that is encumbered?

Ms. Urbanik, The rule is that all funds must be obligated by the end of 2024. Obligated means a contract or some other formal agreement.

Com. Biggs, We have the better part of 2 years. I don't know what the rush would be. I did make a recommendation Com. Good that we bring someone in from the outside. To be honest with you I don't know why the Board of Commissioners couldn't steer this ourselves. We get paid to be up here. We're elected. We have to be accountable. I have no problem whatsoever of giving my time to help steer this. As I stated if it takes another 30, 40 or even 60 days to bring someone in here that does things like this for a living and is assured that is being laid out right and is done properly what is 60 days. We have nearly 2 years, we have to encumber any of this money. I don't know what the rush is.

Com. Blaney, Do we want to talk real quick about who of us would want to sit on these committees? Just so we have the discussion today and mull it over.

Com. Good, I would be more than happy to be on the Infrastructure & Facilities Committee. I think that is sort of my strong suit. I'm throwing that out there.

Com. Blaney, I having put all of this together would be interested in being on the Central Committee. I think I did a lot with the Covid Response. Those are the 2 committees that are attractive to me that I think I would sit well on.

Com. Biggs, I will take what is left.

Com. Blaney, Well they are all important committees.

Com. Good, Yes they are.

Com. Biggs, It makes little difference to me if this is done the way it should be. It makes little difference to me.

Timeline

Com. Blaney, This is the timeline I had in mind. As soon as possible getting out applications to the public so we can have people showing their interest in people sitting on these committees

Public input process

Com. Blaney, Collecting public input is already on going. Getting the structure out there.

Com. Blaney, Today I'm hoping to modify the discussion of the current plan and draft what we just did. February 22nd we have a meeting. Hopefully we can adopt our final structure of this process, vote on it, appoint a facilitator or decide how we're going to do that. Appoint ourselves and vote on any plan modifications that we will talk about coming up. March 8th citizen applications would be due. That would give us a week to go over them before our meeting on March 15th. Maybe we could have a joint meeting with the Council because they will also be appointing people to their committees but it's probably not necessary. March 31st the deadline for public comment and plan submissions. April and May the committees will meet, take public comment and get work done. June the committees will continue to meet and go over everything they received. July recommendations coming formally to the Central Committee. It would be nice to adopt and appropriate these plans and funds in August 23rd both the Council and Commissioners have a meeting so perhaps we could do a single presentation on that date. Of course this is all draft.

Com. Biggs, What kind of restrictions are we going to put on citizens applications? Who should not apply?

Com. Blaney, The people that are asking for money.

Com. Biggs. They are asking for money or you are employed by an organization that is asking for money.

Com. Good, Or a board member.

Com. Biggs, Or a board member you cannot sit as a citizens appointment.

Com. Blaney, The draft application that we put together points that out. What are your thoughts on that? Restrictions for the citizen's appointments.

Com. Biggs, I think that is reasonable.

Com. Good, If the facilitator changes I would basically say from March 8th on that would get pushed back about 60 to 90 days. The committees really wouldn't be meeting until probably the end of summer it looks like. That is based off of this plan. It could change. I'm just trying to look at the fluidness of it.

Com. Biggs, I don't have a problem with the way this is laid out. My initial thought was that we would have some type of scoring system. Much like we do when we select engineering firms or architectural firms to do business with us. Some type of scoring system. That way it takes out any emotional selection here.

Com. Blaney, That is a good idea. We can get to that when the committees are populated and meet. We can start working on it now.

Com. Biggs, When we get ready to put something together I would like to be a part of that. If we are going to put together a scoring process.

Com. Blaney, Yes, I would love to see it. That is all I have for those things.

Com. Good, Any other further discussion on that?

ARP - Ordinance Modification Discussion

Premium pay - Up to \$1,200,000.00.

Township Trustee's - \$500,000.00 (divided by population).

Porter County RDC - 1,000,000.00 for South Haven Redevelopment.

Porter County Tourism - \$150,000.00 for building upgrades.

Marquette Trail - \$2,500,000.00.

Memorial Opera House renovations - \$5,500,000.00.

Porter County Stormwater - \$4,000,000.00 (Stimson and Shorewood).

Behavioral Health Study - \$25,000.00.

Jury Assembly Room/IT at Sheriff - Jail/Architect fees- \$785,000.00.

Com. Blaney, I think we all agree that Premium Pay needs to stay, but I don't speak for you guys.

Com Good, You are saying?

Com. Blaney, I will start with what I would like to see stay. How about that? I would like to see the Premium Pay stay. I think our employees deserve it. The Township Trustees money. They are the ones that have boots on the ground. They are helping people right now. I would like to see that stay. I would like to see the Behavioral Health Study Stay. I think that would help our Behavioral Health Committee to better figure out what our needs are. The Marquette Trail because it is my understanding that we need this for match money for Federal grant that will bring a lot more money into the County and make sure this project actually happens. Those are the 4 things I would like to see stay. That does not diminish how strongly I feel about the other projects we have. Especially the Storm Water projects the Stimson drain and Shorewood. Those are big projects that are important and I hope they get strong referrals from the committees.

