WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in regular session at this time, for the purpose of considering additional appropriations, a written notice was sent to each member of the Council, and proper advertisement made, and all other acts performed in accordance with the laws governing such matters.

And now in obedience to such call, come Will A. Smith, Jr., President, Donald Potrebic, Ron Tabaczynski, Elsie Franklin, Christine Cid, Thomas O'Donnell, and Larry Blanchard, County Councilpersons, together with Ray Szarmach, County Council Attorney.

In the Matter of Minutes of the L.C. Council for 12-14-04.

O'Donnell made a motion, seconded by Tabaczynski to defer to 2-8-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Reorganization – President.

Tabaczynski nominated Will Smith to be the President of L.C. Council for 2005. Franklin seconded the nomination.
Blanchard nominated Larry Blanchard.
O'Donnell made a motion, seconded by Tabaczynski to close the nominations.
All voted "No" for Councilman Larry Blanchard, except Blanchard, "Yes".
All voted "Yes" for Councilman Will A. Smith. Motion for Will A. Smith Jr. to be the President of the L.C. Council for the year 2005 carried 7-0.

In the Matter of Reorganization – Vice President.

Franklin nominated Donald Potrebic to be Vice President for the L.C. Council for the year 2005.
O'Donnell made a motion, seconded by Tabaczynski to close the nominations. All voted "Yes". Motion for Donald Potrebic to be Vice President of the L.C. Council for the year 2005 carried 7-0.

In the Matter of Staff Appointments

Tabaczynski made a motion, seconded by O'Donnell to re-appoint the staff as listed. All voted "Yes". Motion to approve carried 7-0.

| | |
|---|---|
| Administrator | Dante Rondelli |
| Administrative Assistant | Terry A. Barczak |
| Council Attorneys | Ray Szarmach |
| | Gerry Bishop |
| | Linda Garcia-Marmolejo |
| | Robert L. Lewis |

ORDINANCE NO. 1259

Section 1. Be It Ordained by the County Council of Lake County, IN., that for the expenses of the County Government and its institutions, the following sums of money are hereby appropriated and ordered set apart out of the several funds herein names and for the purposes herein appropriated, and shall be held to include all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

| | Appropriation Requested | Appropriated |
|---|---|---|
| | General Fund 001 | |
| Jail 3100 | | |
| 41160 Office & Clerical | $ 5,950.77 | No Action Taken |
| North Township Assessor 1600 | | |
| 41160 Office & Clerical**(Reduction)** | $ **22,480.00** | **-$22,480.00** |
| St. John Township Assessor 1800 | | |
| 41160 Office & Clerical | $ 22,480.00 | $22,480.00 |
| Calumet Township Assessor 1000 | | |
| 41130 Technicians(Reduction) | -$ **18,504.00** | **-$18,504.00** |
| Detention Center 4200 | | |
| 41120 Professional | 520.00 | $520.00 |

| | Appropriation Requested | Appropriated |
|---|---|---|
| Juvenile Court 4100 | | |
| 41120 Professional(Reduction) | -$ **11,728.00** | **-$11,728.00** |
| Juvenile Court 4100 | | |
| 41120 Professional(Reduction) | -$ **7,067.00** | **-$ 7,067.00** |
| St. John Township Assessor 1800 | | |
| 41130 Technicians | $ 18,504.00 | $18,504.00 |
| Commissioners 2900 | | |
| 41230 **PERF(Reduction)** | **-$ 563.50** | **-$ 563.50** |
| Veterans Service 2700 | | |
| 41190 Part-Time | $ 563.50 | $ 563.50 |
| Election & Registration 2100 | | |
| 41100 Overtime | $ 4,724.00 | $ 4,724.00 |
| 41190 Part-Time | $ 4,100.00 | $ 4,100.00 |
| 41380 Seasonal Employees | $ 34,294.00 | $34,294.00 |
| 43235 Travel-Mileage | $ 266.00 | $ 266.00 |
| 43730 Property Rental | $ 800.00 | $ 800.00 |
| Gambling Adm Tax Fund | | |
| L.S. Court Div I 4030 | | |
| 44410 Furniture &Fixtures | $ 50,000.00 | $ 1.00 |
| 44500 Construction & Reconstruction | $ 200,000.00 | $ 80,999.00 |
| Sheriff 0500 | | |
| 43610 Building &Structure | $ 125,000.00 | $125,000.00 |
| Cum Cap Fund 651 | | |
| L. S. Court Div 1 4030 | | |
| 44410 Furniture & Fixtures | $ 50,000.00 | No Action Taken |
| 44500 Construction & Reconstruction | $200,000.00 | No Action Taken |
| Sheriff 0500 | | |
| 43610 Building & Structure | $125,000.00 | No Action Taken |
| Prosecutor Pre-Trial Diversion Fund 135 | | |
| Prosecutor 0800 | | |
| 41160 Office & Clerical | $ 25,803.00 | $ 25,803.00 |
| 41210 Longevity | $439.00 | $ 439.00 |
| 41220 FICA | $ 2,019.00 | $ 2,019.00 |
| 41230 PERF | $ 1,924.00 | $ 1,924.00 |
| 41240 Group Insurance | $ 10,399.00 | $ 10,399.00 |
| Sheriff Grant Income Fund 239 | | |
| Sheriff 0500 | | |
| 42290 Other Supplies | $ 8,350.00 | $ 8,350.00 |
| 43630 Maint/Service Contracts | $ 34,900.00 | $ 34,900.00 |
| 44490 Equipment | $ 12,500.00 | $ 12,500.00 |
| Emergency Local Planning Fund 185 | | |
| Local Emergency Planning 3501 | | |
| 42110 Office Supplies | $ 2,017.28 | $ 2,017.28 |
| 42120 Lit Edu, Info & Ref Mat | $40,209.35 | $40,209.35 |
| 43220 Postage | $ 2,969.80 | $ 2,969.80 |
| 43231 Travel Registration | $ 3,000.00 | $ 3,000.00 |
| 43232 Travel Meals | $ 500.00 | $ 500.00 |
| 43233 Travel Lodging | $ 3,442.39 | $ 3,442.39 |
| 43234 Travel Trans/Other | $ 3,000.00 | $ 3,000.00 |
| 43235 Travel/Mileage | $ 436.84 | $ 436.84 |
| 43240 Telephone | $2,394.23 | $ 2,394.23 |
| 43310 Printing | $3,495.00 | $ 3,495.00 |
| 43620 Equipment Repair | $2,814.50 | $ 2,814.50 |
| 43910 Dues & Subscriptions | $1,719.40 | $ 1,719.40 |
| 44410 Furniture & Fixtures | $3,000.00 | $ 3,000.00 |
| 44420 Office Machines | $7,001.01 | $ 7,001.01 |
| 44490 Other Equipment | $23,897.88 | $23,897.88 |
| 42410 Other Supplies | $ 2,587.53 | $ 2,587.53 |
| Casa Program Grant Fund 233 | | |
| CASA 4150 | | |
| **Retroactive to 2004 Budget Requested by Auditor** | | |
| 41240 Insurance | $800.00 | $ 800.00 |

| | Appropriation Requested | Appropriated |
|---|---|---|
| Commissioners Incentive Fund 242 | | |
| Commissioners 2900 | | |
| 41230 PERF | $ 1,875.00 | $1,875.00 |
| 41240 Group Insurance | $10,400.00 | $10,400.00 |
| Criminal Court Supplemental Public Defender Fund 405 | | |
| Public Defender 4002 | | |
| 43190 Other Professional Services | $ 24,000.00 | No Action Taken |
| 43235 Travel - Mileage | $ 5,000.00 | No Action Taken |
| 44430 Law Books | $ 10,000.00 | No Action Taken |
| Sales Disclosure Fund 710 | | |
| West Creek Township Assessor 1900 | | |
| 44420 Office Machines(Create New Line Item) | $ 1,600.00 | $ 1,600.00 |
| Circuit Breaker Debt Service Fund 325 | | |
| Auditor 0200 | | |
| 45276 2% Circuit Breaker Principal **(Create Now Line Item)** | $1,674,504.56 | $1,674,504.56 |

TRANSFER OF FUNDS CERTIFICATE

I, the proper legal officer of Lake County Council, Lake County, IN., hereby certify to the Auditor of Lake County, that the Lake County Council, approved the following transfers:

| | Requested | Approved |
|---|---|---|
| Commissioners 2900 | | |
| From: 242-41190 Part-Time | $25,000.00 | |
| To: 242-41160 Office &Clerical | $25,000.00 | $ 25,000.00 |
| Emergency Management 3500 | | |
| From: 001-43630 Maintenance & Service Contr | $18,000.00 | |
| To: 001-41190 Part-Time | $18,000.00 | $ 18,000.00 |
| Election& Registration 2100 | | |
| From: 001-41380 Seasonal Employees | | $26,294.00 |
| To: 001-41100 Overtime | $ 1,276.00 | $ 1,276.00 |
| 001 -41196 Election Day Workers | $24,384.00 | $24,384.00 |
| 001-43235 Travel-Mileage | $ 634.00 | $ 634.00 |
| Community Corrections 4010 | | |
| Juvenile Home Detention Project Fund 160 | | |
| From: 160-45001 Miscellaneous | $ 5,000.00 | |
| To: 160-43992 Refunds of Fines & Costs **(Create New Line Item)** | $ 5,000.00 | $ 5,000.00 |
| Surveyor 0600 | | |
| **Retro to 2004 Budget** | | |
| From: 001-41120 Professionals | $ 1,361.00 | |
| To: 001-41100 Overtime | $119.00 | $ 119.00 |
| 001-41110 Official&Admin | $1,242.00 | $ 1,242.00 |
| North Twp Assessor 1600 | | |
| **Retro to 2004 Budget** | | |
| From: 001-42110 Office Supplies | $500.00 | |
| To: 001-41350 Assessor Certification | $500.00 | $500.00 |
| Election & Registration 2100 | | |
| **Retro to 2004 Budget** | | |
| From: 001-43310 Printing | $4,678.00 | |
| To: 001-41196 Election Day Workers | $4,678.00 | $ 4,678.00 |
| Veterans Service 2700 | | |
| **Retro to 2004 Budget** | | |
| From: 001-42110 Office Supplies | $ 100.00 | |
| 001-43232 Travel - Meals | $ 50.00 | |
| 001-43233 Travel - Lodging | $ 5.00 | |
| 001-43235 Travel - Mileage | $ 27.00 | |
| 001-43630 Maintenance & Service | $ 227.00 | |

| | Requested | Approved |
|---|---|---|
| (Veterans Service) (Con't) | | |
| To: 001-41110 Officials &Admin | $ 103.00 | $ 103.00 |
| 001-41190 Part-Time | $ 306.00 | $ 306.00 |
| | | |
| Commissioners 2900 | | |
| **Retro to 2004 Budget** | | |
| From: 001-43230 Travel-Conference | $6,188.00 | |
| To: 001-41190 Part-Time | $6,188.00 | $ 6,188.00 |
| | | |
| Criminal Court 4000 | | |
| **Retro to 2004 Budget** | | |
| From: 001-42110 Office Supplies | $ 494.00 | |
| To: 001-41120 Professionals | $ 494.00 | $ 494.00 |
| Sheriff 0500 | | |
| **Retro to 2004 Budget** | | |
| From: 196-41220 FICA | $ 4.00 | |
| To: 196-41230 Perf | $ 4.00 | $ 4.00 |
| | | |
| Jail 3100 | | |
| **Retro to 2004 Budget** | | |
| From: 196-41220 FICA | $ 432.00 | |
| To: 196-41230 PERF | $ 432.00 | $ 432.00 |
| | | |
| Lake Superior Court Adult Probation Admin 4050 | | |
| **Retro to 2004 Budget** | | |
| From: 245-41390 Supplemental Pay | $ 3.00 | |
| To: 245-41230 PERF | $ 3.00 | $ 3.00 |

and that such transfer does not necessitate expenditure of more money than was set out in detail in the budget as finally approved by the State Board of Tax Commissioners.

This transfer was made at a regular public meeting according to proper ordinance, a copy of which is attached to this certificate.

Dated this 11th day of January, 2005.

Will A. Smith, Jr.
President, Lake County Council

Adopted this 11th day of January, 2005.

NAY

AYE
Will A. Smith, Jr.
Donald Potrebic
Ron Tabaczynski
Elsie Franklin
Thomas O'Donnell
Christine Cid
Larry Blanchard

Members of the Lake County Council

ATTEST:
Stephen R. Stiglich,
Lake County Council

Additional

| | Made motion | seconded | |
|---|---|---|---|
| general fund | | | |
| Jail($5,950.77) No Action Taken | | | |
| North Twp Assr(-$22, 480) | Tabaczynski | O'Donnell | All voted "Yes" to approve. Motion carried 7-0. |
| St John Twp Assr($22,480) | Tabaczynski | O'Donnell | All voted "Yes" to approve. Motion carried 7-0. |

| | Made motion | seconded | |
|---|---|---|---|
| Calumet Twp Assr(-$18,504) (See Footnote) | Franklin | Cid | All voted "Yes" to approve. Motion carried 7-0. |
| Detention Center($520) | Franklin | Cid | All voted "Yes" to approve. Motion carried 7-0. |
| Juvenile Court(-$11,728) | Franklin | Cid | All voted "Yes" to approve. Motion carried 7-0. |
| St. John Twp Assr($22,480) | Tabaczynski | O'Donnell | All voted "Yes" to approve. Motion carried 7-0. |
| Commissioners(-$563.50) | Franklin | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| Veterans Service($563.50) | Tabaczynski | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| Election & Registration($44,184) | Franklin | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| <u>Gambling Adm Tax Fund 196</u> | | | |
| County Court Div I($81,000) (See Footnotes) | Potrebic | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| Sheriff($125,000) | Cid | Franklin | All voted "Yes" to approve And to Create New Line item. Motion carried 7-0. |
| <u>Cum Cap Fund 651</u> | | | |
| County Court Div I($250,000) – No Action Taken. | | | |
| Sheriff($125,000) | No Action Taken. | | |
| <u>Prosecutor Pre-Trial Diversion Fund</u> 135 | | | |
| Prosecutor($40,584) (See Footnote) | Franklin | Blanchard | All voted "Yes" to approve except Blanchard, "No". Motion carried 6-yes, 1-no. |
| <u>Sheriff Grant Income Fund 239</u> | | | |
| Sheriff($55,750) | Potrebic | Franklin | All voted "Yes" to approve. Motion carried 7-0. |
| <u>Emergency Local Planning Fund 185</u> | | | |
| L.E. P.C.($102,585.21) | Blanchard | Franklin | All voted "Yes" to approve. Motion carried 7-0. |
| <u>CASA Program Grant Fund 233</u> | | | |
| CASA($800) | Franklin | Cid | All voted "Yes" to approve and Make it retro-active to 2004 Budget requested by L.C. Auditor. Motion carried 7-0. |
| <u>Commissioners Incentive Fund 242</u> | | | |
| Commissioners($12,275) | Franklin | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| <u>Criminal Court Supplemental Public Defender Fund 405</u> | | | |
| Public Defender($39,000) | No Action Taken | | |
| <u>Sales Disclosure Fund 710</u> | | | |
| West Creek Twp Assr($1,600) | Blanchard | Franklin | All voted "Yes" to approve And create new line item. Motion carried 7-0. |
| <u>Circuit Breaker Debt Service Fund 325</u> | | | |
| Auditor($1,674,504.56) (See Footnote) | O'Donnell | Tabaczynski | All voted "Yes" to approve, and create new line item, except Blanchard, "No". Motion to approve carried 6-yes, 1-no. |

Footnotes

Re: Calumet Twp Assr(-$18,504) – Potrebic asked Mr. Adams how does he stand right now, and how far behind is he, compared to the last time he approached this Council?

Mr. Adams said that there is so much new construction going on out there, that it's impossible to keep up, with the number of employees that he has. He said that anything helps, but it's not going to get St. John "out of the woods". He said that out of the 11,658 total residential constructions, St John Twp had approximately 3,800 out of that 11,000, which comes out to 32.6% of the whole county, as far as new construction. He said that comes out in dollars, going on for 04 pay 05, of $100,600,000, which doesn't include the $3 million dollars for the land, so that will go on also. He said that also doesn't include all the new shopping centers and commercial out there. He said he didn't run the figures on the commercial because it doesn't take as long to do those even though it's large dollar amounts as it does the residential. Mr. Adams said if you go through 2004, that only goes through October. He said if you add those up taking the average percentage from the unincorporated area, you will see that his office is doing 40% of all the new construction in Lake County on residential property. He said, they just can't do it with, and he appreciates what Mr. Bloomenberg, and Mr. Matonovich are trying to do, but he just can't, and the way it's going, it looks like it may be even more than that for next year. He said a big portion of theirs is the unincorporated. He said that every farm out there now is going, even in Dyer, the unclave, there is numerous ones in St. John, it's unincorporated, and in Schererville, so it's unreal the way that it's going. He said he appreciates any help that he can get, and that lowers the tax rates for everybody if they can get this on, and no, they do not have all of them on for 04 pay 05 yet, which will be the second group of tax bills, when this next one comes out.

Potrebic said that still doesn't answer his question, and asked Mr. Adams, how much does he feels that he is short in his office? He asked who has he sat down and talked with. Mr. Adams said that he talked to North and Calumet Township Assessors.
Potrebic asked if he spoke with any of the others? Mr. Adams said no. He can't talk to Hanover because he is getting in the same boat that Mr. Adams is in. He said the same with Center Township as well. He said the construction is South.

Mr. Adams said that after CLT did the initial re-assessment, rather than the large mostly commercial taxpayers filing appeals with the State, they waited and just paid the load for 02 pay 03. Now they've filed appeals for 03 pay 04. He said he has several that have done it that way. He said it's not just him, it's some of the other Township Assessors as well, and they need help on that, or they are going to loose all of this assessed value.

Smith said that a contract would have to be entered into that, which would emulate from the Commissioners, but he wanted to allow Mr. Adams the opportunity to speak on it because it is something very important, in terms of what they have to be looking at. Mr. Adams said that the two townships that are going to get hurt hard, are St. John Township and Ross Township.

Smith asked who would initiate the efforts in terms of a contract, in this particular instance?

Blanchard said, more than likely, probably the Commissioners.

Tabaczynski said that what they are talking about doing is bringing the board some expertise, that would be a resource for the townships. You can't do it through the PTBOA, because that would be a conflict to them. Tabaczynski said what's important is that when the Townships and the petitioner come before the PTBOA that there case is already tight because you can't go down the road and then start introducing new evidence. Tabaczynski said he thinks the Commissioners, just because the way we contract here, would have to take care of contracting with a certified commercial appraiser, but he thinks they would then have to have some agreement in how those resources would divided up between the townships, or how the townships would make use of that. Tabaczynski agrees with Mr. Adams, they will have a township come up that's understaffed and overworked, and on the other side of the table, they will have a petitioner with several attorneys and a few CPA's, and it's usually not a fair fight unfortunately.

Re: County Court Div I($81,000) – Connie said that they are requesting these funds in order to finish their court room in Gary, and Crown Point. She said they do have a plan with the Commissioners. They are asking for $50,000 out of Furniture & Fixtures, and $200,000 out of Construction & Reconstruction.
John Blosky said that when the Commissioners turned in their request, they needed about $250,000 dollars, but since that time, they were able to get the funding for all but about $81,000 dollars worth of work. He said they don't need the $250,000 dollars, they need considerably less than that. He is asking for a little more than the $81,000 dollars because when they get into the electrical and plumbing system at the Gary Courthouse, there will probably be some modifications made to that work, as well as one item that wasn't included which was the court reporter' equipment in Crown Point. He said they would need about $100,000 to $110,000 dollars.

**Potrebic made a motion, to approve $110,000 out of fund 196.**

**Blanchard amended the amount to $81,000 dollars. Motion dies for a lack of a second.**

**O'Donnell seconded the motion to approve $110,000 dollars.**

Blanchard said that the Commissioners did work out some kind of financial plan, and he is a budget committee member, and what they submitted was $80,924.01.

Smith said that makes a difference, because when Blanchard gave his amendment based on a statement from the Commissioners that that's what they would to see done, it's a different ballgame.

Mr. Blosky said that when that amount was submitted, that was without a contingency fund for any modifications, that's the exact cost, if everything goes perfectly as planned, which on a building that's almost eighty years old, you can almost guess, it won't, so that's why we asked for the little additional.

Smith said you're talking about almost $30,000 dollars difference.
He said correct, the contingency funds are typically 10% and the total project between Crown Point and the Gary courtrooms come out to about $475,000 dollars roughly. He said, if the Council goes with the $81,000 dollars, they can come back with any modifications that may have been necessary and ask for the appropriations.

O'Donnell asked if these jobs are bidded, or does every construction job now go to John's group?

John said no, he is a consulting engineer for the Board of Commissioners, and they don't. The Commissioners did award this work to him to design and manage the construction of Judge Schiralli' courtroom, not everything comes to him.

Franklin said that she and Blanchard serve on this committee, and they are constantly going to the Commissioners to ask them to give them a comprehensive plan for renovations and all this. Franklin said she concurs with Blanchard, she thinks they need to take a look at this $81,000 dollars. Franklin said she doesn't understand why they can not include other contractors in this area, especially in her City, to help do some of this work. Franklin said she would like to see some of this work bidded out and allow some of these other contractors the opportunity to participate in this project.

**All voted "No", except Potrebic, "yes" to approve the $110,000 dollars. Motion failed.**

**Potrebic made a motion, seconded by Blanchard to approve $81,000 dollars. All voted "Yes". Motion carried 7-0.**

Re: Prosecutor Pre-Trial Diversion Fund 135 – Franklin made a motion, seconded by Blanchard to approve.

O'Donnell asked if the general fund position was being eliminated?
Marilyn K. said no. O'Donnell asked if this creates a new job? Marilyn said it is a transfer of a person to this particular fund.
O'Donnell said that right now there are a certain number of employees, and if this is passed, there will be those employees, plus one. Marilyn said there will be an opening at the lowest level because they are able to transfer versus sequentially hire, and they will be requesting permission to fill that position.
Blanchard said it's not a total net savings to the county general fund because that vacancy, unless that vacancy is never filled.
Marilyn said their office clerical staff is horrendously understaffed.
All voted "Yes" to approve, except Blanchard, "No". Motion to approve carried 6-yes, 1-no.
Marilyn respectfully requested that this be effective as of 1-1-05.
Smith said that wasn't part of the motion, and asked it Franklin wanted to amend to motion to include effective 1-1-05?
Dante recommended to the Council that since it is already there to make it retro-active to 1-1-05.

All voted "Yes" to the amendment of making it retro-active to 1-1-05. Motion carried 7-0.

Dante explained that when you set a position at one dollar, it's active. She had the right to go in there and put a person in there because it's active.
Marilyn said this position was funded in 2004. They weren't sure because of the budgetary process where they would have to draw more and more on their line items from non county general funds whether to fill this, and at budget time, they decided to just put one dollar in there.
She wanted to have this matter heard in December, but was advised to wait until January, and she just wanted to make sure that there is no small gap in the salary amount.

Re: Commissioners($12,275) – Attorney John Dull wanted to note that at the end of 2002, the County no longer had SRI. He said at that point in time, he was challenged by Councilman O'Donnell, with the things that he said about SRI and the fact that we should be able to do that on our own. Attorney Dull said, he decided to go forward and there was one person that did that, who is the person that he needs the job for. He said she has been here and worked the job for two years. He said that the 3,500 properties that SRI

left them with have all been sold. He said that now they now have about 2,000 problem files that have to be gone through individually. He said there are 1,500 county properties, and in addition, she will lead the sale in February on the tax sale certificates, so that's what she has done, and Attorney Dull said he is requesting approval.

Re: Auditor($1,674,504.56) – Dante said that the money is not in Fund 325, but this is the fund in which you're going to make a payment back to the State. He said it's based upon the $15.3, originally worked out by Crowe Chizek . It's on a quarterly basis, and is approximately eight hundred thirty something thousand dollars, and you have 2 quarters, which are going to be July, and October. He said there will be two payments out of this fund, and next year you will see $3.2, or $3.3. The $830,000 per quarter is based upon the $15.3, which may or may not be the credit, and we don't know exactly what the amount of the credit will be.

Transfers

| | Made motion | seconded | |
|---|---|---|---|
| Commissioners($25,000) | Franklin | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| Emergency Mngmt($18,000) | Blanchard | Franklin | All voted "Yes" to approve. Motion carried 7-0. |
| Election & Registration($26,294) | Franklin | Blanchard | All voted "Yes" to approve. Motion carried 7-0. |
| Community Corrections($5,000) | Franklin | Cid | All voted "Yes" to approve and Create new line item. Motion Carried 7-0. |
| Surveyor($1,361) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| North Twp Assr($500) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| Election & Regis($4,678) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried. |
| Veterans Service($409) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| Commissioners($6,188) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| Criminal Court($494) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| Sheriff($4.00) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| Jail($432) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |
| L.S. Court Adult Probation Admin($3.00) | Cid | Blanchard | All voted "Yes" to approve and Make it retro to 2004 budget. Motion carried 7-0. |

In the Matter of Revised 144's for- Approval of September, October, November, and December 2004 Revisions(Excluding Probation Departments and Supplemental Pay).

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes", except O'Donnell, "abstain". Motion to approve carried 6-yes, 1-abstention.

Re: North Township Assessor

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 16547-003 Re Imp Data Clerk I | $22,480 | -0- | -$22,480 |

Re: St. John Township Assessor

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 16682-003 Clerk Typist | -0- | $22,480 | $22,480 |

Re: L.C. Court Div III

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 39002-001 Supplemental Pay | -0- | $5,300 | $5,300 |
| 39002-002 Supplemental Pay | -0- | $5,000 | $5,000 |
| 39002-006 Supplemental Pay | -0- | $10,600 | $10,600 |

In the Matter of Revised 144 for Jail, Prosecutor Pre-Trial Diversion Fund 135, Juvenile Court, Detention Center, Commissioners, Calumet Twp Assessor, and St. John Twp Assr.

Re: Jail – No Action Taken.

Re: Prosecutor – Franklin made a motion, seconded by Blanchard to approve. All voted "Yes", except Blanchard, "No". Motion to approve carried 6-yes, 1-no.
Franklin made a motion, seconded by Blanchard to amend and make it retro to 1-1-05. All voted "Yes". Motion to approve carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 16216-001 Secy. Pre-Trial Diversion | $1.00 | $25,804 | $25,803 |

Re: Juvenile Court – Franklin made a motion, seconded by Cid to approve. All voted "Yes". Motion carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 12428-016 Probation Officer | $43,480 | $31,752 | -$11,728 |

Re: Juvenile Court – Franklin made a motion, seconded by Cid to approve. All voted "Yes". Motion carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 12558-001 In House Det. Prob. Sup | $55,741 | $48,674 | -$7,067 |

Re: Detention Center – Franklin made a motion, seconded by Cid to approve. All voted "Yes". Motion carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 12434-001 Intake Probation Officer | $25,997 | $26,517 | $520 |

Re: Commissioners – Franklin made a motion, seconded by Blanchard to approve . All voted "Yes". Motion carried 7-0. (Incentive Fund 242)

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 16xxx-001 Property Manager | -0- | $25,000 | $25,000 |

Re: Calumet Twp Assessor – Franklin made a motion, seconded by Cid to approve. All voted "Yes" to approve. Motion carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 13254-001 Records Coordinator | $18,504 | -0- | -$18,504 |

Re: St. John Twp Assessor – Tabaczynski made a motion, seconded by O'Donnell to approve. All voted "Yes". Motion carried 7-0.

| Revised 144 | Present | Proposed | Difference |
|---|---|---|---|
| 13455-004 Real Estate Deputy | -0- | $18,504 | $18,504 |

In the Matter of Creating New Line Item in Sales Disclosure Fund 710.

Tabaczynski made a motion, seconded by O'Donnell to create line items 43232 – Meals, and 43233 – Lodging. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Creating a New Line Item in Recorder's Perpetuation Fund 179.

Cid made a motion, seconded by Franklin to create a new line item 41190 – part-time in the Recorder's Perpetuation Fund 179 effective 1-1-05. All voted "Yes". Motion carried 7-0.

In the Matter of Restricting Hiring – Jail.

Franklin made a motion, seconded by Potrebic to approve filling position 18801-001 Maintenance I. All voted "Yes". Motion carried 7-0.

In the Matter of Restricting Hiring – Sheriff.

Potrebic made a motion, seconded by Cid to approve filling position 14402-019 – Police Officer. All voted "Yes". Motion carried 7-0.

In the Matter of Restricting Hiring – Public Defender.

Potrebic made a motion, seconded by O'Donnell to approve filling position # 12356-006 – Public Defender. All voted "Yes". Motion carried 7-0.

In the Matter of Restricting Hiring – Plan Commission.

Potrebic made a motion, seconded by O'Donnell to approve filling position 12455-005 Plans Examiner. All voted "Yes". Motion carried 7-0.

In the Matter of Restricting Hiring – Clerk.

Franklin made a motion, seconded by Blanchard to approve filling position 16723-003 Deputy Clerk I. All voted "Yes", except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.

In the Matter of Proposed Amendment to the Lake County Police Retirement Plan.

Franklin made a motion, seconded by Potrebic to approve as presented. All voted "Yes". Motion to approve carried 7-0.

**SECOND AMENDMENT**
**TO**
**LAKE COUNTY POLICE RETIREMENT PLAN**

WHEREAS, Lake County Police Retirement Plan (hereinafter referred to as "Plan") was established by Lake County Sheriff s Department, Crown Point, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1962; as amended by a complete restatement, effective as of January 1, 2000; and as last amended by a First Amendment, effective as of the dates indicated therein; and

WHEREAS, by Section 11.01 of the Plan, the Employer reserved the right to amend the Plan; and

WHEREAS, the Employer desires to amend the Plan in certain respects heretofore considered and discussed;

NOW, THEREFORE, BE IT RESOLVED, that the Plan is hereby amended by this Second Amendment, effective as of December 1, 2004, as follows:

1. Section 2.01 (a) is hereby amended effective December 1, 2004, to read as follows:

"(a) 'Actuarial Equivalent' or 'Actuarially Equivalent' means a benefit of equivalent value computed on the basis of mortality determined as follows:

(1) For Participants, the Unisex Pension 1984 Mortality Table (UP-1984 Table) with ages set forward one-half (1/2) year. This age adjustment is determined by interpolating (straight line) between mortality rates with no age adjustment and mortality rates with ages set forward one (1) year.

(2) For Beneficiaries, the Unisex Pension 1984 Mortality Table (UP- 1 984 Table) with ages set back three and one-half (3-1/2) years. This setback is determined by interpolating (straight line) between mortality rates with a three (3) year age setback and mortality rates with a four (4) year age setback.

The mortality basis specified above is to be used in conjunction with an interest rate of six percent (6%) per annum, compounded annually, for the purpose of determining any Actuarially Equivalent benefit, unless otherwise specified.

For determining Actuarially Equivalent lump sums (other than the lump sum payable under Section 8.02(b) or 8.02(c)), the lower of the following interest rates should be utilized:

(1) the applicable rate of interest used by the PBGC for the purpose of determining the present value of a lump sum distribution on plan termination and in effect as of the first day of the Plan Year in which distribution to the Participant occurs, or

I

(2) the applicable rate of interest used by the PBGC for the purpose of determining the present value of a lump sum distribution on plan termination and in effect as of the first day of
the Plan Year in which the Participant's date of termination of
employment (as reflected on the payroll record) occurs (hereinafter
'PBGC rate') adjusted as follows:

| Calendar Year in which termination date occurs | Interest rate |
|---|---|
| 1994 | PBGC rate minus I% |
| 1995 | PBGC rate minus 3/4% |
| 1996 | PBGC rate minus 1/2% |
| 1997 | PBGC rate minus 1/4% |
| 1998 and each calendar year thereafter | PBGC rate |

In determining the applicable rate of interest for this purpose, the applicable interest rate used by the PBGC in valuing deferred annuities shall be taken into account when a lump sum amount is being calculated with respect to a deferred annuity. The applicable interest rate used by the PBGC in valuing immediate annuities shall be taken into account when a lump sum amount is being calculated with respect to an immediate annuity."

2. Section 6.06(b)(2) is hereby amended effective December 1, 2004, to read as follows:

"(2) The only lump sum death benefits provided under this Plan are (i) the benefit provided on behalf of married or unmarried Participants under Section 8.02(c), (ii) the Net Amount of Contributions payable under Section 8.02(a) and (iii) the lump sum under Section 8.01. Such death benefits shall be paid within one (1) year after the date of death of the Participant. Distribution of the monthly benefit provided under Section 8.02(b) shall begin not later than the later of (a) one year after the date of the Participant's death or (b) the Participant's Normal Retirement Date."

3. Section 8.01 is hereby amended effective December 1, 2004, by the addition of the following sentence:

"Any lump sum provided under this Section shall be paid within one year after the date of the Participant's death."

4. Section 8.02(a) is hereby amended effective December 1, 2004, by the addition of the following sentence:

"The death benefit provided under this subsection shall be paid within one year after the date of the Participant's death."

5. Section 8.02(b) is hereby amended effective December 1, 2004, to read as follows:

"(b) In addition to the amount payable under subsection (a), if a married Participant who has a vested benefit in the Plan dies while employed by the Employer or after termination of employment, for any reason, but prior to the commencement of any benefit from this Plan, his surviving spouse shall be entitled to elect (i) a lump sum benefit described in this subsection (b) or (ii) a monthly survivor benefit payable in accordance with this subsection (b) for the remaining lifetime of such surviving spouse.

**Monthly Survivor Benefit**

"If the Participant had satisfied the requirements for Early Retirement at the date of his death, then such monthly survivor benefit shall commence as of the first day of the month following his date of death, unless the spouse elects a later commencement date. However, such later commencement date may not be later than the Participant's Normal Retirement Date. The amount of the death benefit shall be equal to the survivor annuity that would have been payable if the Participant had terminated employment and immediately prior to his date of death had commenced receipt of his retirement benefits in the form of an Actuarially Equivalent one hundred percent (I 00%) joint and survivor annuity with adjusted level monthly payments to the Participant during his lifetime and continued monthly payments in the same amount for the lifetime of his surviving spouse.

"If the Participant had not satisfied the requirements for Early Retirement under the Plan at the date of his death, the payment of benefits to the surviving spouse shall commence on the date specified by the spouse, provided the date is not earlier than the Participant's Early Retirement Date and is not later than the Participant's Normal Retirement Date. The amount of benefit is calculated assuming the Participant had (i) terminated employment with the Employer on the earlier of the Participant's actual termination of employment or the date of the Participant's death, (ii) survived to the date of commencement of the death benefit elected by the surviving spouse, (iii) commenced receipt of his deferred vested Termination Benefit as of his Early Retirement Age or his Normal Retirement Age, depending on the commencement date elected by his surviving spouse, in the form of an Actuarial Equivalent one hundred percent (I 00%) joint and survivor annuity with adjusted level monthly payments to the Participant during his lifetime and continued monthly payments in the same amount for the lifetime of his surviving spouse, and (iv) died on the day after the commencement date elected by his surviving spouse.

**Lump Sum Benefit**

"For purposes of this subsection, 'Lump Sum Value' is the Actuarial Equivalent (based on forms of payment other than lump sums for Beneficiaries under Section 2.01 (a)(1)) of the Participant's 'monthly survivor benefit' as described in the preceding paragraphs of this Section 8.02(b). The death benefit provided under this subsection shall be paid within one year after the date of the Participant's death."

6. Section 8.02 is hereby amended effective December 1, 2004, by the addition of subsection (c), to read as follows:

"(c) In addition to the amount payable under subsection (a), if an unmarried Participant who has a vested benefit in the Plan dies while employed by the Employer or after termination of employment, for any reason, but prior to the commencement of any benefit from this Plan, a death benefit shall be payable as provided in this subsection (c). The Lump Sum Value of the Participant's benefit shall be paid to his Beneficiary. For purposes of this subsection, the following rules apply:

> If the Participant has not yet satisfied the requirements for Early Retirement or Normal Retirement, 'Lump Sum Value' means eighty percent (80%) of the Actuarial Equivalent (based on forms of payment other than lump sums for Participants under Section 2.01 (a)(1)) of the Participant's vested monthly benefit payable under Section 6.01 at Normal Retirement Date.
>
> If the Participant has satisfied the requirements for Early Retirement or Normal Retirement, 'Lump Sum Value' means eighty percent (80%) of the Actuarial Equivalent (based on forms of payment other than lump sums for Participants under Section 2.01 (a)(1)) of the Participant's monthly benefit payable under Section 6.01, 6.02 or 6.03 that would have been paid if the Participant had retired on his date of death.

The death benefit provided under this subsection shall be paid within one year after the date of the Participant's death."

In witness of its adoption of the foregoing amendment to the Plan, the Employer has caused this amendment to be executed as of the 23re day of November, 2004.

LAKE COUNTY SHERIFF'S DEPARTMENT

By ROY DOMINGUEZ,
Sheriff of Lake County

Approved and ratified at a meeting of the Lake County Sheriff's Merit Board on the 23rd day of Novemer, 2004.

LAKE COUNTY SHERIFF'S MERIT BOARD

JAMES STRAYER

Approved and ratified at a meeting of the County Council of Lake County on the 11th day of January, 2005

COUNTY COUNCIL OF LAKE COUNTY

WILL A. SMITH, JR.

In the Matter of Lease Need Approval – Sheriff - Hangar Space At Griffith Airport – 1700 E Main St., Griffith, IN.

Potrebic made a motion, seconded by Franklin to approve the need for a lease for the Sheriff Department. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Lease Need Approval – Center Township Assessor – 213 S Court St., Crown Point.

Blanchard made a motion, seconded by Franklin to approve the need for a lease. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Councilmanic Appointments – Contractors Licensing Board (1).

Blanchard nominates Franklin.
O'Donnell nominates Blanchard. Nominations closed All voted "Yes" to approve Blanchard.
Councilman Larry Blanchard is the Council' appointment to the Contractors Licensing Board.

In the Matter of Councilmanic Appointments to the Community Corrections Advisory Board (1).

Franklin nominates O'Donnell.
Blanchard moves to close the nominations. All voted "Yes" for Councilman O'Donnell. Motion carried 7-0.
Councilman Thomas O'Donnell is the Council' appointment to the Community Corrections Advisory Board.
In the Matter of Councilmanic Appointments to the Lake County Study Commission of Veterans Affairs (7).

Franklin made a motion to retain Councilman Ron Tabaczynski and Councilman Larry Blanchard.
Blanchard nominated James Forsythe to replace George Colwell.
Motion was made to defer the appointment to replace Jan Allison to 2-8-05.
Blanchard made a motion, seconded by O'Donnell to close the nominations.
All voted "Yes" to retain those listed, to replace George Colwell with James Forsythe, and defer the appointment to replace Jan Allison to 2-8-05. Motion carried 7-0.
The Current appointments are:
Larry Blanchard, Ron Tabaczynski, James Forsythe, Gerry Scheub, Casimir Balt, and Ernest Dillon.

In the Matter of Councilmanic Appointments to Northwest Indiana Private Industry Council (1).

Franklin recommended Councilman Ron Tabaczynski. Potrebic made a motion, seconded by Blanchard to close the nominations. All voted "Yes" to appoint Ron Tabaczynski to the Northwest Indiana Private Industry Council.

In the Matter of Citizen Appointments – Parks & Recreation (1R)

Blanchard nominates Lawrence Turnquist.
Franklin nominates Christopher Dilts.
Blanchard made a motion, seconded by Franklin to close the nominations. All voted "Yes" for Christopher Dilts, except Tabaczynski, and Blanchard who voted for Lawrence Turnquist.
Christopher Dilts won the nomination 5-2.

In the Matter of Citizen Appointments to County Property Tax Assessment Board of Appeals (1R).

Blanchard made a motion, seconded by Potrebic to defer to 2-8-05. All voted "Yes", except O'Donnell, "absent". Motion to defer carried 6-yes, 1-absent.

In the Matter of Citizen Nominations – Economic Development Commission – Town of Cedar Lake.

Blanchard nominates Geraldine Kortokrax.
Blanchard made a motion, seconded by Franklin to close the nominations. All voted "Yes" to approve Geraldine Kortokrax to the Economic Development Commission – Town of Cedar Lake. Motion carried 7-0.

In the Matter of Citizen Nominations – Economic Development Commission – City of Hammond.

Tabaczynski made a nomination to re-appoint Charles Petersen.
Franklin made a motion, seconded by Blanchard to close the nominations.
All voted "Yes" to re-appoint Charles Petersen. Motion carried 7-0.

In the Matter of Interlocal Agreement – Appproval of Amendment to Interlocal Agreement for Distribution and Repayment of 2% Circuit Breaker Funds.

Cid made a motion, seconded by O'Donnell to approve.
Dante said that all of the schedules that you have that are attached, are contingent and based upon the $15.291 dollars that were established by Crowe Chizek , so whenever the credit gets confirmed, and whatever that number is going to be, it's going to change according to this, so off the top, based on the $15.2. The Cities and Towns' share, off the top, based on their percentage of their Riverboat.

Attorney Szarmach asked if Dante was speaking of the advance to them, or their payment to us?

Dante said their repayment to us will be based upon how much their credit is.

Attorney Szarmach said, their repayment to us will be based upon their population percentages.

Dante said the gross amount that's going to be applied before the percentage is going to be based upon what the credit is for the Cities and Towns, which have not been certified yet.

Attorney Szarmach said no, they have their own, they decided on a different formula for distribution so that some municipalities that are in need will get more than what they are entitled to, and that's going to be, the checks will be determined by the Treasurer and the Auditor when they go out.
He said the pay back is what he is concerned with, and the pay back is going to be pursuant to their population percentages.

Dante said their entire pay back will be exactly equal to the amount that the credit has to be, and that has not been determined what the entire amount of credit to the 16 Cities and Towns will be.

Blanchard said they know that the total amount of money that the State transferred is not going to be distributed, it's not going to be used. Blanchard asked who pays the interest on that, because we are not going to be charging the 16 for that, we are not going to be charging Gary, Hammond, and East Chicago for whatever amount that their taxpayers don't qualify for, but we will be responsible for paying the State interest on those dollars, even though they're not going to be utilized. Blanchard asked, who pays that?

Attorney Szarmach said that the only purpose of this amendment to our Interlocal Agreement is so that the communities understand that whatever amount that they are getting we are going to give it to them pursuant to the "off the top" formula they devised. They are going to pay it back by units,which means percentage population. Whatever they get, and that's the only purpose of this amendment.

All voted "Yes", except Blanchard, "No". Motion to approve carried 6-yes, 1-no.

**FIRST AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT CONCERNING THE USE OF GAMBLING ADMISSION TAX MONEY TO REPAY ADVANCES RECEIVED FROM THE 2% CIRCUIT BREAKER PROGRAM**

This is the First Amendment to the Interlocal Cooperation Agreement entered into and recorded as Document Number 97039517 on the 13th day of June, 1997 by and between the Lake County Council (Council); Lake County Board of Commissioners (Commissioners) and the following municipalities of Lake County: Town of Cedar Lake, City of Crown point, Town of Dyer, Town of Griffith, Town of Highland, City of Hobart, City of Lake Station, Town of Lowell, Town of Merrillville, town of Munster, Town of New Chicago, Town of St. John, Town of Schererville, Town of Schneider, Town of Winfield and City of Whiting (collectively referred to as Municipalities).

WITNESSETH THAT:

WHEREAS, each of the parties hereto is a political subdivision located in Lake County, Indiana; and

WHEREAS, Lake County (County) currently receives a portion of Gambling Admission Taxes pursuant to I.C. 4-33-12-1, et seq.; and

WHEREAS, the parties agreed on a formula for the distribution and permitted uses of revenue as a part of the Intergovernmental Cooperation Agreement; and

WHEREAS, the parties desire to amend certain terms and provisions of the Interlocal Cooperation Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed that the Intergovernmental Agreement No. 97039517 is hereby amended:

1. The following section of the Interlocal Cooperation Agreement No. 97039517 is hereby amended:

**INSERT:**

**Section 11. (New Section)**

**11. Use of money for repayment of 2% Circuit Breaker Program Advances.** Notwithstanding the distribution of revenue pursuant to Section 5, and the restrictions on the use of proceeds pursuant to Section 6,of this Agreement, the County and the Municipalities agree to the following:

A. That the Municipalities shall take part in the 2% Circuit Breaker program (Program) as described in the Memorandum of Understanding approved by the State of Indiana and Lake County, for the distribution of money (the Advance) to Lake County from the Indiana Property Tax Replacement Fund to pay certain 2002 payable 2003 real estate tax in excess of two percent of the assessed valuation of the real estate effected (Exhibit "A").

B. That the County shall distribute the money from the Advance to the Municipalities pursuant to the modified distribution of revenue "off the top" formula approved by the Municipalities (Exhibit "B"), rather than on the per unit assessment provided by Section 5. of this Interlocal Cooperation Agreement.

C. That the Municipalities shall repay the County the amount of money they receive under the Program from the Gambling Admission Tax funds they are entitled to under this Interlocal Cooperation Agreement. Payment shall be made by the County withholding the Gambling Admission Tax money for each unit pursuant to the payment schedule for cities and towns on a per unit assessment formula (see Exhibit " B ").

2. This Amendment shall take effect upon its signing by the executive of each Municipality, the Lake County Council, and the Lake County Board of Commissioners. Upon execution it shall be recorded with the Recorder of Lake County, Indiana and filed with the Indiana State Board of Accounts.

3. Partial Invalidity. If any section, clause, provision or portion of this Agreement shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Agreement.

4. Counterparts. This Agreement shall be signed in counterparts and each of said counterparts shall be considered an original.

*5.* This Agreement has been executed by the Executive Officer of each of the municipalities who are parties hereto, and each such signature has been attested to by the Clerk-Treasurer of each such Municipality; the President and members of the Lake County Council and Board of Commissioners.

FIRST AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT
DISTRIBUTION OF GAMING B0AT REVENUES

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to be effective on the date signed.

FOR LAKE COUNTY:

Lake County Council:

| | |
|---|---|
| WILL A. SMITH, JR., President | DATE: 1-11-05 |
| RON TABACZYNSKI | DATE: 1-11-05 |
| THOMAS O'DONNELL | DATE: 1-11-05 |
| CHRISTINE CID | DATE: 1-11-05 |
| ELSIE FRANKLIN | DATE: 1-11-05 |
| DONALD POTREBIC | DATE: 1-11-05 |

This page is part of a multiple part signature sheet. The Agreement is not complete until all. signatures are attached.

FIRST AMENDMENT TO THE

INTERLOCAL COOPERATION AGREEMENT
DISTRIBUTION OF GAMING BOAT REVENUES

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to be effective on the date signed.

FOR LAKE COUNTY:

County Commissioners:

GARRY SCHEUB DATE: 1-19-05
RUDOLPH CLAY DATE: 1-19-05

This page is part of a multiple part signature sheet. The Agreement is not complete until all signatures are attached.

**"EXHIBIT A"**

MEMORANDUM OF UNDERSTANDING (this **Memorandum of Understanding),** is made by and between the State of Indiana, acting by and through its Property Tax Replacement Fund Board (the State), and the County of Lake, State of Indiana (the **County):**

Recitals

(1) WHEREAS, the General Assembly of the State established the Property Tax Replacement Fund under Indiana Code 6-1.1-21 -1 and the Property Tax Replacement Fund Board (the **Board)** under Indiana Code 6-1.1-21 -1 0;

[2] WHEREAS, in Fiscal Year 2004, according to a report made by the State Budget Agency, the State of Indiana expended $31.4 million less money from the Property Tax Replacement Fund than the General Assembly appropriated for property tax relief,

[31 WHEREAS, in Fiscal Year 2005, according to an estimate by the State Budget Agency, the State is expected to expend $24.0 million less money from the Property Tax Replacement Fund than the General Assembly appropriated for property tax relief-,

[4] WHEREAS, Indiana Code 6-1.1-21 -1 0(b) provides that the Board may authorize the Indiana Department of State Revenue (the Revenue Department) to distribute the estimated distributions of money from the Property Tax Replacement Fund earlier than what is required under the statute;

[51 WHEREAS, the General Assembly further authorized the Board, "in its sole discretion" to "increase the percentage of the credit provided in the [statutory] schedule for any year, if the [Board] feels that the [Property Tax Replacement Fund] contains enough money for the resulting increased distribution' [Indiana Code 6-1.1-20.9-2];

[6] WHEREAS, the court-ordered reassessment of homesteads and other real property resulted in extraordinary increases in property tax bills for homesteads 'in some communities, including neighborhoods in the County;

[7] WHEREAS, a national studv published in May 2003 found that the average property tax rate on an urban homestead with an assessed value of $150,000 is 1.5 percent;

[8) WHEREAS, the data from this study demonstrate that property tax rates of two percent or more are rare;

[9) WHEREAS, the Department of Local Government Finance of the State of Indiana (the **Finance Department)** found that as a result of the court-ordered reassessment, thousands of homeowners, including homeowners in the County, received property tax bills that are above two percent of the gross assessed value of their homesteads, and, in some cases, as high as five per cent and even higher;

10] WHEREAS, such high property tax rates are especially burdensome to homeowners, and they challenge neighborhoods and governments and businesses alike, including those in the County;

[ 11] WHEREAS, Governor Kernan determined that extraordinary measures are both justified and necessary to help the County and its cities, schools and other governments reduce property tax bills, preserve homeownership, stabilize neighborhoods, and support community and economic development;

[12) WHEREAS, among other things, Governor Kernan asked the Board to advance money from the Property Tax Replacement Fund established under IC 6-1.1-21 (the Advance) to the County to fund a "county-option circuit breaker" to assure that no homeowner in the County pays more than two percent of the gross assessed value of his or her homestead in property taxes for 2002, payable in 2003 (the Circuit Breaker Program);

[13) WHEREAS, the Board finds and determines that the Property Tax Replacement Fund contains enough money to make the advances authorized by this resolution; and

[14] WHEREAS, this Memorandum of Understanding provides for the Advance and the Circuit Breaker Program;

NOW,THEREFORE, in considerations of the premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the State and the County, the State and the County agree as follows:

Section 1. Terms, Definitions. Terms used in this Memorandum of Understanding are used with the meanings ascribed to such terms in this Memorandum of Understanding, including Schedule 1 to this Memorandum of Understanding.

Section 2. Advance, Circuit Breaker Program,. Funding Date. Subject to the further provisions of this Memorandum of Understanding:

A. The State shall advance from the Property Tax Replacement Fund (the **Advance)** not to exceed fifteen million two hundred ninety-one thousand six hundred ninety-nine dollars ($I 5,291,699) (the **Maximum Funding)** to the County solely for the purpose of funding the Circuit Breaker Program more fully described in Schedule 2 to this Memorandum of Understanding. If the cost of funding the Circuit Breaker Program is less than the amount of the Maximum Funding, the County shall immediately notify the Board in writing and return the difference to the State in accordance with instructions provided by the Board.

B. The State shall advance the Maximum Funds to the County on the **Funding Date.**

Section 3. Payment, Interest Rate, Prepayment. The County shall repay the Advance, together with interest at the per annum rate of two and ninety-five hundredths percent (2.95%) in accordance with the schedule set forth in Schedule 3 to this Memorandum of Understanding. The Advance or any principal portion of the Advance may be prepaid at any time. If the County prepays a portion of the Advance, the Board shall promptly provide an amended and restated repayment schedule to the County, which amended and restated repayment schedule is and shall be deemed to be a part of this Memorandum of Understanding, and the County shall repay the balance of the Advance, together with interest at the per annum rate of two and ninety-five hundredths percent (2.95%) in accordance with such amended and restated repayment schedule.

Section 4. Source of Repayment of the Advance, Debt, No Pledge. (a) Subject to the further provisions of this Memorandum of Understanding, the County promises to repay the Advance in accordance with this Memorandum of Understanding. The County will repay the Advance from all legally available revenue, including (but not limited to) the revenue described in schedule 4 (the **Revenue).**

(b) The Advance is (1) not a debt, liability, loan of the credit or pled-e of the faith and credit of the State, the County or any other government; and (2) payable solely from the Revenue, unless funded or refunded by bonds, notes or other obligations of the County. The Advance is an obligation for purposes of IC 4-33-12 and IC 4-33-13. Although the County is obligated to repay the Advance, together with interest as provided in this Memorandum of Understanding, the State agrees and understands that the faith, credit and taxing power of the County is not pledged to the payment of the Advance or interest on the Advance.

Section 5. Security, Waiver, Intercept. (a) The County promises that it has, or will have, sufficient Revenue to repay the Advance, together with interest as provided in this Memorandum of Understanding, when due.

(b) Upon the funding by the State of the Advance, the County agrees that upon its failure to pay interest or principal on the Advance as provided in this Memorandum of Understanding, all statutory defenses to nonpayment are waived. Upon nonpayment and demand by the Board on the County, the State may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies within a time or period provided by law may not be raised as a defense by the County. The Board may carry out this section and exercise all the rights, remedies and provisions of law provided or referred to in this Section 5.

(c) Subject to Schedule 4, to the extent that any agency or department or office of the State is the custodian of money payable to the County, at any time after written notice to the agency head, department head or officer from the Board that the County has failed to pay interest or principal on the

Advance, the agency head, department head or officer shall withhold the payment of that money from the County and pay over the money to the Board to apply against the payment or payments then payable on the Advance. *The Board Understands and agrees that any obligation on the part of the County to the Indiana Bond Bank may be paid or provided for under this Section 5(c) before the County's obligation to repay the Advance, together with interest, as provided in this Memorandum of Understanding, is paid or provided for under this Section 5(c).*

Section 6. Subordination, State Agreement. (a) The County's obligation to repay the Advance, together with interest as provided in this Memorandum of Understanding, is subordinate to each and every agreement to pay money, bond, contract to pay money, lease, note, warrant or other lawful obligation to pay money issued or entered into by the County on or before the date of this Memorandum of Understanding (the **Existing Obligations).** After the date of this Memorandum of Understanding, the County's obligation to repay the Advance, together with interest as provided in this Memorandum of Understanding, will be subordinate to each and every new borrowing or lease of property by the County (a New Obligation), provided the County (1) discloses its obligations under this Memorandum of Understanding to the lender, including the Indiana Bond Bank, a bank, an investor or an underwriter, or the lessor; and (2) advises the State Budget Agency in writing that it intends to incur a New Obligation, provides the timetable therefor, and describes in detail the security and source of payment for the New Obligation. The County shall not issue a New Obligation until it demonstrates to the State Budget Agency's satisfaction that the County will be able to repay the Advance, together with interest as provided in this Memorandum of Understanding, and the New Obligation in accordance their respective terms.

(b) The Board agrees with the assignees, beneficiaries, holders, owners or transferees of the Existing Obligations that the Board will not impair the rights or remedies of the same with respect to the Existing Obligations until the Existing Obligations are fully met, paid or provided for. Execution and delivery of this Memorandum of Understanding shall not cause, give rise to or trigger a breach, a default or an event of default with respect to any Existing Obligation.

Section 7. Severability. If any phrase, provision, section or sentence of this Memorandum of Understanding is held, deemed to be, or shall be (in fact) illegal, inoperative or unenforceable, the same shall not affect any other phrase, provisions, section or sentence of this Memorandum of Understanding or render in any way any other phrase, provision, section or sentence of this Memorandum of Understanding illegal, inoperative or unenforceable.

Section 8. Recitals. The "WHEREAS clauses" of this Memorandum of Understanding (that is, the Recitals) are incorporated into this Memorandum of Understanding by this reference and shall carry the same force and effect as the Memorandum itself.

Section 9. Boilerplate. The State "bollerplate" provisions set forth in schedule 5 are incorporated into this Memorandum of Understanding by this reference and shall carry the same force and effect as the Memorandum itself.

IN WITNESS WHEREOF, the State and the County, through duly authorized representatives, have entered into this Memorandum of Understanding; and having read and understood the foregoing terms of this Memorandum of Understanding, the State and the County by their respective signatures dated below agree to such terms.

