

The Board met in due form with the following members present: Roosevelt Allen, Jr., Frances DuPey and Gerry Scheub. They passed the following orders, to wit:

There was a moment of silent prayer; the Pledge was given and the Emergency Exit Announcement made.

A courtesy copy of the agenda and notice of this meeting was faxed by Brenda Koselke to the Times in Hammond and Crown Point, the Post Tribune, WJOB Radio Station, the Crown Point Star, Cable Regional News Channel 3, Pilcher Publishing and the Valparaiso media on the 28th day of March, 2007 at about 10:30 a.m.

A copy of the meeting notice and agenda was posted at the entrance of the Commissioner's courtroom on the 28th day of March, 2007 at about 10:30 a.m.

Order#1 – Agenda #5A

In the Matter of Notices/Agenda: Certificate of Service of Meeting Notice.

Scheub made a motion, seconded by DuPey, to accept and make a matter of public record the certificate of service of meeting notice. Motion passed 3-0.

Order#2 – Agenda #6

In the Matter of L.C. Sheriff – Reconsideration of Bid for Food Products for the First Quarter of 2007.

John Dull stated that when the bid came in for food for the First Quarter there was only one bidder that was Sysco. That bid was opened here. The first thing that was wrong with the bid there was no bid bond. If it's over \$100,000.00 it requires one by the State law. I failed to notice it. What we need to do in the future Commissioners I am going to have to sit down over here and not have Jim Bennett open them, I am going to have to do it. If I had noticed that I would have turned to the Board of Commissioners and said the following: there's no bid bond here, it is required that there be a bid bond, this bid needs to be rejected. That is what would have happened. That didn't happen so the bid went to the Sheriff's Department to be tabulated and reviewed. You can bid on a class but within a class you have to bid on every item. So if there are 10 items in a class you have to bid on all 10 of them. In this particular instance the Sysco bid went to the Sheriff's department notwithstanding the fact that I screwed up. They should have rejected it because there were several items in the class that Sysco didn't bid on. That's called a non-responsive bid. So now it should have come back here. The Sheriff's Department would have said to the Commissioners this is a non-responsive bid and the Commissioners would have rejected it. So twice now you would have authorized the Sheriff's to go on an open market. The first time there was no bid bond and when the Sheriff came back with a bid like that you have told them to go out on an open market.

John Dull also stated that Shop Rite made allegations that Sysco is over charging. This fellow here, referring to Officer Kemper Reeves, don't need your allegations because they are already working on the billing. By the time you make your allegations they have already got the problem under control. The problem was essentially this. The specifications said 50 lbs. for \$10.00 they are sending 25 lbs. for \$7.50 should be \$5.00. So they straighten it out before Shop Rite start raising cain. Officer Kemper Reeves is new to the area and he now knows you have to bid all items in the class. We had a training session. That error is taking care of. Second allegation is that the reason why these guys are doing something is because somebody in that little thing over there is apparently going to marry somebody in Sysco. Someone from Shop Rite made allegations to Officer Kemper Reeves that he is going to lose his job over this. Dull asked Reeves correct and Reeves replied yes.

Sheriff Roy Dominguez stated not someone Phil Wiley. John Dull asked Officer Kemper Reeves was it Phil and Reeves replied yes. Sheriff Roy Dominguez said Phil came into Reeves office to tell him that. John Dull said Phil Wiley from Shop Rite said that someone from the Commissioner's department in the past always called Shop Rite when it was time to bid and didn't do it this time. So I go through our office and no one from the Commissioner's office has ever called Shop Rite about a bid. I think it was the Auditor's Department. But Phil Wiley is telling these guys here that it's the Commissioner's Office that is calling people to tell Shop Rite. Because Shop Rite never looked in the newspaper when the bid was going out somebody called him.

Sheriff Roy Dominguez stated he comes into the Sergeant's Office after he lost the bid knowing he should not be in the jail but the other staff who was watching the monitors unknown to them because Wiley had it for about 15 20 years and Shop Rite and U.S. Food who have both of the contracts together for a number of years work together quite frankly. I'm not going to say anything more than that other than to let your know that Mr. Wiley has been contacted by our criminal division to come and make a statement and he has not made a statement yet to see what exactly went on, what happened to the taxpayers, and was the taxpayers getting a fair bargain. Also there is a criminal investigation of intimidation for him going in and telling our sergeant I'll have your job. Goes into his office then try demanding to see paperwork. I know Mr. Wiley's mother, Monica. She's a fine lady. And this isn't about somebody that I don't like or dislike this is about what we talked about in the Commissioner's meeting. We're going to redo the contract. We're going to make it a level playing field. Just like the Printing contract, we did that. We find these difficulties in there and we're just going to present it. They think status quo made the successor bidder win and do that. Shop Rite, we've asked them to complete the terms of his last bid. We asked him to submit, I'll just go through them and he has refused. He has breached the previous contract that says we wanted him to deliver apricots, beets, peaches, pineapples, we asked for 30 cases of bean and green lima beans he only delivered 21, we asked for 30 cases of peas and black eyed peas he only gave us 12, we asked for fruit cocktail 30 cases he gave us 9 of the smaller ones, he didn't even give us the cases. Accent we asked for 20 cans he only gave us 1, All spice round we asked for 10 he gave us 0, we asked for Basil leaves 10 cans, he gave us 0, Celery stalks zero, Garlic salt 20 cans he gave 0, vanilla flavor 5 quarts he gave us 0, Franks all beef 60 lbs. he gave 0, oyster crackers 25 cases he gave us 0, apple butter 25 cases he gave us 6, jelly strawberry packets we wanted 7/200 lb case he gave us 0. So here a guy that hasn't even completed the terms of the contract, doesn't intend to, doesn't bid he said no one called me. We don't call anybody. That's not our obligation. He had it for 15 20 years and now he wants to come in and quite frankly, let me call it the way it is, use his mother's influence to try and get this contract back. I'm not interested in that I'm interested in making sure that in 60 days we're going to do a contract that is just fair. We're going to talk to Mr. Dull and then in 60 days let them bid let everybody else bid. I'm not going to disqualify him from this the fact that he didn't complete the term of the contract that's a material breach. He failed to provide services to us. In the terms of the other investigations of what they may have done in the past and what they may have done, Prosecutor's office and they can decide. As far as Sysco and all this other stuff and they didn't do this and they didn't do that we certainly can't go to a previous contractor who failed to complete the terms of the contract, where investigations is under going whether or not there was intimidation and other factors. Give us time 60 days to submit the proposals to the Commissioners and let everybody bid on it and here we go.

John Dull responded the Sheriff's Department is responsible to determining the quantity of the specs not the Board of Commissioners. What Brenda does is whatever the Sheriff Department says that's in the specs that's what we advertise. There bid should have been rejected two reasons. One when the bid came in there was no bid bond. I should have rejected it right there. I was the one who made the mistake. At that point in time there was only one bidder this board would have authorized you to go out on an open market. Second thing. Officer Kemper Reeves is brand new. When we sent it over to the Sheriff's department, Sysco didn't bid on all items in a class so it should have been rejected. Then we would have authorized you to go out on an open market. He knows now because we been to training class. Having said that is there anything in the past that would have prohibited you from going on an open market to the same vendor whose bid that we have rejected? No we've done this before, we reject the bid then you go back to that bid. Here's what I think has to happen. This board has to reject all contracts that are now pending with Sysco. You are going to say you want to go out on an open market and right there and you're going to say you want to go with Sysco. They approve, Sysco is provided up to April 30, 2007. Then we're going to advertise for this period. Then anybody can bid. A responsive bidder is one who bids on everything in the class. That's a responsive bidder. A responsive bidder is one who submits a bid bond. A responsible bidder is one who fulfills the contract that they bid for. So you can have a responsive bidder who is not responsible. I believe right now that we have to reject the existing contract, authorize them to go out on an open market, anticipate that he's going to say he wants to go out on an open market with Sysco and that's fine. But that is only up until April 30, 2007. You're going to advertise for bids. You're going to have a special meeting. John Dull asked how many days to advertise for food bids. Brenda Koselke said 30 days. John Dull said that won't work. Dull stated that when Angela Montgomery advertise you'll have a special meeting somewhere in here to award it for the balance. So everybody has a right to come in and bid. That takes care of the fact that they were a not responsive bidder twice. Commissioner DuPey asked couldn't we put that special meeting included with our regular meeting? John Dull answered sure. We can have it with our regular meeting, which is May 16, 2007. Dull said if you select Sysco as who you want to go out on an open market with, their open market will be until May 16, 2007. And then you advertise for bids from May 16, 2007 to the last quarter.

Sheriff Dominguez said what we could go to May 16, 2007. I will get to you a new bid packet for you to advertise by April 16, 2007 and then you open it on May 16, 2007 and award it. Brenda Koselke said if it's on the April 18, 2007 meeting if advertised the return date will be May 16, 2007 and it will get published twice in the paper. John Dull said so we're clear, the Sheriff's going to us the specs by April 16, 2007. We're going to advertise for a return date of May 16, 2007. Sheriff Dominguez said I would like to and we've talked about this before, it's every 3 months we can make it 6 months. If we may we would take this next one to December 31, 2007 then the next one will be from January 1, 2008 to June 30, 2008. Commissioner Scheub asked would that hurt our pricing because the pricing fluctuation with gas and everything else? Sheriff Dominguez answered well actually what we've been investigating is that because we would have a broader time period that the vendors then we'd be able to have a more set pattern of buying in bulk therefore we get a better price and of these things are can other than the dairy products so that when they know that they got this contract they can buy in bulk for six months and then be able to guess what they can do and we'll get a better price for them. Six months will be better for us and better for the Sheriff's Department, better for you and the people get a better bid in terms of them. John Dull said when the bids returned on the 16th it be for the period of June 1, 2007 to the end of the year. So we wont have to do for one month.