Com. Biggs, Going what through you just names Laura the Premium Pay to the frontline workers I do agree with. The Township Trustee I would ask to reconsider that because my personal feeling is given what they were going through at the time \$500,000.00 is not enough.

Com. Blaney, Even when we came up with the first plan that was a start. At least in my mind. That wasn't "this is all you get, we're done".

Com. Biggs, You're saying that that doesn't necessarily mean that.

Com. Blaney, Well that doesn't mean that is all they get. That's is just all they get out of the first part of our plan. Probably we're definitely going to find out that they are going to (Inaudible).

Com. Biggs, The Marquette Trail just so the public understands in order for us to qualify for Federal Funds to complete that project we have to have matching funds. If we don't provide matching funds within a certain amount of time we lose that Federal Funding which is substantial with this particular project. I agree with that as well. The Behavioral Needs Health Study that is already under contract. They've already begun work on it. They have to be paid. I am in agreement with what Laura has suggested.

Com. Blaney, I would like to point out too on the Memorial Opera House has been somewhat of a lightning rod proposed early on to take that out. I don't think that should be completely out of the mix. It is in the qualified census tract. \$5,500,000.00 is probably more than anyone wants to spend out of this pot of money that we have but I think it should be under consideration to receive at least something. It was very much so affected by Covid.

Com. Biggs, You are talking into this new process.

Com. Blaney, Yes.

Com. Biggs, That is up to the committees.

Com Good, Up to the public.

Com. Biggs, Right. The Council will also have to approve this amendment correct Scott?

Atty. McClure, They would have to appropriate the money (Inaudible).

Com. Biggs, Basically what we're are doing is turning back, restarting, throwing it back out there.

Com. Blaney, Accept for the 4 things.

Com. Biggs, Well yes. We're deciding that now or about to.

Com. Blaney, We're going to vote on it next time but that's what I think. It sounded like you agreed.

Com. Biggs, To be honest with you I am in favor of voting on it now and moving it forward so these frontline workers get their money.

Atty. McClure, We need to have this discussion meeting and then have another meeting on Tuesday to actually amend the ordinance.

Com. Biggs, On the 22nd? Yes that is fine.

Com. Good, Sounds good to me. I like what you have come up with. I also think on Tuesday I'm going to try and ask our Storm Water Dept. to come in here and give a presentation on the two projects the Stimson and Shorewood project. There is a lot of misunderstanding. These are failed systems that we are talking about here. This isn't someone's pet project. These are failed systems, big systems that have a huge clean water component to what is going on in this County. It affects very large areas of population. I'm going to be advocating for those just because they're huge projects. One of them doesn't really have much of a revenue source to it and it's an integral location for the County. I want them to come in and sort of give the folks the engineering and status of the projects and how they fit within the County because I think people would get a better understanding of what is going on there too. We will try to bring in some more information on Tuesday. There is more data that we can talk about. You will have an understanding of why these were put forward and why they are going to be discussed and debated.

Com. Biggs, The bottom line is starting fresh like this they are all going to be judged individually and compared with other needs that are outside of the 4 walls of county government. With Laura and Jeff I would care to sit as the commissioner on the Behavioral Health and Social Services Committee and the Non-Profits and Employers.

Com. Good, Our folks are set. Now we have to get the Council set their folks and get the facilitator figured out. That is what we have in front of next and we will work diligently to get that

figured out and try and keep this process moving. We are going to open up for public comment and we will be discussing these 8 or 9 issues before you.

PUBLIC HEARING OPENED

Mr. Cotton, My name is Robert Cotton, 705 Little St., Valparaiso. I did not come with the intention of speaking but I was compelled to say a couple of things as it relates to concerns that extend downstream in our own struggles to devise a respectful plan to the content and spirit of what's in the ARPA Pandemic Relief Funding? I also wanted to say I appreciate mightily the effort however big of strain it might be to get this thing right for the myriad of resident citizens who are truly deserving of this type of relief. Customarily it's just not found these are the people who generally speaking are often told that there is no room at the inn. We can't be a nanny state. This is an extraordinary opportunity and I think you guys are going to not the cover off of the ball with respect to an example for the remaining cities throughout our County. I do have a concern however though with there being no respect to inhibition similar to the one expressed about people participating who are asking for consideration for themselves. When you talk about conflict of interest as being the reason why there might not be a person asking for money to participate on the steering. In a similar matter in 2019 when Mike Jessen took on mayoral responsibilities in Valparaiso. He did that suggesting he would not subsequently run for the County seat again. I think he has changed in that disposition but what he did at that point in time was recognize the potential conflict of interest for having such a large footprint at the County level and as well at the City. So I think with respect to the inhibition that was placed on people who have an outside footprint or skin in the game I think that an inhibition on that particular Council person, I don't know if you guys are inclined to do that it would be not forthcoming from him. I've been very concerned about the propriety of that, however legal it might be. It just doesn't look good. I would like for that to be taken into consideration. I hope you understand where I'm coming from. I do like the idea of fresh eyes. This is not something to steer this in a manor who requires an intimate knowledge of the County. Someone who can understand the nature of what is in this plan and who the potential targets are and have an unbiased, unconnected fresh eyes to do strictly an objective analysis or steer of us towards good objective decisions that will be beyond reproach versus having a closely woven insider to steer it. I do agree with Com. Biggs with respect to considering someone else in the spot of Stuart Summers. I might add and I hate to have to say this but I admire him to the highest. It's not about him personally. It's about the circumstances and the optics and as well the closeness in proximity to the whole infrastructure. I didn't mean to say a lot. Great jobs guys and come on down to Valpo sometime. Thank you very much.

Ms. Gingerich, Elizabeth Gingerich, 702 Indiana Ave., Valparaiso. As the chair of Christian Business Ethics at Valparaiso University College of Business. There are some key words here and I've been looking at your webpages for any kind of policy on ethics. As a practicing attorney with Mr. McClure as we all know to avoid the appearance of impropriety is tantamount to practice. I'm glad to see these committees composed of Commissioners, County Council people and citizens but I'm wondering why this did not start last May when the first round of money was received and how come it took so long. Also, I did not hear anything in terms of last week's decision about the violation about the open door law. I believe that stems from the October 26th meeting of the Commissioners' is that correct?

Atty. McClure, Is this your question?

Ms. Gingerich, My question is what is happening on the Commissioners' response to that finding?

Atty. McClure, There wasn't a finding of an illegal meeting.

Ms. Gingerich, So the decision last week is null and void?

Atty. McClure, I didn't say it was null and void I said the decision didn't....if you come down and read the actual decision it didn't actually say the open door law was violated.

Ms. Gingerich, Okay, but there is a suggestion that it might be if the potential is there?

Atty. McClure, No that is why we're here today to discuss the committee structure and the potential modification to the original ARP ordinance.

Ms. Gingerich, Okay, with that in mind is there a distinct policy for both....I know you can't speak on behalf of the Council but for the County about ethics in terms of conflicts of interest

recusals that should be mandatory? Is there any ethics policy that the Commissioners have adopted that is available for the public?

Com. Blaney, We're part of the Shared Ethics Commission.

Ms. Gingerich, Okay and with the Shared Ethics Commission what are the key provisions with respect to conflicts of interest and recusals?

Com. Blaney, It is all part of our code.

Atty. McClure, We can have it available and if we want to discuss it on Tuesday we can. We don't have that in front of us right now.

Ms. Gingerich, That's not something on your website that the public can access at this time?

Atty. McClure, I'm unsure as I sit here.

Ms. Gingerich, Okay, well I appreciate again all of your work but Com. Biggs I really appreciate you bringing life to the public on something this important. Once in a lifetime with this multi-million dollar gift basically for us to do some real meaningful work in Porter County. Yes it might take some extra 30 to 60 days to do the right thing. To make that all of the ethical discussions, the points are met. I have your students coming to your next meeting. They are going to be looking for things like this. I'm hoping again a conflicts of interest type of policy will be presented on the website for them to read before coming to the meeting. I do appreciate all of your efforts. Thank you.

Com. Good, Anyone else?

Ms. Talevski, I'm Susie Talevski. I'm from Porter County. I'm the lady who actually filed the complaint with the Public Access Counselor for violations of the Open Door Law. I disagree with County Atty. McClure. It was pretty clear in the decision that the Public Access Counselor said that he found likely violations. And he certainly made clear that the spirit of the law was violated. He also made clear in that decision that this whole ARPA Fund process needed to be done in full view of the public with public participation. That is what he made clear. The Public Access Counselor put in a lot of work. He did an excellent job. I want to thank Luke Britt the Public Access Counselor of this State. I think we should all be grateful to him that he took the time to go through the 50 some pages that you sent down to him which I'm very very curious I noticed that there was nothing in those documents that you sent down that included anything from Com. Biggs. I would like to know from you County Attorney when you received the complaint I assume from Laura Blaney because she was Cc'd along with me did you ever send that complaint to Com. Biggs?

Atty. McClure, This isn't a question and answer.

Ms. Talevski, I'm asking you.

Atty. McClure, Thank you for your question.

Ms. Talevski, Com. Biggs did you receive anything from this County Attorney?

Com. Biggs, Not to my recollection did I receive a copy of that.

Ms. Talevski, You never received a copy from the complaint. So our County Attorney...

Atty. McClure, Hold on.

Ms. Talevski, Can I finish.

Atty. McClure, I'm going to go through the emails. (Inaudible. Interrupted by Ms. Talevski.)

Ms. Talevski, I'm going to finish. I'm going to finish. I'm going to finish.

Atty. McClure, (Inaudible. Interrupted by Ms. Taleveski.)

Ms. Talevski, There was nothing in there from Com. Biggs. Absolutely nothing. With all of the documents. 50 some pages that you sent down. You have 3 Commissioners here and there was nothing from Com. Biggs. So I'm asking did you send him that complaint at all.

Atty. McClure, Yes.

Com. Biggs, I received a copy of the ruling.

Atty. McClure, You got a copy of the ruling and you got a copy of the original complaint.

Com. Biggs, I don't remember receiving that. I don't recall that.

Atty. McClure, I'm going to pull it up here.

Ms. Talevski, Did you get any input? Did you get Com. Biggs' side of the story? Did you anything down to the Public Access Counselor that included Com. Biggs' response because I didn't see anything.

