

BE IT REMEMBERED THAT, The Board of Commissioners of the County of St. Joseph met in a regular session in the County City Building on February 21, 2017 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Andrew Kostielney, Dr. Deborah Fleming D.M.D., and Dave Thomas were present.

PLEDGE OF ALLEGIANCE

The minutes of the last meeting were unanimously approved.

Michael J. Hamann, County Auditor, was present and recorded the minutes of the meeting.

Dr. Fleming moved to amend the order of the agenda.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

OPENING AND READING OF BIDS ON:

Mitch Heppenheimer, County Attorney.

a) County owned properties

We have received some bids and would like to review them and later present my findings.

Dr. Fleming moved to accept the above proposals for further study and review.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

Jessica Clark, County Engineer, offices on the 7th floor.

b) 2017 St. Joseph County Highway Annual Bid for:

Bituminous Patching Materials

Phend & Brown, Inc.
367 East 1250 North
P.O. Box 150
Milford, IN 46542

Rieth-Riley Construction Co., Inc.
P.O. Box 1775
South Bend, IN 46634

Walsh & Kelly, Inc.
24358 State Road 23
South Bend, IN 46614

Drainage Pipe & Structures, Guardrail, and Bridge Materials

American Timber Bridge
8767 Waruf Ave.
Portage, MI 49002

Debco Metal Culverts
P.O. Box 8
Francesville, IN 47946

James Drew Corporation
8701 Zionsville Rd.
Indaianpolis, IN 46268

St. Regis Culvert Inc.
1101 S. Kitley
Indianapolis, IN 46203

Traffic Paint & Signage Materials

Allstates Coatings Co.
100 N. Lee Dr.
Gladewater, TX 75647

Custom Product Corp.
1120 Flowood Dr.
Flowood, MS 39232

Davies Imperial Coatings, Inc.
1275 State Street
Hammond, IN 46320

Ennis Paint, Inc.
115 Todd Court
Thomasville, NC 27360

Frost Signs
201 Lincolnway West, Ste. 200
Mishawaka, IN 46544

Hall Signs, Inc.
4495 W. Vernal Pike
Bloomington, IN 47404

Julia Bry's
591 Glendale Ave.
Greenville, AL 36037

Osburn Associates
11931 Stae Route 93 N
Logan, OH 43138

Stello Products, Inc.
840 W. Hillside Ave.
Spencer, IN 47460

Unistrut Midwest
2125 S. Keystone Ave.
Indianapolis, IN 46203

Dr. Fleming moved to accept the above proposals for further study and review.
Motion seconded by Mr. Thomas.
Motion adopted by a 3-0 vote.

BOARD OF PUBLIC WORKS:

A)
IN THE MATTER OF APPROVAL
OF 2017 BID AWARDS FOR:

Jessica Clark, County Engineer, offices on the 7th floor.

1) Fuel and Lubricants

It is recommended to award Bellman Oil Company, Inc. as low bidder for all kindred items, Petroleum Traders Corporation for Diesel Fuel and Co-Alliance LLP for Gasoline. It is

further recommended accepting all bids in the event the low bidder is unable to supply materials when requested.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

2) Liquid Bituminous Materials

It is recommended to award Bit-Mat Products as low bidder. It is further recommended accepting all bids so we may purchase from the low bidder depending on availability.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

3) Miscellaneous Aggregates

The low bidder for each garage varies by item and is highlighted in the tabulation for your information. It is recommended that all bids be accepted, so we may purchase from the low bidder depending on availability. This tabulation can be obtained from the Engineering Department.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

B)

IN THE MATTER OF APPROVAL
OF RIGHT OF WAY SERVICE
AGREEMENT FOR THE BRIDGE
NO. 58 REPLACEMENT OVER
PINE CREEK ON UNDERWOOD
ROAD PROJECT DES NO 1400780

This agreement establishes a fee not to exceed \$13100.00.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

C)

IN THE MATTER OF APPROVAL
R & S 91401 3-2 ELMWOOD ROAD
DRAINAGE IMPROVEMENTS PROJECT
COMPLETION AFFIDAVIT

The final project amount is \$160217.11.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

D)