COUNTY OF LAKE

By RUDOLPH CLAY

President, County Commissioners

Date: 9-14-04

By GERRY SCHEUB

County Commissioner

Date: 9-14-04

By FRANCES DU PEY

County Commissioner

Date: 9-14-04

COUNTY OF LAKE

By: WILL A. SMITH, JR.,

President, County Council

Date: 9-14-04

By: RON TABACZYNSKI
County Council
Date: 9-14-04

By: CHRISTINE CID
County Council
Date: 9-14-04

By: THOMAS O'DONNELL
County Council
Date: 9-14-04

By: ELSIE FRANKLIN
County Council
Date: 9-14-04

By: DONALD POTREBIC
County Council
Date: 9-14-04

STATE OF INDIANA,
Acting by and through its
Property Tax Replacement Fund Board

By Kenneth L. Miller, Chairman
Date 9-14-04

DEPARTMENT OF ADMINISTRATION
By
Date: 9-14-04

STATE BUDGET AGENCY
By: Marilyn f. Schultz, Director
Date: 9-14-04

In the Matter of Resolution Allowing Elections and Registrations to pay 2004 East Chicago Mayoral Election Expenses with 2005 Funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-01**

**RESOLUTION PERMITTING THE LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION TO PAY OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Lake County Board of Elections and Registration, is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2004, have not been paid:

| | | Line Item | |
|---|---|---|---|
| 1. | Overtime | #001 2100-41100 | $ 6,000.00 |
| 2. | Part-Time | #001-2100-41190 | 4,100.00 |
| 3. | Election Day Workers | #001-2100-41196 | 24,384.00 |
| 4. | Seasonal Employees | #001-2100-41380 | 8,000.00 |
| 5. | Mileage | #001-2100-43235 | 900.00 |
| 6. | Property Rental | #001-2100-43730 | 800.00 |
| | | | $44,184.00 |

**WHEREAS,** the Lake County Council desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:
That the following 2004 expenses shall pay be paid from the Lake County Board of Elections and Registration's 2005 Budget:

| | | Line Item | |
|---|---|---|---|
| 1. | Overtime | #00 1 2100-41 1 00 | $ 6,000.00 |
| 2. | Part-Time | #001-2100-41190 | 4,100.00 |
| 3. | Election Day Workers | #001-2100-41196 | 24,384.00 |
| 4. | Seasonal Employees | #001-2100-41380 | 8,000.00 |
| 5. | Mileage | #001-2100-43235 | 900.00 |
| 6. | Property Rental | #001-2100-43730 | 800.00 |
| | | | $44,184.00 |

SO RESOLVED THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution allowing Animal Control to pay a 2004 invoice with 2005 funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-02**

**RESOLUTION PERMITTING LAKE COUNTY ANIMAL CONTROL TO PAY OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Animal Control of Lake County, is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoice/debt incurred in the Budget year of 2004 has not been paid:

001-3200-42250 - Health Care & Lab Supplies
Schering-Plough Animal Health Corporation $2,032.25

**WHEREAS,** the Lake County Animal Control desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

1. That the Lake County Animal Control Department, shall pay from its 2005 Budget the following invoice/debt incurred in the calendar year 2004 as follows:

001-3200-42250 - Health Care & Lab Supplies

Schering-Plough Animal Health Corporation $2,032.25

SO RESOLVED THIS 11TH DAY OF JANUARY, 2005.

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution Authorizing Temporary Loans for 2005 for Lake County Parks & Recreation.

Tabaczynski made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-03**

**RESOLUTION TO APPROVE TEMPORARY TRANSFER OF $2,000,000.00 FROM THE LAKE COUNTY PARKS AND RECREATION BOARD'S NON-REVERTING SELF INSURANCE FUND, NO. 109; NON-REVERTING LAND CAPITAL IMPROVEMENT FUND, NO. 116; AND BOND FUND, NO. 353, TO THE LAKE COUNTY PARKS AND RECREATION BOARD'S OPERATING FUND, FUND NO. 107**

**WHEREAS,** I. C. 36-1-8-4(a) provides that the Lake County Council by Resolution may permit the transfer of money for a prescribed period of time, to end at the end of the budget year, to a fund in need of money for cash flow purposes from another fund with sufficient money on deposit in the County; and

**WHEREAS,** the Lake County Parks and Recreation Board has reported that there will be insufficient funds in the Park and Recreation Board's Operating Fund, Fund No. 107, to meet the Lake County Parks and Recreation Board's current Park Budget for operating; and

**WHEREAS,** the Lake County Parks and Recreation Board's Park Non-Reverting Self-Insurance Fund, No. 109; Non-Reverting Land & Capital Improvement Fund, No. 116; and Bond Fund, No. 353, have on hand a surplus of cash exceeding by at least the amount to be loaned and sum of all amounts required to pay the current and anticipated expenses of the Lake County Park and Recreation Board;

**WHEREAS,** on December 9, 2004, the Parks and Recreation Board of the County of Lake adopted Resolution No. 2004-15 approving a transfer of $2,000,000.00 from the Lake County Parks and Recreation Board's Park Non-Reverting Self-Insurance Fund, No. 109; Non-Reverting Land & Capital Improvement Fund, No. 116; and Bond Fund, No. 353 to the Lake County Parks and Recreation Board's Operating Fund, No. 107.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the sum of $2,000,000.00 be loaned from the Lake County Park and Recreation Board's Park Non-Reverting Self-Insurance Fund, No. 109; Non-Reverting Land & Capital Improvement Fund, No. 116; and Bond Fund, No. 353, for the payment of current and anticipated expenses of the Lake County Park and Recreation Board's Operating Fund, Fund No. 107. Said loan shall bear no interest
and shall be repaid to said Lake County Park and Recreation Board's Park Non-Reverting Self-Insurance Fund, No. 109; Non-Reverting Land & Capital Improvement Fund, No. 116; and
Bond Fund, No. 353, on or before thirty (30) days after the last day for payment of taxes levied and in process of collections during the year of 2005 and in no event to exceed December 31, 2005.

SO RESOLVED THIS 11TH DAY OF JANUARY,2005.

WILL A. SMITH, JR. President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN

LARRY BLANCARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution Allowing Juvenile Court to pay 2004 invoices with 2005 funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-04**

**RESOLUTION PERMITTING SUPERIOR COURT OF LAKE**

**COUNTY, JUVENILE DIVISION, TO PAY**
**OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Superior Court of Lake County, Juvenile Division, is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2004, have not been paid:

0014100 43630 - Maintenance & Service Contracts
Vanguard Systems $ 5,775.00

0014100 43231 - Travel & Registration Referee Elizabeth Tavitas $ 145.00

**WHEREAS,** the Honorable Mary Beth Bonaventura, Judge, Superior Court of Lake County, Juvenile Division
desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Honorable Mary Beth Bonaventura, Judge of the Superior Court of Lake County, Indiana, Juvenile Division, shall pay from her 2005 Budget the following invoices/debts incurred in the calendar year 2004 as follows:

0014100 43630 - Maintenance & Service Contracts
Vanguard Systems $ 5,775.00

0014100 43231 - Travel & Registration
Referee Elizabeth Tavitas $ 145.00

SO RESOLVED THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution Allowing Lake County Recorder to pay 2004 invoices with 2005 funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-05**

**RESOLUTION PERMITTING THE LAKE COUNTY RECORDER TO PAY OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Lake County Recorder is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2004, have not been paid:

Fund No. 179-0400-43630
MTM Incorporated $1,065.00

Fund No. 179-0400-42110

MTM Incorporated $1,325.95

**WHEREAS,** the Lake County Recorder desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:
That the Lake County Recorder shall pay from his 2005 Budget the following invoices/debts incurred in the calendar year 2004 as follows:

Fund No. 179-0400-43630
MTM Incorporated $1,065.00

Fund No. 179-0400-421 10
MTM Incorporated $1,325.95

SO RESOLVED THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution Allowing the Public Defender to pay 2002, 2003, and 2004 invoices with 2005 funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-06**

**RESOLUTION PERMITTING THE OFFICE OF
THE PUBLIC DEFENDER TO PAY
OUTSTANDING 2002, 2003 AND 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Office of the Public Defender, is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2002, 2003 and 2004, have not been paid:

1. General Fund 001 - Line Item 43190 - Other Professional Service

| | |
|---|---|
| Carmen A. Fernandez | $ 7,680.00 |
| Stephen Scheele | 8,861.55 |
| Amber & Golding | 5,150.25 |
| Patrick W. Young | 11,190.00 |
| Bruce Parent | 2,364.00 |
| Richard W. Maroc | 1,500.00 |
| Forensic Analysis | 24,500.00 |
| Arlington J. Foley | 7,668.00 |
| Derla R. Gross | 1,308.00 |
| Robert L. Lewis | 1,710.00 |
| Vicki Cashwell | 1,170.00 |
| Jane Renfrow | 2,300.00 |
| Michelle Manowski | 2,740.00 |
| Dr. Otto H. Maclin | 2,334.00 |
| Dr. Mark D. Cunningham | 7,604.80 |
| Cheri Guevara | 3,383.64 |
| Dyhana Fernandez | 4,236.50 |
| Juliet Yackel | 11,612.80 |

General Fund 001 - Line Item 43232 - Travel-Registration Fees

| | |
|---|---|
| Richard Wolter | $ 1,057.13 |

General Fund 00 1 - Line Item 421 1 0 - Office Supplies

| | |
|---|---|
| Advanced Imaging | $447.00 |
| Pengad,Inc. | 19.77 |

General Fund 001 - Line Item 43235 - Travel-Mileage

| | |
|---|---|
| John Tobar | $207.00 |
| Dennis Gately | 113.25 |
| John Byich | 372.00 |
| James Woods | *115.50* |
| Albert Garcia | 154.50 |
| General Fund 001 Total | $ 109,799.69 |

2. Fund 405 - Line Item 43190 - Other Professional Services

| | |
|---|---|
| Thomas Vanes | $ 6,826.20 |
| Adam Tavitas | 4,231.50 |
| Marce Gonzalez | 2,511.00 |
| Corinth Bishop | 2,627.25 |
| Timothy Ormes | 2,766.75 |
| Gojko Kasich | 2,096.50 |
| Lemuel Stigler | 2,152.95 |
| John Maksimovich | 1,943.70 |
| Alexander Woloshansky | 2,194 - 80 |
| Catherine A. Lake | 3,923.11 |

Fund 405 - Line Item 42130 - Law Books

| | |
|---|---|
| West Group Payment Center | $ 9,764.72 |
| Fund 405 Total | $ 41,038.48 |

**WHEREAS,** the Lake County Council desires to transfer funds and pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2002 , 2003 and 2004 expenses shall pay be paid from the Office of the Public Defender's 2005 Budget:

1. General Fund 001 - Line Item 43190 - Other Professional Service

| | |
|---|---|
| Carmen A. Fernandez | $ 7,680.00 |
| Stephen Scheele | 8,861.55 |
| Amber & Golding | 5,150.25 |
| Patrick W. Young | 11,190.00 |
| Bruce Parent | 2,364.00 |
| Richard W. Maroc | *1,500.00* |
| Forensic Analysis | 24,500.00 |
| Arlington J. Foley | 7,668.00 |
| Derla R. Gross | 1,308.00 |
| Robert L. Lewis | 1,710.00 |
| Vicki Cashwell | 1,170.00 |
| Jane Renfrow | 2,300.00 |
| Michelle Manowski | 2,740.00 |
| Dr. Otto H. Maclin | 2,334.00 |
| Dr. Mark D. Cunningham | 7,604.80 |
| Cheri Guevara | 3,383.64 |
| Dyhana Fernandez | 4,236.50 |
| Juliet Yackel | 11,612.80 |

General Fund 001 - Line Item 43232 - Travel-Registration Fees

| | |
|---|---|
| Richard Wolter | $ 1,057.13 |

General Fund 001 - Line Item 42110 - Office Supplies

| | |
|---|---|
| Advanced Imaging | $447.00 |
| Pengad,Inc. | 19.77 |

General Fund 001 - Line Item 43235 - Travel-Mileage

| | |
|---|---|
| John Tobar | $207.00 |
| Dennis Gately | 113.25 |
| John Byich | 372.00 |
| James Woods | 115.50 |
| Albert Garcia | 154.50 |

General Fund 001 Total $ 109,799.69

2. Fund 405 - Line Item 43190 - Other Professional Services

| | |
|---|---|
| Thomas Vanes | $ 6,826.20 |
| Adam Tavitas | 4,231.50 |
| Marce Gonzalez | 2,511.00 |
| Corinth Bishop | 2,627.25 |
| Timothy Ormes | 2,766.75 |
| Gojko Kasich | 2,096.50 |
| Lemuel Stigler | 2,152.95 |
| John Maksimovich | 1,943.70 |
| Alexander Woloshansky | 2,194.80 |
| Catherine A. Lake | 3,923.11 |

Fund 405 - Line Item 42130 - Law Books

| | |
|---|---|
| West Group Payment Center | $ 9,764.72 |

Fund 405 Total $ 41,038.48

SO RESOLVED THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Resolution Allowing Parks & Recreation to pay 2004 debts with 2005 funds.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-07**

**RESOLUTION PERMITTING LAKE COUNTY PARKS AND RECREATION DEPARTMENT TO PAY OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** Lake County Parks and Recreation Department is currently operating in the 2005 Budget; and

WHEREAS, the following invoices/debts incurred in the budget year of 2004, have not been paid:

Fund 310, Dept. 5156 - Administrative Services

| | |
|---|---|
| 3105156-45270 TAW Interest | $ 14,809.32 |
| 3105156-44500 Construction & Reconstruction | $ 1.38 |

**WHEREAS,** the Lake County Parks and Recreation Department desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Parks and Recreation Department shall pay from its 2005 Budget the following invoices/debts incurred in the calendar year 2004 as follows:

Fund 310, Dept. 5156 - Administrative Services

| | | |
|---|---|---|
| 3105156-45270 | TAW Interest | $ 14,809.32 |
| 3105156-44500 | Construction & Reconstruction | $ 1.38 |

SO RESOLVED THIS 11th DAY OF JANUARY, 2005.

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Ordinance Restricting Hiring of New Employees for 2005 and 2006.

NO ACTION TAKEN.

In the Matter of Ordinance Creating County Storm Water Management Ordinance –Second Reading

O'Donnell made a motion, seconded by Blanchard to defer to 2-8-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Amending Ord No 1077C – L.C. Personnel Policy – Smoking.

NO ACTION TAKEN.

In the Matter of Ordinance Authorizing Lake County to make Temporary Loans; Authorizing the Issuance and Sale of Temporary Loan Tax Anticipation Warrants to Evidence Such Loans; and Appropriating and Pledging a Sufficient Amount of the Revenues Anticipated to be Received in Such Funds to the Punctual Payment of Such Warrants Including the Interest Thereon.

Attorney John Dull said that on the original document, he had to remove the language in the prepaid, because this can't be prepaid. It is needed to fund both the County and the Welfare operations, but they are not to be able to be prepaid, so on the original that the Council has, he crossed it out and put his initials. He said that Jim Bennett will bring in another original with that taken out.

Blanchard made a motion, seconded by Tabaczynski to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

Blanchard made a motion, seconded by Franklin to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Blanchard made a motion, seconded by Franklin to approve on Second Reading. All voted “Yes”. Motion to approve on Second Reading carried 7-0.

