

The Board met in due form with the following members present: Gerry Scheub Roosevelt Allen, Jr., and Frances DuPey. 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 Munster and Crown Point, the Post Tribune in Merrillville and Crown Point, WJOB Radio Station, the Star, WLTH Radio Station, Comcast Cable, the Calumet Press, Portage Journal News, Pilcher Publishing and the Gary Law, Channel 21 media on the 17<sup>th</sup> day of September, 2009 at about 9:30 a.m.

A copy of the meeting notice and agenda was posted at the entrance of the Commissioner's courtroom on the 17<sup>th</sup> day of September, 2009 at about 9:30 a.m.

Order #1 Agenda #5A

In the Matter of Notices/Agenda: Permission to open Bids/Proposals.

Scheub made a motion, seconded by DuPey, to approve the opening of the Bids and Proposals. Motion passed 3-0.

Order #2 Agenda #5 C-E

In the Matter of Notices/Agenda: Deletions and Corrections for a Special Meeting, Approval of Final Agenda, and Public Record of Certificate of Service of Meeting Notice.

Scheub made a motion, seconded by DuPey, to approve the Deletions: **Number 32**, for a Special Meeting, and ordered same to approve the Final Agenda and make a matter of public record the Certificate of Service of Meeting Notice. Motion passed 3-0.

Order #3 Consent Agenda

In the Matter of Consent Agenda (Items #15, 19A, 19B, 19C, 19D, 47, 57, 58A, and 58B)

Scheub made a motion, seconded by DuPey, to approve and make a matter of public record the Items of the Consent Agenda (Items #15, 19A, 19B, 19C, 19D, 47, 57, 58A, and 58B). Motion passed 3-0.

Order #3 Consent Agenda #15

In the Matter of L C Highway – Maintenance Bond and Payment Bond for Lake County Bridge #64, 101<sup>st</sup> Avenue over Bull Run Ditch.

Scheub made a motion, seconded by DuPey, to approve and make the L C Highway – Maintenance Bond and Payment Bond for Lake County Bridge #64, 101<sup>st</sup> Avenue over Bull Run Ditch a matter of public record (Contractor: Dyer Construction Company, Inc.). Motion passed 3-0.

Order #3 Agenda #19 A-D

In the Matter of L C Highway – Certificates of Liability Insurance (Verizon Communications, Inc.; Ross Cartage Services, Inc.; Dyer Construction Company, Inc.; Koontz-Wagner Holdings, LLC).

Scheub made a motion, seconded by DuPey, to make a matter of public record the Certificates of Liability Insurance for the Highway Department (Verizon Communications, Inc.; Ross Cartage Services, Inc.; Dyer Construction Company, Inc.; Koontz-Wagner Holdings, LLC). Motion passed 3-0.

Order #3 Consent Agenda #47

In the Matter of L C Board of Commissioners – Certificate of Liability Insurance from Resource Conservation Services, LLC.

Scheub made a motion, seconded by DuPey, to make the Certificate of Liability Insurance from Resource Conservation Services, LLC a matter of public record. Motion passed 3-0.

Order #3 Consent Agenda #57

In the Matter of Vendor Qualification Affidavits.

Scheub made a motion, seconded by DuPey, to approve the following Vendor Qualifications Affidavits. Motion passed 3-0.

DKA ASSOCIATES, INC.  
TMC CONTRACTORS  
URBAN ELEVATOR SERVICE, INC.  
VANCO CONSTRUCTION SERVICES, LLC  
LGM CONSTRUCTION  
N.S.P. CONSULTANTS, LLC  
STERLING COMPUTERS  
PARAGON MICRO INC.  
ROTECK ENTERPRISES, INC. (dba) ROTECK.COM  
J&K COMMUNICATIONS, INC.  
MITSCH SALT SERVICE  
SHAFFNER & SHAFFNER ENT., INC. (dba) RAMADA PLAZA  
105 S. MERIDIAN, INC. (dba) HAMPTON INN DOWNTOWN  
NWI SOCIETY FOR HUMAN RESOURCE MANAGEMENT-NWI/SHRM  
VAN TREESE & ASSOCIATES, INC.

## Order #3 Consent Agenda #57 (cont'd)

STEINDLER SIGNS CO./Thomas C. Steindler Jr.  
HUNTER GOLF, INC.  
CHICAGO OFFICE TECHNOLOGY GROUP  
DAVID W. TOMLIN II  
NATIONAL TICKET CO.  
AMERICAN MEDICAL WASTE PROFESSIONALS, LLC (AMPRO)  
MEDLINE INDUSTRIES, INC.  
CREATIVE PRODUCTS SOURCING, INC.  
PATRICIA A. WIERS  
NEW INNSBROOK COUNTRY CLUB, LLC  
MEYER'S CASTLE (dba) THE LOST MARSH

## Order #3 Consent Agenda #58A

In the Matter of Treasurer's Departmental Report for the month of July, 2009.

Comes now, John Petalas, Lake County Treasurer, and files with the Board his report of fees taken in and collected in his office for the Month of July 2009. Said report is in the following words and figures, to-wit; and the Board having previously duly examined and approved said report, now accepts same and the account of said official duly settled as in report set forth.

Scheub made a motion, seconded by DuPey, to accept the above Treasurer's Report of July 2009 as submitted. Motion passed 3-0.

## Order #3 Consent Agenda #58B

In the Matter of Weights and Measures Report for period of July 16, 2009 thru August 15, 2009.

Comes now, Christine Clay, County Inspector, Weights and Measures, and files with the Board her report of fees taken in and collected in her office for the Periods 07/16/09 – 08/15/09. Said report are in the following words and figures, to-wit; and the Board having previously duly examined and approved said report, now accepts same and the account of said official duly settled as in report set forth.

Allen made a motion, seconded by DuPey, to accept the above Weights and Measures Reports of July 16, 2009 to August 15, 2009 as submitted. Motion passed 3-0.

## Order #4 Agenda #40A

In the Matter of Lake County Recovery Zone Bonds: A. Declare County Recovery Zone.

Scheub made a motion, seconded by DuPey, to declare Lake County, Indiana a Recovery Zone. Motion passed 3-0.

## Order #5 Agenda #40B-C

In the Matter of Lake County Recovery Zone Bonds: B. Adopt Procedure; C. Commissioner Collection Resolution.

Scheub made a motion, seconded by DuPey, to approve the 30-day Schedule and the Application Form. Motion passed 3-0.

## Order #6 Agenda #42 A-B

In the Matter of Recovery Zone Bonds Issue: A. Designate Recovery Zone Area; B. Adopt Schedule of Events.

Scheub made a motion, seconded by DuPey, to delete Item #42, this item is one in the same as Item #40 A-C. Motion to delete passed 3-0.

Order #4 Agenda #40A-C (cont'd)

**Shanahan & Shanahan LLP**

# Memo

**To:** Board of Commissioners  
**From:** James A. Shanahan  
**CC:** John S. Dull  
**Date:** 9/1/2009  
**Re:** Recovery Zone Bonds

---

As part of the Recovery Act, Congress authorized each city of over 100,000 people and each county to declare an area a "recovery zone". For Lake County, there are no cities large enough to exercise this authority so it falls to the County to make the appropriate declaration. Once an area is declared a recovery zone, the County can issue two types of recovery zone bonds for facilities located or to be located in the recovery zone. The issuance of these bonds is the only purpose for declaring all or part of the County as a recovery zone. There are no other ramifications from such a declaration. A sample declaratory resolution naming two townships as a recovery zone is attached.

The first type of bonds are called Recovery Zone Economic Development Bonds, and the County has been allocated \$15,320,000 in volume for 2009 and 2010. These bonds can only be issued to finance facilities owned by a governmental entity. The bonds are to be issued as taxable bonds, but the US Treasury will reimburse the issuer for 45% of the interest cost. With the reimbursement, the net interest cost to the issuer is less than the tax exempt rate. The County can allocate the volume to itself or any political subdivision with the County.

The second type of bonds are called Recovery Zone Facility Bonds, and the County has been allocated \$22,980,000 in volume for 2009 and 2010. These bonds are to be issued by the County as tax exempt bonds, and the proceeds of the bonds are to be loaned to a private entity. The private entity must apply 95% or more of the net proceeds to the construction or renovation of property located within the recovery zone to be used as a qualified business. A qualified business is any trade or business except residential rental property, golf course, country club, massage parlor, hot tub facility, suntan facility, race track or other gambling facility or carry-out liquor store.

For the Recovery Zone Facility Bonds, the County serves as a conduit to issue bonds so that the private entity obtains the benefit of tax exempt financing. As a result, the private entity should be able to borrow at interest rates that are 1.5-2.0% lower than it could obtain using conventional, taxable financing. This is to encourage the private entity to do a project without requiring the County or any municipality to contribute to the project. In effect, this is an interest rate subsidy from the federal government, not the County or any municipality.

The County has no liability or responsibility for the repayment of the bonds. When the bond proceeds are loaned to the entity, the entity gives the County a note for the repayment of the loan. The County assigns the entity's note to a trustee for the benefit of the bondholders. The entity makes

00000197.DOCX;11

## Order #4 Agenda #40A-C (cont'd)

payments on the note to the trustee. The trustee uses the payments made by the entity on its note to pay the bondholders. Bondholders can look only to the private entity for repayment. In many cases, the bonds are secured by a mortgage on the facility, a security interest in the equipment in the facility or a guarantee by the principals of the private entity. What security is required is determined by the credit worthiness of the private entity and the demands of the lender/bondholders.

Other than the initial volume described above, the County will not receive any additional volume to allocate to projects within the County unless large cities or other counties decide to waive their volume allocation. This could happen for volume for Recovery Zone Facility Bonds because many counties received a volume allocation that is too low to justify doing the conduit borrowings. Typically, it is not cost effective to go through this conduit process unless the project is large enough to allow the interest savings to exceed the cost of doing the financing. More importantly, the smaller borrowings are typically purchased by banks. In today's economic environment, banks are not big players in the market. Therefore, it is likely that some counties will waive their volume allocation.

When volume is waived, it will go to the State of Indiana to be re-allocated. The Indiana Finance Authority ("IFA") is charged by statute with administering any such volume. To date, to my knowledge, the IFA has not been approached by anyone offering to waive its volume allocation or anyone asking for additional volume allocation. Unless and until that happens, IFA is not likely to be too actively involved in developing a process for such waiver and re-allocation. I suggest that any such process will evolve as necessary, and any additional volume will be allocated to a county only if a county can justify the request for additional volume. One of the things the County might be asked to represent is that the project for which additional volume has been requested is in a recovery zone. It need not be the same recovery zone for which the original volume was used. In addition, the entity seeking a volume allocation need not be currently located in the recovery zone. On the other hand, a company in a recovery zone could easily request a volume allocation for renovation and/or expansion of property currently in the recovery zone. The only limitation is that the project for which volume is requested must be constructed, reconstructed, renovated or acquired by purchase by the requesting taxpayer after the effective date of the recovery zone designation. In other words, the bond proceeds cannot be used to refinance existing debt. By way of illustration, if the area in which Cabelas is located in Hammond is declared a recovery zone, Cabelas could not ask for volume allocation to refinance the loan it incurred to construct its facility. It could, however, ask for a volume allocation if it wanted to expand or renovate its current facility.

To summarize, for Recovery Zone Facility Bonds:

- Bonds are issued as tax exempt so that the interest rate is lower than conventional financing
- Only the conduit borrower (the private entity) is liable for payment; the County has no liability on the bonds
- All dealings after the bonds are sold will be between the private entity and the bondholders
- Additional allocation will come from the IFA when procedures are implemented
- Conduit borrowers with original or additional volume allocation must spend the bond proceeds in the recovery zone whether they are currently in the recovery zone or locate in the recovery zone
- Bond proceeds can only be used to fund new construction, reconstruction, renovation or purchase after the recovery zone designation is made.