IN THE MATTER OF APPROVAL
OF STATE LOCAL PUBLIC AGENCY
PROJECT COORDINATION CONTRACT

SUPPLEMENTAL NO 1 FOR
ROUNABOUT INTERSECTION
IMPROVEMENT AT EDISON ROAD
AND ASH ROAD

The supplemental agreement revises the fiscal year to FY 2018 so the federal funding is made available per the current construction letting schedule.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

E)
IN THE MATTER OF APPROVAL
OF STATE LOCAL PUBLIC AGENCY
PROJECT COORDINATION CONTRACT
SUPPLEMENTAL NO 1 FOR
LASALLE TRAIL BIKE & PEDESTRIAN
FACILITY, PHASE II DES NO 1400641

The supplemental agreement revises the fiscal year to FY 2018 so the federal funding is made available per the current construction letting schedule.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

F)
IN THE MATTER OF APPROVAL
OF CONSTRUCTION ENGINEERING
AGREEMENT FOR THE LASALLE
TRAIL EXTENSION PHASE II FROM
DARDEN ROAD TO AUTEN ROAD PROJECT

This agreement establishes the fee necessary to perform these services at an amount not to exceed \$80000.00. All payments are based on actual work performed and the total contract will not exceed 12.5% of the project final construction cost.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

G)
IN THE MATTER OF APPROVAL
OF PRELIMINARY ENGINEERING
SUPPLEMENTAL AGREEMENT
NO 1 FOR THE LASALLE TRAIL
EXTENSION PHASE III FROM
AUTEN ROAD TO IN/MI STATE
LINE PROJECT

This is a federal aid project and trail projects now require a geotechnical analysis in order to comply with the project guidelines required for federal funding. The additional services amount to \$11220.00. This agreement revises the amount not to exceed \$191120.00.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

H)
IN THE MATTER OF APPROVAL
OF DECLARATION OF SEASONAL
WEIGHT LIMITS ON COUNTY ROADS

Ms. Clark states that per Ordinance 66-97 I am filing a written order to establish seasonal weight limits to restrict certain vehicles of in excess of 8 tons to travel on the attached list of roads. There are vehicles of necessity that will be exempt from this such as school buses, public transit, emergency vehicles etc. The list can be obtained from the Engineering Department.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

I)
IN THE MATTER OF APPROVAL
OF FINAL CHANGE ORDER R&S
91601/1-1 MISCELLANEOUS ROAD
RESURFACING/REHABILITATION
IN COUNTY SUBDIVISIONS
DISTRICT I, II, AND III

The final amount for this project is \$2023314.05.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

OLD BUSINESS:

IN THE MATTER OF APPROVING
RESOLUTION R-C-3-2017 OFFICIALLY
AUTHORIZING EMINENT DOMAIN
PROCEEDINGS ON A PIECE OF
PROPERTY LOCATED IN OLIVE
TOWNSHIP ON EDISON ROAD
IDENTIFIED AS PARCEL NO.
71-01-36-300-001.000-17

Dr. Fleming moved to untable the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

Bill Schalliol, Executive Director of Economic Development, offices on the 11th floor.

This property is necessary. It is one of the properties identified by the redevelopment commission, as well as two consulting firms working with us on the rail construction project and the Niespodziany Ditch relocation project. This property is key to property that we need at the head of the project at the north end for both of these projects. All of the proper steps have been taken in this process. We have made an offer and the property owner has made a counter offer. The amount is not in the scope of the original offer so we ask for your approval to proceed with eminent domain for this property.

Mr. Thomas. This was previously tabled due to a question of if the land owner had been notified of this public hearing. Was the owner notified by certified letter?

Mr. Schalliol. As I understand there is no notice provision for this step as it relates to this process. We made sure the notice for the agenda was correct as it related to the revised resolution at the last meeting.

Mr. Thomas. That's true because at the last meeting the wrong address was advertised. This time the correct address has been advertised but the homeowner has not been notified.

Mr. Schalliol. There is no notice provision for this step.

Mr. Thomas. That seems odd to me but that is the way the laws are. Some of the neighboring parcels are listed as St. Joe County Shared Assets LLC. Do you know who that is?

Mr. Schalliol. That is the St. Joseph County Energy Center. They also own the parcels on the northwest corner of Edison and Walnut.

Mr. Thomas. As I was told in the future you desire to build the railroad spur correct?

Mr. Schalliol. And be part of the Ditch relocation project correct.

Mr. Thomas. Over the last several years before you worked for the county, all the discussion on ditch relocation was to occur south of the wetlands. Apparently now there is a change to move the ditch through the wetlands.

Mr. Schalliol. Not necessarily. The whole corridor is being studied for realignment. What we are looking to do ultimately is to create a designated path for the ditch, the rail, and any other utilities that may need to go through there. One of the challenges that we have is how the ditch realignment process works with the rail as it does with the discharge requirements at the energy center. So there may be absolutely no ditch relocation at this parcel except improving the ditch or it may require moving the ditch to the east side of the property. Which we would have control over. It would allow for proper access to the discharge points at the energy center.

Mr. Thomas. When you say control over that would mean you still have to get permits from the drainage board. Will there be any INDOT or IDEM permits required?

Mr. Schalliol. As part of the permitting process actually an agenda item that will be on your agenda later today we are having some additional reviews done of what those permitting requirements will be. The drainage board has been kept aware of this project.

Mr. Thomas. There is a lot of risk if the ditch is moved through the wetlands. Do you recall the appraisals from the last meeting?

Mr. Schalliol. The average appraisal is determined based on two independent appraisers which was \$344000.00.

Short discussion on averages and methods of appraisals with information contained in reports.

Mr. Thomas. What would the county's payout be?

Mr. Schalliol. \$344000.00.

Mr. Thomas. This information just came to me not long ago but by state law if eminent domain is used to take someone's land they have to pay 150% of the land value. So first I want to make sure we have that appraised. You say that is done by state law. I wonder is this \$344000.00 figure the 100% or 150% of the appraised value.

Mr. Schalliol. It is the average appraised value. I would defer this to counsel.

Mr. Woods. The law requires a fee compensation is due a landowner for a taking of the fair market value of the property that is being taken. There is no requirement that 150% has to be paid. Examples are given of this procedure in St. Joseph County.

Mr. Thomas. I was informed by competent sources that there is a state law that we would have to pay 150%.

Mr. Woods. If there is I am not familiar with it.

Mr. Thomas. I don't mind if it is a few feet for an easement. How many acres is it?

Mr. Woods. If I may comment. The fair market value is determined by the appraisers which is \$344000.00. Even if 150% of the property value is paid it would put us around \$670000.00. The counter offer we received was \$1.8 million. So I still don't see where we can reach a point to bridge that gap. Keep in mind through this process the court appoints three independent appraisers to again come out and look at the property and prepare a joint report to turn into the court. Even if that is not favorable to the landowner they can have a trial over the value of the property. There are safeguards in place here.

Mr. Thomas. It is just something with taking someone's land that just cuts against the grain of what I envision in America. Three passages from the Bill of Rights are read and some discussion on views of these passages as related to the current situation. The third paragraph of the resolution is read. I personally do not desire.

Mr. Kostielney. There may not be an immediate use for this but it has been identified through the years in a number of surveys and other areas that one of the limitations of development in this area is lack of rail service. That is why we have received quite a few comments and inquiries if there was rail at that site. If we real in that ditch an open up, being able to develop that property it would be very significant for the economy of St. Joseph County.

Mr. Thomas. Since it was brought up about the economic desire. Those are theories and currently there is a study being done correct? To see if we need any railroad development in St. Joseph County. That study has not been responded to the results are not back yet are they? Mr. Schalliol. Actually the scope is not do we need rail but it is how do we use the rail we have. It is more of a proactive than reactive view of the rail opportunity. In fact we have rail developers coming in next week to meet with us to look at rail opportunities in St. Joseph County. Rail was a pressing need. The chamber had many leads that had rail requirements to them. We have not been able to sufficiently respond to those opportunities because we aren't positioned at this time for rail. For positioning land, creating product, creating opportunities for St. Joseph County, that's what this eminent domain action is today.

Dr. Fleming moved to accept the above request.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-1 vote.

REPORTS AND REQUESTS FROM:

COMMISSIONERS

**A)
IN THE MATTER OF APPROVING
THE ACCOUNTS PAYABLE DOCKETS**

Dr. Fleming moved to accept the Accounts Payable Docket as read and outlined.
Motion seconded by Mr. Thomas.
Motion adopted by a 3-0 vote.