Atty. McClure, The allegation was that there was illegal meetings happening that did not include Com. Biggs.

Ms. Talevski, That's right so did you fairly present that to the Public Access Counselor. In other words did you present the Public Access Counselor the entire story Scott?

Atty. McClure, Of course I did.

Ms. Talevski, Oh I don't know about that.

Atty. McClure, Thank you for your opinion Susie.

Ms. Talevski, You know what that's another thing I don't even know you but you keep addressing me by my first name.

Atty. McClure, I'm sorry I won't do it anymore.

Ms. Talevski, Okay, I have a last name please address me by my last name. I addressed you by your last name correct?

Atty. McClure, Please find attached a formal complaint alleging an Open Door Violation. I will be preparing the response to Com. Good, Com. Biggs and Com. Blaney on January 4th of 2022.

Com. Biggs, I didn't recall receiving it.

Ms. Talevski, Okay and did you ever get a response form Com. Biggs? Did you get any response? Any follow up at all?

Atty. McClure, I prepared the response as I indicated I would.

Ms. Talevski, Right but you put in a lot of effort to prepare that response. Did you try to get any.....?

Atty. McClure, That is the job of the County Attorney which is to defend the allegations made against the Commissioners' office and that is what I did.

Ms. Talevski, Right I understand that. What I'm saying is did you follow up Com. Biggs, to get any further documents from him any....you put in affidavits for example from the others did you try to get anything like that from him?

Atty. McClure, I did not because the allegations that you made did not indicate that Mr. Biggs was involved in any of your allegations.

Ms. Talevski, Right but in order to present the full story he is the one that wrote the op-ed obviously that he was excluded, that the public was excluded. In other words did you really present the full story to the Public Access Counselor?

Atty. McClure, Yes.

Ms. Talevski, Well I don't know about that. People can go read that. I don't think you did honestly. You know?

Atty. McClure, Thank you for your opinion.

Ms. Talevski, Well alright. So the other thing is I read through the article here one thing I noticed was you know um Com. Blaney you seemed confused about the Open Door Laws in this State. How long have you been in like public office?

Com. Blaney, I'm not confused by the Open Door Law.

Ms. Talevski, You're not? It seemed like you said here that you didn't realize that there wasn't any potential violation.

Com. Blaney, One Commissioner and 2 Council people, no that has never been a problem in the past.

Ms. Talevski, No and not having a public meetings for the ARPA Funds that wasn't of any concern to you?

Com. Blaney, The ARPA Funds are new.

Ms. Talevski, They are new but what I'm saying to you that didn't occur to you that should have been done in public?

Com. Blaney, One Commissioner and 2 Council people, no it did not. That's not a majority of either (Inaudible. Interrupted by Ms. Taleveski.)

Ms. Talevski, I'm asking you whether the whole ARPA Fund deliberation process...

Com. Blaney, Weren't you here earlier when I presented this whole entire process?

Ms. Talevski, I'm talking about from the onset from last year, because obviously we're almost like one year behind now.

Com. Blaney, We have lots of time.

Ms. Talevski, We do have lots of time, but my understanding the money has been there for....

Com. Blaney, Since March.

Ms. Talevski, March of last year. Pretty much nearly a year.

Ms. Urbanik, Correction it was May that we received it.

Com. Good, And from May there were 5 different versions that came out from May over the next year of how the ARPA Funds had been changed 4 or 5 times.

Atty. McClure, With the interim guidance.

Ms. Urbanik, The interim final rule came out in May, but we all knew that that was not the final rule and we were waiting for the final rule at least my perspective was I really wanted to wait until the final rule came out. I have attended enough workshops to know that there were a lot of public comments, a lot of discussion about potentially changing some of the provisions.

Ms. Talevski, I'm not understanding. You guys wanted to wait until the final rule for what?

Ms. Urbanik, I'm not speaking for the Commissioners or the Council. I'm speaking from my perspective. I wanted to wait until the final rule to see exactly how any of the provisions might be changed.

Ms. Talevski, Okay that's a good idea. I guess I'm just wondering what does that have to do with last year with the deliberations with the ARPA Fund. The money was here. There was an interim final rule. They went through their own private process of making the allocations. I'm asking whether Com. Blaney seems confused as to what should be done in public with the participation of the public because she...I mean to me in this article I read by Doug Ross here seemed a little bit confused. Like she didn't have a good grasp of the Open Door Law.

Ms. Urbanik, My response was to what was just brought up here about how there has been changing interpretations and analysis in response to the interim final rule that came out last May. That's what I was addressing.

Ms. Talevski, Alright, okay. One thing Com. Blaney you know it seems pretty clear here....do realize that you did something wrong even?

Com. Blaney, You know what Susie I read the opinion.

Ms. Talevski, Again, I call you by your formal name. Please call me by my last name. I think it's rude to call people by their first names when they are up here.

Com. Blaney, Your election signs said Susie all over town. (Interrupted by Ms. Talevski).

Ms. Talevski, That's what I'll call you Laura. Should we be on a first name basis? I don't know.

Com. Blaney, I'm just telling you where it came from. It wasn't from a position of disrespect.

Ms. Talevski, I think it is a position of disrespect.

Com. Blaney, I'm telling you where it came from. I saw your Susie signs when you ran for office.

Ms. Talevski, That was like 2 years ago.

Com. Blaney, Well that's when (Interrupted by Ms. Talevski).

Ms. Talevski, I don't even know you personally so.

Com. Blaney, You certainly don't.

Ms. Talevski, No so I'm asking you to address me by my last name.

Com. Blaney, Okay.

Ms. Talevski, I'm just asking you you know?

Com. Blaney, We're here to take public comments. When you're finished I'll respond.

Ms. Talevski, Well I'm asking you right now.

Com. Blaney, We're not going to keep going back and forth with you. It's become some kind of personal (Interrupted by Ms. Talevski).

Ms. Talevski, Even though I don't know you I'm very disappointed in you more than anybody else honestly. Okay because you should have been the leader on this whole ARPA Fund process.

Com. Blaney, (Tried to speak but interrupted by Ms. Talevski.)

Ms. Talevski, This is a bill that is passed by the Democrats. It is signed by Democratic Congress. Honestly I would have hoped that you would have been the leader to do this whole process and following the letter of the law, the spirit of the law. Having public input and doing it in a proper way. Instead what I saw and what the public saw is you basically engaging in a lot of private discussions with Com. Good some of the other Council members. Those allegations did not just manifest themselves through telepathy from you to our County Attorney so they had to...

Com. Blaney, (Inaudible) putting a plan together and bringing it to a meeting to be discussed.

Ms. Talevski, And then having the entire thing passed. Basically only one person.

Com. Blaney, I talked to a couple of Council members. (Inaudible. Interrupted by Ms. Taleveski.)

Ms. Talevski, I don't understand. How could you think that's fine?

Com. Blaney, I brought it to a public meeting Susie. (Inaudible. Interrupted by Ms. Talevski.)

Ms. Talevski, You brought it to a special meeting. These special meetings you guys give 2 days' notice so that the public basically cannot attend. This meeting is a special meeting. The meeting that the allocations happened that was a special meeting. Most people do not know about them. You guys give 2 days' notice for a 10:00 meeting. So it indicates to us that you don't care what people think.

Com. Blaney, Those are the rules we don't make the rules.

Ms. Talevski, Those are the rules wow Laura give me a break. You just don't care. You want to disenfranchise the public.

Com Blaney, (Inaudible. Interrupted by Ms. Talevski.)

Ms. Talevski, That is not. It's not. People can see what's going on and how much we've had to push against you and fight against you. To literally force you to open up a public process. That's what we've had to do. I've had to complain to a Public Access Counselor about you and your colleague here just to get things set on the right track. You know it would be great if these meetings were in the evening so more people could attend. I think other people have voiced this concern over and over again. You don't seem to care. You basically behaved like you're the queen of Porter County and now the surfs the pheasants are fighting back because ultimately that money belongs to the people of the County. Now what you're trying to do is you're trying to put someone who I have only heard negative things about. His name is Stu Summers. I never heard okay but apparently as the leader of this whole ARPA Funds process. You know why not open that up? I mean this lady over here I don't know her but she's a professor over at Valparaiso University of Ethics and Business and Law that kind of person to me would seem an excellent choice. I don't know if she would be interested in something like this. Why not open consideration to others rather than your handpicked toadies. Your cronies essentially is what you guys want to put in there. It's almost beyond ridiculous what is going on in this County. This County is not Lake County. This County is Porter County and what you guys are trying to do is take us down to that nevo. No offense to my people in Lake County. Okay. You engaged in some rather unscrupulous disgraceful behavior in my book. You know. And putting Stu Summers in there is just a continuation of that. You don't seem to recognize it. You obviously have a pretty high consideration of your ability to manipulate people. At some point the people are waking up and have had enough of it. You have not even said I'm sorry. Neither of you of course you just didn't even make any comment as to your behavior of not engaging the public. It was clear if you read the entire ARPA Funds process that it kept repeating in there that the public needs to be engaged. It said that in the interim final rule and the final rule. It also says how they want basically equitable treatment of disproportionately impacted populations. There is nothing in there really that you guys came up with that targets disproportionately impacted populations. Nothing. If you had done this properly from the beginning the people everybody on these committees hopefully you know active and take it seriously they would have seen all of that and hopefully come up with a much better plan. You know. Right now you guys you want to push through 3 of these things. I think you know obviously just to get things going. I know everybody would like to get the payout to the first responders so that seems to be okay. And of course everybody wants the Federal Matching Program and the \$25,000.00 study is enough, but everything else needs to go to committees. Literally everything else because the \$500,000.00 is really not enough for the Trustees. In fact we need to get all of the Trustees in here during those sub-committee meetings and here from them. What do they need? They actually probably need a lot more money you think.

Com. Blaney, That is why we set this up.