Order #4 Agenda #40A-C (cont'd)

BOARD OF COMMISSIONERS  
COUNTY OF LAKE, INDIANA

RESOLUTION NO. 09-10

A Resolution of The Board of Commissioners of the County of Lake, Indiana, designating the County as a Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009.

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Act") grants the County of Lake, Indiana (the "County") authority to designate areas within the County as a Recovery Zone for the purposes of the Act; and

WHEREAS, a Recovery Zone is defined in the Act as (1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of the Act, which effective date is February 17, 2009; and

WHEREAS, the Recovery Zone designation allows the County to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds for facilities located within the Recovery Zone and has no other fiscal impact on the County; and

WHEREAS, the County has been allocated \$15,320,000 in Recovery Zone Economic Development Bonds and \$22,980,000 in Recovery Zone Facility Bonds; and

WHEREAS, the Board finds that as a result of the recent economic recession, the unemployment rate in the County has increased to 10.5 percent in 2009 from 6.2 percent in 2008 and 5.2 percent in 2007, and the County has experienced an increase in the rate of home foreclosures and is experiencing general distress.

NOW THEREFORE BE IT RESOLVED by the Board of the County of Lake Indiana, that the Board hereby finds and determines that conditions exist throughout the County, those conditions being a significant increase in the unemployment rate, an increase in the rate of home foreclosures, and general distress, necessary to designate the County as a Recovery Zone pursuant to the provisions of the Act, and the Board hereby designates all of the area within the County as a Recovery Zone.

00000193.DOCX;1

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect immediately upon its passage.

ADOPTED this 23<sup>rd</sup> day of September, 2009.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF LAKE, INDIANA

  
President

ATTEST:  
  
Auditor

00000193.DOCX;1

Order #4 Agenda #40A-C (cont'd)

BOARD OF COMMISSIONERS  
COUNTY OF LAKE, INDIANA

RESOLUTION NO. 09-11

A Resolution of The Board of Commissioners of the County of Lake, Indiana, designating North Township and Calumet Township as a Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009.

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Act") grants Lake County, Indiana (the "County"), authority to designate areas within the County as a Recovery Zone for the purposes of the Act; and

WHEREAS, the Board of Commissioners of the County of Lake (the "Board") is the executive body of the County and has the authority to designate areas within the County as a Recovery Zone; and

WHEREAS, a Recovery Zone is defined in the Act as (1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of the Act, which effective date is February 17, 2009; and

WHEREAS, the Recovery Zone designation allows the County to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds for facilities located within the Recovery Zone and has no other fiscal impact on the County; and

WHEREAS, the County has been allocated \$15,320,000 in Recovery Zone Economic Development Bonds and \$22,980,000 in Recovery Zone Facility Bonds;

WHEREAS, the Board finds that as a result of the recent economic recession, the unemployment rate in the County has increased to 10.5 percent in 2009 from 6.2 percent in 2008 and 5.2 percent in 2007, and the County has experienced an increase in the rate of home foreclosures and is experiencing general distress.

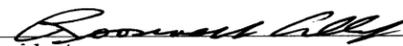
00000192.DOCX;1

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the County of Lake, Indiana, that the Board hereby finds and determines that conditions exist throughout North Township and Calumet Township, those conditions being a significant increase in the unemployment rate, an increase in the rate of home foreclosures, and general distress, necessary to designate the areas as a Recovery Zone pursuant to the provisions of the Act, and the Board hereby designates all of the area within North Township and Calumet Township as a Recovery Zone.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect immediately upon its passage.

ADOPTED this 23<sup>rd</sup> day of September, 2009.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF LAKE, INDIANA

  
President

ATTEST  
  
Auditor

00000192.DOCX;1

Order #4 Agenda #40A-C (cont'd)

**APPLICATION FOR RECOVERY ZONE FACILITY BOND ALLOCATION**

**I. Program Details**

The Lake County Board of Commissioners is requesting applications from private parties in Lake County to participate in the Recovery Zone Bond Program created by the American Reinvestment and Recovery Act of 2009. The County has received \$22,980,000 for the Recovery Zone Facility Bond program to be allocated among one or more projects. Allocations are not grants, but rather allow the project to pursue financing at a discounted rate. The program is intended to stimulate economic activity and support qualified economic development projects in defined "recovery zones" within Lake County. The Board has designated the entire County as a recovery zone. Answers to questions about this application can be received by contacting the Board, or the Board's attorney, John S. Dull. All prospective applicants shall complete and file this application with the Board prior to the submission deadline which is **October 20, 2009**.

**Amount of Allocation Requested: \$** \_\_\_\_\_

**II. Applicant Information**

Name of Company/Organization: \_\_\_\_\_

Name and Title of Company/Organization Contact: \_\_\_\_\_

Address: \_\_\_\_\_

**III. Proposed Project Information**

Project Description [Attach additional sheets if necessary]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Location: \_\_\_\_\_

Project Type: New: \_\_\_ Expansion: \_\_\_ Renovation: \_\_\_

Total Project Cost: \$ \_\_\_\_\_

Total Investment in Project to Date: \$ \_\_\_\_\_

Anticipated Project Start Date: \_\_\_\_\_

Anticipated Project Completion Date: \_\_\_\_\_

**IV. Proposed Projects Anticipated Benefits to Recovery Zone**

Current Assessed Value: \$ \_\_\_\_\_

Estimated Assessed Valuation after Project: \$ \_\_\_\_\_

Estimate number of new jobs to be generated from proposed project:

Construction: \_\_\_\_\_ Permanent: \_\_\_\_\_

Description of types of jobs to be created (e.g., Professional, Administrative, etc.) please include the number of such jobs and corresponding estimated hourly wages: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Other Benefits to County (if any): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**V. Acknowledgment**

I certify that the above information is accurate to the best of my knowledge and that I am authorized to submit this application on behalf of the bond issuer.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Return Completed Application to:**

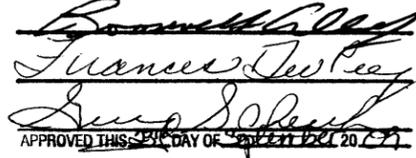
Lake County Board of Commissioners  
Building "A", 3rd Floor  
2293 N. Main Street  
Crown Point, IN 46307  
Phone: 219-755-3200  
Fax: 219-755-3064

## Order #4 Agenda #40A-C (cont'd)

**LAKE COUNTY  
RECOVERY ZONE BONDS**

September 23, 2009	Board of Commissioners meeting to declare part or all of county as a recovery zone
Sept. 23-Oct. 20, 2009	Board of Commissioners accept requests for allocation of volume cap
October 21, 2009	Board of Commissioners meeting to allocate volume cap to approved applicants
Oct. 22- Nov. 15, 2009	Developer works to finalize documentation for financing
November 2, 2009	Publish notice of TEFRA public hearing (14 day lead time per federal law)
November 16, 2009	TEFRA public hearing held by representative of Board of Commissioners
November 16, 2009	County Council meeting to adopt bond ordinance
November 17, 2009	Board of Commissioners meeting to adopt final order approving bonds

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE



APPROVED THIS 23<sup>RD</sup> DAY OF SEPTEMBER 2009

00000191.DOC;1

## Order #5 Agenda #6

In the Matter of L C Building Manager – Proposals for Sealing Cracks and Joints and Parking Lot Marking at the Lake County Government Center.

The Board having previously taken the proposals under advisement does hereby table this item for further review and tabulation, upon a motion made by Scheub, seconded by DuPey, with the recommendation of the Building Manager. Motion to table passed 3-0.

## Order #6 Agenda #7

In the Matter of L C Building Manager – Agreement with TruGreen – Chemlawn for the 2009 Fall Fertilization and Weed Prevention for the following: A. Lake County Government Center - \$1,390.00; B. Lake County Juvenile Center - \$450.00; C. Westwind Manor/Work Release - \$409.00.

Scheub made a motion, seconded by DuPey, approve the Agreement between L C Building Manager and TruGreen – Chemlawn for the 2009 Fall Fertilization and Weed Prevention for Lake County Government Center - \$1,390.00, Lake County Juvenile Center - \$450.00, and Westwind Manor/Work Release - \$409.00. Motion passed 3-0.

## Order #7 Agenda #8

In the Matter of Contract for Highway – Rehabilitation of Lake County Bridge #294, Broad Street over Cady Marsh Ditch.

The Board having previously taken the bids under advisement, does hereby award the contract to Gariup Construction Company, for Rehabilitation of Lake County Bridge #294, Broad Street over Cady Marsh Ditch, upon a motion made by Scheub, seconded by DuPey, with the recommendation of the L.C. Highway. Motion passed 3-0.

And it appearing to said Board of Commissioners that the above company's bid being the most responsive and responsible bid for Rehabilitation of Lake County Bridge #294, Broad Street over Cady Marsh Ditch for the L.C. Highway, having complied with the law as provided by statute and filed with their bid the proper affidavit as by law provided and their bond or certified check in the amount of:

GARIUP CONSTRUCTION COMPANY W/ CONTINENTAL CASUALTY COMPANY in the amount of 5% of the bid total is hereby approved by the Board of Commissioners.

## Order #7 Agenda #8 (cont'd)

There being sufficient unobligated appropriated funds available, the contracting authority of Board of Commissioners hereby accepts the terms of the attached bid for classes or items numbered for REHABILITATION OF LAKE COUNTY BRIDGE #294, BROAD STREET OVER CADY MARSH DITCH \$233,700.00 and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: September 23, 2009

FRANCES DUPEY  
GERRY SCHEUB  
ROOSEVELT ALLEN, JR.

GARIUP CONSTRUCTION COMPANY

Letter of Recommendation:

September 9, 2009

Lake County Board of Commissioners  
Lake County Government Center  
2293 North Main Street  
Crown Point, Indiana 46307

ATTN: Roosevelt Allen Jr., President

RE: Rehabilitation of Lake County Bridge #294, Broad Street over Cady Marsh Ditch

Honorable Commissioners:

The Lake County Highway Department has reviewed the bids opened at your meeting of Wednesday, August 19, 2009 for the Rehabilitation of Lake County Bridge #294, Broad Street over Cady Marsh Ditch. Based upon our review of the bids, the Highway Department recommends award of the contract to Gariup Construction Co., Inc., lowest and most responsive bidder in the amount of \$233,700.00.

The bids received are as follows:

Vendor	Amount
<b>Gariup Construction Company</b>	<b>\$233,700.00</b>
The American Group of Const.	\$244,009.29
Ellas Construction	\$267,437.33
Kovicic Construction Company	\$379,129.50

Respectfully Submitted,  
Marcus W. Malczewski, Superintendent

## Order #8 Agenda #9

In the Matter of L C Highway – Local Funded Engineering Agreement with Clark Dietz, Inc. for the Rehabilitation of Lake County Bridge No. 294, Broad Street over Cady Marsh Ditch, Lake County in the amount not to exceed \$46,905.62.

DuPey made a motion, seconded by Scheub, to approve the Local Funded Engineering Agreement between L C Highway and Clark Dietz, Inc. for the Rehabilitation of Lake County Bridge No. 294, Broad Street over Cady Marsh Ditch, Lake County in the amount not to exceed \$46,905.62. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR 9PG ORIGINAL)

## Order #9 Agenda #10

In the Matter of L C Highway – Addendum #1 for the rehabilitation of Lake County Bridge #226, Grand Boulevard over Deep River.

DuPey made a motion, seconded by Scheub, to ratify the approval of L C Highway – Addendum #1 for the rehabilitation of Lake County Bridge #226, Grand Boulevard over Deep River. Motion passed 3-0.

## Order #10 Agenda #11

In the Matter of L C Highway – BIDS: Rehabilitation of Lake County Bridge #226, Grand Blvd. over Deep River.

This being the day, time, and place for the receiving of bids for the Rehabilitation of Lake County Bridge #226, Grand Blvd. over Deep River for the Highway Department, the following bids were received:

Gariup Construction Company	\$492,000.24
Ellas Construction Co., Inc.	\$564,414.22
Rieth-Riley Construction	\$712,363.15
The American Group of Constructors	\$524,925.04
Albin Carlson	\$548,603.45

Scheub made a motion, seconded by DuPey, to take the above bids under advisement and refer to the Highway Department for tabulation and recommendation. Motion passed 3-0.

## Order #11 Agenda #12

In the Matter of L C Highway – BIDS: Culvert Repair located at 153<sup>rd</sup> Avenue and Foss Ditch.

This being the day, time, and place for the receiving of bids for Culver Repair located at 153<sup>rd</sup> Avenue and Foss Ditch for the Highway Department, the following bids were received:

## Order #11 Agenda #12 (cont'd)

Reith-Riley Construction	\$18,725.00
Boyd Construction Co., Inc.	\$21,050.00
Ellas Construction Co., Inc.	\$32,000.00
Grimmer Construction Co., Inc.	\$58,500.00

Scheub made a motion, seconded by DuPey, to take the above bids under advisement and refer to the Highway Department for tabulation and recommendation. Motion passed 3-0.

## Order #12 Agenda #13

In the Matter of L C Highway – BIDS: Mud-Jacking located at Lake County Bridge #251, Rand Street over Deep River.

This being the day, time, and place for the receiving of bids for Mud-Jacking located at Lake County Bridge #251, Rand Street over Deep River for the Highway Department, the following bids were received:

Rieth-Riley Construction	\$40,500.00
Boyd Construction Co., Inc.	\$30,225.00
Ellas Construction Co., Inc.	\$42,000.00

Scheub made a motion, seconded by DuPey, to take the above bids under advisement and refer to the Highway Department for tabulation and recommendation. Motion passed 3-0.

## Order #13 Agenda #14

In the Matter of L C Highway – BIDS: Mud-Jacking located at Lake County Bridge #249, Michigan Street over Deep River.

This being the day, time, and place for the receiving of bids for Mud-Jacking located at Lake County Bridge #251, Michigan Street over Deep River for the Highway Department, the following bids were received:

Rieth-Riley Construction	\$58,300.00
Boyd Construction Co., Inc.	\$37,780.00
Ellas Construction Co., Inc.	\$57,500.00

Scheub made a motion, seconded by DuPey, to take the above bids under advisement and refer to the Highway Department for tabulation and recommendation. Motion passed 3-0.

## Order #14 Agenda #16

In the Matter of L C Highway – Lake County Bridge #99 Original Offer and Counter Offer for Parcel 4 and Parcel 6.

Scheub made a motion, seconded by DuPey, to approve the Counter Offer in the amount of \$7,200.00 for L C Bridge #99 Parcel 4 and Parcel 6 for the Highway Department. Motion passed 3-0.

## Order #15 Agenda #17

In the Matter of L C Highway – County Utility Agreement with Verizon North, Inc. to bury fiber and copper cables for an INDOT Bridge Project located at Grand Boulevard over Deep River.

DuPey made a motion, seconded by Scheub, to approve the County Utility Agreement between L C Highway and Verizon North, Inc. to bury fiber and copper cables for an INDOT Bridge Project located at Grand Boulevard over Deep River. Motion passed 3-0.

(SEE FILE "SEPTEMBER 2009" FOR ORIGINAL)

## Order #16 Agenda #18

In the Matter of L C Highway – County Utility Agreement with Schererville Utility Board for utility work at Morse Place from 85<sup>th</sup> Avenue North to 82<sup>nd</sup> Avenue.

Scheub made a motion, seconded by DuPey, to approve the County Utility Agreement between L C Highway and Schererville Utility Board for utility work at Morse Place from 85<sup>th</sup> Avenue North to 82<sup>nd</sup> Avenue. Motion passed 3-0.

(SEE FILE "SEPTEMBER 2009" FOR ORIGINAL)

## Order #17 Agenda #20

In the Matter of L C Sheriff – Seek Bids: Sell of the Equipment Associated with the Aviation Unit of the Lake County Sheriff's Department.

Scheub made a motion, seconded by DuPey, to approve the Sheriff's request to seek bids for the Sell of the Equipment Associated with the Aviation Unit of the Lake County Sheriff's Department. Proceeds to go to the cumulative helicopter improvement fund #277 enacted by the Lake County Council in 2008. Motion passed 3-0.

## Order #18 Agenda #21

In the Matter of L C Sheriff – Letter from the Lake County Sheriff concerning Emergency Repairs to the Roof at the Old Sheriff's House at 93<sup>rd</sup> and Main Street.

Scheub made a motion, seconded by DuPey, to approve the Emergency Repairs to the Roof at the Old Sheriff's House at 93<sup>rd</sup> and Main Street. Motion passed 3-0.

## Order #19 Agenda #22

In the Matter of L C Sheriff – Letter from the Lake County Sheriff requesting permission to hold an auction in October.

DuPey made a motion, seconded by Scheub, to approve the Sheriff's request to hold an auction on October 24, 2009. Motion passed 3-0.

## Order #20 Agenda #44

In the Matter of L C Sheriff – Dedication of the Sheriff's House.

Comes now, before the Board, to make a presentation of the "Women in Law Enforcement Memorial", our Lake County Sheriff, Roy Dominguez, requesting permission to use the old Sheriff's House at 93<sup>rd</sup> Avenue and Main Street, asking that the old "Sheriff's House" be named in honor of Sheriff Lillian Holley our only and first female Sheriff also the second in the State of Indiana and as well to pay tribute and honor to our female police officers that serve in our Sheriff's Department and throughout the County. Here today, Retired Lieutenant Patti Van Til, Commander Lucky Smith, and Police Officer Maria Garcia, and other officers from the Correction Department who worked together to design a proposal for your (the Board's) consideration including the design of a tribute for Sheriff Lillian Holley and all other Female Police Officers.

Comes now, before the Board, Retired Lieutenant Patti Van Til, on behalf of this Tribute Memorial honoring Women in Law Enforcement giving insight on facts gathered in regard to our late Sheriff Lillian Holley and providing the Board of Commissioners a proposal which includes: Facts of Sheriff Lillian Holley, The Memorial, The Landscaping, Donations and Costs, and Entrance for the consideration of the Board. Read aloud a letter sent to Retired Lieutenant Patti Van Til from the Indiana State Lodge Fraternal Order of Police 1934 President Tim Downs embracing this idea and thanking Mrs. Van Til for her dedication to this long overdue cause, as so stated.

Commissioner DuPey made a motion, seconded by Scheub, to move forward with the dedication ceremony and building plans in effort for completion Spring 2010. Motion passed 3-0.

## SHERIFF LILLIAN HOLLEY

Lillian Holley's position as Sheriff of Lake County was exceptional in that few women had positions of authority as police officers or prison officials. Holley was a 42-year-old mother of twin daughters when she became Sheriff to serve out the term of her late husband who had been killed in the line of duty. Lillian was the first and only female Sheriff of Lake County, Indiana. She held the position for two years. Lillian was born in Kentland, Indiana on August 11, 1891. She lived her life out as a philanthropist dedicated to the institutions and time-honored landmarks of Crown Point, the community she loved. On June 12, 1994, Lillian died at the age of 103.

On the inside of the building, in the main entryway, there will be a portrait of Sheriff Holley. As funds are available a portrait will be secured for display along with some historical data on Sheriff Holley.

A photo display of the women from the Lake County Sheriff's Department who will be honored will also be displayed. There will be criteria for inclusion in this memorial that the committee will address.

Additionally a plaque recognizing those who have contributed and donated to this memorial will be displayed. There are organizations that have been generous with their time, goods and services. Joe Ebert from the Lake County Parks & Recreation Department deserves special recognition.

## Order #21 Agenda #23

In the Matter of L C Community Corrections – Operating Agreement – Food Service with Aramark Correctional Services. LLC for the period of October 1, 2009 to September 30, 2010.

Scheub made a motion, seconded by DuPey, to approve the Operating Agreement between Community Corrections and Aramark Correctional Services LLC for the period of October 1, 2009 to September 30, 2010. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR 9 PAGE ORIGINAL)

## Order #22 Agenda #24

In the Matter of L C Community Corrections – Extended Warranty and Support Services Agreement No. 083109CW1 with BI Incorporated for the period of July 1, 2009 to June 30, 2010 in an amount not to exceed \$18,798.00 payable at the rate of \$1,566.50 per month.

Scheub made a motion, seconded by DuPey, to approve the Extended Warranty and Support Services Agreement No. 083109CW1 between Community Corrections and BI Incorporated for the period of July 1, 2009 to June 30, 2010 in an amount not to exceed \$18,798.00 payable at the rate of \$1,566.50 per month. Motion passed 3-0.

**EXTENDED WARRANTY AND SUPPORT SERVICES AGREEMENT**  
Agreement No. 083109CW1

This Agreement ("accrue Agreement") is made by and between BI INCORPORATED, a corporation organized under the laws of the State of Colorado, with its principal place of business at 6400 Lookout Road, Boulder, CO 80301 and LAKE COUNTY COMMUNITY CORRECTIONS with its principal place of business at 2600 West 93<sup>rd</sup> Street, Crown Point, IN 46307 (hereinafter "Customer").

WHEREAS, Customer has determined that a present need exists for the maintenance and support services contemplated herein, and

WHEREAS, Customer is authorized to enter into this Agreement by the laws and regulations to which Customer is subject; and

WHEREAS, Customer and BI agree that the terms and conditions of this Agreement apply to the services purchased hereunder; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

**1. EXTENDED WARRANTY AND SUPPORT SERVICES**

Customer is entitled to receive those maintenance and support services as further described in the attached Warranty and Support Coverage sheet(s) (the "Coverage") for that equipment as set forth in Exhibit A (the "Equipment").

<b>2. AGREEMENT TERM:</b>	12 Months
<b>3. EFFECTIVE DATES OF COVERAGE:</b>	July 1, 2009 through June 30, 2010
<b>4. TOTAL ANNUAL COST OF COVERAGE:</b>	\$18,798.00
<b>5. TOTAL MONTHLY PAYMENT:</b>	\$1,566.50
<b>6. SCHEDULE OF COVERED EQUIPMENT:</b>	See Exhibit A

**7. DISPOSABLE SUPPLIES:**

Customer is entitled to one (1) HG-2223 Anti-tamper strap and one (1) HG-2221 Male/female latch set for every quarterly interval (three month period) of the Term hereof and one (1) HG-2222 battery for every year of the Term hereof per Transmitter/Receiver Unit covered hereunder.

**8. LIMITATION OF LIABILITY**

BI's entire liability and Customer's exclusive remedy for damages from any cause whatsoever, and regardless of the form of action, whether contract, warranty or tort (including negligence), shall be limited to the aggregate payments made hereunder that is the subject matter of or is directly related to the cause of action. The foregoing limitation will not apply to claims by third parties for personal injury or property damage arising out of the negligence of BI.

IN NO EVENT WILL BI BE LIABLE FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF USE OF THE EQUIPMENT, PERFORMANCE OF SERVICES PROVIDED UNDER THIS AGREEMENT, OR ARISING OUT OF CUSTOMER'S FAILURE TO PERFORM ANY OF ITS RESPONSIBILITIES HEREUNDER. IT WILL BE CUSTOMER'S RESPONSIBILITY TO ADEQUATELY SAFEGUARD ITS DATA USED IN CONJUNCTION WITH EQUIPMENT.

**9. GENERAL**

Without the prior written consent of BI, Customer shall not assign or transfer this Agreement.

The entire Agreement between the parties with respect to the subject matter hereof is contained in this Agreement. There are no understandings, representations or warranties expressed or implied, not specified herein, respecting this Agreement or the services furnished hereunder. BI shall not be liable for any failure or any delay in performance hereunder if such failure or delay is due, in whole or in part, to any cause beyond its control. Any pre-printed terms and conditions of any purchase order issued in connection with this Agreement or maintenance service of the Equipment shall be superseded by the terms and conditions of this Agreement

Order #22 Agenda #24 (cont'd)

and of no force and effect. Either party may terminate this Agreement at any time for failure of the other to comply with any of its terms and conditions. Such termination will require a written notice as described herein.

Customer shall pay any and all applicable state and local taxes that may be due from this Agreement.

Interest on any amount which is past due shall accrue at the rate of 1-1/2% per month, or if such rate exceeds the maximum rate allowed by law, then at such maximum rate, and shall be payable on demand. Customer agrees that BI may withhold Coverage services to Customer if Customer's account with BI is delinquent.

This Agreement shall not be deemed or construed to be modified or amended, in whole or in part, except by written amendment signed by the parties hereto.

Either party may cancel this Agreement at any time, without cause, with thirty (30) days prior written notice.

Any provision of this Agreement which is unenforceable under the laws of any jurisdiction which are applicable hereto shall be ineffective to the extent such laws apply without causing such provision to be ineffective under the laws of any other jurisdiction which may be or may become applicable and without invalidating the remaining provisions of this Agreement. The captions set forth herein are for convenience only and shall not define or limit any of the terms hereof. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

No action, regardless of form, arising out of this Agreement may be brought by either party more than two years after the cause of action has arisen, or, in the case of an action for non-payment, more than two years from the date payment was due.

Customer has read this Agreement and understands that the terms and conditions apply fully to all documents made a part of this Agreement and acknowledges that it understands and is bound by this Agreement.

THIS AGREEMENT SHALL NOT BE EFFECTIVE UNTIL EXECUTED BY THE CUSTOMER AND ACCEPTED BY AN AUTHORIZED REPRESENTATIVE OF BI AT ITS PRINCIPAL PLACE OF BUSINESS.

By execution hereof, the signer hereby certifies that signer is duly authorized to execute this Agreement on behalf of Customer.

BI INCORPORATED

LAKE COUNTY COMMUNITY CORRECTIONS

By: \_\_\_\_\_ Dated \_\_\_\_\_  
(Authorized Signature)

By: \_\_\_\_\_ Dated \_\_\_\_\_  
(Authorized Signature)

Michael E. Hankerd  
(Print or type name)

(Print or type name) BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

Corporate Controller  
(Title)

(Title) Frances DuPey

[Signature]  
[Signature]  
[Signature]  
APPROVED THIS 23 DAY OF September, 2009

Order #23 Agenda #25

In the Matter of L C Public Defender, Conflicts Division – Consulting Contract with Matthew N. Fech for the period of September 23, 2009 to December 31, 2009 in an amount not to exceed \$12,000.00 payable at the rate of \$60.00 per hour.

Scheub made a motion, seconded by DuPey, to approve the Consulting Contract between L C Public Defender, Conflicts Division and Matthew N. Fech for the period of September 23, 2009 to December 31, 2009 in an amount not to exceed \$12,000.00 payable at the rate of \$60.00 per hour. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

Order #24 Agenda #26

In the Matter of L C Public Defender, Conflicts Division – Consulting Contract Amendment to the Agreement entered into on December 17, 2008 with Roseann Ivanovich for an additional \$12,000.00 payable at the rate of \$60.00 per hour.

Scheub made a motion, seconded by DuPey, to approve the Consulting Contract Amendment between L C Public Defender, Conflicts Division and Roseann Ivanovich for an additional \$12,000.00 payable at the rate of \$60.00 per hour. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

Order #25 Agenda #27

In the Matter of L C Public Defender, Conflicts Division – Consulting Contract Amendment to the Agreement entered into on December 17, 2008 with Derla R. Gross for an additional \$12,000.00 payable at the rate of \$60.00 per hour.

Scheub made a motion, seconded by DuPey, to Consulting Contract Amendment between L C Public Defender, Conflicts Division and Derla R. Gross for an additional \$12,000.00 payable at the rate of \$60.00 per hour. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

## Order #26 Agenda #28

In the Matter of L C Coroner – Vendor Contract with John E. Cavanaugh, M.D., P.C. for the period of August 1, 2009 to December 31, 2009 in an amount not to exceed \$8,000.00.

Scheub made a motion, seconded by DuPey, to approve the Vendor Contract, decrease, with John E. Cavanaugh, M.D., P.C. on behalf of the Lake County Coroner for the period of August 1, 2009 to December 31, 2009 in an amount not to exceed \$8,000.00. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

## Order #26 Agenda #29

In the Matter of L C Coroner – Vendor Contract with Young Kim, M.D. for the period of September 1, 2009 to December 31, 2009 in an amount not to exceed \$64,000.00.

Scheub made a motion, seconded by DuPey, to approve the Vendor Contract, increase, with Young Kim, M.D. on behalf of the Lake County Coroner for the period of September 1, 2009 to December 31, 2009 in an amount not to exceed \$64,000.00. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

## Order #27 Agenda #30

In the Matter of L C Treasurer – Services Primary Agreement with Donald J. Guernsey dba Onyx Electronics for the period of January 1, 2010 to December 31, 2010: Addendum 1: Commissioners Certificate Sale Services – 8%; Addendum 2: Tax Sale Support Services Addendum - \$65.00 per parcel.

DuPey made a motion, seconded by Scheub, to delete Addendum 2, stated as Tax Sale Support Services Addendum - \$65.00 per parcel, and ordered to approve the Services Primary Agreement between Donald J. Guernsey dba Onyx Electronics and Lake County Treasurer for the period of January 1, 2010 to December 31, 2010: Addendum 1: Commissioners Certificate Sale Services – 8%. Motion to delete and approve passed 3-0.

## ONYX ELECTRONICS' SERVICES PRIMARY AGREEMENT

Onyx Electronics' Services Primary Agreement, executed on this 03rd day of September, 2009, is entered into between Donald J Guernsey DBA Onyx Electronics, 68 Brodie Court, Valparaiso, IN 46383, and The County of Lake, Indiana by and through its Board of Commissioners ("Lake County"), 2293 North Main Street, Crown Point, In 46307. In consideration of the mutual agreements contained in Onyx Electronics' Services Primary Agreement, Onyx Electronics and Lake County hereby agree as follows:

1. Services to be Performed. Upon the execution of this agreement, Lake County shall execute an addendum for each service desired by Lake County to be performed by Onyx Electronics. Lake County may, at any future date, select any other and/or additional services to be performed by Onyx Electronics by notifying Onyx Electronics of the service to be provided, and receiving approval for said service from Onyx Electronics. Each service agreed upon, whether agreed upon today or in the future, will become part of this agreement, and is subject to the terms of this agreement.
2. Service Performance Dates. Onyx will begin providing the services outlined in this agreement on January, 1, 2010 or such date as may be set forth in any addendum executed by Lake County and accepted by Onyx Electronics.
3. Term of Agreement. The term for this Agreement will be from January 1, 2010 until January 1, 2011. This Agreement will automatically be renewed for the period of one (1) year starting January 1st, 2011 unless Lake County or Onyx Electronics provides a letter of termination at least ninety (90) days before January 1st, 2011. A letter of termination by either party shall be sent by registered or certified mail with return receipt requested to the addresses set forth in this Agreement.
4. Data to be Provided by Lake County. Lake County agrees to provide Onyx Electronics with all the necessary data in a timely and accurate fashion. Lake County agrees that, in order to provide the services listed in this Agreement, Onyx Electronics will need the requested data to be accurate and timely.
5. Limitation of Liability. Lake County hereby agrees that in no event shall Onyx Electronics be liable for any loss of profit or indirect, special, incidental, or consequential damages as a result of the use by Onyx Electronics of inaccurate, omitted, erroneous, fraudulent, or other insufficient information supplied to Onyx Electronics by Lake County or its agents or its employees under this Agreement. Lake County will also not hold Onyx Electronics liable for the actions, fault, failure, or negligence of any individual not employed or a principal of Onyx Electronics.
6. Right to Contract. Lake County and Onyx Electronics each warrant that neither its execution or delivery of this Agreement, nor its performance of the addenda hereof, will constitute a violation of any applicable law. Each party will indemnify and save the other harmless from and against any loss, costs, liability, damages or expense by reason of any claim which may be asserted to the contrary by any third party. This Agreement shall be governed and interpreted by the laws of the State of Indiana. If any provision of this Agreement shall be held invalid, illegal, or unenforceable, the remainder of this Agreement will remain in force.
7. Assignment. This Agreement shall be binding upon both parties, their successors, and permitted assigns. Neither party may assign this Agreement without the prior written approval of the other party hereto.



Order #27 Agenda #30 (cont'd)

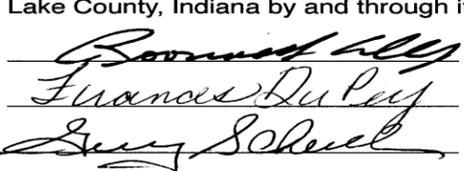
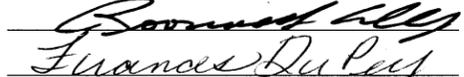
ONYX ELECTRONICS' SERVICES PRIMARY AGREEMENT

Addendum 1: Date signed: \_\_\_\_\_

 Lake County Auditor  Lake County Treasurer

Onyx Electronics

By:  Date: 9/29/09  
Donald J. Guerhsey - Owner

Lake County, Indiana by and through its Board of Commissioners  
 Date: September 23, 2009  
  


---

Order #28 Agenda #31

In the Matter of L C Treasurer – Specifications: Treasurer's Tax Sale Service for the year 2010.

Scheub made a motion, seconded by DuPey, to approve the Specifications for the Treasurer's Tax Sale Service for the year 2010 to be advertised and ordered same for the return of bids by Wednesday, October 21, 2009 prior to 9:30 A.M. in the Auditor's Office. Motion passed 3-0.

Order #29 Agenda #33

In the Matter of L C Homeland Security / Emergency Management Agency – Letter from the Federal Emergency Management Agency concerning the Town of Highland, Indiana.

Scheub made a motion, seconded by DuPey, to make the Letter from the Federal Emergency Management Agency (FEMA) concerning the Town of Highland, Indiana a matter of public record. Motion passed 3-0.

Order #30 Agenda #34

In the Matter of L C Plan Commission – Variance from Development Standard Approvals for Proposed Accessory Building.

Scheub made a motion, seconded by DuPey, to approve the L C Plan Commission – Variance from Development Standard Approvals for Proposed Accessory Building, regarding a detached garage on property located at 3134 West 47<sup>th</sup> Avenue, Calumet Township. Motion passed 3-0.

Order #31 Agenda #35

In the Matte of L C Data Processing – Consulting Contract with Judge William Longer for Attorney Services with regard to the Lake County Data Board in an amount not to exceed \$12,000.00 at the rate of \$90.00 per hour.

Scheub made a motion, seconded by Allen, to approve the Consulting Contract between Data Processing and Judge William Longer for Attorney Services with regard to the Lake County Data Board in an amount not to exceed \$12,000.00 at the rate of \$90.00 per hour. Motion passed 2-1, DuPey abstain.

## Order #31 Agenda #35 (cont'd)

CONSULTING CONTRACT

THIS AGREEMENT, entered into this 23<sup>rd</sup> day of September, 20 09 effective from January 1, 2009 to December 31, 2009 by and between JUDGE WILLIAM LONGER, (hereinafter called "Consultant") and the BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE on behalf of the LAKE COUNTY DATA PROCESSING AGENCY (hereinafter called the "County").

WITNESSETH THAT:

NOW THEREFORE, the parties hereto mutually agree as follows:

1. **Employment of Consultant.** The County agrees to engage the Consultant and the Consultant hereby agrees to perform the services designated in this contract.
2. **Scope of Service.** The Consultant shall do, perform, and carry out in a good and professional manner the services:

CONTRACT ATTORNEY

- A. Consultant shall legally advise and represent the following boards, their members and their employees in any situation arising out of the performance of their duties or within the scope of their employment to include but not limited to attendance at board meetings:

LAKE COUNTY DATA BOARD

- B. Consultant shall devote such hours as are necessary to perform the service listed above.
- C. Consultant shall exercise independent legal judgment to act in the best interest of the parties represented.
- D. Consultant reports directly to the Board, Official and/or person represented and not to the Board of Commissioners and/or Lake County Attorney.
- E. Consultant shall include the following detailed information on invoices:
  - I. Indicate date of service.
  - II. Specify activities in detail to include with whom consultant met and what work was done.
  - III. Indicate the time period of the day during which the work was performed, (i.e. 10:15 P.M. to 11:35 P.M.).
  - IV. Quantify this by tenths of hours (.10 = 6 minutes).
3. **Time of Performance.** The services to be performed hereunder by the Consultant shall be undertaken and completed in such sequence as to assure their expeditious completion and best carry out the purposes

1

of the agreement.

4. **Compensation.** The County agrees to pay the Consultant a sum not to exceed Twelve Thousand Dollars (\$12,000.00) for all services required herein at the rate of \$90.00 per hour, which shall include reimbursement for expenses incurred except that the County shall pay for any litigation expenses. This shall be paid out of the Lake County Data Processing Agency's Budget. The Consultant agrees to complete the project and all services provided herein for an amount not to exceed this sum. Subject to annual funding by the Fiscal Body.
5. **Changes.** The County may, from time to time, require changes in the scope of the services of the Consultant to be performed hereunder. Such changes, which are mutually agreed upon by and between the County and the Consultant, shall be incorporated in a written amendment to this agreement.
6. **Termination of Agreement.** Either Party may terminate this agreement, with or without cause, by giving fourteen (14) days written notice to the other party and specifying the effective date of termination.
7. **Accomplishment of Project.** The Consultant shall commence, carry on, and complete the project with all practicable dispatch, in a sound economical and efficient manner, in accordance with the provisions thereof and all applicable laws.
8. **Provisions Concerning Certain Waivers.** Subject to applicable law, any right or remedy which the County may have under this contract may be waived in writing by the County by a formal waiver, if, in the judgment of the County, this contract, as so modified, will still conform to the terms and requirements of pertinent laws.
9. **Matters to be Disregarded.** The titles of the several sections, subsections, and paragraphs set forth in this contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this contract.
10. **Completeness of Contract.** This contract and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.
11. **County Not Obligated to Third Parties.** The County shall not be obligated or liable hereunder to any party other than the Consultant.
12. **When Rights and Remedies Not Waived.** In no event shall the making by the County of any payment to the Consultant constitute or be construed as a waiver by the County of any breach of covenant, or any default which may then exist, on the part of the Consultant, and the making of any such payment by the County while any such breach or default

2

## Order #31 Agenda #35 (cont'd)

shall exist in no way impair or prejudice any right or remedy available to the County in respect to such breach or default.

13. **Personnel.** The Consultant represents that he has, or will secure at his own expense, all personnel required in performing the services under this agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All of the services required hereunder will be performed by the Consultant or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services.
14. **Equal Opportunity and Affirmative Action.** The Consultant agrees by the execution of this contract that in regards to its operations:
  - A. No person shall, on the grounds of race, color, national origin or sex, be excluded from participation, be denied the benefits of, or be subject to discrimination.
  - B. The principles of equal opportunity in employment and delivery of services are applicable and commits to a policy and practice of nondiscrimination and affirmative action based upon age, military service, ancestry, color, national origin, physical handicap, political affiliation, race, religion and sex.
  - C. The provisions of the Affirmative Action Program adopted by the Board of Commissioners of the County of Lake on May 31, 1977, as applicable are incorporated by reference as part of this agreement.
  - D. The provisions of all Federal Civil Rights laws and the Indiana Civil Rights law as applicable are incorporated by reference as part of this agreement.
  - E. Breach of any of the equal opportunity and/or nondiscrimination provisions of the agreement remedy available to the County in respect to such breach or default.
  - F. Where applicable, nondiscriminatory clauses and affirmative action clauses shall be made a part of any agreement, contract or lease between the Consultant and any organization, corporation, subcontractor or other legal entity that benefits from the funds paid to the Consultant by this agreement.
15. **Miscellaneous Provisions.**
  - A. This agreement represents the entire understanding between the parties, and modifications of this agreement shall not be effective unless reduced to writing and signed by both parties. In the event any portion or portions of this agreement are found to be void and voidable portions; these portions shall be stricken and the remaining portions enforced;

3

- B. Consultant may not subcontract any part of the work covered herein without the prior written consent of the County.
  - C. The Contract Attorney is personally responsible for paying any fines or sanction penalties which any Judge or Administrative Board orders the Contract Attorney personally to pay because of the actions of the Contract Attorney in violating applicable procedural rules, the rules of professional conduct, and/or the rules of the administrative board. These sums will not be reimbursed by the Board of Commissioners of the County of Lake, or any of it's elected or appointed officials or employees.
  - D. The Contract Attorney shall be deemed an independent contractor and not an employee of the County, and shall not file any claim under Workers Compensation or Occupational Disease against the County for any injury or disease arising from the performance of this contract.
  - E. Any dispute arising under this consulting contract shall be submitted to binding arbitration as the sole and exclusive remedy of either party.
  - F. The Contract Attorney shall not charge the County of Lake for time spent traveling to and from meetings, court, etc.
16. **Notice.** Any notice, bills, invoices, or reports required by this agreement shall be sufficient if sent by the parties hereto in the United States mail, postage paid, to the addresses noted below.
  17. **Conflict of Interest.** The following provisions of Lake County Council Ordinance 1077C-3 are incorporated as part of this contract.
    - A. The County has the right to prohibit activity it deems in conflict of interest with county employment. Activities are to be monitored by the official. (Ord. 1077C, passed 7-10-90).
    - B. Neither a county employee whose job description includes the provision of legal services nor any person, partnership or corporation of any type, acting as a contract agent to provide legal services for the county, its elected officials, its appointed officials, employees, departments, agencies or agents shall represent any person, partnership or corporation of any type in any manner in or out of court in a proceeding, claim, or action where the legal services provided for the client seek in part legal redress against the county, its elected officials, its appointed officials, employees, departments, agencies or agents.
    - C. The prohibition against legal representation outlined in the paragraph above shall be placed in all county contracts for legal services. If the restriction on legal representation is violated, the contract with the county shall be null and void

4

Order #31 Agenda #35 (cont'd)

and any monies paid on the contract after the violation shall be deemed unearned and shall be repaid to the county with eight (8%) percent interest.

18. Information Availability.

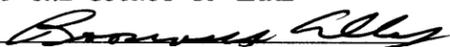
- A. Information that is the property of Lake County shall be made available in accordance with the Indiana Open Records Law, I.C. 5-15-5.1-1 et seq.
- B. County recognizes and acknowledges that in the course of performing the services provided hereunder it may have access to certain confidential or proprietary information of Consultant and Consultant's business and computer operations. County hereby agrees that it will not, at any time during or after the term of this agreement disclose any such confidential or proprietary information to any person unless required by law or upon obtaining the prior written consent of Consultant.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAKE  
2293 NORTH MAIN STREET  
CROWN POINT, IN 46307  
(219) 755-3200

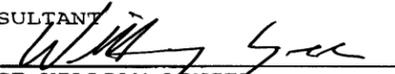
JUDGE WILLIAM LONGER  
651 EAST 3RD STREET  
HOBART, IN 46342  
(219) 947-1571

IN WITNESS WHEREOF, the County and the Consultant have executed this agreement as of the date first written above.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAKE

  
ROOSEVELT ALLEN, JR.

FRANCES DUPEY  
  
GERRY J. SCHEUB

CONSULTANT  
  
JUDGE WILLIAM LONGER

ATTEST:  
  
PEGGY KATONA,  
LAKE COUNTY AUDITOR

Order #32 Agenda #36

In the Matter of L C Data Processing – Request for permission to dispose of obsolete computer equipment.

Scheub made a motion, seconded by DuPey, to approve the request of Lake County Data Processing to dispose of obsolete computer equipment at the Clerk's Office and the Hammond Court House. Motion passed 3-0.

Order #33 Agenda #39

In the Matter of L C Board of Commissioners – Security for Gary Courthouse, IV-D and Room 3 Magistrate.

DuPey made a motion, seconded by Scheub, to ratify the Security for Gary Courthouse, IV-D and Room 3 Magistrate under Accurate Sales & Consultants in the amount of \$19,585.00. Motion passed 3-0.

Letter of Recommendation

August 3, 2009

To: Lake County Board of Commissioners  
2293 North Main Street  
Crown Point, IN 46307

Re: Magistrate Court Room 4<sup>th</sup> Floor Gary, IN

Attention: President Allen

The completion of the Court Room is three weeks away; however there are items that need to be completed at the request of the Judge sitting the court. The interior glass for the doors and inside windows must be changed to safety glass. The majority of the additional monies are for the installation of new piping from the 3<sup>rd</sup> floor to the 4<sup>th</sup> floor for a new washroom in the remodeled space.

The total amount needed is \$19,585.00  
Enclosed you will find the items for the work to be done.

Respectfully Submitted,  
C. Michael Cullom

## Order #34 Agenda #52

In the Matter of L C Board of Commissioners – Letter from Accurate Sales & Consultants concerning the Magistrate Court Room, 4<sup>th</sup> Floor and 3<sup>rd</sup> Floor: A. Precision Builders, Inc. for carpentry, electrical, and painting \$8,492.40; B. Tri-Electronics, Inc. for security system for fourth floor \$11,162.00; C. Tri-Electronics, Inc. for Data installation fourth floor \$7,500.00; D. Tri-Electronics, Inc. for security system for third floor \$7,303.00; Totaling \$34,457.40.

Scheub made a motion, seconded by DuPey, to approve the letter received from Accurate Sales & Consultants concerning the Magistrate Court Room, 4<sup>th</sup> Floor and 3<sup>rd</sup> Floor: A. Precision Builders, Inc. for carpentry, electrical, and painting \$8,492.40; B. Tri-Electronics, Inc. for security system for fourth floor \$11,162.00; C. Tri-Electronics, Inc. for Data installation fourth floor \$7,500.00; D. Tri-Electronics, Inc. for security system for third floor \$7,303.00; Totaling \$34,457.40. Motion passed 3-0.

Letter

September 14, 2009

To: Lake County Board of Commissioners  
2293 North Main Street  
Crown Point, IN 46307

Re: Magistrate Court Room 4<sup>th</sup> Floor and 3<sup>rd</sup> Floor

Attention: President Allen

Additional work is required to complete the 4<sup>th</sup> floor offices and the Court Room. When Magistrate Gillis moves to the fourth floor, a security system is required. When the Magistrate for Judge Tavitas moves in to the Court Room that Magistrate Gillis moved out of will require a security system. I have also added the DATA cabling system for Magistrate Gillis. Additional carpentry, electrical, and painting is included. Enclosed you will find an itemized list for the additional extra work.

Precision Builders carpentry, electrical, and painting	\$8,492.40
Tri Electronics security system for fourth floor	\$11,162.00
Tri Electronics DATA installation fourth floor	\$7,500.00
Tri Electronics security system third floor	\$7,303.00
Total Amount	\$34,457.40

Respectfully Submitted,  
C. Michael Cullom

## Order #35 Agenda #43

In the Matter of L C Board of Commissioners – Treasurer's Bond.

Scheub made a motion, seconded by DuPey, to approve and make a matter of public record the Treasurer's Bond. Motion passed 3-0.  
(CURRENTLY NO PAPERWORK IN FILE)

## Order #36 Agenda #45

In the Matter of L C Board of Commissioners – Environmental Protection Agency Concerns.

Scheub made a motion, seconded by DuPey, to allow Commissioner DuPey to move ahead with the Environmental Protection Agency Concerns without any financial obligation on the County until she meets with the Commissioners and approve it at that time. Motion passed 3-0.

## Order #37 Agenda #46

In the Matter of L C Board of Commissioners – Agreement with Resource Conservation Services, LLC for the Hermit's Lake Wastewater Treatment Plant Sludge Removal.

Scheub made a motion, seconded by DuPey, to approve the removal of sludge for Hermit's Lake an Agreement with Resource Conservation Services, LLC for the Hermit's Lake Wastewater Treatment Plant Sludge Removal. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR COPY OF ORIGINAL)

## Order #38 Agenda #48

In the Matter of L C Board of Commissioners – Quit-Claim Deed to the Town of Merrillville Parcel Number 008-08-15-0018-0145.

Scheub made a motion, seconded by DuPey, to delete. Motion passed 3-0.

## Order #39 Agenda #49

In the Matter of L C Board of Commissioners – Town of Griffith request for 49 parcels of property.

Scheub made a motion, seconded by Allen, to transfer the properties over to the Town of Griffith, which is wetland that is not in use and can't be sold. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR LIST OF PARCELS)

## Order #40 Agenda #50

In the Matter of L C Board of Commissioners – North Township Trustee request for 7 parcels of property.

DuPey made a motion, seconded by Scheub, to grant North Township Trustee the 7 parcels of property requested. Motion passed 3-0.  
(SEE FILE "SEPTEMBER 2009" FOR LIST OF PARCELS)

## Order #41 Agenda #51

In the Matter of L C Board of Commissioners – Amended Order.

Scheub made a motion, seconded by Allen, to approve the Board of Commissioners of the County of Lake Amended Order in regard to the payment plan for property taxes. Motion passed 2-1, DuPey abstain.

## AMENDED ORDER

WHEREAS, the Board of Commissioners takes title to tax sale certificates when properties do not sell at a Treasurer's tax sale; and

WHEREAS, the receipt of tax money and not the sale of property is the goal of the executive branch; and

WHEREAS, the Board of Commissioners can deal with tax sale certificates in accordance with the best interest of the county and the taxpayer.

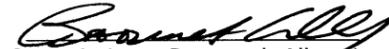
NOW THEREFORE BE IT RESOLVED as follows:

1. The Board hereby institutes a payment plan for properties on which the Board owns the tax sale certificate.
2. The amount due under the payment plan is the redemption amount that the taxpayer would have had to pay had the property sold for the delinquent taxes at the tax sale.
3. The length of the payment plan can not exceed 12 months.
4. A down payment in addition to the first month's payment is required.
5. The Board authorizes the Treasurer to implement this payment plan policy.
6. The Treasurer are authorized to use their best judgment in establishing the down payment requirement.

Approved this 23<sup>rd</sup> day of September, 2009.

  
Commissioner Gerry Scheub

\_\_\_\_\_  
Commissioner Frances DuPey

  
Commissioner Roosevelt Allen, Jr.

ATTEST:   
Peggy Katona, Lake County Auditor

## Order #42 Agenda #53

In the Matter of Review and Approval of Minutes: Special Meeting, Wednesday, July 15, 2009.

DuPey made a motion, seconded by Scheub, to approve the L.C. Board of Commissioner's Minutes of Wednesday, July 15, 2009, Special Meeting. Motion passed 3-0.

## Order #43 Agenda #54

In the Matter of Lake County Expense Claims to be allowed Wednesday, September 23, 2009.

The Board hereby orders Commissioners Allowance of Lake County Expense Claims of Wednesday, September 23, 2009 to be paid out of the County Treasury upon the Warrant of the County Auditor according to the Lake County Claim Docket on file in the Auditor's Office.

Scheub made a motion, seconded by DuPey, to approve and make a matter of public record the Claims and Docket. Motion passed 3-0.

## Order #44 Agenda #55

In the Matter of Service Agreements

DuPey made a motion, seconded by Scheub, to approve the following Service Agreements. Motion passed 3-0.

<b>L C COMMUNITY CORRECTIONS</b>	<b>W/</b>	Monroe Pest Control
<b>L C HEALTH DEPARTMENT</b>	<b>W/</b>	Sidwell Co.
<b>L C PLAN COMMISSION</b>	<b>W/</b>	Xerox Corporation
<b>L C SURVEYOR</b>	<b>W/</b>	Precision Midwest

## Order #45 Agenda #55

In the Matter of Poor Relief Decisions

DuPey made a motion, seconded by Scheub, to make a matter of public record the following Poor Relief Decisions. Motion passed 3-0.

## Order #45 Agenda #55 (cont'd)

Elaine Reneria	Denied for appellant's failure to appear
Jannetta Wade	Denied for appellant's failure to appear
Alton Booyer	Denied for appellant's failure to appear
Lana Turner	Denied for appellant's failure to appear
Julia Hill	Denied for appellant's failure to appear
Janet Feagin	Denied for appellant's failure to appear
Michael Sutton	Denied for appellant's failure to appear
Darun Ridley	Denied for appellant's failure to appear
Darnell Scott	Denied for appellant's failure to appear
Andrea Payton	Denied for appellant's failure to appear
Vernessa Smith	Denied for appellant's failure to appear
Rerra Hereford	Denied for appellant's failure to appear
Ebony Whatley	Denied for appellant's failure to appear
Tora Smith	Denied for appellant's failure to appear
Ida Boyd	Denied for appellant's failure to appear
Toni James	Denied for appellant's failure to appear
Lauwanna Taylor	Denied for appellant's failure to appear
Crystal Robinson	Denied for appellant's failure to appear
Kenneth Givens	Denied for appellant's failure to appear
Lisa Heath	Denied for appellant's failure to appear
Kanasha Nixon	Denied for appellant's failure to appear
Ebony Anderson	Denied for appellant's failure to appear
Nellie Walker	Denied for appellant's failure to appear
Shashina Smith	Denied for appellant's failure to appear
Debra Schatz	Denied for appellant's failure to appear
Jacqueline Maxey	Denied for appellant's failure to appear
Paris Brooks	Denied for appellant's failure to appear
Thomas Bullock	Denied for appellant's failure to appear
Carol Brown	Denied for appellant's failure to appear
Brittany Brown	Denied for appellant's failure to appear
Michelle Moris	Denied for appellant's failure to appear
Paula Thomas	Denied for appellant's failure to appear
Eddie Harris	Denied for appellant's failure to appear
Troya Ross Sr.	Denied for appellant's failure to appear
Keri-Ann Muldrew	Denied for appellant's failure to appear
Marsharay Webb	Denied for appellant's failure to appear
Jerry Weaver	Denied for appellant's failure to appear
Kamilah Weaver	Denied for appellant's failure to appear
Gloria Lewis	Denied for appellant's failure to appear
Katria Allen	Denied for appellant's failure to appear
Minnie Williams	Denied for appellant's failure to appear
Shonetta Flemming	Denied for appellant's failure to appear
Sharon Flack	Denied for appellant's failure to appear
Tyannah Blackwell	Denied for appellant's failure to appear
Jaimie Burgess	Denied for appellant's failure to appear
Quiana Cooper	Denied for appellant's failure to appear
Stacey Mayfield	Denied for appellant's failure to appear
Clarissa Williams	Denied for appellant's failure to appear
Josephine Moore	Denied
Anastasia Benjamin	Denied for appellant's failure to appear
Trois Jones	Denied
Michael Edwards	Denied for appellant's failure to appear
Danny Bennett	Denied for appellant's failure to appear
Josephine Woodroff	Denied for appellant's failure to appear
Tiffany Williams	Denied for appellant's failure to appear
Vera Harris	Denied for appellant's failure to appear
Tawonda James	Denied for appellant's failure to appear
Phyllis Evans	Denied for appellant's failure to appear
Latasha Jamison	Denied for appellant's failure to appear
Harold Green	Denied for appellant's failure to appear
James Lawson	Denied for appellant's failure to appear
Latonya Woodley	Denied for appellant's failure to appear
Candi Manning	Denied for appellant's failure to appear
Octavia McLaurin	Denied for appellant's failure to appear
Andrea Cunningham	Denied for appellant's failure to appear
Dominique Pointer	Denied for appellant's failure to appear
Robert Harris	Denied for appellant's failure to appear
Darnell Petty	Denied for appellant's failure to appear
LaShonda Jackson	Denied for appellant's failure to appear
James Turner	Denied for appellant's failure to appear
David Clay	Denied for appellant's failure to appear
Brenda Pearson	Denied for appellant's failure to appear
Stephen Cofield	Denied for appellant's failure to appear
Kimberly Yates	Denied for appellant's failure to appear
Walter Grady III	Denied for appellant's failure to appear
Tyannah Blackwell	Denied for appellant's failure to appear
Glen Moore	Denied for appellant's failure to appear
Nathan Brooks	Denied for appellant's failure to appear
Dwayne Hollifield	Denied for appellant's failure to appear
LaTonya Looney	Denied for appellant's failure to appear
Felicia Greer	Denied
Sarah Richmond	Denied for appellant's failure to appear
Tamika Hardy	Denied for appellant's failure to appear
Timothy Cummings	Denied for appellant's failure to appear
Bernice Elliott	Denied for appellant's failure to appear

## Order #45 Agenda #55 (cont'd)

Mary Tipton	Denied for appellant's failure to appear
Linda Jones	Denied for appellant's failure to appear
Gwen Slaughter	Denied for appellant's failure to appear
Janinetta Wade	Denied for appellant's failure to appear
Erise Williams	Denied for appellant's failure to appear
Roscoe King	Denied for appellant's failure to appear
Ralph Riley	Denied for appellant's failure to appear
Ashley Tate	Denied for appellant's failure to appear
Clarence Neely	Denied for appellant's failure to appear
Darnell Petty	Denied for appellant's failure to appear
Charles Denson	Denied for appellant's failure to appear
Camillo Sanjurjo	Denied for appellant's failure to appear
Gabrielle Plunkett	Denied for appellant's failure to appear
Everett Riddley	Denied for appellant's failure to appear
Margaret Walker	Denied for appellant's failure to appear
Tarchelle Champion	Denied for appellant's failure to appear
Michelle Murrilla	Denied for appellant's failure to appear
Starlitha McCoy	Denied for appellant's failure to appear
Mae Ola Logan	Denied
Nikisha Thomas	Remanded to township for further consideration and review
Susie Bynum	Denied
Gladys Greer	Denied for appellant's failure to appear
Shanura Jones	Denied
Annette Mims	Denied for appellant's failure to appear
Bartheanna Riley	Denied for appellant's failure to appear
Leonard Ballard	Denied for appellant's failure to appear
Yolanda Collins	Denied for appellant's failure to appear
Vicki Warren	Denied for appellant's failure to appear
Berquilla Brown	Denied for appellant's failure to appear
Darren Harrell	Denied for appellant's failure to appear
Ladon Russell	Denied for appellant's failure to appear
Kwame Ray	Denied for appellant's failure to appear
Robert Hill	Denied
LaToya Day	Denied for appellant's failure to appear
Victoria Williams	Denied for appellant's failure to appear
Daphine Young	Denied for appellant's failure to appear
Lisa Johnson	Denied for appellant's failure to appear
Willie Gilder	Denied for appellant's failure to appear
LaQuita Glass	Denied for appellant's failure to appear
Nitecka Butler	Denied for appellant's failure to appear
Shemika Bickhem	Denied for appellant's failure to appear
Eddie Hudson	Remanded to township for further consideration and review
Linda Butler	Denied
Frank Roberts	Approved
Elaine Lawrence	Denied
Freddie Joyce	Approved
Michelle McGuffin	Approved
Mitzi Griffin	Denied
Harold Griffin	Approved
Charles Williams	Approved
Darylesha Roy	Approved
Errin Pirtle	Denied
Mark Baitey	Approved
Paray Fullilove	Approved
Vernice Stevens	Approved
Patrick Feagin	Approved
Josie Congious	Approved
Janet Triplett	Approved
Simone Robertson	Approved
Melissa Odom	Approved
Tracy Morgan	Approved
Elnora Brady	Approved on condition
Sharon Dinicola	Approved
Victory Collins	Approved on condition
Elizabeth Fry	Approved on condition
Brian Chapman	Approved
Ann Powell	Approved
Jainetta Wade	Approved
Helena Trotter	Approved
Miranda Franklin	Approved
Gregory Sparn	Approved
Santurnina Johnson	Approved
Valerie Adams	Approved
Ashley Sutherland	Approved
Tarshell Exford	Approved
Theresa McGall	Approved
Mary Pickens	Approved
Kimberly Austin	Approved
Tanisha Patterson	Approved on condition
Ian McElroy	Approved
Dwayne Owens	Approved
Sonya Landon	Approved on condition
Regina Roberts	Approved
Shaunte Williams	Approved
Charles James	Approved

## Order #45 Agenda #55 (cont'd)

Madeline Hurt	Approved on condition
Bernard Sanders	Approved
Phair Key	Approved in part
Phil Jennings	Approved
Adrienne Lyles	Approved
Naihoka Thomas	Approved
Theresa McCall	Approved
Damika Lopez	Approved on condition
Pamela Christmas	Approved on condition
Elayne Willis	Approved
Patricia Scott	Approved
Marilyn Rogers	Approved on condition
Nakia Jones	Approved
Tunya Curtis	Approved on condition
Helena Trotter	Approved
Duwane Johnson	Approved
Gabrielle Plunkett	Approved
Shannon Walker	Approved
Aaron Walton	Approved
Gloria Harris	Approved
Cynthia Brown	Approved
Alice Escamillia	Approved
NyMia Allen	Approved
Leslie Thompson	Approved
Bernice Elliott	Approved
Ruby Pitts	Approved
Lunenia Johnson	Approved
Wanda Smith	Approved on condition
Helen Wyun	Approved
Alice Thompson	Approved
Walter Williams Jr.	Approved
Clarence Neely	Approved
Joan Smith	Approved
Mary Thomas	Approved
LaTasha Clark	Approved
Ronald Wiggins	Approved
Jacqueline Wade	Approved

Order #46 Agenda #59

In the Matter of L C Council Ordinances and Resolutions, Resolution No. 09-89.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Resolution No. 09-89, Resolution Regarding the Referendum for the Regional Transportation District of Northern Indiana. Motion passed 3-0.

**RESOLUTION NO. 09-89**

**RESOLUTION REGARDING THE REFERENDUM FOR THE REGIONAL TRANSPORTATION DISTRICT OF NORTHERN INDIANA**

- WHEREAS, the Indiana General Assembly passed the 2009-2010 State budget; and
- WHEREAS, said budget contained language creating a Regional Transportation District for Northern Indiana; and
- WHEREAS, that language called for a referendum to be held in Lake, Porter, LaPorte and St. Joseph Counties on November 3, 2009; and
- WHEREAS, that language omitted any method of payment for aid referendum; and
- WHEREAS, Lake, Porter, LaPorte and St. Joseph Counties will be mandated to absorb these costs.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the General Assembly of the State of Indiana either:

1. Hold a technical corrections session day to move said election to the 2010 General Election; or
2. Reimburse, Lake, Porter, LaPorte and St. Joseph Counties for costs incurred to conduct this mandate.

SO RESOLVED THIS 8th DAY OF SEPTEMBER, 2009.



*Larry Blanchard*  
LARRY BLANCHARD, President

*Christine CID* BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE  
CHRISTINE CID

*Ernie Dillon*  
ERNIE DILLON

*Thomas O'Donnell*  
THOMAS O'DONNELL

*Elsie Franklin*  
ELSIE FRANKLIN

*Ted F. Bilski*  
TED F. BILSKI

*Jerome A. Prince*  
JEROME A. PRINCE

APPROVED THIS 8th DAY OF September 2009

Members of the Lake County Council

Order #46 Agenda #59

In the Matter of L C Council Ordinances and Resolutions, Resolution No. 09-88.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Resolution No. 09-88, Resolution Permitting Lake County Sheriff to pay Outstanding 2008 Jail Invoices/Debts from the 2009 Budget. Motion passed 3-0.

**RESOLUTION NO. 09-88**

**RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY  
OUTSTANDING 2008 JAIL INVOICES/DEBTS FROM THE 2009 BUDGET**

**WHEREAS**, the Sheriff's Department of Lake County is currently operating in the 2009 Budget; and

**WHEREAS**, the following invoices/debts were incurred in the Budget year of 2008 have not been paid:

<u>001-3100-43120</u>	<u>Medical &amp; Hospital Services</u>
Paul Nyongani, M.D.	\$ 150.00
Hanger Prosthetics	437.50
Nicholas Retson, M.D.	195.00
Nathaniel Ross, M.D.	<u>200.60</u>
	\$ 983.10

**WHEREAS**, the Sheriff's Department desires to pay the above jail invoices/debts due.

**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

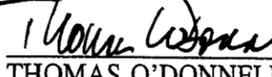
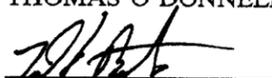
That the Lake County Sheriff's Department shall pay from its 2009 Budget the following jail invoices/debts incurred in the calendar year 2008 as follows:

<u>001-3100-43120</u>	<u>Medical &amp; Hospital Services</u>
Paul Nyongani, M.D.	\$ 150.00
Hanger Prosthetics	437.50
Nicholas Retson, M.D.	195.00
Nathaniel Ross, M.D.	<u>200.60</u>
	\$ 983.10



SO RESOLVED THIS 8TH DAY OF SEPTEMBER, 2009.

  
 LARRY BLANCHARD, President  
 BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

CHRISTINE CID  ERNIE DILLON   
 THOMAS O'DONNELL  ELSIE FRANKLIN   
 TED F. BILSKI  JEROME A. PRINCE   
 Members of the Lake County Council

APPROVED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2009

Order #46 Agenda #59

In the Matter of L C Council Ordinances and Resolutions, Resolution No. 09-87.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Resolution No. 09-87, Resolution Authorizing the Crown Point Library Board of Trustees to Exercise Eminent Domain. Motion passed 3-0.

Order #46 Agenda #59 (cont'd)

RESOLUTION NO. 09-87

**RESOLUTION AUTHORIZING THE CROWN POINT LIBRARY BOARD OF TRUSTEES TO EXERCISE EMINENT DOMAIN**

**WHEREAS**, Indiana Code 32-24-7-2 provides that a library board may exercise eminent domain only if the legislative body of the county in which the library district is located adopts a resolution specifically authorizing the library board to exercise eminent domain; and

**WHEREAS**, the Crown Point Library Board has requested that the Lake County Council adopt a Resolution Authorizing the Library Board of Trustees to Exercise Eminent Domain; and

**WHEREAS**, the Lake County Council desires to adopt the Resolution Authorizing the Library Board of Trustee to Exercise Eminent Domain.

**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

1. That pursuant to I.C. 32-24-7, the Crown Point Community Library Board of Trustees is authorized to exercise eminent domain over real estate located in Crown Point, Indiana, specifically described as follows:  
  
PT NE NE S.7 T.33 R.8 3.605 AC and PT NE NE S.7 T.34 R.8 2.395 AC
2. That the purpose of which the Library Board of Trustees is authorized to acquire the real estate is to construct a new public library.
3. The exercise of eminent domain is necessary to accomplish the Library Board's purpose because of the unavailability of other affordable suitable sites within the Library District convenient and beneficial to the greater population of the Library's patrons and proximate to the existing library site; and because of the inability of the library thus far to be able to negotiate a purchase of the subject property from the current owner.
4. The authorization to exercise eminent domain shall be in full force and effect upon the adoption of this Resolution.

SO RESOLVED THIS 8th DAY OF SEPTEMBER, 2009.



 CHRISTINE CID	 LARRY BLANCHARD, President	 ERNIE DILLON
 THOMAS O'DONNELL		 ELSIE FRANKLIN
 TED F. BILSKI		 JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE  
  
 FRANCIS TUKEY  
  
 APPROVED THIS 22nd DAY OF September 2009

Order #46 Agenda #59

In the Matter of L C Council Ordinances and Resolutions, Resolution No. 09-86.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Resolution No. 09-86, Resolution Proclaiming September 16<sup>th</sup> as American Legion Day. Motion passed 3-0.

**RESOLUTION NO. 09-86**

**RESOLUTION PROCLAIMING  
SEPTEMBER 16TH AS AMERICAN LEGION DAY**

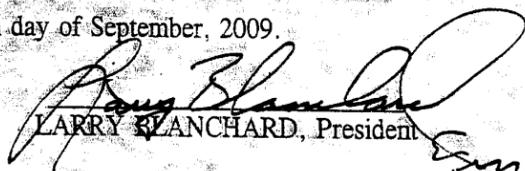
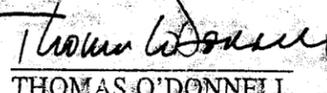
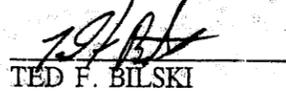
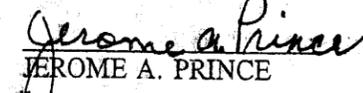
- WHEREAS,** on September 16, 1919, Congress chartered the American Legion; and
- WHEREAS,** members of the American Legion donate thousands of hours of community service in veterans medical facilities and homes to care for our nation's heroes; and
- WHEREAS,** American Legion Posts sponsor many youth organizations, donate millions of dollars in college scholarships and provide a high level of service to our Nation's youths; and
- WHEREAS,** there are nearly 2 million active duty personnel in more than 130 countries, 26 million veterans and 47,189 veterans who reside in Lake County; and
- WHEREAS,** the Lake County Council desires to proclaim September 16th as American Legion Day in an effort to build awareness of the contribution made by the American Legion.

**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

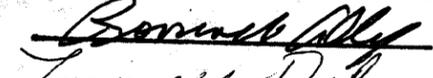
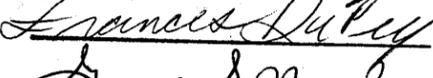
That the Lake County Council declares September 16th as American Legion Day in Lake County; and that a copy of this Resolution be spread on the official records of the Lake County Council.



SO RESOLVED THIS 8th day of September, 2009.

 CHRISTINE CID	 LARRY BLANCHARD, President	 ERNIE DILLON
 THOMAS O'DONNELL		 ELSIE FRANKLIN
 TED F. BILSKI		 JEROME A. PRINCE

Members of the Lake County Council  
BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

  
  
  
APPROVED THIS 8th DAY OF SEPTEMBER, 2009

Order #46 Agenda #59

In the Matter of L C Council Ordinances and Resolutions, Resolution No. 09-85.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Resolution No. 09-85, Resolution Honoring the American Legion Hammond Post 168 Baseball Team. Motion passed 3-0.

**RESOLUTION NO.** 09-85

**RESOLUTION HONORING THE AMERICAN LEGION HAMMOND POST 168 BASEBALL TEAM**

- WHEREAS,** students and scholars from Lake County, Indiana, have consistently excelled in all matters throughout the State and Country; and
- WHEREAS,** Lake County has generously sent forth its spirited youth to compete in contests in this State, the Nation and the World; and
- WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in competition demands; and
- WHEREAS,** American Legion Hammond Post 168, won nine straight games, capturing the American Legion State Championship in Terre Haute, Indiana on August 2, 2009.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County who are represented by this august body, extend congratulations and praise to the players, coaches and trainers of the AMERICAN LEGION HAMMOND POST 168 BASEBALL TEAM, for capturing the American Legion State Championship; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the AMERICAN LEGION HAMMOND POST 168 BASEBALL TEAM.

**DATED THIS 8TH DAY OF SEPTEMBER, 2009.**



*Larry Blanchard*  
LARRY BLANCHARD, President

*Christine Cid*  
CHRISTINE CID

*Ernie Dillon*  
ERNIE DILLON

*Thomas O'Donnell*  
THOMAS O'DONNELL

*Elsie Franklin*  
ELSIE FRANKLIN

*Ted F. Bilski*  
TED F. BILSKI

*Jerome A. Prince*  
JEROME A. PRINCE

APPROVED THIS 8TH DAY OF SEPTEMBER, 2009

Members of the Lake County Council

Order #46 Agenda #59

In the Matter of L C Council Ordinances, Ordinance No. 1315A.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Ordinance No. 1315A, Ordinance Creating the Lake County Wireless Emergency Telephone System Fund, A Non-Reverting Fund. Motion passed 3-0.

Order #46 Agenda #59 (cont'd)

**ORDINANCE NO. 1315A**

**ORDINANCE CREATING THE LAKE COUNTY WIRELESS EMERGENCY TELEPHONE SYSTEM FUND, A NON-REVERTING FUND**

- WHEREAS,** pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and
- WHEREAS,** pursuant to I.C. 36-2-5-2(b), the County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriation made by the County Council, except as otherwise provided as law; and
- WHEREAS,** the Lake County Council desires to establish by ordinance all funds within the County Treasury, from which appropriations and transfers require County Council approval; and
- WHEREAS,** I.C. 36-8-16.5-43 provides that the distribution of wireless emergency enhanced 911 funds for cost recovery by PSAPs must be deposited by the County Treasurer in a separate fund for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment; and
- WHEREAS,** the Lake County Council desires to create the Lake County Wireless Emergency Telephone System Fund for the deposit and disbursement of State Wireless Emergency Enhanced Funds.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Wireless Emergency Telephone System Fund, a non-reverting fund, is established for the deposit and disbursement of State Wireless Emergency Enhanced Funds.
2. That disbursements shall be made for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software, and data base equipment; personnel expense and training; the provision of wireless enhanced emergency service or educating consumers about the operations, limitations, role and responsible use of enhanced 911 service; and
3. That pursuant to I.C. 36-2-5-2(b), the Lake County fiscal body shall appropriate all money to be paid out of the fund, except as otherwise provided by law.
4. Any money remaining in the fund at the end of the year shall not revert to any other fund but continues in the Lake County Wireless Emergency Telephone System Fund.

SO ORDAINED THIS 8th DAY OF SEPTEMBER, 2009.



*[Signature]*  
 HARRY BLANCHARD, President

*[Signature]*  
 CHRISTINE CID  
 CHRISTINE CID

*[Signature]*  
 THOMAS O'DONNELL  
 THOMAS O'DONNELL

*[Signature]*  
 TED F. BILSKI  
 TED F. BILSKI

*[Signature]*  
 ERNIE DILLON  
 ERNIE DILLON

*[Signature]*  
 ELSIE FRANKLIN  
 ELSIE FRANKLIN

*[Signature]*  
 JEROME A. PRINCE  
 JEROME A. PRINCE

Members of the Lake County Council

**BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE**

*[Signature]*  
*[Signature]*  
*[Signature]*

APPROVED THIS 22nd DAY OF SEPTEMBER 2009

## Order #46 Agenda #59

In the Matter of L C Council Ordinances, Ordinance No. 1315B.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Ordinance No. 1315B, Ordinance Creating the Child Support Title IV-D Fund, A Non-Reverting Fund. Motion passed 3-0.

**ORDINANCE NO. 1315B****ORDINANCE CREATING THE CHILD SUPPORT  
TITLE IV-D FUND, A NON-REVERTING FUND**

**WHEREAS**, pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and

**WHEREAS**, pursuant to I.C. 36-2-5-2(b), the County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriation made by the County Council, except as otherwise provided as law; and

**WHEREAS**, pursuant to I.C. 36-1-8-4, the Lake County Council may by ordinance or resolution transfer money from one fund to another; and

**WHEREAS**, the Lake County Council desires to establish by ordinance all funds within the County Treasury, from which appropriations and transfers require County Council approval; and

**WHEREAS**, I.C. 31-26-2-1, et. seq., the Child Support provisions of Title IV-D of the Federal Social Security Act, requires the establishment of a new County Fund to receipt incentive monies obtained by the IV-D Program; and

**WHEREAS**, the Lake County Council desires to create the Child Support Title IV-D Fund for the deposit and disbursement of all IV-D incentive monies.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Child Support Title IV-D Fund (Fund), a non-reverting fund, is established for the deposit and disbursement of IV-D incentive monies received pursuant to I.C. 31-26-2-1, et. seq., the Child Support provisions of Title IV-D of the Federal Social Security Act.
  2. That all IV-D incentive money received pursuant to I.C. 31-26-2-1, et. seq., shall be deposited in the Fund for disbursement of the incentive money effective as of the date of this Ordinance.
  3. That disbursement of the money deposited in the Fund shall be made pursuant to I.C. 31-26-2-1, et. seq., the child support provisions of Title IV-D of the Federal Social Security Act.
-

Order #46 Agenda #59 (cont'd)

- 4. That pursuant to I.C. 31-25-4-15, Indiana Courts with jurisdiction over Title IV-D child support enforcement proceedings may appoint court commissioners, hearing examiners, masters and referees to assist with the timely processing of Title IV-D child support cases. The salaries of other necessary administrative and support personnel to the court assistant, including a bailiff, stenographer and court reporter may be paid as sustainable by this Fund.
- 5. That pursuant to I.C. 36-2-5-2(b), the Lake County fiscal body shall appropriate all money to be paid out of the fund, except as otherwise provided by law.
- 6. Any money remaining in the fund at the end of the year shall not revert to any other fund but continues in the Child Support IV-D Fund.

SO ORDAINED THIS 8TH DAY OF SEPTEMBER, 2009.



*Larry Blanchard*  
 LARRY BLANCHARD, President

*Christine Cid*  
 CHRISTINE CID

*Thomas O'Donnell*  
 THOMAS O'DONNELL

*Ted F. Bilski*  
 TED F. BILSKI

*Ernie Dillon*  
 ERNIE DILLON

*Elsie Franklin*  
 ELSIE FRANKLIN

*Jerome A. Prince*  
 JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*Ernie Dillon*  
*Francis DuPey*  
*Larry Scheub*

APPROVED THIS 21<sup>ST</sup> DAY OF SEPTEMBER 2009

Order #46 Agenda #59

In the Matter of L C Council Ordinances, Ordinance No. 1315C.

Scheub made a motion, seconded by DuPey, to approve the Lake County Council Ordinance No. 1315C, Ordinance Creating the Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant Fund for the Lake County Community Economic Development Department, A Non-Reverting Fund. Motion passed 3-0.

Order #46 Agenda #59 (cont'd)

ORDINANCE NO. 1315C

**ORDINANCE CREATING THE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) GRANT FUND FOR THE LAKE COUNTY COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT, A NON REVERTING FUND**

**WHEREAS,** pursuant to I.C. 36-2-3.5-5, the County Council can adopt ordinances to promote the efficient operation of County Government including ordinances establishing funds in the County budget; and

**WHEREAS,** pursuant to I.C. 36-2-5-2(b), the County Council may appropriate money to be paid out of the County treasury and money in the County treasury may only be paid from the County treasury under an appropriation made by the County Council, except as otherwise provided by law; and

**WHEREAS,** the County Council desires to establish a non-reverting fund to be used solely for the receipt and disbursement of funds received by Lake County as the result of the County being awarded a Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant by the U.S. Department of Housing and Urban Development in the amount of Five Hundred Fifty Thousand Six Hundred Forty-Three (\$550,643.00) Dollars for the purpose of providing temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless but for this assistance; and

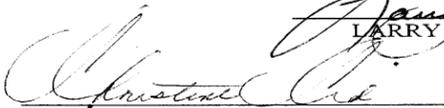
**WHEREAS,** the Lake County Community Economic Development Department has procured the award and will administer the Fund.

**NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:**

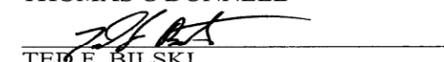
1. That the Homeless Prevention and Rapid Re-Housing Program (HPRP) Grant Fund is hereby established as a non-reverting fund to be used solely for the receipt and disbursement of the federal grant funds Lake County receives from the U.S. Department of Housing and Urban Development in the amount of Five Hundred Fifty Thousand Six Hundred Forty-Three (\$550,643.00) Dollars.
2. That all HPRP grant monies, and any earnings thereon, shall be credited to said Fund and shall only be expended to provide temporary housing assistance, housing relocation and stabilization services, data collection and evaluation and administrative costs for individuals and families who are homeless or would be homeless but for this assistance.
3. That, pursuant to I.C. 6-1.1-18-7.5, the Council hereby appropriates all HPRP Grant monies, and any earnings thereon, for the aforesaid purposes and all funds may be expended from said Fund without further action of the Council.
4. Any money remaining in the Fund at the end of the year shall not revert to the General Fund but shall continue in the HPRP Fund to be expended for the purposes stated above consistent with all HPRP Grant requirements.
5. That said Grant shall be administered by the Lake County Community Economic Development Department and their designee.

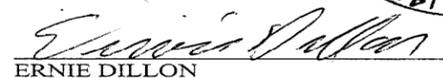
SO ORDAINED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2009.

  
LARRY BLANCHARD, President

  
CHRISTINE CID

  
THOMAS O'DONNELL

  
TED F. BILSKI

  
ERNIE DILLON

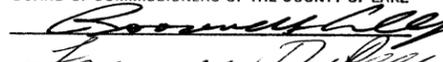
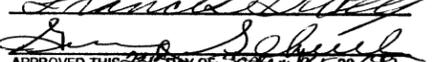
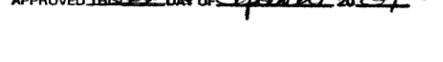
  
ELSIE FRANKLIN

  
JEROME A. PRINCE



Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

  
  
  
APPROVED THIS 22<sup>ND</sup> DAY OF SEPTEMBER, 2009

Order #47 Agenda #60A

In the Matter of Appointments: Hammond Library Board.

DuPey made a motion, seconded by Scheub, to appoint Louis Karabus to the Hammond Library Board. Motion passed 3-0.

Order #48 Agenda #61

In the Matter of Reports: Staff Reports.

Scheub made a motion, seconded by DuPey, to approve the staff report regarding the old voting machines currently stored at the Highway Department and ordered same to have Attorney Dull put together a Press Release announcing that any parties (i.e. schools, fraternal organization, etc.) interested in acquiring the voting machines should contact the Lake County Board of Commissioners. Motion passed 3-0.

Order #49 Agenda #64

In the Matter of Adjournment

Commissioner Scheub, announces to the Board, that due to the fact that the next Drainage Board Meeting will be an extensive meeting, he would like for the Regular Commissioners Meeting to be moved back to 10:30 A.M., with no objections the next Commissioners Meeting will be a Special Meeting held on Wednesday, October 21, 2009 at 10:30 A.M.

Order #50

In the Matter of Commentary

A gentleman by the name of Truman Ward, comes now before the Board after an announcement by Commissioner Allen asking if anyone from the public would like to speak. Mr. Ward enlightens the Board on a concern of his regarding the Road & Bridges in Lake County having overweight trucks. Mr. Ward says that some truck drivers adding add-ons, etc. to their trucks making room for more things, etc. causing them to be overweight overall causing damage to the County Roads & Bridges. The Board of Commissioners has this issue put on the Agenda under the department of the Sheriff to address concerns in regard to this matter.

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

The next Board of Commissioners Meeting will be held on Wednesday, October 21, 2009 at 10:30 A.M.

The following officials were Present:

- Attorney John Dull
- Dan Ombac
- Brenda Koselke
- Jim Bennett
- Marcus Malczewski
- Peggy Katona
- Roy Dominguez

\_\_\_\_\_  
ROOSEVELT ALLEN JR., PRESIDENT

\_\_\_\_\_  
FRANCES DUPEY, COMMISSIONER

\_\_\_\_\_  
GERRY SCHEUB, COMMISSIONER

ATTEST:

\_\_\_\_\_  
PEGGY HOLINGA KATONA, LAKE COUNTY AUDITOR