**B)
IN THE MATTER OF APPROVING
A MEMORANDUM OF UNDERSTANDING
CLARIFICATION OF CERTAIN
PROVISIONS OF COLLECTIVE
BARGAINING AGREEMENT FOR
PSAP EXECUTED ON NOVEMBER
22, 2016**

Peter Agostino, 131 S. Taylor.

This memorandum is to clarify a provision in the collective bargaining agreement. It eliminates section 25.2 from that agreement. This is due to payment be discussed specifically about payment of holiday time for employees in the 911 center. The effort was made by the employees to bargain for payment of all holidays whether they worked or not. The determination was that we could not go forward with that. This was brought up with the union and they agreed with what the original intent was therefore we are correcting this with a memorandum.

Dr. Fleming moved to accept the above request.
Motion seconded by Mr. Thomas.
Motion adopted by a 3-0 vote.

**C)
IN THE MATTER OF APPROVING
NIESPODZIANY DITCH RELOCATION
SUPPLEMENTAL AGREEMENT NO. 1**

Bill Schalliol, Executive Director of Economic Development, offices on the 11th floor.

This agreement is for Lawson-Fisher Associates to perform addition Preliminary Engineering and Design services related to the Niespodziany Ditch relocation in the New Carlisle Industrial Park area. The supplemental scope of work will include: Acquiring additional survey information downstream to verify capacity and condition; conduct geotechnical investigation; future design concepts related to SR 2 cross points and design

modeling for retention ponds at various locations; regulatory requirement review; and completion of a draft Preliminary Engineering report.

Dr. Fleming moved to accept the above request.
Motion seconded by Mr. Kostielney.
Motion adopted by a 3-0 vote.

D)
IN THE MATTER OF APPROVING
2017 FINANCIAL CONSULTANT
SERVICE AGREEMENT

Bill Schalliol, Executive Director of Economic Development, offices on the 11th floor.

This is an agreement with Cender & Company to provide financial consultant services to perform TIF and EDA review services related to all four of the Redevelopment Commission's economic development areas. This agreement is not to exceed \$40000.00.

Dr. Fleming moved to accept the above request as read and outlined.
Motion seconded by Mr. Thomas.
Motion adopted by a 3-0 vote.

ADD ON
IN THE MATTER OF APPROVING
INDOT CODE OF ETHICS AND
CONFLICTS OF INTEREST

Mr. Woods.

This is the requirement do to federal law changes that have required entities that receive federal highway funds to have a policy that governs contributions made by professional services firms including design and engineering firms related and others that provide public work services to St. Joseph County. It sets a minimum threshold for contributions that could be made personally. This does not impact anything with your political action committees or campaign committees or anything along those lines. This is just a policy that conforms with the recommendation of INDOT.

E)
IN THE MATTER OF APPROVING
BILLS PASSED BY THE ST.
JOSEPH COUNTY COUNCIL

<u>BILL NO.</u>	<u>ORDINANCE NO.</u>
03-17	06-17
04-17	07-17
05-17	08-17
06-17	09-17
07-17	10-17
08-17	11-17
09-17	12-17
10-17	13-17
11-17	14-17
02-17	15-17
*52-16	17-17
*69-16	18-17

*as amended

Mr. Thomas makes a motion to table ordinance 14-17 as read and outlined.
Motion seconded by Mr. Kostielney.
Motion passes 2-1.

Dr. Fleming moved to accept ordinances 6-17 thru 13-17 and 15-17 as read and outlined. Motion seconded by Mr. Thomas. Motion adopted by a 3-0 vote.

The next ordinance that will be discussed is 17-17 this ordinance is establishing responsive and responsible vendor requirements and a commitment to community economic investment.

Justin Butler, 51801 Westport Ct.

I am a St. Joseph County resident and also one of the owners of Selge Construction Company based in Niles, Michigan. I am here to voice my opposition to this ordinance. Specifically section six which gives a local bidder a 5% credit on public works projects. Selge Construction, in my opinion, being just .6 miles from the border is a very local bidder. As an owner we employ many people that work and live in St. Joseph County. I have brought with me a few of those people. This ordinance if passed as written today has the potential to impact directly these individuals as employees and their ability to work. This specific section of the ordinance could ultimately cost me as a taxpayer more money. My concern is not only does this bill have personal ramifications but it also eliminates the ability to maximize competitive bidding. Which we all know ultimately saves the taxpayers money. I would ask the Commissioners to strongly reconsider the language in the ordinance as it is currently written.