Ms. Talevski, I'm glad. That's why if you had follow Lt. Suzanne Crouch's recommendations in the beginning in her document she put out from OCRA then we would have been on this process a long time ago. I encourage you guys to read through that document and follow that document. I hope that this Stu Summers is not included at all. Hopefully he won't want to be included now. People are not in favor of that. Stop including your cronies in all of these things and I also want to back up Councilman Bob Cotton. One of the Council members on the County Council has an inordinate amount of influence in this County and that is Mike Jessen. When he was appointed to be the City Manager of Valpo there were multiple articles that I read that said he was not going to run for the County Council again and here he is running for the County Council again. He's a double dipper essentially. You know he's got money coming in from his big job over there as the City Administrator and now of course he wants to maintain being a County Council member. He should not even be on any of these committees, because

he has way too much control. He shouldn't even be running for office again. He should keep his word. He said I'm not going to run again for re-election. Then don't run.

Com. Blaney, You need to take that up with him. (Inaudible. Interrupted by Ms. Taleveski.)

Ms. Talevski, Of course. I'm just saying he shouldn't run again. I will certainly voice that concern at the next Council meeting. You guys know what I think and again I want to thank Com. Biggs for getting this out to the people. This never would have happened without him. I hope you guys you know learn from him and stop engaging in sleazy unscrupulous behavior you know. You guys got caught. Just know that the people are not completely asleep. I hope more people come out here from Porter County.

Mr. Breitinger, My names is Walt Breitinger. I live at 608 Academy St. In case the public didn't understand and I'm not sure that I did but it sounded to me as if the whole program is going back to the drawing board so to speak with 4 items which you all have agreed to continue.

Atty. McClure, No decision has been made on that until Tuesday.

Mr. Breitinger, Okay but there was a proposal that I thought the 3 of you...

Atty. McClure, (Inaudible) proposal discussed.

Mr. Breitinger, That was for the Premium Pay for the first responders, \$500,000.00 for the Township Trustees, and \$2.2 million for the Marquette Trail and \$25,000.00 for Behavioral Health. That is kind of a simple summary that I think the 3 of you just agreed to promote at the next meeting. Did I basically get that right?

Com. Biggs, That is correct.

Mr. Breitinger, I want to thank you for doing that for whatever reason it occurred. I congratulate you and praise you for going back to the drawing board and engaging the public and also for keeping those 4 items. To me it sounds as if some of these are absolutely essential. My understanding there is Federal money regarding the Marquette Trail that will match that and if we delay that for a year we would lose that Federal money. So I can see that. The tiny bit for Behavioral Health seems so perfectly (Inaudible) with what I understand the money is supposed to go for.

Com. Biggs, That is already under contract and they've already been working on this.

Mr. Breitinger, Not only do I have no complaints about that but I think it's wonderful. I think that you have chosen those and that the 3 of you can come to some sort of agreement. I will stop there. Thank you very much.

Ms. Miller, Hi I'm Dawn. I live here in Valpo. I just had a couple of questions. Ms. Blaney how much were you thinking that would be enough for the Opera House? I mean the \$5.5 million seems like extreme. I'm just curious.

Com. Blaney, I don't have a number.

Ms. Miller, I apologize Ms. Blaney I didn't hear your answer.

Com. Blaney, I didn't have a number and that will go to the committees. Probably the committee that Mr. Good will be sitting on not me.

Ms. Miller, I guess the other thing would be the Behavioral Health only getting \$25,000.00.

Com. Blaney, That is only for the study.

Ms. Miller, I'm sorry.

Com. Blaney, That's not a total.... (Interrupted by Ms. Miller).

Ms. Miller, These are just things that I just wrote down that I just have questions about. I mean I'm not interrupting.

Com. Blaney, I'm just clarifying. It is for a study only so we know how to allocate funds where they need to go in that area appropriately (Inaudible) funds.

Ms. Miller, Okay is the \$2.5 million for the Trail really necessary? These are just questions I'm just curious about. It's a lot of money. Anyone can answer that.

Com. Good, The Marquette Trail is a trail we have been working on for over 5 years. It has been discussed publicly multiple times. It is actually a departure from an original trail that was on an easement by NIPSCO. After a gas line was put in on top of it they basically came back and said if you are going to build a trail on our easement it has to be a road. Then we decided to move off of that easement because of the expense it would cost to build a 10 mile trail. We have been working with the National Park Services, NITCD and everyone else up there to develop a 9 mile trail from Chesterton to the LaPorte County line that will tie into their trail system through Michigan City all of the way to the State line. The project is in 3 different phases right now. There is one phase that is right around the Chesterton station that is currently being funded now by NIRPC through Federal funds. There are 2 more phases that will be the bulk of the rest of the trail. That is what is in for Federal Funding right now. This will be part of our match money to build out the rest of that trail. I hope I answered your question.

Ms. Miller, Oh yes, I appreciate it. Thank you. Unfortunately my other questions weren't answered but I guess. I'll get those answered next time. I was trying to address and I'm sorry you were attacked before. Maybe you feel defensive. The questions that I feel that I'm asking about how much you feel should be going towards this Opera House because apparently....are you on a Covid committee? Are you on any kind of committee that has any kind of...?

Com. Blaney, I don't have a number yet.

Ms. Miller, I understand you don't have a number. I'm just saying do you have any idea...I'm trying to keep my composure because....you don't have a number but I'm sure there is something. A dollar? There's nothing? I'm saying from 1 to \$5.5 million you have nothing that you could just say?

Com. Blaney, I think it would be irresponsible for me right now to put a number forward when we don't have the committees going yet. We don't have all of the input and we don't have all of the competing plans.

Ms. Miller, I just think that more of that money that \$5.5 million that is being considered could go more towards anything, the Behavioral Health, anything other than that. That's all I have to say. Thank you.

Ms. Vaxter, Sue Vaxter, I live in Valparaiso, 656 Franklin St. The first thing I want to talk about is the Opera House. I don't know if it was brought up at the last meeting or not but if you change the footprint of that building you will take it off of the National Register. I don't know if anyone has mentioned that before. I think it's very important. I've been to 2 open houses at the Opera House. One when it was completely repainted, remodeled inside. I don't how long ago that was 25 years ago. Then I went to another 5 years ago. New carpet, brand new seats were given to them from the Star Plaza. I believe 3 remodels in my lifetime is almost too much. The other thing I want to say is a lot of people do not know about these ARPA Funds. A lot of people. I've been posting on Facebook and there are a lot of comments. A lot of people are very concerned. A lot of people agree Ms. Talevski. A lot of people do not know there are text messages. I had no idea. Since nobody knows about this I'd like to know how you guys are going to publicize how the residents can apply because just having one article in one newspaper in today's day is not enough. I'm going to do what I can to let people know that they can apply but there is only so much I can do myself and it needs to be out there. Like I said nobody knows about the text messages. I'd like to see a raise of hands how many people got here because of the text message? Two I guess. I'm glad that you guys made some changes. I'm glad that I'm on the text messages now. I'm concerned about the tourism that is why I'm attending these meetings for the first time ever because of the tourism aspect that is involved and because of the Opera House. Thank you.

Ms. Bacino, Good morning my names is Debbie Bacino, 368 Wilshire Ct., Valparaiso. I am here because of the text messages. I felt like it was a great way to get these type of meetings out to the public so that the public could be a part of the input. Not just this funding discussion but on all projects in Porter County. I do commend whoever decided it was a way to reach out to the citizens of Porter County. I think it can be affective. It is my responsibility as a citizen of Porter County to read them. To find out what time they are. To make an effort to be here and to talk to my fellow residents about the type of opportunities that they are. I do think it has been affective even though there may only be 3 people here today. Three is better than none. The other thing I would like to address is that I am thrilled that you would like to have the Storm Water Committee here to bring forward input. I spoke up at a meeting as a resident of Shorewood about concerns and as a resident I put myself out there having no understanding about any of it, but was really willing to learn about the process. So when we question the process about gaining knowledge

and understanding it really is not in anybody's best interest to bring forward allegations or misrepresentation of information. In the course of the last 2 years I have learned a great deal about the structure of the storm water system in Porter County. Knowing that the system in Shorewood is 50 years old and is failing. While there are a lot of citizens vying for opportunities to have a portion of this pot of money I do think that my interaction with councils and committees has been nothing but inclusive as just a resident. As I said I hold no position. I don't claim to know any politicians on a first name basis or in their pocket, but I do feel that it is my responsibility to get to know who they are, what they represent and then share what I represent as a citizen. My comments are purely just to say kudos to bringing forward more information about storm water and I think that more people will get involved. I hope that people will do the due diligence to kind of seek out the information and not listen to Facebook posts. Thank you.

Mr. Taylor, Good morning my name is Kenard Taylor. I live at 306 Napoleon St., Valparaiso, Indiana. I would like to address a couple of issues. First of all your contact information is on your website correct? We elected each one of you 3 to represent us in the County correct? The entire County elected you. In doing the administration or the County business what is your annual budget for the County approximately?

Ms. Urbanik, The General Fund is about \$42/43 million.

Mr. Taylor, It is about \$43 million per year.

Ms. Urbanik, Just for the General Fund. If you add in Cum. Bridge, CCD, Health Dept., the Jail Bond, LIT. It's a lot higher. I would have to add it all up. It's much....

Mr. Taylor, We could probably go \$60 to \$80 million a year. Each year a series of hearings are held to allocate those funds by the County Council and by the Commissioners and each department allocates funds which then the County Council eventually approves. So the administration currently every year is about \$80 million. How many people from the public attend those meetings and come forth with recommendations for changes in how that money should be spent? My experience in attending meetings of this type very very few. Yet now we have all of this up rise when you are following your normal processes. It is interesting that this takes on such a different reflection than a normal process. I think that there is a lot of concern that ought to be expressed other times of the year. Not just this time of the year, because this process is no different than what has been expressed in other processes. There are open discussions, there's meetings, there are adjustments to the budgets every year. From very serious meetings conducted by the Council and by the Commissioners. I find that it's interesting that this creates such a change. When we elected you to actually do those duties. You are living up to your responsibilities in conducting the business the way that you have done as a Commissioner. I know some people in the background disagree with me, but that is the facts of life and I have been involved in these activities and I served on the City Council in Valparaiso for 5 years. So I know how it works. The last thing I would like to cover that was brought up this morning is the election of a person in one body of government while maintaining a job in another body of government. That has been discussed at the State level and there is State law that allows that to be permitted. You are allowed to be elected to a County Council while serving as a city or town person in that job. There is not a conflict of interest. Where the conflict of interest that the State law addresses is you cannot serve on the County Council and work for the County because then you would be voting on your own budget. These are two separate entities the City and the County. Any city and any county. Any town and any county and any county and any township are different entities. This is not the first County Councilman that we've had that served another entity of government. So to treat that particular individual any different that has been treated in the past or should be treated in the future or treated differently than State law allows in my estimation is an error by any board that would do that. Thank you.

