

**Enrolled Memorandum of the Meeting
Study Session/Meeting Convened Electronically
Twenty-Ninth Town Council of Highland
Monday, March 01, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met *electronically* in a study session on **Monday, March 01, 2021** at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.*

**Special note:* This meeting was convened allowing members of the Town Council to participate electronically without being physically present, to be counted in the quorum and able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09, extended by Executive Order No. 21-05 allowing meetings to be convened, pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 Emergency through March 31, 2021. All members of the Town Council participated electronically with the Clerk-Treasurer participating as well. The electronic platform also allowed the public to observe and participate from on-line access.

The meeting was streamed live on the Town of Highland, Indiana Facebook page and participation was supported by the Zoom on-line communication platform.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Tom Black and Roger Sheeman were present (electronically) as indicated. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings (electronically). A quorum was attained.

Officials Present: John P. Reed, Town Attorney; Pete Hojnicky, Police Chief; Kathy DeGuilio-Fox, Redevelopment Director; and William Timmer, CFOD, Fire Chief, were also present, participating electronically.

Additional Officials Present Ed Dabrowski, IT Consultant (Contract) and Board of Waterworks Directors, (electronically); Robin Radford of the Redevelopment Commission were present. (electronically).

Guests: Theresa Badovich and Robin Carlascio of the Idea Factory were also present (electronically).

General Substance of Matters Discussed.

1. **Discussion:** *Discuss the legal opinion regarding COVID Vaccine.* The Town Council discussed the legal opinion letter from the Town Attorney regarding the legality of mandating the covid 19 vaccine for the workforce. The Town Council discussed the alternative of modifying the existing COVID 19 special paid leave policy to exclude its use by a worker eligible for the vaccine who elected not to take it except for medical or religious reasons.

The issue of the liability that may ensue for the Town as an employer if the vaccine was mandated and the import of not requiring it. There was a discernable sentiment evinced among the Town Council to not mandate the vaccine for the Town's workers.

2. **Discussion:** *Discuss term limits on the Town Council, Clerk-Treasurer and on membership on Boards and Commissions.* Councilor Schocke expressed his interest in preparing an ordinance to limit the terms of the Town Council to two terms and to

extend a similar provision to the boards and commissions. Councilor Schocke indicated that he had not researched the law to determine whether the action could be taken lawfully by ordinance of the Town Council.

It was noted that state law governed the qualifications for town councilors. There was a body of thinking that owing to the language in the Home Rule Law (IC 36-1-3 et seq.) the qualifications -- including limiting a candidate's eligibility for elected office under state law could not be modified by local ordinance.

The discussion further included whether an ordinance of the Town Council could impose term limits such that would limit the authority of the Town Council President as municipal Executive to appoint persons to the boards and commissions that state law conferred upon the municipal executive.

The discussion suggested that it might be similarly difficult in cases involving the legislative appointments. It was not as clear. It was suggested that perhaps the Town Council could require in the annual memorandum reporting the expiration terms of appointments that the number of terms be included in the report.

It was noted that the Town Council could fully limit the terms of members of the boards and commissions created under the authority of home rule such as the Community Events Commission, the Tree Board and the Main Street Bureau Board.

The Town Attorney suggested he would review the relevant law to offer guidance.

Council Districts. The discussion also included a consideration of the merits of eliminating the five wards and simply allowing the races to be based solely at large. The Town Council further discussed the alternative possibility of expanding the size of the Town Council from five to seven.

The discussion also explored the possibility of making the legislative body possibly organized under the combination plan, allowing some districts and some at large seats. The Clerk-Treasurer noted that the Town incorporated with three trustee seats. The number of seats on the legislative body expanded to five in 1925 with the addition of the Brantwood and Hook subdivisions to the town. It was noted that the number of seats on the legislative body were unchanged since then.

- 3. Discussion:** *Discuss the merits of engaging a business process engineering study with an objective to find ways and means to lower cost without loss of quality or output and outcomes.* The Clerk-Treasurer discussed with the Town Council the desirability of engaging a consultant to review the current business processes to determine if there was a way to deliver the same level of services, at the same quality but at a lower cost. The Clerk-Treasurer stated that he was not suggesting any move to reduce the workforce.