Pam Claeys, 1106 Bellevue Ave.

I would like to read from an email I sent to the Commissioners. I implore you to approve and uphold this ordinance. This bill does put a preference on local bidders on county work projects giving local firms a competitive edge to keep their employees here. There was significant discussion at the Council meeting about Selge Construction. They are able to take advantage of the responsible bidder ordinance out of Michigan. I would like you to consider they want it both ways. This is to put preference on St. Joseph County. This ordinance supports local families, keeps funds in the county. Money spent and earned in St. Joseph County is good for St. Joseph County. As stated by our council members, Hess and Kruszynski, supporting the RBO demonstrates to our taxpayers that county officials are committed to responsible spending of taxpayer dollars and the best use of those dollars is spending them locally wherever possible. Local contractors tend to hire local employees. The purpose of the RBO is to ensure local governments only hire professional competent contractors who will perform the highest quality work. We agree that this ordinance supports St. Joseph County and we highly urge you to approve it.

Tom Lentz, 320 So Brook Ave. Mishawaka.

I am a taxpaying citizen and I work at Selge Construction. In section 6, credit towards bid award, the way it is written and if accepted my concern as a tax paying citizen of St. Joseph County. This could cost me more money for future public works projects and as an employee of a company that is only a half of a mile across the state line that this ordinance has the potential to affect my future employment and my colleagues. In the state of Michigan there is no credit for public projects that I am aware of.

Mr. Kostielney ask counsel for advice on the legality of this ordinance as it has been raised by some of the members.

Counsel states that there is a statute in Indiana that talks about the separation of powers between the executive, which is you, and the legislative body, which is the County Council. It is explicit in the statute that the power to negotiate contracts belongs solely to this body as it was our opinion with the taxpayer protection ordinance that was passed a year or so ago by the county council. It is the opinion of my firm and another outside individual that unless this body decides to cede that power to the County Council this ordinance is unenforceable. So if it is vetoed today by the Commissioners it is my legal opinion that the ordinance is unenforceable. The County Council has no authority to override your veto and even if they do it is not binding on St. Joseph County.

Mr. Kostielney. Is this ordinance properly written?

Counsel. As to the merits my firm has concerns that we have shared that Indiana's public bidding laws and public works laws is codified by a very comprehensive statutory scheme that prohibits governmental entities from deviating or stepping into the coral the

state has made for governmental entities dealing with contracts. Several provisions of the RBO, in particular, the 5% consideration that would be given to some entities as opposed to others. In my legal opinion this violates the requirements public bidding law, the public works law that requires projects be awarded to the lowest and most responsive bidder. I think that the state law completely covers this and this is in violation of state law.

Dr. Fleming. I sense this could increase the costs for the County of any contracts that we move forward with. I also sense that this discriminates against small business and other industries throughout our community. I am totally against discrimination so I would not want to support this.

Mr. Thomas. I am generally not a big fan of one governing body trying to exercise their authority on another governing body. I understand and informed, but maybe I am wrong, that 72 other government authorities in the state of Indiana have such legislation. Counties and Cities including LaPorte County. Under one of the initial versions of the RBO I believe that they had a threshold of \$50000.00. It would not be a requirement of the Commissioners to approve but because following the other 72 municipalities raise the threshold to \$150000.00 to match the state threshold. Therefore it was done as an extension of the state legislature and where 72 other municipalities in the state have that authority that this would be binding upon the Commissioners. Furthermore as mentioned and I have voted in the past against any encroachment by counsel to try and take any power from the Commissioners. I do not see this as them encroaching on our power. I see it as them extending their legislative authority as granted through the state legislative body and also responding to a request I gave them in writing in requesting that they create an RBO and put our businesses, on a level playing field with those other municipalities that have an RBO. Such as LaPorte County. This RBO is to keep jobs here in St. Joseph County so that we do have firms and businesses that employ people making a decent wage to take care of their families and pay their taxes. So I gladly welcome an RBO to protect the tax base, the workers, and the welfare of all members of our society. Not just the workers but the retired because these are there tax dollars too. We have an obligation to the health, safety, and welfare of this community. The earlier emanate domain was passed for economic development. This RBO is even more important than that. (Reads the 6th paragraph of ordinance.) I fully agree with that.

Mr. Kostielney. It would have been good if the petitioners had been here to answer questions. Seeing as it was not important enough for them to be here I find that a bit telling. One of the issues that was brought to me is the 33-35 other entities in the state of Indiana that have a responsible bidders ordinance. Almost none of them have the provision that discounts the bid, the 5% bid discount does not exist. I think that LaPorte County is the only county entity where that exists. We would know that if someone had been here to answer that question. I find it extremely telling that the ordinance that was predicated on protecting local workers was drafted by not just out of county but out of state special interest group penned this entire piece of legislature. So we are supposed to be protecting local workers and the local attorneys are also of the same belief that this is not legal. Not only if we wanted to cede the power the 5% bid discount isn't even legal. So we are going against the very people this ordinance is supposed to protect. I find that very telling. No one has been more of a champion for economic development in St. Joseph County than I have and I agree with Commissioner Thomas it is our duty to protect and develop our economy to the best way we can and typically the best way to do that is to put rules in place to protect fairness then get out of the way and let the economy work itself. To me what this ordinance does is discriminate against the smaller firms in St. Joseph County that may not have the ability to have the standardized training program an ensure some of those costs. You still pay a great wage and give great benefits to their employees but they would be discriminated upon for voting for this. We also have a very important role to protect taxpayer funds. This ordinance could increase cost by up to 5% for projects and that is something I don't think we have the ability to do at this time.

Dr. Fleming moved to veto ordinance 17-17 as read and outlined.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

The next ordinance that will be discussed is 18-17 this ordinance is a Human rights ordinance for St. Joseph County. This ordinance will be opened to the floor for anyone who would like to speak for or against it.

Tony Flora, 202 E. Angela, South Bend, IN.

I am here on behalf of the North Central Indiana AFLCIO. I did share a message with all Commissioners about our actual support for this ordinance. As I pointed out in our statement the AFLCIO did support the ordinance for the city of South Bend when it expanded civil rights protection. In general organized labor is a great advocate for expansion of civil rights in all places. I would find it highly embarrassing at the least, if St. Joseph County could not pass a civil rights ordinance recognizing civil rights for all residents across the entire range of what we now recognize as being important civil rights in the United States. One thing I would like to point out to the Commissioners. There are four words in this ordinance which have been somewhat controversial in Indiana. That is sexual orientation, gender identity. Let me offer the following, there is currently a film called Loving. It is actually a Supreme Court case about a white man marrying a black women. The youth of today would find this incomprehensible that there were laws in the United States saying this could not happen. This is a good Government ordinance because what it will do is allow St. Joseph County residents to raise issues about discrimination, acquire some form of process when the County does enter into governmental agreement with the South Bend Human Rights Commission so those complaints can be addressed locally. I think this would be a great boom to all businesses. We urge you to adopt this.

Pam Claeys, 1106 Bellevue Ave.

I am also speaking in favor of this ordinance. I understand you don't want the Council to overstep their bounds but I don't think they are I think they are laying the ground work for you to execute your supervisory executive positions. I think we need to attract a young open workforce. Look what happened when Indiana did this under Governor Pence. Look what happened in North Carolina. We don't want that to happen here. I agree with Tony Flora. This would save people a trip to Indianapolis and the issues would be mediated locally. The Human Rights Commission is completely wonderful and they do that on a very objective basis. I strongly urge you to pass this ordinance.

Laura Haywood.

I am also here to speak in favor of this. To be competitive and attracting job creating businesses as well as tourist conventions and conferences that bring income into our County. We must send a clear message that racial and other forms of discrimination are not practiced in our part of Indiana. Only a countywide ordinance can assure outsiders that our community is hospitable and safe. We have seen the mistakes of states like Indiana and North Carolina have made by legislative intolerance. Let's instead position St. Joseph County as a welcoming community for everyone. From a community safety and justice standpoint I've mentioned the economic arguments, I want to move on to the community safety and justice concerns. An ordinance also affirms, it's a powerful statement, it affirms a countywide culture that discourages harassment, simple assault, and similar terrorizing activities against others. Please support the ordinance,

Mike Hamann, St. Joseph County Auditor, offices on the 2nd floor.

