

SPECIAL MEETING – July 29, 2010

The Common Council of the City of Michigan City, Indiana, met in a special session on Thursday evening, July 29, 2010, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Marc Espar.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Joseph Doyle, Phillip Jankowski, Marc Espar, Robert McKee, Angie Nelson, Richard Murphy, Ron Meer (8).

ABSENT: Willie Milsap (1).

A QUORUM WAS NOTED PRESENT.

ALSO PRESENT: Clerk – Thomas Fedder, Deputy Clerk – Gale Neulieb and Council Attorney – James Meyer.

CALL FOR A SPECIAL MEETING

Tom Fedder, City Clerk, reading the following request received in the Clerk's Office on July 26, 2010:

TO THE CITY CLERK:

Please issue a CALL FOR A SPECIAL MEETING of the Common Council of the City of Michigan City, Indiana to be held at 6:30 p.m., Thursday, July 29, 2010 in the Council Chambers of the City Hall Building, located at 100 East Michigan Boulevard, Michigan City, Indiana.

Said meeting is to be held to receive testimony from Attorney Mark Phillips in relation to the Council's investigation of the Michigan City Sanitary District, and to vote on any matter relative to the enforcement of the Council's subpoena.

/s/ Marc Espar, President of the Common Council

/s/ Thomas F. Fedder, City Clerk

(NOTE: Councilman Ron Meer asked to be excused from the proceedings.)

UNFINISHED BUSINESS

Council President Espar addressed the Council regarding the testimony from Attorney Mark Phillips:

Tonight's meeting has been called to receive testimony from Attorney Mark Phillips in relation to the Michigan City Common Council's investigation of the problems surrounding the Sanitary District of Michigan City. The Michigan City Common Council, as the fiscal body responsible for the financial health of the City, has the responsibility and duty to monitor and protect the funds and assets of the City, and to ensure that the assets entrusted to us by the citizens of Michigan City are not wasted or squandered. It is in that vein that this investigation has been called. I want to make it perfectly clear; we are not investigating whether a certain employee was wrongly discharged by the

Sanitary District, nor the facts and circumstances surrounding that discharge. We are however, interested in finding out whether the Sanitary District supervisors and Board of Commissioners were made aware of deficiencies within the district. And to the extent they were made aware, when, and what was done with that information.

Before we get started I want to go over a few procedural matters how this meeting will proceed. In a moment, I will ask Mr. Phillips to step to a microphone. We will be permitted to make an opening statement if he chooses. After his opening statement, I will open the questioning to members of the Council. I will go first, followed by Mr. Jankowski, the Chair of the Utilities Committee, I will then open up the questioning to other Council members starting at my far left and finishing at my far right. Each member of the Council will be entitled to 7 minutes for questions and answers, with another round of questioning, in the same order, for another 3 minutes each. I direct the Parliamentarian to monitor the time allotments. Following the question and answer period, I'll open the floor any motions and debate germane to the matter at hand. There will be no public or Council comments permitted this evening. All other standing rules and procedures relating to motions to adjourn, recess, and/or lay on the table, shall have precedence according to the order in which they were just read.

It is my understanding, Mr. Meer has stated he is recusing himself from these proceedings, and has stated he will not participate in the questioning, debate or motions.

Mr. Phillips please proceed to a microphone, and state your full name for the record.

Attorney Mark Phillips answered questions regarding an investigation he was asked to conduct by the Michigan City Sanitary District along with Doretha M. Sanders, administrative Director, MCSD, to determine whether MCSD employee Ron Meer did or did not violate work rules and policies of MCSD in connection with reporting and/or failing to report certain workplace hazards and/or hazardous conditions to Michigan City Sanitary District Commissioners Board by the following Council Members: Marc Espar, Bob McKee, Pat Boy, Joe Doyle, Angie Nelson, Richard Murphy, Phil Jankowski.

ADJOURNMENT

A motion by Councilman Doyle, supported by Councilwoman Boy, and there being no further business to transact, President Espar declared the meeting ADJOURNED (approximately 7:45p.m.).

Thomas F. Fedder, City Clerk