Commissioner Allen stated if there are no objections from the other Commissioners I will allow comments of rebuttal from representatives from the 3 companies that are involved in the audience.

A representative from Sysco Foods stated as far as the bid bond there was one in the packet that we delivered. We had a copy of it in our files. Angela Montgomery stated there wasn't one in the packet. Sysco's representative asked is it insurance. John Dull answered yes. Sysco's representative said I had it, it's in there I have to get a copy. I have one. Montgomery stated I give copies to everybody. I gave Brenda a copy. Sysco's representative said he can get us a copy. Dull stated that it's not need now. She's saying it wasn't there. Sheriff Dominguez said we're going to get into who did this, who did that I think ultimately the legal interpretation by Mr. Dull of what we can do as he see it based upon the information he has, probably no matter what it says something ultimately what's going to carry at and I'm good with that and if I think provide for us it relates to a month and a half to give everyone an opportunity to start fresh here we go and actually Attorney Dull's recommendation of what we need to do and allow me to go on an open market.

I am Monica Wiley, Phil Wiley's mother and I never tried to influence anyone. I did not like that statement. I'm very fortunate to know some very good honest people but I never influenced anyone or tried to. I'm very honest and sincere. So I would like an apology saying that I tried to influence people. Any mother would do anything for their child. My son is still on vacation. When you make a reservation you have go or loose your money. John Dull stated my statement was Officer Kemper Reeves made a statement to me: John Dull said not you. Officer Kemper Reeves said Phil Wiley said it's possible you're going to loose your job and get fired behind this. He didn't mention anybody's name maam. Monica Wiley's said there's always a possibility anybody could loose a job over anything. Commissioner Allen asked if she had any other comments beside that to make. Monica Wiley said no, I just wanted to know when would you find out if the bid bond has been received. John Dull answered, it doesn't matter whether it was received or not because I'm recommending the following: all existing contracts with Sysco be rescinded because two reasons: A) Failure to submit a bid bond B) Failure to bid on all items in a class.

Commissioner Allen asked are there any other comments by any other representative any of the companies before we proceed. No one answered.

Commissioner Scheub stated I've never been contacted by Monica Wiley or her son or any representatives. I've never been contacted by Sysco. They've never contacted me to try to influence me or tell me one way or another. The bid seems to be illegal. I've never received any complaints from the Sheriff's Department about services from Monica's son or services from these folks.

Commissioner DuPey has a question on the motion. Part of the discussion of the motion was that the bid was illegal or was it incomplete? John Dull answered the bid was non responsive. Non-responsive is the word. Commissioner Scheub said I'm sorry. Commissioner DuPey well he said illegal and I think that should be stricken from any of our records. Commissioner Scheub said make it non-responsive instead of illegal.

Scheub made a motion, seconded by DuPey, to rescind the bid that was approved for Sysco. Motion passed 3-0.

Scheub made a motion, seconded by DuPey, to allow the Sheriff to go out on an open market for Food Products through May 31, 2007 and at the same time advertise at our April 18, 2007 meeting for food products for June 1, 2007 through December 31, 2007. Motion passed 3-0.

Commissioner Scheub commented to the Sheriff. When July 1, 2007 comes for your request for July, why don't you do the dairy and bread for the following six months too then. Then we will have them all back on track in January. Sheriff Dominguez said we'll do them until the end of the year. John Dull asked what is your open market recommendation for the period through May 31, 2007. Sheriff Dominguez said to be continued with Sysco. John Dull said at the prices that were submitted.

DuPey made a motion, seconded by Scheub, to accept the recommendation of the L.C. Sheriff to approve Sysco Foods at the prices that were submitted for Food Product for the period through May 31, 2007. Motion passed 3-0.

The following officials were Present:
Attorney John Dull
Delvert Cole
Brenda Koselke

The next Board of Commissioners Meeting will be held on Wednesday, April 18, 2007 at 10:00 A.M.

There being no further business before the Board at this time, Scheub made a motion, seconded by DuPey, to adjourn.

ROOSEVELT ALLEN JR., PRESIDENT

FRANCES DUPEY

GERRY SCHEUB

ATTEST:

PEGGY HOLINGA KATONA, LAKE COUNTY AUDITOR