I also come to speak in favor of this ordinance. I would like to reiterate some of the comments as made to economic development. This would send a message that we are an open community, we don't discriminate. I think that is hugely important especially since we are trying to attract more millennials. Years ago I said a dream of mine would be for any of my four children to relocate here and that is still a dream of mine. I think this would go a long way to that. From the other stand point just looking at human rights and my background in catholic theology. I can't speak as articulately as the young woman last night but one thing I have always taught my students is that every human being has an inherent dignity. They have that dignity because they are created in God's image. We have to respect that. It doesn't matter if you are Muslim, female, an immigrant, refugee or someone who has a different sexual orientation. As relates to the latter by my faith I am told we don't judge. I urge your support for this.

Mr. Kostielney asks about some language within the ordinance.

Counsel. Section 37-10 has requirements as to what needs to be included in county contracts. Those are being included anyway as well. That just reiterates verbatim state

law. Council is not stepping in and requiring anything new of the Commissioners that is not already state law.

Mr. Thomas. For clarification this ordinance if it were to pass, it is not the Council appropriating any funds for enforcement, it is not the Commissioners authorizing any expenditure of funds, it's not the Commissioners entering into any local, inter local agreement with South Bend for said enforcement of the program.

Counsel. At this time there is no money being expended and no inter local agreement.

Mr. Thomas. This whole issue is bitter sweet. Sweet that we have the opportunity to speak for civil rights but it is bitter that we have to. We started this meeting with the Pledge of Allegiance which ends with liberty and justice for all. There is no asterisk that no certain group is not included in the all. Reads a quote from Eleanor Roosevelt. I strongly support the passage of this resolution.

Dr. Fleming. I am certainly for civil rights and I am not for discrimination against anyone. I do appreciate that there are religious aspects in this ordinance. I appreciate the school restroom options as well. I am for moving forward with this as well.

Mr. Kostielney. I will agree with Mr. Thomas it is a shame we are having this conversation in the way we are having it. This ordinance is certainly a step in the right direction. One thing I would have liked to see included was language for the unborn. I understand that the unborn don't rent houses or get jobs but there is no subset of the population that is more oppressed then them because they got no one speaking out for them, protecting them, they don't even have the chance to be discriminated against because someone is making those decisions for them. So I would hope with the vigor and the effort that folks fought, rightfully so, for what is going to be passed today I would like to see them pick up the mantle and fight to protect those in most need of our protection. It is also a shame that if you look at social media it is difficult to have civil discourse. It is possible that you could be against this ordinance and not be a bigot, homophobe, draconian individual. That you could be in favor of this ordinance and still be God loving, Christian and a good person. Sometimes that gets lost in the translation of the discussions we have. So hopefully this is a good step in the right direction. I will go back to economic development. When in doubt I try and look at things what positions St. Joseph County in the best light that we can develop and grow our economy and keep our kids here and our young people and bring them back. I think this is a good step to show the rest of Indiana and the Country that we welcome folks and we want people to come here and stay here no matter what your beliefs are.

Dr. Fleming moved to accept ordinance 18-17 as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

PUBLIC COMMENTS:

Pam Claeys, 1106 Bellevue Ave., South Bend.

I would like to speak about the meetings that are currently not public with Greenworld. The leaf pickup. I have emailed Commissioner Fleming about this. I just want to state it publically I believe these meetings need to be public with transparency. All parties need to be at the table. I believe this is a big issue. In order to resolve things we need to talk about it not hide it from the public. So I implore you to please have these meetings open to the public. It is an important process.

Mr. Thomas.

We have a Commissioners certificate tax sale going on March 15-23. I would like to congratulate the Mayor of South Bend for creating Charles Martin Sr. Drive. One of the great founders of the civil rights movement locally. The City Clerk, Ms. Fowler, has sent out a press release to the media there will be a special summit on synthetic marijuana. The Century Center will host discover the dinosaurs this weekend.

I will defend Commissioner Fleming. I believe the issue has been blown out of proportion. She is an elected official. She is not part of an official board to study the leaf program. She is doing this on her own and meeting with other people and I think her desire to do that has been blown out of proportion. I think she should have Greenworld at the table so they can respond. She is not part of an official board.

There being no further business to come before the Board at this time, Mr. Kostielney asked for a motion to recess, Dr. Fleming so moved, seconded by Mr. Thomas. Meeting recessed by a 3-0 vote.

ST. JOSEPH COUNTY COMMISSIONERS