The discussion included the success of the City of Valparaiso Water Department from many years ago in which it engaged an outside reviewer who also sought employee input leading to rates being reduced.

The discussion involved acknowledgement of the recent rate increase for the wastewater and stormwater fees. It was noted that for the utilities, the rate base or customer base has largely been fixed or unchanged for the last 20 years. Fixed costs rise and the price point rises. It was suggested that a business process engineering review might be able to render costs reductions if they can be had in the fixed costs

associated with the utilities, for example. The Clerk-Treasurer suggested that the value of such a study for municipality as a whole.

It was further noted that a search for such consultants would be needed, perhaps achieved by publishing Requests for Qualifications or Proposals (RFQ or RFP). The discussion noted that there could be some value in such a study.

4. **Discussion:** *Discuss process of moving forward on hiring of a Town Manager.* Council President Sheeman and the Town Council discussed the next steps that would be necessary or desirable if the Town Council desired to appoint a Town Manager. The discussion included the desirability of advertising for the position, limited to the nearby area, without use of a human resource search firm, and maintaining it would not obligate the Town.

The discussion included a consideration of the salaries associated with some of the managers working in nearby towns, noting that some of them were six figures. The discussion included some resistance to appointing a manager with a six-figure salary.

Councilor Herak volunteered to meet with Richard Underkofler, a retired career public manager, and former Town Manager for Highland to work on an information sheet that would list the qualifications and would also inform a possible published advertising suitable to use for professional candidate recruiting. This would be completed and reported back to the Town Council for its review.

5. **Discussion:** *Disposition of Personal Property and the law.* The Town Council discussed the provisions of IC 5-22-22, which outlines the ways of disposing of personal property of the municipality. The discussion concerned primarily the twenty five computers recently replaced by new ones town wide.

The discussion focused on the disposition of the computers and what could be done with those. The discussion included a review of what had been done historically. It was suggested that the Police Chief confer with the Police Chief of Gary to determine whether that department would like the computers recently retired. It was noted that historically this was done and greeted well by the City of Gary.

6. **Discussion:** *Discuss the CDBG Agreement for the Urban County Program. (Renew).* The Town Council discussed the history of the agreements entered into every three years with the Lake County Community Development Department in order to be eligible to obtain community development block grant money under the program.

It was noted that the current agreement was expiring and that in order to participate in Federal Fiscal years 2022, 20223 and 2024 a new agreement with Lake County would be necessary to be approved. It was noted that the approval deadline was June 18, 2021. However it was noted that it was desirable to approve the agreement sooner. There was no objection to placing it on the agenda.

7. **Discussion:** *Discuss Tom Lounges Agreement. (Included).* The Town Council discussed the agreement presented by Tom Lounges Entertainment, LLC, for production and sound services for entertainment associated with the Independence Day festival. It was noted that the total price of \$33,000 was unchanged from last year.

It was noted that the Community Events Commission reviewed and recommended the agreement. It was further noted that the Town Council has the authority to approve the agreement as the Community Events Commission was not granted contract authority.

The discussion included the desirability of seeking an alternative with the Events Director in Griffith. The discussion included the variety of bands and whether the use of the Canadian National Railroad grant money obtained last year, could be used to enhance the types of bands, with the object of getting a marquee name or regional favorite to enhance the band catalog.

It was determined that the current agreement could be considered but that the Town Council President would ask about what amount might be necessary to getting a marquee act.

8. **Meeting Modality ad hoc.** *Discussion of changing from electronic meetings.* The Town Council President noted that the County continues to remain in the yellow zone. He suggested that absent a change in the incidents of new infections or cases, that it was his desire to resume in person meetings for the Town Council beginning in April. It was noted that Zoom could still be used for access to the meeting for the public. It was further noted that masks and social separation guidance would still be observed.

There being no further business necessary or desired to be discussed by the Town Council, the *electronically convened* regular study session of the Town Council of **Monday, March 01, 2021**, was adjourned by the Town Council President at 8:26 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer