

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 October 18, 2022 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Carl Baxmeyer, Derek Dieter, and Dr. Deborah Fleming D.M.D. were present.

PLEDGE OF ALLEGIANCE

OPENING AND READING OF BIDS ON:

None

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. Dieter.
Motion adopted by a 3-0 vote.

**B)
EMPLOYEE OF THE MONTH-October**

Bryce Lacosse

**C)
CITIZEN OF THE MONTH-September**

Joan Nowak

**D)
YOUTH OF THE MONTH-September**

Tyshaun Grundy

E)

BUSINESS OF THE MONTH-SEPTEMBER

La Esperanza Mexican Restaurant

**F)
IN THE MATTER OF APPROVING
THE TRICK OR TREAT TIMES FOR
UNINCORPORATED AREAS OF
ST JOSEPH COUNTY**

The hours are 5:00-7:00 on Monday October 31, 2022.

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

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

BILL NO. ORDINANCE NO.

122-22 112-22
Establishing Solid Waste 2023 budget.

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

123-22 113-22
Establishing the Airport Authority 2023 budget.

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

124-22 114-22
Establishing St Joseph County 2023 budget.

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

125-22 115-22
Establishing salaries and fixing the number of employees for the 2023 budget.

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

131-22 116-22
Establishing a salary amendment and transfer for the Maintenance Department.

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

132-22 117-22
Establishing a salary amendment and transfer for the Maintenance Department.

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

133-22 118-22
Establishing a salary amendment and transfer for the Maintenance Department.

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

134-22 119-22
Establishing a salary amendment and transfer for the Maintenance Department.

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

135-22

120-22

Establishing a salary amendment and appropriation for the Health Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

139-22

121-22

Establishing a salary amendment and appropriation for the Prosecutors Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

140-22

122-22

Establishing a salary amendment and appropriation for the Prosecutors Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

141-22

123-22

Establishing a salary amendment and appropriation for the Prosecutors Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

142-22

124-22

Establishing a salary amendment and appropriation for the Prosecutors Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

144-22

125-22

Establishing a salary amendment and appropriation for the Prosecutors Department.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

143-22

126-22

Establishing a salary amendment and appropriation for the Probate Court.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

130-22

127-22

Monthly transfers and appropriations.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

137-22

128-22

Appropriation to Potawatomi Zoo Capital fund.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

138-22 129-22
Appropriation to the Morris Performing Arts center capital fund.

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

136-22 130-22
Appropriation funds from ARP to EMA.

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

HUMAN RESOURCES
IN THE MATTER OF APPROVING
A PROPOSAL FROM GALLAGHER
ACTUARY SERVICES FOR GASB75

Kimberly Karkiewicz, Human Resource Director, offices on the 7th floor.

The primary objective for this is to improve accounting and financial reporting by State and Local governments for post-employment benefits. With this we have had an actuary in the past that would help us with this. We are looking at Gallagher to assist us and provide us with better performance than what we've seen in the past with the past actuary that we had.

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

IN THE MATTER OF APPROVING
ADMINISTRATIVE SERVICES
PROPOSAL WITH AUXIANT

This is our third-party administrator for our medical plans. They are up for renewal on their contract. The contract has minor increases of less than 5%.

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

IN THE MATTER OF APPROVING
A CONTRACT WITH ONSITE HEALTH
FOR PHYSICAL HEALTH ASSESSMENT
AND FLU SHOTS

This is an annual assessment in preparation for our 2023 health assessments during open enrollment. During this screening flu shots will be available.

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

IN THE MATTER OF APPROVING
RENEWAL OF LIFE INSURANCE
BENEFITS THROUGH NORTH
AMERICAN BENEFITS CO.

This is also a part of open enrollment. It is up for renewal. There is no contract to sign. If we agree it continues on as it was.

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

INFRASTRUCTURE, PLANNING AND GROWTH

CONSENT AGENDA

Development / Subdivision Requests
Description

Special Events Requests
Description

Traffic Regulatory Requests
Description
a) Stop sign on Brompton rd at Paddington Ln. b) speed limit on Ash Rd., from Jackson to Dead End

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

OLD BUSINESS:

IN THE MATTER OF APPROVING
BOARD OF COMMISSIONER
2023 MEETING DATES

Dr. Fleming makes a motion to untable the above item.
Motion seconded by Mr. Baxmeyer.
Motion adopted by a 2-1 vote.

Mr. Dieter. We are not pursuing a meeting other than our normal 10:00 meetings. Are we moving this to a nighttime?

Mr. Baxmeyer. The suggestion is to move the third Tuesday meeting to 6 pm. The others will remain the same.

Mr. Dieter. Have you discussed this with the Department heads?

Mr. Baxmeyer. Human Resources. This has not been discussed with all of the Department heads. I don't see why they would have a problem with this since the Council has an evening meeting. They have not been asked if they are in favor of this.

Mr. Dieter. Have we found out how much this will cost in overtime and flex time to bring people back to work?

Flex time conversation is held also the citizens ability to attend due to family priorities.

Mr. Dieter would like to have the Department Heads have a say in this.

Mr. Baxmeyer states this is essentially a placeholder to reserve the space for meetings in the evening if that is the case. We would like to formally adopt this in January. It will be up for review and discussion for modifications.

Mr. Dieter says no this is not a good way to do Government.

Short discussion on modifying this continues?

Dr. Fleming. Is not sure a Tuesday would work for her.

Mr. Dieter asks counsel if we are entertaining public comment on this.

Mr. Misch says it is up to the Chair.

Mr. Baxmeyer states that public comments can be taken.

Dan Caruso, New Carlisle, IN.

Meetings could all be at night. Something should be done as this is a disservice to the public.

Mario Sims, South Bend, IN.

This would be more efficient if a survey would be done.

Mike McManus, South Bend, IN.

I think flex time is up to the employee. If they don't want to do it they shouldn't have to.

Debra Durall, South Bend, IN.

I do support finding time for evening meetings. I agree with Derek, I also agree that a survey should be done.

Steve Francis, South Bend, IN.

I would like to see all the meetings in the evening. I think it is about being transparent and open to the public. I think it is a minimal cost and hope you support this change. I look forward to evening meetings.

Cheryl Nix, South Bend, IN.

Agrees that at least one evening meeting should take place. I would like to see them alternate between morning and evening. I understand Commissioner Dieter's concerns and I agree the Department Heads need to have input. I would like to see expansion of accessibility for public input.

Mary Countryman, New Carlisle.

I believe that a poll should be taken. Department heads should also be polled. I believe county employees are there to serve the public and should also be there for evening meetings even though they are outside of their regular scheduled hours. Department heads should be there to represent their departments.

Mr. Baxmeyer. There is diversity of opinions on this issue. Although most people I heard favor additional transparency. That was the reason I made the suggestion of having one meeting per month in the evening. Department heads work for the Board of Commissioners, it's our decision, responsibility to set the meeting times. This evening meeting would be to increase accessibility for people who work and can't come to the morning meetings. This is to set the times now but must be formally adopted again after the first of the year. We can have further discussion at that time.

Dr. Fleming. I like more public accessibility but on Tuesday evenings I have things I'm doing so that's not a good time for me. Monday would be good. Wednesday would also be good. Maybe we could change because I may not be at the meetings. That's my concern to make sure we are all available.

Mr. Dieter. Previously you said this wouldn't be discussed again until January.

Mr. Baxmeyer. It has to be formally adopted in January when we reorganize.

Mr. Dieter. That will be after the elections, interesting. I still say no. I think there's too much information we just heard from everybody that hasn't been studied properly.

Commissioner Fleming also said this is a bad day for her. It doesn't make sense that we meet as two and she can't be there. I am totally against this at this time.

Dr. Fleming. I do agree with Mr. Dieter on that, and then if we can decide exactly the best times for the people and our employees to meet that would be good.

This issue will be looked at further in the future.

Mr. Dieter. I have a question on this letter with Taft that was entered into by two Commissioners. If somebody can answer me a question under the scope of engagement.

Mr. Dieter proceeds to read part of the engagement letter and asks for clarification.

Mr. Baxmeyer. Given the questions that arose regarding actions by the election board.

Mr. Dieter. What questions?

Mr. Baxmeyer. They were enumerated last week at the press conference regarding questions about handling of the absentee ballots. We cannot have the County Attorney who represents both the Board of Commissioners and the Election Board monitor and

keep us apprised of that situation. So, in order to avoid any appearance of impropriety or conflict of interest we have engaged Taft.

Mr. Dieter. The verbiage here is "threatening litigation" what is the threatening litigation?

Mr. Baxmeyer. The litigation that was initiated by the lawsuit that was filed against the Election Board for their actions.

Mr. Dieter. Was that the Election Board that was filed in Marshall County?

Mr. Baxmeyer. Yes.

Mr. Dieter. That was dismissed by the judge.

Mr. Baxmeyer. It was not dismissed by the judge. The motion for a temporary restraining order to immediately hear the arguments was denied by the judge in order to give the other side an opportunity to respond.

Mr. Dieter. Have we given a retainer fee to Taft?

Mr. Baxmeyer. I don't believe there was a retainer fee.

Mr. Dieter. I still don't comprehend the threatening litigation. It also has under fees \$450 an hour. Then \$335 per hour for secondary, interns are at \$150.

Short discussion on fee structure and how that works.

Please see video for full content.

Mr. Dieter. I have one other thing I attempted to put on the agenda, and it was rejected by

Mr. Baxmeyer. Deb, you got my email, did you reject that also? This was a resolution in reference to electing officials.

Dr. Fleming. I said no.

Mr. Dieter discusses the way the meetings have been happening since Mr. Baxmeyer came on board and the way the meetings should be conducted verses how they are being conducted. For example, Mr. Baxmeyer tells Dr. Fleming what to say when making a motion, how to vote. Mr. Dieter goes on to talk about several other issues that have been of controversy, redistricting, trying to gain the resignation of Dr. Fleming under false pretenses etc. This is not how government should be run.

Mr. Baxmeyer. I will note that it was not rejected. It is already on the agenda for next week.

PUBLIC COMMENTS:

Mario Sims, South Bend, IN.

Speaks about the process of Democracy and the aggravation of politics.

Amanda Govaert Konrath, South Bend, IN.

On the May 13th Election Board meeting when the election was certified, Pete Agostino was asked if the Commissioners had any authority over the ballots and he said no. I have spoken to the Indiana elections committee and they to say the Commissioners have no authority over the Election Board. I'd like to know under what authority Mr. Baxmeyer are you writing these resolutions, are you spending taxpayers' dollars and are you wasting everyone's time?

Mike McManus, South Bend, IN.

Speaks to Mr. Baxmeyer about the incompetence going on with this engagement with Taft and the lawsuit. Speaks on the attacks on Rita Glenn.

Dan Caruso, New Carlisle, IN.

Also discusses the issue of the investigation with the election ballots and Indiana State police currently doing this and being double taxed.

Debra Durall, South Bend, IN.

Speaks on the discourse of the Board. Opens her yard for signs of anyone if they will go on record in supporting environmental quality for rural and urban areas. I would like to see something more constructive happen.

Kevin Connery, Granger, IN.

Since I decided to run, I've seen the struggles with the parties and being a representative of being a Republican. My father was a Republican and trying to run under that ticket and to be ostracized because I vote for the people. We allow the parties to decide but it's

about the people, the people in this room, in this building that serve the public. It's not about the party. It's always party driven, it can't be party driven. I was driven out by the parties. They forced me to run as an independent. I don't have a problem with that. I got my name on the ballot. The problem is not if you are an R or a D. The problem is whether or not you're capable of doing the job. What I have seen by coming to these meetings in the last four months is unbelievable. It's party driven not individuals. It is not people doing work for the people and that is why I am running. I represent the people. I don't have anyone behind me telling me what to do. I have the people behind me. You're making a mockery of this. Especially by hiring an attorney who vetted this attorney firm? It doesn't matter at the end of the day if you are an R or a D what it comes down to is you have to be willing to sacrifice and do the things and accept what you have to do. That's doing the right thing for the people and have integrity.

John Antonucci, South Bend, IN.

Talks about Homeland security being formed and the accomplishments it should make. Tells Mr. Baxmeyer how important this county should be and the experience he has had with the past five Commissioners. These commissioners have moved forward in the best interests of the people, the taxpayers, the voters. I implore you to learn from history so that you do not repeat any of the mistakes that have been made. I implore you Deb Fleming, who has been a great Commissioner who I served is to speak your mind. Not someone else's mind. Commissioner Dieter please keep fighting the fight for democracy in St. Joseph County. Mr. Baxmeyer you have been here less than two months and I have to tell you I'm ashamed to have been an employee in the director of EMA at St Joseph County by the things that have transpired in the last eight to nine weeks here. Please change your course and do what is best for the people.

Pam Clays, South Bend, IN.

Feels this whole fiasco is a Republican setup starting with Andy Kostielney putting Carl Baxmeyer in his place knowing full well he was going to retire. Setting himself up for the Council Oak award. Setting up Ben Horvath to not be there the day before election to take the keys to unlock the door and blame it on Rita Glenn who has been a wonderful, honest clerk her whole adult life. Casting dispersions for political gain, Mr. Baxmeyer, you should be ashamed.

Cheryl Nix, South Bend, IN.

Refers to an article in the Tribune with a picture of Democrats and Republicans comparing ballots signatures at the most recent Board of Elections meeting. Right there is a picture of what happens with ballot signature comparisons. Goes on to read from the article. Asks the Commissioners to condemn the recent ad targeting and maligning our county clerk with provably false statements regarding the counting of ballots that was run. Reads other articles from the Tribune in reference to mailing in ballots.

Mary Countryman, New Carlisle, IN.

I have watched several of these meetings. I am disgusted at watching a puppet and a puppeteer. Stand your own ground don't be a puppet and say what someone else wants you to say. Ms. Countryman goes on to express her opinion on this and enforces doing the right thing, represent the people and stop doing what you're told to do, do what is right for the taxpayers.

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


ST. JOSEPH COUNTY COMMISSIONERS

18TH DAY OF TERM OCTOBER TERM TUESDAY, OCTOBER 18, 2022

*Please refer to the St. Joseph County website for the full audio and visual of the St. Joseph County Commissioners meeting if needed.