**ORDINANCE NO. 1259A**

**AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF LAKE, INDIANA, AUTHORIZING THE COUNTY OF LAKE, INDIANA TO MAKE TEMPORARY LOANS TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE COUNTY AND CERTAIN DEPARTMENTS THEREOF; AUTHORIZING THE ISSUANCE AND SALE OF TEMPORARY LOAN TAX ANTICIPATION WARRANTS TO EVIDENCE SUCH LOANS; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON**

**WHEREAS,** the County Council (the "County Council") of the County of Lake, Indiana (the "County") has determined that there will be an insufficient amount of money in each of the General Fund and the Family and Children's Services Fund of the County (or certain departments of the County) (collectively, the "Funds") to meet the respective current running expenses of the County or departments thereof payable from each of such Funds during the fiscal year ending on the last day of December 2005, and prior to the respective June and December settlements and distributions of taxes levied for each of such Funds; and

**WHEREAS,** the County Council now finds that an emergency exists for the borrowing of money to pay the County's current running expenses, that temporary loans -for the Funds for such purposes should be made, and that temporary loan tax anticipation warrants evidencing such loans should be issued and sold, subject to the terms and conditions set forth herein and in accordance with the provisions of Indiana law; and

**WHEREAS,** there remains to be collected for the years 2003 and 2004 a portion of the taxes so levied for each of the Funds during such years and other anticipated revenues for the remainder of 2005, and an emergency exists requiring the borrowing of money with which to meet the current running expenses of the County payable from each of the Funds provided for in the 2005 budget, which expenses must be met in amounts and at times during the year 2005 and prior to the anticipated dates of settlement and distribution of taxes levied for each of the Funds during such years; and

**WHEREAS,** the County is authorized by Indiana Code 36-2-6-18, as amended, to borrow money to pay such current running expenses by making temporary loans to procure the necessary funds and to evidence such temporary loans by issuing temporary loan tax anticipation warrants in anticipation of the receipt of revenues of the County for the remainder of 2005, including, without limitation, current tax revenues for each of the Funds actually levied (a) in 2003, currently in the course of collection and payable in 2004; and (b) currently in the course of collection and payable in 2005; and

**WHEREAS,** the County Council desires to authorize the making of such temporary loans to procure the amounts necessary, in combination with other available amounts, to meet such current running expenses for each of the Funds and to pay necessary costs incurred in connection with the issuance and sale of temporary loan tax anticipation warrants to evidence such temporary loans; and

**WHEREAS,** the levies proposed for collection for each of the Funds for the remainder of 2005 is estimated to produce in the aggregate, with respect to each of the respective Funds, amounts in excess of the principal of and interest on the temporary loans for each of the respective Funds; and

**WHEREAS,** except for the outstanding tax anticipation warrants sold to the Indiana Bond Bank on January 29, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Warrants, Series 2004A" in the original principal amount of Fifteen Million Eight

Hundred Forty-Five Thousand Two Hundred Sixty-Eight Dollars ($15,845,268) payable with respect to the Family and Children's Services Fund, and in the original principal amount of Thirty-Four Million Two Hundred Ninety-Two Thousand One Hundred Four Dollars ($34,292,104) payable with respect to the General Fund, and any other outstanding tax anticipation warrants held by the Indiana Bond Bank (collectively, the "Bond Bank Warrants"), and the outstanding tax anticipation warrants delivered to JP Morgan Chase Bank, N.A. in exchange for maturing unpaid warrants on December 31, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Time Warrants, Series 2004D" in the original principal amount of Thirty-Five Million Dollars ($35,000,000) payable with respect to the General Fund, and in the original principal amount of Thirty-Two Million Dollars ($32,000,000) payable with respect to the Family and Children's Services Fund (collectively, the "Bank Warrants"), the County has no outstanding tax anticipation warrants payable from 2004 or 2005 tax or other revenues with respect to any of the Funds; and

**WHEREAS,** the County Council seeks to authorize the issuance of such temporary loan tax anticipation warrants with respect to each of the Funds and the sale of such warrants pursuant to the provisions of Indiana Code 36-2-6-18, subject to and dependent upon the ten-ns and conditions hereinafter set forth;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF LAKE, INDIANA, AS FOLLOWS:**

**SECTION 1. THE WARRANTS.** It is hereby found and declared that an emergency exists for the borrowing of money with which to pay current running expenses payable from each of the Funds prior to the receipt of anticipated revenues of the County for the remainder of 2004, including, without limitation, taxes levied (a) in 2003, payable in 2004, but not yet received, and (b) in 2004 and payable in 2005, for each of the Funds. For the purpose of paying the current running expenses of the County payable from each of the Funds, there shall be issued temporary loan tax anticipation time warrants of the County designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Warrants, Series 2005" (with a letter designation to reflect the series of such warrants) (the "Warrants"), in an aggregate principal amount not to exceed Forty-Two Million Dollars ($42,000,000), subject to applicable law, issued pursuant to the provisions of Indiana Code 36-2-6-18 as in effect on the date of the issuance of the Warrants. A separate Warrant or Warrants shall be issued with respect to each of the Funds. The County is authorized to issue Warrants from the following Funds in combined amounts not exceeding the following with respect to each of the Funds, subject to applicable law:

| Fund | Maximum Principal Amount |
|---|---|
| General Fund | $32,000,000 |
| Family and Children's Services Fund | $10,000,000 |

The Warrants shall be dated as of the respective dates of delivery thereof and shall be payable in lawful money of the United States of America upon presentation at the office of the Treasurer of the County or at such other place as shall be agreed to by the purchaser and the County. The County is authorized to make payments of principal and interest on the Warrants by paying the amount due from funds that are available for immediate transfer or investment on or before 12:00 noon on the due date to the purchaser of the Warrants

The Warrants shall mature not later than December 31, 2005. The final maturity date and final aggregate principal amount of the Warrants shall be set forth in a certificate executed by the Treasurer of the County prior to the sale of the Warrants. The Warrants shall bear interest prior to maturity at a rate or rates not exceeding six percent (6.0%) per annum (the exact rate or rates to be determined by public sale

through competitive bidding). Interest on the Warrants shall be calculated on the basis of a three hundred sixty-five (365)-day year.

The Warrants shall be issued in denominations of One Hundred Thousand Dollars ($100,000) or integral multiples of One Thousand Dollars ($1,000) in excess thereof *(e.g.,* $100,000, or $101,000, or $102,000, etc.). The Warrants shall be numbered from 05R-1 upwards, with a letter designation to reflect the series of such Warrants. The Warrants shall be issued in the maximum combined principal amount of Forty-Two Million Dollars ($42,000,000), subject to applicable law, with the Warrants issued with respect to each of the Funds issued up to or less than the maximum principal amount established for each such Fund as set forth in the table above, subject to applicable law.

**SECTION 2. SECURITY FOR WARRANTS.** The principal of and interest on the Warrants, together with all necessary costs incurred in connection with the issuance and sale of the Warrants, shall be payable from anticipated revenues for the remainder of 2005 to be received in the respective Fund upon which such Warrant is issued; provided, however, that the Warrants shall be subordinate in both lien on revenue and night to payment to the Bond Bank Warrants. There is hereby appropriated and pledged to the payment of all Warrants issued with respect to each Fund, including interest and all necessary costs incurred in connection with the issuance and sale of the Warrants, a sufficient amount of anticipated revenues for the remainder of 2005, including, without limitation, the taxes levied (a) in 2003, payable in 2004, but not yet received, and (b) in 2004 and payable in 2005, for such Fund and in anticipation of which the Warrants are issued, for the punctual payment of the principal of and interest on the Warrants evidencing such temporary loans, together with such issuance costs, if any, subject to the application of the tax revenues to be received in the Fund to any long term lease or debt obligations due contemporaneously with such Warrants; provided, however, that the Warrants shall be subordinate in both lien on revenue and right to payment to the Bond Bank Warrants and the Bank Warrants; provided, further, that the appropriation of moneys to the repayment of Warrants shall not cause the County to violate the provisions of Indiana law or any contract, grant or other agreement to which the County is a party. The principal amount of all Warrants maturing on any date shall be based on the 2005 annual budget levy for the Fund (including property tax replacement credit revenues) as estimated or certified by the Indiana Department of Local Government Finance. For purposes of this Ordinance, fifty percent (50%) of the annual budget levy (including property tax replacement revenues) shall be deemed to equal the amount of taxes estimated by the County Auditor to be collected for and distributed to such Fund at each of the June 2005 (that is, the first) and December 2005 (that is, the second and final) settlement and distribution of such revenues. The County covenants and agrees that it shall, if it falls to make any payment required herein when due, promptly undertake all actions, including the issuance of warrants issued to refund the unpaid Warrants that: (i) are necessary to cure such nonpayment, (ii) are legally available to cure such nonpayment, and (iii) do not, in the opinion of bond counsel, cause any of the Warrants to be considered debt of the County within the meaning of Article 13, Section I of the Indiana Constitution or laws of the State of Indiana.

**SECTION 4. EXECUTION OF WARRANTS.** The Warrants issued hereunder shall be executed in the name of the County by the manual or facsimile signatures of the County Commissioners of the County and attested by the manual or facsimile signature of the Auditor of the County, provided that at least one of

such signatures is manually affixed. In case any official whose manual or facsimile signature shall appear on any Warrant shall cease to be such official before the delivery of such Warrant, such signature shall nevertheless be valid and sufficient for all purposes the same as if such official had remained in office until delivery of the Warrant.

**SECTION 5. FORM OF WARRANT.** The Warrants shall be issued in substantially the following form (with all blanks, changes, additions and deletions, including the appropriate amounts, dates and other information to be properly completed prior to the execution and delivery thereof, as conclusively evidenced by the signatures of the officers of the County affixed thereon):

[Form of Warrant] No. 05R--l

UNITED STATES OF AMERICA
STATE OF INDIANA

COUNTY OF LAKE
TEMPORARY LOAN TAX ANTICIPATION WARRANT, SERIES 2005_
FUND)

Warrant Fund: Fund
Dated Date: 2005
Due Date: 2005
Principal Sum:
Interest Rate: percent per annum

FOR VALUE RECEIVED, on the Due Date set forth above (the "Due Date"), the County of Lake, Indiana (the "Borrower"), shall pay to (the "Holder") the Principal Sum set forth above, together with interest thereon at the per annum Interest Rate set forth above, with such interest to be computed on the basis of a three hundred sixty-five (365)-day year from the date of issuance to the date of maturity.

This warrant is one of a series of temporary loan tax anticipation time warrants aggregating Dollars in principal amount, for the purpose of providing funds to meet current expenses of the Fund of the County set forth above (the "Fund"), and has been authorized by Ordinance No. 1259A , passed and adopted by the County Council of the County of Lake, Indiana, on January 11th, 2005 in

accordance with Indiana Code 36-2-6-18 and all other acts amendatory thereof or supplemental thereto.

This warrant is payable solely from anticipated revenues for the remainder of 2004, including, without limitation, the taxes levied for the Fund (a) in the year 2003, in the course of collection and payable in 2004, and not yet received, and (b) in the year 2004 and in the course of collection and payable in 2005. There has been irrevocably appropriated and pledged to the payment in full of the principal of and interest on this warrant a sufficient amount of such anticipated revenues, including, without limitation, the revenues to be derived from the Fund's tax levies, subject to the application of the tax revenues to be received in the Fund to any long term lease or debt obligations due contemporaneously with this warrant; provided that the appropriation of moneys to the repayment of this warrant shall not cause the Borrower to violate the provisions of Indiana law or any contract, grant or other agreement to which the Borrower is a party. The principal of and interest on this warrant shall be payable in lawful money of the United States of America at the principal office of the Treasurer of Lake County, Indiana.

**This warrant is expressly subordinated in both lien on revenue and right to payment to (i) the tax anticipation warrants sold to the Indiana Bond Bank on January 29, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Time Warrants, Series 2004 A" and any other outstanding tax anticipation warrants held by the Indiana Bond Bank (collectively, the "Bond Bank Warrants"), and (ii) the tax anticipation warrants delivered to JP Morgan Chase Bank, N.A. in exchange for maturing unpaid warrants on December 31, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Time Warrants, Series 2004D" (collectively, the "Bank Warrants").**

It is further hereby certified, recited and declared that all acts, conditions and things required by law to be done precedent to the issuance and execution of this warrant have been properly done, have happened and have been performed in the manner required by the constitution and statutes of the State of Indiana relating thereto; that the Fund's tax levies from which (together with other amounts in the Fund) this warrant is payable are valid and legal levies; and that the Borrower will reserve a sufficient amount of

the proceeds of the Fund's tax levies currently in the course of collection for the timely payment of the principal of and interest on this warrant in accordance with its terms.

IN WITNESS WHEREOF, the County of Lake, Indiana, has caused this warrant to be executed in its corporate name by the manual or facsimile signature of the County Commissioners of the County of Lake, Indiana, and attested by the manual or facsimile signature of the Auditor of the County of Lake, Indiana, all as of the above Dated Date.

COUNTY OF LAKE, INDIANA

By: GERRY SCHEUB,
County Commissioner

RUDOLPH CLAY,
County Commissioner

ATTEST:

STEPHEN R. STIGLICH,
Auditor

[End of Form of Warrant]

Notwithstanding anything in this Ordinance to the contrary (including the form of Warrant in this Section 5 herein), each Warrant (as well as any other papers or certification delivered in connection therewith) can be signed by one or more of the County Commissioners and need not be signed by all members of the Board of County Commissioners.

**SECTION 6. ISSUANCE, SALE AND DELIVERY OF WARRANTS.** The Auditor of the County is hereby authorized and directed to have the Warrants prepared, and the County Commissioners and the Auditor of the County are hereby authorized and directed to execute or to cause the execution of the Warrants in the form and manner herein provided, as conclusively evidenced by their execution thereof.

The Warrants shall be sold by public sale through competitive bidding. The Auditor, on behalf of the County, is authorized and directed to have the Warrants prepared in the form herein provided and is further directed to give notice of the sale of the Warrants by advertising once each week for two successive weeks in accordance with the provisions and requirements of Indiana law and requiring that sealed bids be submitted to the County, said bids to stipulate the rate of interest to be charged by such bidder.

Although not a term of sale, it is requested that each bid show the net dollar interest cost and net effective interest rate for each Warrant. Each Warrant shall bear the rate of interest stipulated by the winning bidder as determined above.

Upon the award of the Warrants by the County to the bidder who has submitted the lowest rate of interest, the proper officers of the County are hereby authorized and directed to execute the Warrants in the form herein provided and to deliver the Warrants when so executed to the purchaser thereof upon payment by said purchaser of the purchase price of such Warrants.

**SECTION 7. FURTHER ACTIONS.** The County Commissioners and the Auditor of the County are hereby authorized and directed to make such filings and requests, deliver such certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby.

**SECTION 8. TAX COVENANTS.** The County hereby covenants that the County and its officers shall not take any action or fall to take any action with respect to the proceeds of any of the Warrants or any

investment earnings thereon that would result in constituting any of the Warrants as "arbitrage bonds" under the Internal Revenue Code of 1986, as amended (the "Code"), and any and all final or proposed regulations or rulings applicable thereto, or which would otherwise cause the interest on any of the Warrants to cease to be excludable from gross income for purposes of federal income taxation; and the Auditor of the County and all other appropriate officers of the County are hereby authorized and directed to take any and all actions and to make and deliver any and all reports, filings and certifications as may be necessary or appropriate to evidence, establish or ensure such continuing exclusion of the interest on the Warrants.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after the time it has been adopted by the County Council.

**SECTION 10. REPEAL OF CONFLICTING ORDINANCES.** All resolutions and ordinances in conflict herewith are, to extent of such conflict, hereby repealed.

DULY ADOPTED BY THE COUNTY COUNCIL OF THE COUNTY OF LAKE, LAKE COUNTY, INDIANA, THIS 11TH DAY OF JANUARY, 2005.

RON TABACZYNSKI

ELSIE FRANKLIN

WILL A. SMITH, JR.

THOMAS O'DONNELL

CHRISTINE CID

DONALD POTREBIC

LARRY BLANCHARD

ATTEST:

STEPHEN R. STIGLICH, AUDITOR

In the Matter of Ordinance Amending Ord# 1077C – L.C. Personnel Policy – Working Hours.

Franklin made a motion, seconded by Cid to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.
Franklin made a motion, seconded by Cid to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.
Franklin made a motion, seconded by Cid to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

**ORDINANCE NO. 1077C-12**

**ORDINANCE AMENDING THE LAKE COUNTY**
**PERSONNEL POLICY ORDINANCE, ORDINANCE NO. 1077C**

**WHEREAS,** on July 10, 1990, the Lake County Council did adopt the Lake County Personnel Policy Ordinance, Ordinance No. 1077C (Lake County Code, Chapter 32); and

**WHEREAS,** the Lake County Council now desires to amend said Ordinance.

**NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:**
That the Lake County Council desires to amend Ordinance No. 1077C (Lake County Code, Chapter 32) as follows:

**DELETE:**

Sec. 32.023. WORKING HOURS.

(B) Some county offices may need to observe different hours to better serve the public. In these instances, employees shall observe the hours of work designated by the official.

**INSERT:**

Sec. 32.023. WORKING HOURS.

(B) Not withstanding Section 32.023, Working Hours, Paragraph (A) certain county offices may need to observe different hours to more efficiently serve the public. If required to observe different hours, the official or department head may set different hours of work on different days of the week. However, in all cases, a five day week, 40 hour schedule shall be observed.

**SO ORDAINED** THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Amending Ord 1255G – Part-Time Ordinance – Recorder.

Cid made a motion, seconded by O'Donnell to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.
Cid made a motion, seconded by Franklin to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.
Cid made a motion, seconded by Blanchard to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

**ORDINANCE NO. 1255G-1**

**ORDINANCE AMENDING THE LAKE COUNTY PART-TIME EMPLOYEES SALARY ORDINANCE FOR 2005, ORDINANCE NO. 1255G**

**WHEREAS,** on September 7, 2004, the Lake County Council adopted the Lake County Part-Time Employees Salary Ordinance for 2005, Ordinance No. 1255G; and

**WHEREAS,** the Lake County Council now desires to amend the Ordinance.

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

That the following section be added and adopted as follows:

Section III.
34. Lake County Recorder
Deputy Recorders $ 10.00 - 15.00/hr.

SO ORDAINED THIS 11TH DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
ELSIE FRANKLIN
CHRISTINE CID
LARRY BLANCHARD
THOMAS O'DONNELL
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Ordinance Amending Ord 1156A – Gambling Admission Tax Ord – Use of Funds.

Attorney Szarmach explained that this ordinance allows the Cities and Towns to use their 25% of the Gambling Admission Tax Funds to repay the County if they use any of the 2% Circuit Breaker Funds.

Tabaczynski made a motion, seconded by Cid to approve on First Reading. All voted "Yes", except Blanchard, "No". Motion to approve on First Reading carried 6-yes, 1-no.

Tabaczynski made a motion, seconded by Cid to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Tabaczynski made a motion, seconded by Cid to approve on Second Reading. All voted "Yes", except Blanchard, "No". Motion to approve on Second Reading carried 6-yes, 1-no.

**ORDINANCE NO. 1156A-4**

**ORDINANCE AMENDING THE GAMBLING**
**ADMISSION TAX FUND ORDINANCE, ORDINANCE NO. 1156A**

**WHEREAS,** on June 11, 1996, the Lake County Council established the Lake County Gambling Admission Tax Fund pursuant to Ordinance No. 1156A; and

**WHEREAS,** the Lake County Council now desires to amend said Ordinance to provide for the use of Gambling Admission Tax funds to repay the County advances made to cities and towns pursuant to the 2% Circuit Breaker Program.

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

That the Ordinance Establishing the Lake County Gambling Admission Tax Fund, Ordinance No. 1156A be amended as follows:

**DELETE:**

**C. Cities and towns infrastructure.**

Notwithstanding paragraph B2. of this Ordinance, twenty-five (25%) percent of the funds shall be appropriated only for infrastructure within the cities and towns. Infrastructure shall be defined as roads, bridges, sewers and drains.

**INSERT:**

**C.** Use **of Gambling Admission Tax Funds by Cities and Towns.**

The twenty-five (25 %) percent portion of the Gambling Admission Tax appropriated to cities and towns not covered by I.C. 4-33-12-6(b)(1) shall be used for the following:

1 Infrastructure within the city or town.
Infrastructure shall be defined as roads, bridges, sewers, and drains, including the projects and services defined in the Interlocal Cooperation Agreement between the cities and towns and Lake County filed with the Lake County Recorder, as Document Number 97039517.

2. Repayment to the County of funds received by each city and town participating in the 2% Circuit Breaker Program established by the Memorandum of Understanding between Lake County and the State of Indiana dated September 14, 2004. Repayment shall be based on the formula for distribution and repayment provided in the Interlocal Cooperation Agreement between the cities and towns and Lake County, filed with the County Recorder as Document Number 97039517.

SO ORDAINED THIS 11th DAY OF JANUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
CHRISTINE CID
DONALD POTREBIC
THOMAS O'DONNELL
ELSIE FRANKLIN

Members of the Lake County Council

In the Matter of Plan Commission Ordinances # 2071, 2072, 2073, 2074, 2075, 2076, and 2077.

Potrebic made a motion, seconded by Blanchard to deny Plan Commission Ordinance # 2071.

Tim Kieper was present on behalf of Stojan Marinceski, the Petitioner who owns a 30-acre parcel on the 9-mile stretch, which is Route 55. Mr. Kieper said that Mr. Marinceski has been parking a commercial vehicle, a semi truck there since about 1990, and has run into some enforcement issues, which is the reason this variance of use was requested, to allow him to park his vehicle there without violating the ordinances. He said this is an agricultural area, and it doesn't impact the area. He said this use and the totality of it doesn't justify denial, at this point in time. It's just an extension of his agricultural activities that he currently doing out there. He has his horses, his hay, and this truck is his livelihood. He parks there when he is not driving it, but he respectfully request this variance of use be approved. He has met the requirements, 3674918.4

O'Donnell said that it looks like Mr. Marinceski kind of "thumbed his nose" at the whole process for a long time before he filed this. Mr. Kieper said he didn't know if he "thumbed his nose", but he has been in violation for a number of years.
O'Donnell asked did that impact the Board more, than the facts you think? Or it's Staff?
Mr. Kieper said, he didn't know. He knows it impacted it somewhat, the fact that it's been a violation for so long in that area. It's the only reason that he's come before the Board for this variance of use, is to attempt to make a violation a legal use, and the Board found 3 to 1 against it.

Blanchard asked if there is an agreed upon order that was reached by the Court ?

Mr. Kieper said, no. That was discussed at the BZA hearing. That was a proposed form of agreed order. That was never entered by the Court, or by the parties. That was merely for settlement purposes.

Blanchard said that sees the staff findings read that..

Mr. Kieper said they corrected that and made mention of it at the BZA level.

There were no remonstrators present.

All voted "Yes", except O'Donnell, and Tabaczynski, "No". Motion to deny carried 5-yes, 2-no.

**ORDINANCE #2071**
**OF THE COUNTY OF LAKE**

**AN ORDINANCE TO AMEND** the Certified Zoning Maps of the County of Lake, Indiana to make provisions for **a VARIANCE OF USE**. (Board of Zoning Appeals recommended denial 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

**VARIANCE OF USE** owned and petitioned by **Stojan Marinceski,** to allow parking of commercial vehicles in an A-1 (Agricultural) Zone on the following described property:

General Location: Located approximately 1/2 miles north of 163rd Avenue on the cast side of Grant Street, a/k/a 15915 Grant Street in Cedar Creek Township.

Legal: The North 10 acres of the Southwest Y4 of the Northwest 1/4 of Section 9, Township 33 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 11th DAY OF JANUARY, 2004.

MEMBERS OF THE LAKE COUNTY COUNCIL

WILLIAM A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN LARRY BLANCHARD
CHRISTINE CID DONALD POTREBIC

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2072.
Mr. Keiper was present on behalf of the Petitioner in case there are any questions.
There were no remonstrators present.
All voted "Yes". Motion to approve Plan Commission Ordinance # 2072 carried 7-0.

**ORDINANCE #2072**
**OF THE COUNTY OF LAKE**

**AN ORDINANCE TO AMEND** the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

**ZONE CHANGE** from A-1 (Agricultural) Zone to B-3 (General Business) Zone owned and petitioned by **Hallmark Construction Company**, for the purpose of commercial development on the following described property:

General Location: Located at the northwest quadrant at the intersection at State Road 2 & Georgia Street in Eagle Creek Township.

Legal: The South 660 feet of the South 1/2 of the Southwest 1/4 of Section 22, Township 33 North, Range 8 West of the 2nd P.M., except the West 695 feet thereof, all in Lake County, Indiana, containing 29.5 acres more or less.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 11th DAY OF JANUARY, 2004.

MEMBERS OF THE LAKE COUNTY COUNCIL

WILL A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
RON TABACZYNSKI
THOMAS O'DONNELL
DONALD POTREBIC

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2073. There were no remonstrators present.

Blanchard commented that this is eventually going to increase the traffic flow on I-65 and Route 2, that exit, and they will be, along with Commissioner Scheub, pressing the State and the Highway Department to expedite that reconstruction because it is bad now, and it's going to get worse with all of the new construction.

All voted "Yes". Motion carried 7-0.

**ORDINANCE #2073**
**OF THE COUNTY OF LAKE**

**AN ORDINANCE TO AMEND** the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a **ZONE CHANGE** (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

ZONE CHANGE from A-1 (Agricultural) Zone to R-3 (One to Four-Family) Zone owned and petitioned by Hallmark Construction Company, for the purpose of residential development on the following described property:

General Location: Located approximately 1/10 of a mile north of 181"t Avenue and State Road 2 on the west side of Georgia Street in Eagle Creek Township.

Legal: The Northwest 1/4 of the Southwest V4 and the South 1/2 of the Southwest 1/4 of Section 22, Township 33 North, Range 8 West of the 2nd P.M., excepting therefrom the South 294 feet of the West 695 feet of said South 1/2, also excepting the East 654 feet of the North 200 feet of said South 1/2, and also excepting the South 660 feet of the Southwest 1/4 **,** the West line thereof lying adjacent to the East line of said 294 ft. x 695 ft. exception, all in Lake County, Indiana, containing 82.84 acres, more or less.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 11th DAY OF JANUARY, 2004.

MEMBERS OF THE LAKE COUNTY COUNCIL

WILLIAM A. SMITH, JR., PREIDENT

ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
RON TABACZYNSKI
THOMAS O'DONNELL
DONALD POTREBIC

**Potrebic made a motion to approve Plan Commission Ordinance 2074. Blanchard seconded the motion, but offered an amendment, which is, the motion to approve be based on the evidence that the proposed zone change recommended by the Plan Commission is consistent with the Lake County Comprehensive Plan.**

Attorney Szarmach said, in a petition like this, since that Hobart City Council case, which came out about 2 years ago, the County Council, City Council, Lake County, and St. Joe County is acting like a quasi judicial body, like a panel of Judges in these cases. He said, what the Council needs to do in this particular case is actually hear evidence, as if you were a panel of Judges, hear arguments from both sides, give both sides an opportunity to answer allegations and contention from the other side. He said that Mr. Patrick has a presentation to make, and then the remonstrators can reply to that and then we can respond.

Attorney George Patrick said this is a case in which the Plan Commission has relied upon the trial transcript that was created for Judge Schneider. He said they have a CD-Rom copy of that which was provided to all of the L.C. Plan Commission members. He said important in that presentation was the issue that one of the elements of damages that Four Winds had presented to Judge Schneider' trial court level through one of their experts was that in essence, Four Winds had missed its window of opportunity in that they couldn't have this apartment complex built in a certain period of time; therefore, they had suffered economic loss and damage, as other apartment complexes had developed in the intervening years, and Four Winds did not have the opportunity.

Mr. Patrick said we believe that an important piece of information, much of the rest of the transcript, that went in before Judge Schneider, was devoted to how the different elements of potential neglect or such, by the receiver of the property, American Express, had in fact, affected the quality of structure to the buildings that were there. The Lake County Plan Commission had filed an unsafe building finding. It then took the step of enforcing that finding in Court in October of 2003 to Bench Judge Alexa, that in fact, the buildings were unsafe and Judge Alexa ordered the buildings to be demolished. The buildings were subsequently demolished. At that time, the Lake County Plan Commission had indicated to those experts, "we want an opportunity to review the foundations, to look at the foundations, the buildings were no longer there, to determine whether or not the foundations also need to be removed. It was agreed because of standing water and a number of other health related problems because mold is rampant in the buildings, hat Lake County didn't want to expose its experts anymore to the hazards of those buildings than necessary. Subsequent to that, one of the experts for the L.C. Plan Commission reviewed the foundation and filed a short report with Judge Alexa' Court. The L.C. Plan Commission then filed petition asking that the foundations be removed as they were also damaged beyond the point which they could be used and what they were using it for. He said all those records were filed with the L.C. Plan Commission for its Public Hearing on its Petition to Re-Zone the Plat. In addition to that, the NIRPC traffic study that was conducted in 2000 was provided showing what the traffic count at 109th and Randolph, which is the intersection directly North of this property provided. Additionally, the L.C. Plan Commission had before it, the July, 2004 staff summary that was prepared to show the zoning surrounding Lake of the Four Seasons and how this particular zoning on this particular property, no longer fit. It was no longer applicable with the original zoning that was given back in the early 70s, and at this point simply continued to arrive at that property. There has been a school developed directly to the North of there. At the Public Hearing before the Lake County Plan Commission, the Superintendent of the Crown Point Schools, appeared and spoke. He presented materials to the Planning Commission that indicated, on behalf of the School Corporation, he was asking that the L.C. Plan Commission indeed re-zone this property and not allow it to go to a 208 or 210 unit apartment complex. He said that the other presenter was a traffic study expert, from South Bend, IN, who presented his opinions and thoughts, in addition to the road survey conducted by DLZ.

The other issue that comes before the Council, is the actual zoning that this parcel had in a CUP style zoning, under the Lake of the Four Seasons legend and the original zoning, they were talking about a apartment house. The proposed plans were multiple, different, separated apartment complexes. So when the L.C. Plan Commission looked at this and began moving forward, in the summer of 2000, as it examined all of the out lots, the first parcel that it moved to re-zone is the parcel that is before you today. On the North side of the Jerry Ross Elementary School, was another parcel that had been projected to do some other CUP type zoning, which the L.C. Plan Commission had recently approved in conjunction with St. Anthony' Hospital to be a business professional office, which was more in line with the uses today and the way that particular property has developed, and it fit with the traffic studies, the residential, the projected apartments did not, so the L.C. Plan Commission believes that given the evidence before this Council, of

the transcript from Judge Schneider's trial that went on for about a week in 2003. The experts at Four Winds presented there, showing their economic loss, and showing that they'd missed their opportunity to develop the apartments and the apartments just didn't make financial sense much there anymore, in addition to the traffic study that came in from NIRPC, the road survey that came in from DLZ, the review and opinion of the traffic study expert from South Bend, Kamyar Fattahi, and the express opinion of Steve Sprunger, who also presented materials that were before the L.C. Plan Commission and Crown Point School Corporation, have a very difficult time accommodating this type of housing as well as it would not be desirable to be next door to their brand new elementary school, Jerry Ross Elementary.

The L.C. Plan Commission voted 7-0 in favor of re-zoning this property and laid it before you. The requirements for the proposed zone change have been met by the L.C. Plan Commission. They've put together all the other pieces. The statements and comments, which we have in a transcript form to give to you made by Council for Four Winds that night, basically said, "we have on-going litigation against American Express in Federal Court and if we do not oppose this zoning, it takes away one of our elements of our damages in that case in which we are trying to get money from American Express by ruining this project, so we need to oppose this zoning. Those were the very comments made by their counsel to the L.C. Plan Commission.

Attorney Patrick also said that it is important that the Council recognize that this is not a situation where Four Winds has not been compensated. Four Winds is an LLC from Renssalaer, IN that filed suit against Bank One, who went to foreclose it's practically $8 million dollar mortgage. Bank One not only forgave that $8 million dollar mortgage, they paid them an unsubstantially amount of cash and gave up their mortgage. It's somewhere between $3 and $4 million dollars, that Bank One paid to this LLC, for stopping the funding. So this property sits, again, in a failed state, the way the property attempted to develop in 1980s, it also had a failed project on it. This project inherited the ground through the lawsuits that came in the 1980s project. Here we are again and at this point, that perimeter in that corridor on Randolph, 117th continues to change and we believe that it would be in the best interest for the L.C. Council to consider the proposed zone change at this point, from the CUP, which would allow a fairly large apartment complex, a single building, to in R-1 zoning that would be more in line with the existing structures that were there.

Patrick said, in addition to that, the Plan Commissions file contains all the pleadings that were filed in the Porter County case before Judge Alexa, including the Fire Chief from Lake of the Four Seasons/Winfield.

Smith said that the Council members, in their work study session heard the basic presentation that Attorney Patrick had, and Smith said he thinks the key is Attorney Patrick' recommendations for the Council, and the Council can move on.

Attorney Szarmach said that since July/2003, that Hobart City Council case, this is basically the trial, and the Council is sitting as a panel of Judges. Attorney Szarmach suggested, introducing the Findings of Facts, and Conclusions of Law, the DLZ road study, the NIRPC road study, and the Steve Sprunger, Superintendent of Crown Point Schools, as well as transcripts from the Plan Commission hearings as part of the records.

Attorney Patrick said that in the transcript before the L.C. Plan Commission, the property owners, Four Winds, LLC, posed a number of objections, called one witness, Nancy Vicarra, and that will be in the transcript before them.

Attorney Szarmach said their motion would be to approve the zone change.

Smith said, taking into considerations what they are going to vote on is Blanchard' amendment to the original motion.

**Blanchard's amendment was that this is consistent with the recommendation of the Plan Commission and our Lake County Comprehensive Plan.**

Attorney Szarmach said that should just be included in the main motion.

Blanchard asked if they need to recognize the written remonstrance that they received at all?

Attorney Szarmach said to put it in the record that there was a written remonstrance, but no one is here to present it.

P**otrebic repeated his motion which was to approve the zone change on Ordinance #2074, which includes the finding of facts from the two Courts, and the presentations made to the Plan Commission, and all of the records that were given to the Council, along with that this is consistent with the recommendation of the Plan Commission and our Lake County Comprehensive Plan. The motion was seconded by Blanchard.**
**All voted "Yes". Motion carried 7-0. (See File in Auditor's Office )**

**ORDINANCE #2074**
**OF THE COUNTY OF LAKE**

**AN ORDINANCE TO AMEND** the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

**ZONE CHANGE** from C.U.P. (Community Unit Project) to R-1 (One-Family) Zone owned by Four Winds, LLC and Twin Lakes Utilities, Inc., and petitioned by Lake County Plan Commission, for the purpose of residential development on the following described property:

General Location: Located at the northeast quadrant at the intersection at 117th Avenue and Randolph Street in Winfield Township.

Legal: The West Half of the SW V4 of the SW 1/4 of Section 9, Township 34 North, Range 7 West of the 2nd P.M., in Lake County, Indiana, subject to that part off the West and South boundaries thereof used for road purposes and except that part of the aforesaid real estate platted as Lakes of the Four Seasons Unit 10 and recorded in Plat Book 39, page 11, in the Office of the Recorder of Lake County, Indiana, and except any portion of the adjoining real estate to the North described as follows: A parcel of land situated in Section 9, Township 34 North, Range7 West of the 2nd P.M., Lake County, Indiana, and described as follows: Commencing at the Southwest corner of Section 9; thence North along the West line of Section 9 a distance of 1176.645 feet to the Point of Beginning; thence continue North along said Section line a distance of 1264.00 feet to a point; thence East a distance of 329.345 feet to a point; thence South 34 degrees 15 minutes 22 seconds East, a distance of 842.075 feet to a point; thence South 12 degrees 59 minutes 14 seconds West, a distance of 582.911 feet to a point; thence West a distance of 672.345 feet to the Point of Beginning, in Lake County, Indiana, and;

Parcel A: A parcel of land in the SW V4 of the SW V4 Section 9, Township 34 North, Range 7 West of the 2nd P.M., in Lake County, Indiana, described as follows: Commencing at the Southwest corner of Section 9; thence East along the South line of Section 9 a distance of 40 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the West line of said Section 9 a distance of 911.38 feet to a point on a curve; thence on a curve to the right with a radius of 200.00 feet a distance of 421.80 feet to the Point of Beginning; thence South 89 degrees 25 minutes 21 seconds East, 117.32 feet; thence South 00 degrees 01 minutes 46 seconds West, 190.00 feet; thence South 89 degrees 25 minutes 21 seconds West, 89.44 feet; thence along a curve to the left with a radius of 200.00 feet a distance of 200.60 feet more or less to the Point of Beginning, containing 0.377 acres more or less, and;

Parcel B: A parcel of land in the SW '/4 of the SW V4 Section 9, Township 34 North, Range 7 West of the 2nd P.M., in Lake County, Indiana, described as follows: Commencing at the Southwest corner of Section 9; thence East along the South line of Section 9 a distance of 40 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the West line of said Section 9 a distance of 760.74 feet to the Point of Beginning; thence continuing North 00 degrees 00 minutes 00 seconds East, 150.64 feet to a point on a curve; thence on a curve to the right with a radius of 200.00 feet a distance of 421.80 feet; thence South 89 degrees 25 minutes 21 seconds East, 117.32 feet; thence South 00 degrees 01 minute 46 seconds West, 190.00 feet; thence South 89 degrees 25 minutes 21 seconds West, 89.44 feet to a point on a curve; thence along a curve to the right with a radius of 200.00 feet a distance of 479.78 feet more or less to the Point of Beginning, containing 3.228 acres more or less.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 11th DAY OF JANUARY, 2004.

MEMBERS OF THE LAKE COUNTY COUNCIL

WILL A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID
RON TABACZYNSKI
THOMAS O'DONNELL
DONALD POTREBIC

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2075.
All voted "Yes". Motion carried 7-0.
There were no remonstrators present.

**ORDINANCE #2075**
**OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a **ZONE CHANGE** (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

**ZONE CHANGE** from A-1 (Agricultural) Zone to R-1 (One-Family) Zone owned by **Milan Nikolic** and petitioned by **Jovana & Vasko Ristevski**, for the purpose of residential development on the following described property:

General Location: Located approximately 1/10 of a mile cast of State Line Road on the south side of 113th Avenue in Hanover Township.

Legal: The West 330 feet, by parallel lines of the following described parcel of land being a part of the Southwest Quarter of Section 12, Township 34 North, Range 10 West of the Second Principal Meridian, more particularly described as follows: Beginning at a point 656.56 feet South 89 degrees 25 minutes 00 seconds East of the Northwest corner of the Southwest Quarter of said Section 12; thence continuing South 89 degrees 25 minutes 00 seconds East along the North line of the Southwest Quarter of said Section 12, for a distance of 660 feet; thence South for a distance of 645.47 feet; thence North 89 degrees 27 minutes 00 seconds West, for a distance of 660 feet; thence North for a distance of 645.85 feet to a point on the North line of the Southwest Quarter of Section 12, that point also being the point of beginning, all in Lake County, Indiana, containing 4.89 acres, more or less.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OFLAKECOUNTY,INDIANA,THIS 11th DAY OF January, 2004.

WILL A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN RON TABACZYNSKI
LARRY BLANCHARD THOMAS O'DONNELL
CHRISTINE CID DONALD POTREBIC

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2076. All voted "Yes". Motion carried 7-0.
There were no remonstrators present.

**ORDINANCE #2076**
**OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a **ZONE CHANGE** (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

ZONE CHANGE from A-1 (Agricultural) Zone and R-3 (One to Four-Family) Zone to B-3 (General Business) Zone owned and petitioned by Judith Wanak, for the purpose of commercial offices on the following described property:

General Location: Located at the southeast quadrant at the intersection of 113th Avenue and Wicker Boulevard (US 41) in Hanover Township.

Legal: The South 5 acres of the North 10.013 acres of the West 1/2 of the Southwest 1/4 of Section 9, Township 34 North, Range 9 West of the 2nd P.M., except that part of said tract conveyed to the Indiana Harbor Railroad Company by Deed Recorded in Deed Record 14, page 558, in Lake County, Indiana.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 11th DAY OF JANUARY, 2004.

WILL A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN RON TABACZYNSKI
LARRY BLANCHARD THOMAS O'DONNELL
CHRISTINE CID DONALD POTREBIC

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2077.
All voted "Yes". Motion carried 7-0.
There were no remonstrators present.

**ORDINANCE #2077**
**OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a **ZONE CHANGE** (Lake County Plan Commission recommended approval 12/07/04).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

ZONE CHANGE from A-1 (Agricultural) Zone to RR (Rural Residential) Zone owned and petitioned by **Brian R. & Dana L. Kaluf,** for the purpose of residential development on the following described property:

General Location: Located approximately 2/10 of a mile east of Montgomery Street on the north side of 157,hAvenue in Winfield Township.

Legal: Part of the SE 1/4 of Section 5, Township 33 North, Range 7 West of the 2ndP.M. in Lake County, Indiana, described as follows: Beginning at a point on the South line of said SE 1/4 1089.00 feet East of the Southwest corner thereof, thence North 00 degrees 00 minutes 26 seconds East, parallel to the West line of said SE V4, 400.00 feet; thence South 87 degrees 12 minutes 38 seconds West, parallel to said South line, 653.40 feet to a point 435.60 feet East of said West line; thence North 00 degrees 00 minutes 28 seconds East, 200.00 feet; thence South 87 degrees 12 minutes 38 seconds West, 39.60 feet; thence North 00 degrees 00 minutes 28 seconds East, 314.04 feet; thence North 87 degrees 12 minutes 38 seconds East, 1600.51 feet to the East line of the West 1/2 of the East V2 of said SE 1/4 **;** thence South 00 degrees 08 minutes 26 seconds East, along said East line, 366.40 feet to a point 547.53 feet North of the South line of said SE 1/4**;** thence South 87 degrees 12 minutes 38 seconds West, 560.00 feet; thence South 00 degrees 08 minutes 26 seconds East, parallel to said East line,
547.53 feet to the South line of said SE 1/4**;** thence South 87 degrees 12 minutes 38 seconds West, along said South line, 349.88 feet; to the point of beginning, containing 20.000 acres more or less.

IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OFLAKECOUNTY,INDIANA,THIS 11th DAY OF JANUARY, 2004.

MEMBERS OF THE LAKE COUNTY COUNCIL

WILL A. SMITH, JR., PRESIDENT

ELSIE FRANKLIN
LARRY BLANCHARD
CHRISTINE CID

RON TABACZYNSKI
THOMAS O'DONNELL
DONALD POTREBIC

There being no further business to come before the Council, it was moved and seconded that the Council does now adjourn to meet again.

_____
President, Lake County Council

ATTEST:

_____
Stephen R. Stiglich,
Lake County Auditor