Com. Good, Anyone else?

Ms. Kusmic, My name is Penny Kusmic. I live at 205 Haas St., Valparaiso, Indiana. I beg to disagree with the gentleman's comments that this is unusual that people would be speaking up at the time. That it is kind of out of the norm. Obviously people are waking up. This money is not just General Funds for the County that are allotted every year. This is special money, supposedly a gift. Although it's a loan we're taking as a country. If anybody knows about being in debt and anyone who has ever been in debt that's not a good idea. Okay so we're getting the money, but anyway this Covid thing has invaded our lives. We spent the last 2 years with people being locked down, locked out, locked in, and masked up, jabbed, basically getting sick and families losing family members. This is supposed to be money that is addressing this problem. I think anybody that has some common sense about it looks at it and goes okay...until the last meeting I came to had a big red sign on the door "we're in red". Okay then why is it that when we get into the meeting all of the money that is being allotted going for nothing that has anything to do with it?

It just made no sense to me. I like what Mr. Cotton said. He said he was hoping to get some fresh eyes because these are thoughts I've had since the beginning. I mean they made it into a political thing but I started researching back before it even got to the United States because I saw it in China and it's going to end up over here. I better do some research so I did. A lot of deep diving. So far the way they have actually dealt with this is to lock everybody up, shut businesses down, stick a mask on your face and eventually get vaccinated which they're admitting lasts about 4 months. Okay so fine but where has the real help been. If you go to the Health Dept. you can't even...the woman won't even answer the phone. What is her name Dr. Stamp? I've called numerous times, left messages, never get a call back. I'm sorry what is that all about? Third world countries were giving out health kits. Okay, okay they are third world countries so they can do that right? There has been no general help as far as...you know my suggestion for some of this money would be actual medical help like

I looked on the Health Dept. website and thought what is actually going on in there and I found that they'll do all of these tests for free which I thought that's just wonderful. There's no Vitamin D test and I actually discovered this years ago when my daughter had a real bad case of eczema and I took her to every specialist I could find. The best out there and finally went to my regular health link and said do something. They ran tests and found that her Vitamin D level was so low that they gave her a shot of 50,000 units. (Continued to discuss her daughter's eczema.) If you go and do any research and look at the medical papers it states clearly that 70 to 80% of people that get the flu, any kind of virus, any kind of sickness especially Covid 70 to 80% of them are deficient in Vitamin D. Have you heard anyone actually talk about that? Do we have anyone in our Health Dept. actually trying to keep people from getting sick? Then how about some money going for the government building for air filtration systems? There are U.V. light systems out there and if you would actually look into it it's not even that expensive but we have money going everywhere else. Yet this is supposed to believe...I mean where is the trust here? Where is the trust? If you want us to think everybody is an expert or they are doing the right thing you might actually try being an expert and do the right thing. Anyway I'm glad that they are actually going to be looking into spending this money for and hopefully when there is money left over then some of these projects would get taken care of. I was thinking when the nice lady got up who lives in Shorewood and she mentioned that her storm water systems aren't working I mean I feel your pain. You know it's been there for 50 years and it doesn't work. Well my house was built in 1854 and I hate to tell you but my storm water system doesn't work either, but certainly not here asking for it to be addressed with the Covid money. In fact when I tell people in other areas I have a sister that lives on the other side of the State I was telling her what was going on here. She's like oh my. Then I was telling somebody up in Michigan what was going on and they are like oh my. I said well you better look into your local government. Who's thinking, who's thinking that people are not doing the right thing. We're trusting you guys to actually have some common sense on this. I understand it's a wonderful gift/loan. Watch out for the IMF folks. I'm serious. Everybody thinks the FED is our Federal Government. It is not. And anybody that wants to know what happens if your country defaults look up what happened in Greece about 5 or 6 years ago. They cleaned everybody's personal bank accounts out and their retirement accounts out to pay back the IMF. If you think it can't happen in this country you need to wake up. Thank you very much.

Ms. Urbanik, I was asked by Com. Biggs when these funds need to be obligated? Ms. Kusmic made a good point if there is any monies left over then use it for other projects. Keep in mind obligating means December 31, 2024. So if any contracts that you might let or any appropriations or proposals come in lower that obligation has to be done by 2024. I would recommend that earlier in the year 2024 identify all of the costs because....

Com. Good, It's completion of project or funding started?

Atty. McClure, It's a project brought all the way to contract and the contract approved and the money allocated by the date that she has said.

Ms. Urbanik, It's like an obligation to pay that is how the rule describes it so it's an actual bill that we would have to pay. So if there is any money left on the table on December 31st, 2024 you can't use it.

With no further business the meeting was adjourned at 11:20 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor