

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 Lake County Council – December 14, 2004 and January 11, 2005.

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

ORDINANCE NO 1260

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 named 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
<u>Criminal Court</u> 4000		
41120 Professionals	-\$ 18,794.00	-\$ 18,794.00
<u>Public Defender</u> 4002		
41190 Part-Time	\$ 9,000.00	Defer to 5-10-05
<u>Detention Center</u> 4200		
41120 Professionals	\$ 562.00	No Action Taken
Gambling Adm Tax Fund 196		
<u>Public Defender</u> 4002		
43190 Other Professional Service	\$750,000.00	Defer to 3-15-05
Sheriff's Grant Fund 239		
<u>Sheriff</u> 0500		
44490 Other Equipment	\$ 99,349.00	\$ 99,349.00
L.C. Animal Shelter Non-Reverting Fund 163		
<u>Animal Control</u> 3200		
42290 Other Supplies	\$ 1,000.00	\$ 1,000.00
44490 Other Equipment	\$ 300.00	\$ 300.00
SAPS Fund 143		
<u>L.S. Court County Div III</u> 4050		
41390 Supplemental Pay	\$ 20,900.00	\$ 20,900.00
Prosecutor's Elderly Abuse Fund 127		
<u>Prosecutor</u> 0800		
41110 Officials & Administrators	\$ 84,000.00	\$ 84,000.00
41190 Part-Time	\$ 9,000.00	\$ 9,000.00
41220 OASI	\$ 6,962.00	\$ 6,962.00
41230 PERF	\$ 6,598.00	\$ 6,598.00
41240 Group Insurance	\$31,200.00	\$31,200.00
42290 Other Supplies	\$ 5,000.00	\$ 5,000.00
42210 Petroleum Products	\$ 750.00	\$ 750.00
43231 Travel & Conf/Registration Fe	\$ 200.00	\$ 200.00
43232 Travel & Conference/Meals	\$ 350.00	\$ 350.00
43233 Travel & Conference/Lodging	\$ 250.00	\$ 250.00
43234 Travel & Conference/Trans/Other	\$ 150.00	\$ 150.00
43235 Travel & Conference/Mileage	\$ 400.00	\$ 400.00
43240 Telephone	\$ 1,500.00	\$ 1,500.00
43310 Printing	\$ 500.00	\$ 500.00
43620 Equipment Repair	\$ 750.00	\$ 750.00
43630 Maint & Service	\$ 1,000.00	\$ 1,000.00
44410 Furniture & Fixtures	\$ 1,228.00	\$ 1,228.00
44420 Office Machines	\$ 3,000.00	\$ 3,000.00

	Div III Addiction Monitoring Fund 208		
<u>L.S. Court County Div III</u> 4050			
41390 Supplemental Pay		-\$20,900	-\$20,900.00
	Adult Probation Administrative Fund 245		
<u>L.S. Court County Div II</u> 4040			
41220 FICA		\$ 200.00	\$ 200.00
41230 PERF		\$ 200.00	\$ 200.00
41390 Supplemental Pay		\$ 2,465.00	\$ 2,465.00
	Sales Disclosure Fund 710		
<u>St. John Township Assessor</u> 1800			
44490 Other Equipment		\$ 9,564.00	\$ 9,564.00

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
<u>L.C. Court Div III</u> 4050		
Saps Fund 143		
Create New Line Item		
From: 143-43710 Equipment Rentals	\$ 1,500.00	
To: 143-43130 Toxicology Lab	\$ 1,500.00	\$ 1,500.00
<u>Detention Center</u> 4200		
From: 001-43920 Food & Lodging	\$89,000.00	
To: 001-41190 Part-Time	\$89,000.00	WITHDRAWN
<u>Criminal Court</u> 4000		
From: 001-41120 Professionals	\$ 2,816.00	
To: 001-41160 Office & Clerical	\$ 2,816.00	\$ 2,816.00
<u>Surveyor</u> 0600		
From: 001-41130 Technicians	\$23,058.00	
001-43190 Other Professional Service	\$17,100.00	
To: 001-41110 Officials & Administrators	\$40,158.00	\$40,158.00
<u>Emergency Management</u> 3500		
From: 001-43630 Maintenance & Service	\$ 3,177.50	
To: 001-41210 Longevity	\$ 20.00	\$ 20.00
001-42220 Garage & Motor	\$ 3,000.00	\$ 3,000.00
001-43145 Legal Service	\$ 157.50	\$ 157.50

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 8th day of February, 2005.

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

Adopted this 8th day of February, 2005

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

Members of the Lake County Council

	Additional		
	made motion	seconded	
<u>General fund 001</u> Criminal Court(\$-18,794)	O'Donnell	Potrebic	All voted "Yes" to approve the reduction. Motion carried 7-0.
Public Defender(\$9,000)	Potrebic	Blanchard	All voted "Yes" to defer to May 10, 2005. Motion Carried 7-0.
Detention Center(\$562.00)	NO ACTION TAKEN		
<u>Gambling adm tax fund 196</u> Public Defender(\$750,000) (See Footnote)	Potrebic	Blanchard	All voted "Yes" to defer to 3-15-05. Motion to defer carried 7-0.
<u>Sheriff's Grant Fund 239</u> Sheriff(\$99,349)	Cid	Potrebic	All voted "Yes" to approve. Motion carried 7-0.
<u>L.C. Animal Shelter Non-Reverting Fund 163</u> Animal Control(\$1,300)	Blanchard	O'Donnell	All voted "Yes" to approve. Motion carried 7-0.
<u>SAPS Fund 143</u> L.S. Court Div III(\$20,900)	Franklin	Cid	All voted "Yes" to Approve, except O'Donnell, "abstain". Motion to approve carried 6-yes, 1-abstention.
<u>Prosecutor's Elderly Abuse Fund 127</u> Prosecutor(\$152,838)	Franklin	Blanchard	All voted "Yes" to Approve. Motion carried 7-0.
<u>Div III Addiction Monitoring Fund 208</u> L.S. Court Div III(-\$20,900)	Franklin	Cid	All voted "Yes" to Approve the reduction, except O'Donnell, "abstain". Motion carried 6-yes, 1-abstention.
<u>Adult Probation Administrative Fund 245</u> L.C Court Div II(\$2,865)	Franklin	Blanchard	All voted "Yes" to approve and that it be retro to 1-1-05. Motion carried 7-0.
<u>Sales Disclosure Fund 710</u> St. John Twp Assessor(\$9,564)	O'Donnell	Tabaczynski	All voted "Yes" to approve and Create New Line Item. Motion carried 7-0.

Footnotes

Re: Public Defender(\$750,000) – Blanchard wanted to share with the Council that the Commissioners will be on the Council agenda next month requesting a reduction in the appropriation for Patients & Inmates to meet the \$750,000 request, and we could re-appropriate it out of the general fund with the actions the Council will be taking on the resolutions to transfer for the Children' Psychiatric Care Fund.

	Transfer		
	made motion	seconded	
L.C. Court Div III(\$1,500)	Franklin	Cid	All voted "Yes" to approve, And Create new line item in the Saps Fund, except O'Donnell, "abstain". Motion carried 6-yes, 1-abstention.
Detention Center(\$89,000)	WITHDRAWN		
Emergency Mngmt(\$3,177.50)	Blanchard	O'Donnell	All voted "Yes" to approve. Motion carried 7-0.
Criminal Court(\$2,816)	O'Donnell	Potrebic	All voted "Yes" to approve.

Motion carried 7-0.

Surveyor(\$40,158) O'Donnell Tabaczynski All voted "Yes" to approve. Motion carried 7-0.

In the Matter of Revised 144 for Lake County Court Div II, Detention Center, Prosecutor, St. John Twp Assessor, Criminal Court, Sheriff, Juvenile Court, North Township Assessor, Surveyor, and Recorder.

Re: L.C. Court Div II – Franklin made a motion, seconded by Blanchard to approve. All voted "Yes". Motion carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39003-001 Suppl Pay Probation Ofc	\$3,500	\$4,456	\$956
39003-002 Suppl Pay Probation Ofc	\$3,500	\$4,290	\$790
39003-003 Suppl Pay Probation Ofc	\$3,500	\$4,219	\$719

Re: Detention Center – Franklin made a motion, seconded by Blanchard to approve and that it be retroactive to 1-1-05. All voted "Yes". Motion carried 7-0.

<u>Revised 144</u> <u>Retroactive to 1-1-05</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12434-008 Intake Prob Officer	\$27,981	\$28,543	\$562

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
11031-001 Administrative Coordinator/Investigator		\$35,000	
11402-001 Administrative Assistant		\$25,000	
11402-002 Administrative Assistant		\$24,000	

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
13455-005 Real Estate Deputy	-0-	\$26,950	\$26,950

<u>Revised 144</u> <u>Retroactive to 2-7-05</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
13455-006 Real Estate Deputy	-0-	\$22,602	\$22,602

Re: Criminal Court – O'Donnell made a motion, seconded by Potrebic to approve.

O'Donnell explained that they have three floating secretaries and receptionists and they would rather have four floating secretaries, so they are going to increase one of the secretaries wages by \$2,816, but they want to reduce two Probation Officers salaries by \$18,794, so it's a net reduction of a little over \$16,000 dollars.

Smith said that he did speak with Judge Stefaniak about the need for a job description because this is a re-title of a job, and the job description will be forthcoming. O'Donnell said he would pass that on.

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12428-001 Probation Officer	\$39,980	\$28,644	-\$11,336
12428-002 Probation Officer	\$38,918	\$28,644	-\$10,274
16670-004 Secretary	\$23,850	-0-	-\$23,850
16903-005 Executive Secretary	-0-	\$26,666	\$ 2,816

Re: Sheriff – Cid made a motion, seconded by Potrebic to approve. All voted "Yes". Motion carried 7-0. (General Fund)

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12508-008 Captain	\$39,188	-0-	-\$39,188
14402-101 Police Officer	-0-	\$32,503	\$32,503

Re: Juvenile Court – O'Donnell made a motion, seconded by Franklin to approve, and that Pos# 12428-002 and Pos# 12428-023 be retroactive to 2-1-05, and Pos# 12428-022 be retroactive to 1-1-05. All voted "Yes". Motion carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
Retroactive to 2-1-05			
12428-002 Probation Officer	\$40,308	\$43,480	\$3,172
12428-023 Probation Officer	\$36,644	\$40,308	\$3,664
Retroactive to 1-1-05			
12428-022 Probation Officer	\$43,480	\$44,350	\$ 870

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16576-001 RE Imp Data Clerk III	\$26,950	-0-	-\$26,950
<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
15474-002 RE Imp Data Clerk I	\$22,602	-0-	-\$22,602

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
11726-001 Drainage Administrator	\$29,356	-0-	-\$29,356
11xxx-002 Asst. Drainage Admin	-0-	\$27,456	\$27,456
113002-001 Data Technician	\$25,085	-0-	-\$25,085
11xxx-001 Senior Drainage Admin	-0-	\$44,085	\$44,085

Re: Recorder – Cid made a motion, seconded by Franklin to approve the Revised 144 from Fund 179.

Blanchard said, to him, it seems to create a big disparity between Chief Deputies from office to office, unless they are paid out of the supplemental

Mr. Brown, Recorder said that it is the same salary that the previous Chief Deputy had, they kept the entire staff from the Recorder' Office, and the previous Recorder forgot to put this in with the other salaries for all the supplemental pays, so this is not a raise, it is the salary that was actually in place in the 2004 budget.

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

<u>Revised 144 Fund 179</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39002-014 Suppl. Pay Non-General	\$2,671	\$5,575	\$2,904

In the Matter of Create Dept 4040 in Fund 405 – Criminal Court Supl. Public Defender – Create New Line Item in 405-4040-43190 Other Professional Service.

Franklin made a motion, seconded by Blanchard to approve creating department 4040 in Fund 405 – Criminal Court Supl Public Defender and Create new line item in 405-4040-43190 – Other Professional Service. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Create New Line Items County Assessor – Fund 710 – Sales Disclosure Fund.

Potrebic made a motion, seconded by Tabaczynski to approve creating new line items 43232 – Travel – Meals, and 43233 – Travel – Lodging. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Create New Line Items – PTBOA – Fund 710 – Sales Disclosure Fund.

Potrebic made a motion, seconded by Tabaczynski to approve creating new line items 43232 – Travel – Meals, and 43233 – Travel – Lodging. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Creating New Line Items – Surveyor – Fund 167 – Surveyor's Corner Perpetuation Fund.

Discussion

Mr. Van Til said that he is certain that this is not a problem. He said the Coroner Perpetuation has been the basis of surveying, and this Coroner Perpetuation Fund is exactly what it says. He said they use various equipment, from surveying equipment to vehicles, or whatever is needed to perpetuate this perpetuation fund. He said, in this case, what he is suggesting, is, and this is funded by fees, so what he is suggesting is that this gives him the opportunity to, if a decision is made, to pay for insurance for vehicles. He said this simply gives him the opportunity to pay for it through non-property tax revenues, and, in terms of the motor vehicles, he very much needs to replace one of his vehicles with a 4- wheel drive vehicle. He said these section corners are basically monuments that you will find in the middle of roads, fields, airports, etc., and to access them is something that is sometimes is very difficult.

He said he needs to replace one of his vehicles with a new four-wheel drive vehicle, and there is enough money in there to do it. He said he currently leases a vehicle through here, so there is really not a legal issue here at stake, but the insurance is new, and allows him to pay, if a decision is made by others, allows him to pay for insurance through this particular fund.

Attorney Szarmach said he thinks that's appropriate, and cited code 36-2-3.5-4(b)(11).

O'Donnell made a motion, seconded by Cid to approve the creation of new line items for Insurance and Motor Vehicles, in the Corner Perpetuation Fund.

Attorney Szarmach explained that the Section 3.5, under Title 36 –Division of Powers in Certain Counties, and that's for Lake County, only, and St. Joe County, only, where the County Council is both legislative and the fiscal body, and Section 4(b) (11) Powers of Duties - states that Executive shall supervise County Administrative Offices, **except** for the offices of Elected Officials, with respect to their administrative offices are under the control of elected officials, and not the Commissioners.

Szarmach said the executive, which is the Board of Commissioners shall supervise County Administrative Offices, except for the offices of Elected Officers, which is Officials, which is Coroner, Auditor, Treasurer, Assessor, Recorder. O'Donnell said, everybody except the Clerk.

Attorney Szarmach said that means that it's just the administrative offices, so if you have in your budget, appropriated by the County Council, funds for "xyz", for you administrative offices, you can buy "xyz".

O'Donnell asked can you use "xyz" , other than between 8:30 and 4:30?

Attorney Szarmach said, that's another question and there is a county ordinance, the vehicle ordinance, with respect to the use of the vehicles, and as far as Szarmach knows, that ordinance has not been amended, so we have nothing in front of us to amend that ordinance.

Van Til said that his intention is not to add another vehicle to, but it's simply to replace one. He said his intention would be to take away from property tax revenues and put it in a more appropriate place. He said his hope is that a rather outdated ordinance relative to the use of vehicles, would be amended soon, in terms of everything from passengers, to insurance, to hours, to use outside the county, and other types of things. He said he would hope, for the benefit of the taxpayers, and for us administratively, he hopes to see that and have some input in that. He said this simply is a facilitator in his particular office, this really doesn't change anything, other than it allows him to administrate in such a fashion as to not burden the property tax monies, when there is money available in Corner Perpetuation, and that's in fact, one of the things that we need to do with this equipment.

Attorney Szarmach said that in any type of county vehicle ordinance, there should be cooperation between the Commissioners and the Council on anything. They set executive policy, but for Lake County and St. Joe County, it's got to come here to be in ordinance form.

Potrebic said there has been controversy about this issue, and today is supposed to be an effective date, and he hasn't seen anything of what the definite finalization is going to be from the other side, and if he heard right, there should be some type of the Council and Commissioners sitting in talking in a policy, and Potrebic asked how can we, right now take effect on something until they at least know and they have an executive session coming, where they sit down and talk and see what is going to be final today at 4:30. How can we make a move right now, until we have an executive session?

Mr. Van Til said that nobody has received anything about any deadline, relative to today, relative to vehicles. He said he heard there has been an exchange between the Council and Commissioners, but, in terms of the Offices, they have received nothing. He said, most importantly, what he is asking for today, is not part and parcel of policies or any of the discussion, or controversy. He said, what he is simply doing is, allowing what exists, and no one is disputing the fact that he has vehicles, and that he needs vehicles, and the only thing, it was a suggestion that maybe, we should also pay for the insurance. Van Til said this, in a sense, is nothing new, other than the possibility of paying insurance. It simply says, we are using a different fund to do it. It really isn't all that controversial, and it just facilitates paying for what we already have. It's not of the whole policy issue and the use issue, this is a financial issue.

Smith made mention of the memo that the Council received from the President of the Commissioners about a deadline of 4:30 today, in terms of cars to be brought back in, and put into a pool, and those Elected Officials who were affected to do that today at 4:30. Smith asked Attorney Szarmach what was the status of that in terms of the Council right now? That's not an issue before us right?

Attorney Szarmach said, no.

Smith said those actions that were prompted by the Commissioners, absence of the Council, a moot issue or what?

Attorney Szarmach said, for us, there is no action to take, with respect to that memo. He said he has not seen the memo, perhaps the Council would like to codify that memo to change the vehicle ordinance. We would have to take a look at it, but at this point, it has nothing to do with what George wants.

Smith said there is a scheduled executive session with the Commissioners (2-10-05). That's an issue that they will discuss in that setting; however today's request is it a legal request?

Attorney Szarmach said he thinks the Council can act on it today, and ask for limited purposes of creating two new line items out of this perpetuation fund. He thinks that is perfectly supported by State Statute.

Potrebic asked what if something happens, who is the technical owner of that vehicle?

Smith said that's a good point that Potrebic is asking because the Commissioners are on record, as of 4:30, those cars are to be turned in, and if those cars aren't turned, and something happens, your question is legally, binding for accidents or whatever is related.

Attorney Szarmach said, at this point, the County Executive, the County should be the owner of the vehicles, but that does not mean that the County Executive, the Commissioners have the right to supervise the Administrative Offices, of Elected Officials, which means they could be the owners. That doesn't give them the right, they own the desk and chairs in that office, that's the Commissioners, but they do not have the power to tell you where you are going to put those desk, how you're going to use them, when you are going to use them after 4:30. He said that's a good analogy.

Potrebic said, if that is the case, if we re-amend the ordinance and make it from 8:00 to 4:30, then that's concrete?

Attorney Szarmach said, correct, but he has received no potential amendment to that ordinance, from the Commissioners, there has been a lot of discussions, and rumors, but Szarmach said, he had not received anything in writing that says "we would like you to amend the vehicle ordinance for February's meeting".

Potrebic asked Commissioner Clay had that been taken into consideration, under discussion with his two colleagues, and their attorney after 4:30 today because nothing was definite until 4:30 today?

Commissioner Clay said he received a memo from Commissioner Scheub to turn his car in at 4:30 today, and that's all he knows. He said he is a member of the Board of Commissioners, and two Commissioners want him to turn in the car and he is not going to defy the Board, but he doesn't know what they are doing.

Smith said that the issue here is, the Council has not received anything from the Commissioners in regards to amending the present ordinance, and we have nothing on our agenda related to that. He said we have a letter stating what the actions are going to be, but as Commissioner Clay pointed out now, we really don't have the authority to amend the ordinance on your own. Smith said he wanted to make that clear.

Franklin said, as chairman of that committee, she received some information from the Commissioner's President. She said that after carefully reading what he wrote, there is no comprehensive plan for turning those cars in. There is nobody responsible for receiving those cars, who is going to be in charge, how they are going to be administered. There is nothing, and until it is clearly defined as to how those cars are going to be brought in, who is going to be responsible for dispensing the cars everyday, or whatever the Commissioners are trying to do over there, Franklin said she doesn't think that this body should be buying into what they wrote because now we are superceding the Elected Officials. You are not taking that into consideration, we need to have a comprehensive plan on how these cars are going to be administered. Franklin said she has looked at it and read it over and over, and she doesn't see anything that makes any sense. It needs a plan, and the plan is not clear.

Van Til said that Commissioner Scheub has a lot of good ideas about this, and some that he disagrees with. He said he is an Elected Official that knows his office better than anybody, and his predecessor handled things in somewhat the same way, but Van Til agrees with Franklin, that we need to have some specifics, your attorney said it needs to be in ordinance form if there is going to be something, but he wants to reiterate that what you have before you today does not "fly in the face" of anything that has been said by the Council, the Council's current ordinance, anything that has been written by any of the Commissioners. This is not in contradiction, this will not contradict anything that you could conceivably pass, or that conceivably we could get from the Commissioners. Van Til said, all this says is what is currently in practice, and will be in practice, under anybody's imagination, or anybody's memo that this allows for a different way of funding, and allows for us to potentially pay for the insurance. That's all this does.

Potrebic said Van Til missed his point on this insurance bit.

Smith said that we have to get back to some order.

He wanted to hear from his other colleagues if they have any input on this issue.

Blanchard said there is a connection and there are checks and balances. If you get insurance from a private carrier, Commissioners would have to sign the contract. As it stands right now, the County is self insured on the liability. He said he sees the figure of \$18,900, that's for leasing, he knows there has been figures tossed around about insurance, whether you subsidize the self insurance fund with an appropriation from the insurance line item, or by private insurance. Blanchard said if there would be an accident, if there would be fatalities, they're going to come to the County general fund to the insurance, regardless whether or not, there would be damages we would have to pay, the legal defense would have to be from the county general fund, that's one thing that Blanchard said, goes through his mind, and he thinks there are ways that all of this could have been avoided, instead of trying, in some way, to go around the Commissioners and still be able to retain the statue quo and with our Attorney' interpretation, Blanchard said he isn't so sure the statue quo isn't being retained. Blanchard said that our actions today would mean nothing other than, and Blanchard said he feels that we are sending a message to them. If you support this, then you don't support what they are trying to do, and vice versa. Blanchard said he is not going to support any request dealing with cars today.

Tabaczynski said, with no disrespect with for what the Surveyor is trying to do, and he appreciates the effort of trying to remove something from property tax fund, to a miscellaneous revenue, but he wanted to caution the Council to look at the precedent that we may be setting here. If we do this, and do this, absence of any kind of policy on vehicles, we are basically saying, "if you have a miscellaneous revenue, the door is open, come in and get your car, or your vehicle, or lease, or whatever you are going to do, without any kind of solid policy on it". Tabaczynski said they will have everybody with a miscellaneous revenue asking for that, then we, as the fiscal body are going to be in the position of deciding if it is warranted. On the surface, Tabaczynski said, yes he thinks the Surveyor probably does need a vehicle, they travel to remote sites, and he thinks, a reasonable person could understand that. Then we are going to have Officeholders saying " I need a vehicle to deliver these papers", or "I need a vehicle to get from my main office to my satellite office". Then, we are in the position of deciding is that a legitimate use, is that a serious need. Tabaczynski said, he doesn't want to be in that position, and he thinks if we approve this, the use of miscellaneous revenues, we are basically opening the door and we are aiding kind of in the circumvention of a policy that, may not have been a good one, but was at least a policy, and if we have issues with that, then Tabaczynski said, he thinks they need to take the leadership role, sit down, and write the vehicle policy before we entertain any thoughts of people regarding any source of funds, using or having vehicles, or purchasing vehicles. He said, go down your budget lists and look at how many miscellaneous revenue funds there are, and, the calls from the car dealers will start rolling in, if we set a precedent like this. Tabaczynski said he does, on one hand, appreciate trying to take something off the property tax based funds for what probably is a legitimate need, because you have the vehicle now, and we're using vehicles now, but where do we draw the line and do we, as the fiscal body want to be in the position of deciding what is a legitimate need, and what is a serious need and what's kind of just a funding of a "perk" through a miscellaneous revenue.

Tabaczynski said that that he was attending a legislative meeting of the Association of Indiana Counties, and representatives of various affiliates bought up the subject concerning miscellaneous revenues, and how they were being used, or misused, and was already indicating that maybe it's time to start reeling in those. Tabaczynski said he thinks it's a problem that we don't have enough oversight or control on where those funds could be used, and basically what was being said is, if the legislature is going to create these funds, and everyone is going to start "sloshing" around in them, then maybe the legislature is going to revisit those. Tabaczynski said he would caution any Officeholder who has a miscellaneous revenue, to be very vigilant in how they are using those, and make sure it's going to stand up to scrutiny, not just a reading of a statue and saying can we fit this in under that reading, or is this really what the legislative intent on how these funds were to be used? Tabaczynski said, if they think that miscellaneous revenue funds are legitimate source to be used for what they want to do, they maybe they need to address the legislation, and have it clearly spelled out, and don't leave it to a majority of a County Council, and a majority of the Commissioner' Board to make those determinations.

Tabaczynski said again, he would really caution his colleagues against creating a precedent, absent of policy to keep these activities alive.

Franklin said, what she would like to ask, at this point, is that they could, either withdraw, or defer this until they can sit down in a meeting with the Commissioners, because she understands why this is being done right here, but she thinks the Council needs to sit down with the Commissioners so they can get an "ironclad" policy", as it relates to these vehicles and make sure that the staff who is in need of those vehicles, such as the Surveyor' Office, who basically is on call 24 hours a day. She said we need to have a concrete plan, and in order to alleviate what's happening here, take a look at this, and request a deferral.

Cid said that they do need a policy between the Commissioners and the Council, but she thinks they are within their legal rights today in creating the line item. She thinks it's the Elected Official who actually has to answer to why he needs that vehicle. Cid doesn't believe that responsibility falls on the Council. She thinks it's their money, it's discretionary funds, not tax based, and she thinks they have to answer to their constituents.

O'Donnell said if they are going to defer on all automobile issues, then he doesn't mind deferring on this one.

Franklin said, that is her suggestion.

O'Donnell made a motion to defer on #18B on the agenda, which is the Surveyor, and #21 on the agenda, which is the Clerk to 3-15-05. Franklin seconded the motion.

Van Til asked, as an elected official that those who are in this process, you need to have their input, and so far they haven't. He also wanted to remind the Council that they already have a vehicle from this Corner Perpetuation Fund, before he got here, they were leasing a vehicle. He said all this talks about is, purchasing a vehicle, so as we speak, he is leasing a vehicle in this fund.

Smith said he would like to be clear about today's actions from the Commissioners that requires people to bring their cars in. He said from what he is hearing, it's a moot issue correct?

Smith said, for clarifications to the Elected Officials.

Attorney Szarmach said, it's probably not our, (the Council) call. He can cite from that same statute B(6) The Commissioners have a right to supervise the care and custody of all County Property.

Szarmach said his best guess would be, that if the user of the vehicle is within the Commissioner's jurisdiction and powers, like the caretakers for the Government Complex, that policy should be followed, if it's an Officeholder, Szarmach said he thinks, that question is still up in the air, without that policy being codified, in a County Ordinance, like we have now, we have a County Ordinance, it's codified, the Commissioners approved it with regard to the rules and regulations regarding vehicles.

Smith said, the major thing, what we don't want to, as a Council, is engaging to any problems with the Commissioners, and neither do the Elected Officials. Smith said, it should not be about turf here, it should be about what's sensible, and what we are looking to work out that's going to be harmonious for everybody.

Smith wanted to know if Attorney Szarmach's opinion is that as Elected Officials, they should continue until the Council codifies the ordinance, or whatever is there, then we need to say that.

Attorney Szarmach said, he is not going to say that. They do have their own attorney.

Mr. Van Til said he will work with everybody, and try to work it out.

All voted "Yes", except O'Donnell, "absent". Motion to defer carried 6-yes, 1-absent.

In the Matter of Creating New Line Item – Clerk – 194 Clerk's Record Perpetuation Fund.

O'Donnell made a motion, seconded by Franklin to defer to 3-15-05. All voted "Yes", except O'Donnell, "absent". Motion to defer carried 6-yes, 1-absent.

In the Matter of Public Hearing – Petition to Vacate Public Way – Lewis Street in Liberty Park Highlands in Lake County.

Potrebic made a motion, seconded by Blanchard to defer to 3-15-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Councilmanic Appointments – Lake County Study Commission of Veterans Affairs. (1)

Franklin made a motion, seconded by Blanchard to defer to 3-15-05. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointments – County Property Tax Assessment Board of Appeals.

Blanchard made a motion, seconded by Tabaczynski to defer to 3-15-05. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointments – County Child Fatality Review Team.

O'Donnell made a motion, seconded by Franklin to approve all of the same appointments, to another two year term. All voted "Yes". Motion carried 7-0.

David Pastrick, (Coroner), Kathleen O'Halloran, J.D. (Prosecutor), Albert Fisher, (Div Mgr. Office of Family & Children), Dr. Janice Zurich, M.D., (Physician), Commander Robert Porras, (Law Enforcement), Kevin Doolin, (Emergency Medical Svcs. Prov), Dr. John Cavanaugh, MDMS, (Pathologist, Chief Fred Willman, (Fire Dept. Representative), Karen Horst, R.N. (Health Dept), Dr. Kalyani Gopal, Ph.D, (Psychological & Counseling Svcs), Gail Teagarden, (Juvenile Court), Thomas O'Donnell, (Lake County Councilman).

In the Matter of Citizen Appointment Contractor's Licensing Board (1 H/V/A)

Blanchard nominates Robert Hostinsky.
Blanchard made a motion, seconded by O'Donnell to close the nominations.
All voted "Yes" to approve Robert Hostinsky. Motion carried 7-0.

In the Matter of Citizen Nomination – Economic Development Commission – Gary.

Franklin nominated Thomas Young Jr.
Franklin made a motion, seconded by Blanchard to close the nominations.
All voted "Yes" to approve Thomas Young Jr. Motion carried 7-0.

In the Matter of Citizen Nominations – Economic Development Commission – St. John.

Blanchard nominates Robert Meinzer Jr.
Blanchard made a motion, seconded by O'Donnell to close the nominations.
All voted "Yes" to approve Robert Meinzer Jr. Motion carried 7-0.

In the Matter of Citizen Nominations – County Economic Development Commission.

O'Donnell nominated Syd Rothstein.
Tabaczynski made a motion, seconded by O'Donnell to close the nominations.
All voted "Yes" to approve Syd Rothstein. Motion carried 7-0.

In the Matter of Approval of Data Board Nominees.

Tabaczynski said we need to indicate who the Council appointees are.

O'Donnell made a motion, seconded by Blanchard to approve Councilman Ron Tabaczynski, Council lady Elsie Franklin, and as the County Council' nominees to the Data Board. All voted "Yes". Motion carried 7-0.

O'Donnell made a motion, seconded by Potrebic to approve all the other appointees also. All voted "Yes". Motion carried 7-0.

Those approved to the Data Board are:

Thomas R. Philpot	County Clerk
Judith L Companik	County Auditor
Peggy Holinga-Katona	County Treasurer
Michael A. Brown	County Recorder
Dennis Heaps	County Sheriff
George Van Til	County Surveyor
David J. Pastrick	County Coroner
Marilyn Kortenhoven	County Prosecutor
Paul G. Karras	County Assessor
Rudolph Clay	County Commissioner
Ron Tabaczynski	County Council
Elsie Franklin	County Council
	Council Admin. Fin. Director
Judge Jeffrey J. Dywan	County Judges

In the Matter of Reassessment Bailout Plan – Discussion/Action.

Blanchard said that he asked that this be put on the agenda for a brief discussion, as far as, he believes after the next bill is paid, which should be very soon, he said he believes there will be one thousand to two thousand dollars left in the reassessment fund, to pay for reassessment and Blanchard thought that maybe the Commissioners would like to be part and parcel to coming up with a revenue source to fund the balance of reassessment. It will be coming due, when the appeal process starts up again because of the fact that we are constantly paying, then Blanchard said, we helped pay that \$22.5 million dollar, and climbing, reassessment tab with a good portion of Casino revenue, and we do have to remember that there are going to be additional bills coming our way to pay for reassessment, and we need to start thinking about a funding source.

NO ACTION TAKEN.

In the Matter of Re-approval of Line Items – Various Funds & Departments.

Potrebic made a motion, seconded by Franklin to defer to 3-15-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Recognizing the Heroic Efforts of Crown Point Fire Captain Tim Tully in his successful life saving efforts.

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

RESOLUTION NO. 05-08

**RESOLUTION HONORING CROWN POINT
FIRE DEPARTMENT CAPTAIN TIM TULLY**

WHEREAS, on January 7, 2005, a father and daughter were sledding at the Lake County Fairgrounds when the child fell through the ice partially covering Fancher Lake; and

WHEREAS, Crown Point Fire Department Captain Tim Tully, wearing a thick neoprene suit and a rope around his waist reached the four-year-old girl, wrapping his arms around her while firefighters on shore tugged them to safety with the rope.

NOW, THEREFORE, LET IT BE RESOLVED THAT THE Lake County Council honors and recognizes the heroic efforts of Crown Point Fire Department Captain TIM TULLY in rescuing the four-year old girl who fell through the ice at the Lake County Fairgrounds; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to Crown Point Fire Department Captain TIM TULLY.

DULY ADOPTED by the Lake County Council, this 8th day of February, 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 Recognizing the Heroic Efforts of Crown Point Paramedic Tim Martin in his successful life saving efforts.

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

RESOLUTION NO. 05-09

RESOLUTION HONORING CROWN POINT PARAMEDIC TIM MARTIN

WHEREAS, on January 7, 2005, a father and daughter were sledding at the Lake County Fairgrounds when the child fell through the ice partially covering Fancher Lake; and

WHEREAS, Crown Point Fire Dept. Captain Tim Tully entered the water to rescue the girl, and Paramedic Tim Martin assisted with helping the four-year-old girl out of the water.

NOW, THEREFORE, LET IT BE RESOLVED THAT THE Lake County Council honors and recognizes the heroic efforts of Crown Point Paramedic TIM MARTIN in assisting with the rescue of the four-year old girl who fell through the ice at the Lake County Fairgrounds; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to Crown Point Paramedic TIM MARTIN.

DULY ADOPTED by the Lake County Council, this 8th day of February, 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 Proclaiming March 2005 as "Mental Retardation Awareness Month".

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

RESOLUTION NO. 05-10

**RESOLUTION IN FAVOR OF
MENTAL RETARDATION AWARENESS MONTH**

WHEREAS, mental retardation is a condition which affects more than Seven Million Americans and their families; and

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with mental retardation; and

WHEREAS, people with mental retardation can be vital and vibrant members of our communities, improving the quality of life for all of us; and

WHEREAS, the month of March has been designated National Mental Retardation Awareness Month, with 100,000 members and 900 chapters of The Arc undertaking public awareness, educational, and fundraising initiatives; and

WHEREAS, The Arc of the United States is the nation's leading volunteer-based organization advocating for and with people with mental retardation and related developmental disabilities and their families.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council declares March, 2005 as **MENTAL RETARDATION AWARENESS MONTH** in Lake County and urges that the citizens of Lake County give full support of efforts towards enabling people with mental retardation to live full and productive lives of inclusion in our communities.

SO RESOLVED THIS 8th day of February, 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 Public Works Department to pay 2004 invoices with 2005 funds.

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

RESOLUTION NO. 05-11

**RESOLUTION PERMITTING THE LAKE COUNTY
PUBLIC WORKS DEPARTMENT TO PAY
OUTSTANDING 2004 INVOICES/DEBTS F'ROM THE 2005 BUDGET**

WHEREAS, the Lake County Public Works 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:

001-2950-42210	-	Petroleum Products
Pinkerton Fuels		\$ 338.40
001-2950-42290	-	Other Supplies
Home Depot		\$ 9.05

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 2004 expenses shall pay be paid from the Lake County Public Works Department's 2005 Budget:

001-2950-42210	-	Petroleum Products
Pinkerton Fuels		\$ 338.40
001-2950-42290	-	Other Supplies
Home Depot		\$ 9.05

SO RESOLVED THIS 8th day of February, 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 Allowing Board of Commissioners to pay a 2004 debt with 2005 funds.

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

RESOLUTION NO. 05-12

**RESOLUTION PERMITTING THE LAKE COUNTY
BOARD OF COMMISSIONERS TO PAY AN
OUTSTANDING 2004 INVOICE/DEBT FROM THE 2005 BUDGET**

WHEREAS, the Lake County Board of Commissioners, is currently operating in the 2005 Budget; and

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

001-2900-43233	Lodging
Atty. John Dull	\$ 118.44

WHEREAS, the Lake County Council desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2004 expense shall pay be paid from the Lake County Board of Commissioners 2005 Budget:

001-2900-43233	-	Lodging
Atty. John Dull		\$ 118.44

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Board of Commissioners to pay a 2004 mileage claim from 2005 funds.

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

RESOLUTION NO. 05-13

RESOLUTION PERMITTING THE LAKE COUNTY BOARD OF COMMISSIONERS TO PAY AN OUTSTANDING 2004 INVOICE/DEBT FROM THE 2005 BUDGET

WHEREAS, the Lake County Board of Commissioners, is currently operating in the 2005 Budget; and

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

001-2900-43235 Travel/Mileage
Gerry Scheub \$ 166.51

WHEREAS, the Lake County Council desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2004 expense shall pay be paid from the Lake County Board of Commissioners 2005 Budget:

001-2900-43235 Travel/Mileage
Gerry Scheub \$ 166.51

SO RESOLVED THIS 8TH day of February, 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 Emergency Management to pay 2004 invoices with 2005 funds.

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

RESOLUTION NO. 05-14

RESOLUTION PERMITTING THE LAKE COUNTY EMERGENCY MANAGEMENT AGENCY TO PAY AN OUTSTANDING 2004 INVOICE/DEBT FROM THE 2005 BUDGET

WHEREAS, the Lake County Emergency Management Agency, is currently operating in the 2005 Budget; and

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

001-3500-42220 Garage & Motors
Levin Tire \$ 99.36

001-3500-43630 Maintenance & Service Contract
Adams Remco, Inc. \$150.00

001-3500-43140 Legal Services
David Sims & Assocs., P.C. \$157.50

WHEREAS, the Lake County Council desires to transfer funds and pay the above

invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

- 1. That the following 2004 expense shall pay be paid from the Lake County Emergency Management Agency's 2005 Budget:

001-3500-42220	Garage & Motors
Levin Tire	\$ 99.36
001-3500-43630	Maintenance & Service Contract
Adams Remco, Inc.	\$150.00
001-3500-43140	Legal Services
David Sims & Assocs., P.C.	\$157.50

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Permitting Lake County Community Corrections to Pay outstanding 2004 Invoices/Debts from the 2005 Budget.

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

RESOLUTION NO. 05-15

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

WHEREAS, Lake County Community Corrections, is currently operating in the 2005 Budget;
and

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

140-4010-42110	-	Office Supplies
McShane, Inc.		\$ 498.37
140-4010-42240	-	Household & Inst. Supplies
Able Paper		\$ 165.00
140-4010-43233		Travel & Lodging
French Lick Hotel		\$1147.50
(Boykin Mgnmt.)		
140-4010-43390	-	Other Services & Charges
Parkway Mech.		\$ 311.50

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 expense shall pay be paid from Lake County Community Corrections' 2005 Budget:

140-4010-42110	-	Office Supplies
McShane, Inc.		\$ 498.37
140-4010-42240	-	Household & Inst. Supplies
Able Paper		\$ 165.00

140-4010-43233	Travel & Lodging
French Lick Hotel	\$1147.50
(Boykin Mgmt.)	

140-4010-43390	-	Other Services & Charges
Parkway Mech.		\$ 311.50

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN

LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC

In the Matter of Resolution Permitting St. John Township Assessor to Pay Outstanding 2004 Invoices/Debts From the 2005 Budget.

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

RESOLUTION NO. 05-16

RESOLUTION PERMITTING ST. JOHN TOWNSHIP ASSESSOR TO PAY OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET

WHEREAS, the St. John Township Assessor is currently operating in the 2005 Budget; and

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

001-1800-43730	Property Rental
Dean's Properties LLC	\$2178.00

WHEREAS, the St. John Township Assessor desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the St. John Township Assessor shall pay from its 2005 Budget the following invoices/debts incurred in the calendar year 2004 as follows:

001-1800-43730	Property Rental
Dean's Properties LLC	\$2178.00

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Allowing Lake County Sheriff to pay 2004 Jail invoices with 2005 funds.

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

RESOLUTION NO. 05-17

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

WHEREAS, the Sheriff's Department of Lake County, is currently operating in the 2005 Budget; and

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

3100-001-42250 - Health Care & Lab

Advanced Imaging	\$15,720.00
Anesthesia Consultants	6,283.00
Chest Diseases	5,086.
Methodist Emergency	12,524.00
Methodist Hospital	23,108.00
Methodist Pathology	2,000.00
Mirich Medical	50.00
Northwest Indiana Radiology	10,363.56
Dr. Satish Patel	150.00
Southlake Speech	96.00
Superior Air Ground	2,710.00
Dr. Marcus Wigutow	<u>210.00</u>
	\$ 78,300.56

3100-001-43120 - Medical & Health Care

Alvemo Home Medical	\$ 1,155.76
Care Pharmaceutical	127,396.83
Comprehensive Imaging	1,309.00
Dalal Medical	150.00
Dr. Rupesh Shah	3,225.00
Great Lakes Medical	165.00
Medical Specialist	375.00
Methodist Cardiographic	708.00
Methodist Electronics	220.00
Northwest Anesthesiologist	1,002.00
Northwest Neurological	1,115.00
Northwest Oral Surgery	1,340.00
Obstetrical System	4,445.00
Quest Diagnostic	3,591.97
Respiratory Services	20.00
Dr. Joseph Schwartz	382.00
Southlake Ear, Nose & Throat	5,411.00
Dr. Joseph Spott	4,726.00
St. Anthony Medical	<u>8,534.31</u>
	\$165,271.87
Cardiovascular Clinics	595.00
Care Pharmaceutical	109,409.22
Dr. James Jones	2,509.00
Dr. Arsenio Favor	136.00
Dr. David Gross	670.00
Hematology Oncol.	390.00
Illiana Surgery	124.00
Lake Porter Cardiovascular	300.00
Orthopedic Specialist	<u>120.00</u>
	\$119,597.22

WHEREAS, the Sheriff's Department desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

1. That the Lake County Sheriff's Department, shall pay from its 2005 Budget the following invoices/debts incurred in the calendar year 2004 as follows:

3100-001-42250 - Health Care & Lab

Advanced Imaging	\$15,720.00
Anesthesia Consultants	6,283.00
Chest Diseases	5,086.00
Methodist Emergency	12,524.00
Methodist Hospital	23,108.00
Methodist Pathology	2,000.00
Mirich Medical	50.00
Northwest Indiana Radiology	10,363.56
Dr. Satish Patel	150.00
Southlake Speech	96.00
Superior Air Ground	2,710.00
Dr. Marcus Wigutow	<u>210.00</u>
	\$ 78,300.56

3100-001-43120 - Medical & Health Care

Alvemo Home Medical	\$ 1,155.76
Care Pharmaceutical	127,396.83
Comprehensive Imaging	1,309.00

Dalal Medical	150.00
Dr. Rupesh Shah	3,225.00
Great Lakes Medical	165.00
Medical Specialist	375.00
Methodist Cardiographic	708.00
Methodist Electronics	220.00
Northwest Anesthesiologist	1,002.00
Northwest Neurological	1,115.00
Northwest Oral Surgery	1,340.00
Obstetrical System	4,445.00
Quest Diagnostic	3,591.97
Respiratory Services	20.00
Dr. Joseph Schwartz	382.00
Southlake Ear, Nose & Throat	5,411.00
Dr. Joseph Spott	4,726.00
St. Anthony Medical	<u>8,534.31</u>
	\$165,271.87

3100-001-43190 - Other Professional Services

20/20 Eye Care	\$ 5,344.00
Cardiovascular Clinics	595.00
Care Pharmaceutical	109,409.22
Dr. James Jones	2,509.00
Dr. Arsenio Favor	136.00
Dr. David Gross	670.00
Hematology Oncol.	390.00
Illiana Surgery	124.00
Lake Porter Cardiovascular	300.00
Orthopedic Specialist	<u>120.00</u>
	\$119,597.22

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Election Board to pay 2004 invoices with 2005 funds.

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

RESOLUTION NO. 05-18

**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:

Equipment Repair Parts Phil & Son	#001-2100-42310 \$ 69.25
Freight & Express Microvote	#001-2100-43210 \$1,000.00
Travel Meals Patrick Gabrione	#001-2100-43232 \$ 50.00
Travel Lodging Patrick Gabrione	#001-2100-43233 \$ 92.96
Travel Mileage Patrick Gabrione	#001-2100-43235 \$ 98.60

Roberta Vierk	33.75
Sally LaSota	9.00
Printing	#001-2100-43310
Haywood Printing	\$ 36,584.55
Microvote	583.70
Advertising	#001-2100-43320
The Times	\$ 56.25
The Times	79.21
Post Tribune	51.81
LaRaza	180.00
Legal Services	#001-2100-43340
Bruce Lambka	\$ 2,857.50
Consultant Fees	#001-2100-43587
Microvote	\$ 8,400.00
Microvote	2,000.00
Bilingual Translation	1,375.00
Manuel Arellano Translating Service	500.00
TOTAL:	\$54,021.58

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:

Equipment Repair Parts	#001-2100-42310
Phil & Son	\$ 69.25
Freight & Express	#001-2100-43210
Microvote	\$1,000.00
Travel Meals	#001-2100-43232
Patrick Gabrione	\$ 50.00
Travel Lodging	#001-2100-43233
Patrick Gabrione	\$ 92.96
Travel Mileage	#001-2100-43235
Patrick Gabrione	\$ 98.60
Roberta Vierk	33.75
Sally LaSota	9.00
Printing	#001-2100-43310
Haywood Printing	\$ 36,584.55
Microvote	583.70
Advertising	#001-2100-43320
The Times	\$ 56.25
The Times	79.21
Post Tribune	51.81
LaRaza	180.00
Legal Services	#001-2100-43340
Bruce Lambka	\$ 2,857.50
Consultant Fees	#001-2100-43587
Microvote	\$ 8,400.00
Microvote	2,000.00
Bilingual Translation	1,375.00
Manuel Arellano Translating Service	500.00
TOTAL:	\$54,021.58

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Election Board to pay a 2004 invoice with 2005 funds.

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

RESOLUTION NO. 05-19

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

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

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

001-2100-43150 - Consultant Fees
Manuel Arellano \$ 500.00

WHEREAS, the Lake County Council desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2004 expense shall pay be paid from the Lake County Board of Elections and Registration's 2005 Budget:

001-2100-43150 Consultant Fees
Manuel Arellano \$ 500.00

SO RESOLVED THIS 8th day of February, 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 Juvenile Court to pay outstanding 2004 invoice/debt from the 2005 Budget.

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

RESOLUTION NO. 05-20

**RESOLUTION PERMITTING SUPERIOR COURT OF LAKE
COUNTY, JUVENILE DIVISION, TO PAY
OUTSTANDING 2004 INVOICE/DEBT FROM THE 2005 BUDGET**

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

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

001-4100-41120 - Professionals
Janice Kohl \$ 1,309.00

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

Kristi Hamilton	\$ 300.00
TOTAL:	\$ 4,520.40

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 Fairground's 2005 Budget:

County General Fund - Fairgrounds

<u>Petroleum Products</u>	#001-2920-42210
Superior Petroleum	\$ 1,055.26
Hicksgas	167.23
<u>Other Supplies</u>	#001-2920-42410
LS True Value	\$ 29.10
Home Depot	1,196.71
Menard's	160.53
<u>Equipment Repair</u>	#001-2920-43620
Parkway Mechanical	\$ 348.17
<u>Maint. & Service Contracts</u>	#001-2920-43630
Illiana Disposal	\$ 275.00
<u>Equip. Repair Parts</u>	#001-2920-42310
CP Firestone	\$ 24.00
<u>Hsehld & Instit. Supplies</u>	#001-2920-42240
Able Paper	\$ 214.40
<u>Garage & Motors.</u>	#001-2920-42220
Christenson Chevy	\$ 750.00

Fairgrounds Fund 131

<u>Covered Bridge Maint.</u>	#131-2920-44505
Kristi Hamilton	\$ 300.00
TOTAL:	\$ 4,520.40

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 allowing Public Defender to pay 2003 and 2004 invoices with 2005 funds.

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

RESOLUTION NO. 05-22

**RESOLUTION PERMITTING THE OFFICE OF
THE PUBLIC DEFENDER TO PAY
OUTSTANDING 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 2003 and 2004, have not been paid:

General Fund 001 - Line Item 43190 - Other Professional Service	
Arlington J. Foley	\$ 300.00
John H. Davis	9,560.40
David E. Braatz	189.00
Reginald Marcus	690.00
Frederick T. Work	3,486.00
Frederick J. Tom	1,728.00
James J. Krajewski	495.00
Bruce D. Parent	1,056.00
GENERAL FUND TOTAL \$17,504.40	

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

General Fund 001 - Line Item 43190 - Other Professional Service	
Arlington J. Foley	\$ 300.00
John H. Davis	9,560.40
David E. Braatz	189.00
Reginald Marcus	690.00
Frederick T. Work	3,486.00
Frederick J. Tom	1,728.00
James J. Kraiewski	495.00
Bruce D. Parent	1,056.00
GENERAL FUND TOTAL \$ 17,504.40	

SO RESOLVED THIS 8th DAY OF FEBRUARY, 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 Permitting the Lake County Recorder to Pay Outstanding 2004 Invoices/Debts from the 2005 Budget.

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

RESOLUTION NO. 05-23

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

#001-0400-43630	
Nextel Communications	\$ 91.72

WHEREAS, the Lake County Recorder desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Recorder, shall pay from his 2005 Budget the following invoice/debt incurred in the calendar year 2004 as follows:

#001-0400-43630	
Nextel Communications	\$ 91.72

SO RESOLVED THIS 8th DAY OF FEBRUARY, 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 Permitting the Lake County Council to Pay An Outstanding 2004 Invoice/Debt From the 2005 Budget.

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

RESOLUTION NO. 05-24

**RESOLUTION PERMITTING THE LAKE COUNTY
COUNCIL TO PAY AN
OUTSTANDING 2004 INVOICE/DEBT FROM THE 2005 BUDGET**

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

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

Ron Tabaczynski			
#001-3700-43235	Mileage		\$ 1,556.19
#001-3700-43234	Transportation/Other		38.00
#001-3700-43232	Meals		790.00
#001-3700-43233	Lodging		292.32
#001-3700-43231	Registration		25.00
			\$ 2,701.51

WHEREAS, the Lake County Council desires to pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2004 expense shall pay be paid from the Lake County Council's 2005 Budget:

Ron Tabaczynski			
#001-3700-43235	Mileage		\$ 1,556.19
#001-3700-43234	Transportation/Other		38.00
#001-3700-43232	Meals		790.00
#001-3700-43233	Lodging		292.32
#001-3700-43231	Registration		25.00
			\$ 2,701.51

SO RESOLVED THIS 8th day of February, 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 Authorizing Lake County Commissioners to File an Annual Consolidation Plan & Execute a Grant Agreement with the U.S. Dept. of Housing & Urban Development for \$2,224,198.00 for Fiscal Year 2005 Funding to Lake County.

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

RESOLUTION NO. 05-25

**RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD
OF COMMISSIONERS TO FILE AN ANNUAL CONSOLIDATION
PLAN AND EXECUTE A GRANT AGREEMENT WITH THE**

**U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT FOR \$2,224,198.00
FOR FISCAL YEAR 2005 FUNDING TO LAKE COUNTY**

WHEREAS, Lake County, Indiana, is qualified as an Urban County for entitlement funding under the Community Development Block Grant (CDBG) Program provided under the Housing and Community Development Act of 1974 as amended, and the HOME Investment Partnership (HOME) Program enacted under Title II of the Cranston Gonzales National Affordable Housing Act of 1990; and

WHEREAS, Lake County is preparing to submit its Annual Consolidated Plan which is required by the U.S. Department of Housing and Urban Development for continued CDBG, HOME and other housing related funding; and

WHEREAS, it is in the best interest of the citizens of Lake County that it should prepare this Annual Consolidated Plan and obtain these funds.

NOW, THEREFORE, LET IT BE RESOLVED, by the Lake County Council that the Lake County Board of Commissioners is authorized to file an Annual Consolidated Plan and execute a grant agreement with the U.S. Department of Housing and Urban Development for \$2,224,198.00 representing Fiscal Year 2005 funding to the County.

DATED THIS 8th DAY OF FEBRUARY, 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 Authorizing the Transfer of \$5,700,000.00 From the County Children's Psychiatric Treatment Services Fund, (Fund No. 243) to the Lake County General Fund (Fund No 001).

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes".

Blanchard said that about the middle of last year, the Council received a notice from the State Auditor that we were in arrears for payment on Juvenile Detention fees, patients & inmates that are sent to Plainfield by about \$2.6 million dollars, and by the end of 2004, that figure had risen to nearly \$3.5 million dollars, so after we receive this the Welfare committee started looking into ways that we could pay those and discovered that the Children's Psychiatric care fund could be used to pay for patients and inmates in Plainfield, and this transfer is from the Children's Psychiatric fund in the Welfare budget. Blanchard said it's a \$7.2 levy now, and the statute permits a transfer up to half of what utilization was, of that fund, and this money will be re-appropriated and used to help pay off the debt for patients and inmates, and release some of the burden on the general fund.

Smith said there was great dialogue between the Council and the Director of Welfare, Bruce Hillsman, on this issue. Smith said he thought it was great that they were able to work out something in reducing some of the parts of their operations and to be able to use these dollars to augment, in our Commissioner's budget, freeing up some dollars, as you heard earlier, the request from the Public Defender, and the fact that they have an increase in capital cases, and we have to fund that from somewhere, and to look at this giving us a possibilities of using those dollars to augment that costs and saving us dollars for other uses.

Franklin said it is her hope that they will be able to reduce the cost of our psychiatric care for the children that reside in Lake County, in the very near future by, those children being placed close to home instead of being sent all over the Country for this type of care. Franklin said currently there is a residential facility that is being built within the area, the cost that we experience, through the Welfare Department, is astronomical because when the child is sent far away, the Welfare Department has to pick up the cost for a parent to go visit those children. Franklin said in the very near future, we need to look at making sure that those children are kept close to home so that we can reduce the cost of this care.

Motion carried 7-0.

RESOLUTION NO. 05-26

**RESOLUTION AUTHORIZING THE TRANSFER OF
\$5,700,000.00 FROM THE COUNTY CHILDREN'S PSYCHIATRIC
TREATMENT SERVICES FUND, (FUND NO. 243) TO THE
LAKE COUNTY GENERAL FUND (FUND NO. 001)**

WHEREAS, I.C. 12-19-7.5-1, et. seq., provides for the financing of children's psychiatric residential services; and

WHEREAS, I.C. 12-19-7.5-5 provides for the establishment of the County Children's Psychiatric Treatment Services Fund (Fund), for the deposit of monies used for the treatment of children pursuant to I.C. 12-19-17.5-1, et. seq.; and

WHEREAS, I.C. 12-19-7.5-33 provides for the transfer of excess money in the Fund to the County General Fund; and

WHEREAS, pursuant to I.C. 12-19-7.5-33 the Lake County Auditor has determined that there is an excess of \$5,700,000.00 in the Fund.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the County Auditor shall transfer the sum of \$5,700,000.00 from the County Children's Psychiatric Treatment Services Fund (Fund No. 243) to the Lake County General Fund (Fund No. 001) to be used for the purposes as provided in I.C. 12-19-7.5-33(b).

SO ORDAINED THIS 8TH DAY OF FEBRUARY, 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 to Request a Reduction in Lake County's 2005 Budget in Children's Psychiatric Residential Service Fund – 243 from \$10 Million to \$3.5 Million to DLGF.

Blanchard made a motion, seconded by Franklin to approve. All voted "Yes".

Blanchard said that these actions today will go toward a \$6.5 million reduction, in the 2005 levy for Welfare.

Dante said they will have to submit this downstate to the DLGF' approval. They have to approve this.

Blanchard said that discussions have ongoing with the DLGF, and this resolution will go towards that. The statue supports it and encourages that the Auditor makes these transfers.

Motion carried 7-0.

RESOLUTION NO. 05-27

**RESOLUTION TO REQUEST A REDUCTION IN THE LAKE COUNTY'S 2005 BUDGET IN
CHILDREN'S PSYCHIATRIC RESEI)ENTIAL SERVICES FLTND
(FUND NO. 243) FROM \$10,000,000.00 TO \$3,500,000.00**

WHEREAS, I.C. 12-19-7.5-1, et. seq., provides for the financing of County Children's Psychiatric Residential Services; and

WHEREAS, I.C. 12-19-7.5-1, et. seq., provides for the establishment of a County Children's Psychiatric Residential Services Fund (Fund); and

WHEREAS, the Lake County Council desires to reduce the Lake County 2005 Budget and the County Children's Psychiatric Residential Services Fund (Fund No. 243) from \$10,000,000.00 to \$3,500,000.00.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council requests the Indiana Dept.

of Local Government Finance to approve a reduction in Lake County's 2005 Budget in Children's Psychiatric Residential Services Fund (Fund No. 243) from \$10,000,000.00 to \$3,500,000.00.

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 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 Granting Tax Abatement for Real and Personal Property for ProEdge Inc.

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

RESOLUTION NO. 05-28

**RESOLUTION GRANTING REAL AND PERSONAL
PROPERTY TAX ABATEMENT TO PRO EDGE, INC.**

WHEREAS, the Lake County Council had designated certain real estate within the unincorporated areas of Lake County, Indiana, as an Economic Revitalization Area (Lake County Resolution No. 00-12); and

WHEREAS, the Resolution designating certain real estate as a Economic Development Area for Pro Edge, Inc., remains in full force and effect; and

WHEREAS, the applicant, Pro Edge, Inc. has provided a statement of benefits to the Lake County Council in accordance with I.C. 6-1.1-12.1-3 as indicated in the attached "Exhibit A"; and

WHEREAS, the applicant, Pro Edge, Inc. has petitioned the Lake County Council for certain real property and personal property tax abatements in accordance with I.C. 6-1.1-12.1-3 and I.C. 6-1.1-12.1-4.5 as evidenced by the attached documents designated as "Exhibit B"; and

WHEREAS, the applicant, Pro Edge, Inc. has petitioned the Lake County Council for real property tax abatements predicated upon the rehabilitation of the real property located at 23326 Middle St., Shelby, Indiana. Said rehabilitation shall be in the amount of \$1,063,139.00; and

WHEREAS, the applicant, Pro Edge, Inc. has petitioned the Lake County Council for personal property tax abatements predicated upon the addition of \$2,352,321.00 in new machinery as evidenced by "Exhibit B". Said machinery shall be located at 23326 Middle St., Shelby, Indiana.

NOW, THEREFORE, LET IT BE RESOLVED that initially, all aspects of Resolution No. 00-12 are included herein and made a part hereof.

BE IT FURTHER RESOLVED that as to the rehabilitation of the real property located at 23326 Middle St., Shelby, Indiana, the Council grants and allows a real estate deduction for rehabilitation and development pursuant to 1. C. 6-1.1-12. 1, et. seq., for a period of ten (10) years. This abatement specifically related to the real estate original described in Resolution No. 00-12. This action is directed toward and should be applied to the first assessment on the real estate after the applicant has filed a certified deduction application, on forms prescribed by the Indiana State Department of Local Finance, with the Lake County Auditor and the Indiana State Dept. of Local Finance as required under I.C. 6-1.1-12.1-5.5, as well as a statement of compliance indicating the fulfillment of the statement of benefits as provided by the applicant herein. This action by the Lake County Council is based upon the following findings, which were made by this Council after reviewing the statement of benefits and evidence presented by the applicant. The Council finds that:

- (1) The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature.

- (2) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) The estimate of the annual salaries of those individuals who will be employed to whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed rehabilitation.
- (5) The totality of benefits is sufficient to justify the deduction.

BE IT FURTHER RESOLVED, that the Lake County Council grants and allows personal property tax abatement for the addition of \$2,352,321.00 in new equipment to the property located at 23326 Middle St., Shelby, Indiana, pursuant to I.C. 6-1.2-12. 1, et. seq.. This tax abatement shall be for a period of ten (10) years to the applicant, Pro Edge, Inc. and shall be applied to the first assessment on the listed personal property after the applicant has filed a certified deduction application, on forms prescribed by the Indiana State Dept. of Local Finance with the Lake County Auditor and the Indiana State Dept. of Local Finance as required under I.C. 6-1.1-12.1-5.5, as well as a statement of compliance indicating the fulfillment of the statements of benefits as provided by the applicant herein. This abatement is limited to the equipment as detailed in "Exhibit B", attached hereto.

This action by the Lake county Council is based upon the following findings, which were made by the Lake County Council after reviewing the Statement of Benefits and evidence presented by the applicant. The Lake County Council finds that:

- (1) This estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type.
- (2) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment.
- (3) The estimate of the annual salaries of those individuals who will be employed to whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment.
- (4) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of manufacturing equipment.
- (5) The totality of benefits is sufficient to justify the decision.

DULY ADOPTED THIS 8TH DAY OF FEBRUARY, 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

EXHIBITS "A" AND "B" ATTACHED TO RESOLUTION

In the Matter of Resolution Supporting House Bill 1681 – Convention & Tourism.

Tabaczynski said, during our budget deliberations last year, they discussed the need for the L.C. Convention & Visitor' Bureau to come before the Council for budget approval, even though we are limited to simply reviewing and approving their budget, not necessarily amending it. The Bureau does have its own governing board, and the revenue source being the innkeeper' tax is pretty much outlined in State Statue, and it was the feeling to the Council that it was somewhat redundant, and not necessary that they come here for budget approval and for routine transfer approval and some of the other items. He said they have discussed it with several legislators, and there is a Bill before the legislature, 1681, so what he has is simply a resolution indicating the Council' support for legislation that would remove the requirement that the Bureau come before the Council for approval.

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

RESOLUTION NO. 05-29

**RESOLUTION IN SUPPORT OF HOUSE BILL 1681,
A BILL GRANTING FISCAL AUTONOMY TO THE
LAKE COUNTY CONVENTION AND VISITORS BUREAU**

- WHEREAS,** the Lake County Convention and visitors Bureau has its own governing board to make fiscal decisions including the setting of an annual budget; and
- WHEREAS,** the Lake County Convention and Visitors Bureau is funded by the Indiana Innkeepers Tax; and
- WHEREAS,** the rates, collection, and distribution of the Indiana Innkeepers Tax is set by State Statute, and cannot be effected by actions of the Lake County Council; and
- WHEREAS,** the Lake County Council pursuant to State has been required to annually review and approve the budget of the Lake County Convention and Visitors Bureau; and
- WHEREAS,** the Lake County Council believes that such approval is redundant and requires an unnecessary management step for the Lake County Convention and Visitors Bureau; and
- WHEREAS,** House Bill 1681, which would remove the need for the County Council to review and approve the budget and fiscal decisions of the Lake County Convention and Visitors Bureau, is currently before the 2005 Regular Session of the Indiana General Assembly; and
- WHEREAS,** the Lake County Council is in favor of House Bill 1681, and urges all State Legislators and the Governor, to support the legislation.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council is in favor of House Bill 1681, granting fiscal autonomy to the Lake County Convention and Visitors Bureau and urges all State Legislators and the Governor, to pass the legislation as introduced.

SO RESOLVED THIS 8TH DAY OF FEBRUARY, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN

LARRY BLANCHARD
CHRISTINE CID

Members of the Lake County Council

In the Matter of Resolution Proclaiming March 2005 as "Mental Retardation Awareness Month".

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

RESOLUTION NO. 05-30

**RESOLUTION IN FAVOR OF
MENTAL RETARDATION AWARENESS MONTH**

- WHEREAS,** mental retardation is a condition which affects more than Seven Million Americans and their families; and
- WHEREAS,** public awareness and education enhance a community's understanding of the issues affecting people with mental retardation; and
- WHEREAS,** people with mental retardation can be vital and vibrant members of our communities, improving the quality of life for all of us; and

WHEREAS, the month of March has been designated National Mental Retardation Awareness Month, with 100,000 members and 900 chapters of The Arc undertaking public awareness, educational, and fundraising initiatives; and

WHEREAS, The Arc of the United States is the nation's leading volunteer-based organization advocating for and with people with mental retardation and related developmental disabilities and their families.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council declares March, 2005 as **MENTAL RETARDATION AWARENESS MONTH** in Lake County and urges that the citizens of Lake County give full support of efforts towards enabling people with mental retardation to live full and productive lives of inclusion in our communities.

SO RESOLVED THIS 8th day of February, 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 Ordinance Creating County Storm Water Management .

O'Donnell made a motion, seconded by Blanchard to defer to 3-15-05. All voted "Yes". Motion carried 7-0.

In the Matter of Overriding of Commissioner's veto of Ordinance No. 1007C-12 – Working Hours.

Attorney Szarmach explained that the Council has 60 days from which to override the veto. He said he thinks the Council is going to take a no action on this during that 60 days and let the veto ride.

Smith said they are working on a new ordinance and they will continue to negotiate with the Correctional Officer' Union, and with the other agencies as well, but as of today, there will be no action taken on the Commissioner' veto.

NO ACTION TAKEN.

In the Matter of Ordinance Amending Ord 1077C – Lake County Personnel Policy – Smoking.

Potrebic made a motion, seconded by Franklin to defer to 3-15-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Establishing the Rules & Penalties for Weights and Measures.

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

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

Franklin 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. 1260A

ORDINANCE ESTABLISHING THE RULES AND PENALTIES FOR WEIGHTS AND MEASURES

WHEREAS, it is the policy of the State of Indiana and the County of Lake to protect all consumers by ensuring the accuracy of their commercial transactions involving weights and measures; and

WHEREAS, by protecting consumers in the transaction of their commercial transactions involving weights or measures, the State of Indiana and County of Lake is preserving, protecting and promoting commerce within the state and the county; and

WHEREAS, pursuant to I.C. 24-6-3-5 the County of Lake must inspect on at least an annual bases all measuring and weighing devices; and

WHEREAS, all goods and commodities offered for sale in the State of Indiana and the County of Lake shall be offered using the legal method of selling as required by the State of Indiana and the National Conference on Weights and Measures Handbook 130; and

WHEREAS, to ensure enforcement of all weights and measures laws within the County, the Lake County Council desires to establish an Ordinance setting forth rules and penalties.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of the Ordinance is to protect and promote commerce within the State of Indiana, County of Lake and to protect all consumers by insuring the accuracy of commercial transactions involving weights, measures, and packaged commodities, and to assure compliance with State laws and the National Conference on Weights and Measures Handbooks 44 and 130.

SECTION 2. DEFINITIONS

- A. "County Inspector" shall be the person or persons duly authorized to inspect goods and commodities and weighing or measuring instruments in Lake County.
- B. "Person" shall include but not be limited to, any corporation, partnership, sole proprietorship, agent, lessee, individual, or employee placing in service, using or employing a weighing or measuring instrument or who is engaged in selling, buying, bartering or exchanging of goods or commodities within the County.
- C. "Repairman" shall be an individual engaged in the business of repairing or installing weighing, or measuring instruments used within the County.
- D. "Instrument" shall be any scale, beam, measure or weighing or measuring device of every kind, instruments or mechanical devices for measurement and the tools, appliances
- D. "Instrument" shall be any scale, beam, measure or weighing or measuring device of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories connected with any or all such instruments or measurements subject to regulation by the County Department of Weights and Measures.
- E. "Goods and Commodities" shall refer to all items of merchandise, supplies, raw materials, or finished goods and those things, which are useful or serviceable, particularly articles of merchandise movable in trade. This definition includes but is not limited to all packaged items.
- F. "Major Repair" shall mean work done where the integrity of the instrument is compromised and shall include, but not be limited to, a broken lead and wire seal, a scale adjustment due to inaccurate readings, and a gasoline dispenser shut down because of leaks.
- G. "Package" or "Packaged Item" shall mean any commodity:
 - i. enclosed in a container or wrapped in any manner in advance of wholesale or retail sale, or
 - ii. whose weight or measure has been determined in advance of wholesale or retail sale. An individual item or lot of any commodity on which there is a selling price based on an established price per unit of weight or a measure or of measure.

SECTION 3. WEIGHING AND MEASURING INSTRUMENTS

- A. No person shall use or employ within the County an instrument to determine the size, quantity, extent or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person for sale, for hire or award in his/her business operations if such instrument does not meet the standards established by the State of Indiana or the National Conference on Weights and Measures Handbook 44, Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices. A person who violates this section shall be fined Fifty (\$50.00) Dollars per instrument.

B. A person placing an instrument:

- i. previously rejected or condemned by the County or State Inspector until the County Inspector has been notified of the location of said instrument, the instrument has been inspected, and any tags, stickers, security seals, etc., if any, are replaced on the instrument by the County or State Inspector; or permission is given by the County Inspector if immediate resealing is impractical.
- ii. in service after a repairman has broken and replaced the seal on the instrument and/or performed a major repair on the instrument shall fax or mail the repairman's report to the County's Weights and Measures Department within two working days after the seal was replaced and/or the major repair was performed. The report shall include the company name, address, phone number, date the major repairs were made, the device type, serial number and readings.
- iii. that replaces an existing instrument shall fax or mail the installers report to the County Weights and Measures Department within two working days after installation. The report shall include the company name, address, phone number, date of installation, device type, serial number and readings.

A person who violates this section shall be fined Fifty (\$50.00) Dollars per day for each instrument until the County Inspector is informed as required by this section. In enforcing this subsection, the person shall allow the County Inspector to view the records on site and fax or mail to the County Inspector a copy of the repair or installation records by U.S. mail within two (2) business days after the repairs or installation are made. The report shall include the company name, address, phone number, date of installation, device type, serial number and readings Failure to submit records shall result in an additional Five Hundred (\$500.00) Dollar fine plus One Hundred (\$100.00) Dollars per day until the records are received.

- C. A person who opens a new business or assume operations of an existing business shall not operate a weighing or measuring instrument until the County Inspector is informed of the location of said instruments and inspected said instruments prior to usage. In enforcing this subsection, the person shall provide the County Inspector with business records showing the date of opening.

A person who violates this section shall be fined Fifty (\$50.00) Dollars per instrument per day from the first day of operations until the County Inspector is informed as required by this section.

A person who fails to submit business records on site shall fax or send the requested records by U.S. mail within two (2) business days after the request was made. Failure to submit business records shall result in an additional Five Hundred (\$500.00) Dollar fine plus One Hundred (\$100.00) Dollars per day until the records are received. The maximum fine under this section shall not exceed Ten Thousand (\$10,000.00) Dollars.

- D. If any person fails to present a non-mobile instrument or instruments operated at only one location for the County Inspector's annual or random inspection, or fails to allow a County Inspector to conduct an inspection on the premises, the County Inspector may condemn the instrument or otherwise render the instrument inoperable by utilizing the same procedures he/she would use if the instrument were found to be false or fraudulent.

A person who violates this section shall immediately be fined Two Hundred (\$200.00) Dollars. The County Inspector shall note on the citation a date and time ordering the person owning or operating the instrument to present the instrument for inspection by the County Inspector. If the person owning or operating the instrument refuses to allow the ordered inspection, the person shall be fined Four Hundred (\$400.00) Dollars for the second violation plus One Hundred (\$100.00) per day from the date the instrument was not presented for the first inspection to the date the inspection takes place. A citation shall be issued for each day the violation occurs and each citation shall be considered a separate violation. The maximum fine under this section shall not exceed Ten Thousand (\$10,000) Dollars.

If the person does not pay the fine to the Lake County Clerk within ten (10) business days after the citation is issued, the matter shall be set for court. If the court rules in

date. If payment is not made by the court's due date, the County Inspector shall suspend the license and may request the County Sheriff to close the person's business.

- E. For mobile instrument or instruments otherwise operated at more than one location, the instrument shall be presented for inspection on the date, location and hours specified for

the inspection. If a person fails to present an instrument for inspection on the specified date, time and location:

- i. The person shall be immediately fined Two Hundred (\$200.00) Dollars per instrument for the first day;
- ii. The County Inspector shall establish a second date, place and time for the inspection.
- iii. The person failing to present the instrument for the second pre-scheduled inspection shall be fined Four Hundred (\$400.00) Dollars plus One Hundred (\$100.00) Dollars per day per instrument from the date the of the first scheduled inspection until the inspection takes place. Each citation shall be considered a separate violation.

If the person does not pay the fine to the Lake County Clerk within ten (10) business days after the citation is issued, the matter shall be set for court. If the court rules in favor of the County Inspector, the person shall make payment by the court's stipulated date. If payment is not made by the court's due date, the County Inspector shall suspend the person's license and may request the Lake County Sheriff to close all of the person's business locations to prevent any use of the mobile instrument.

SECTION 4. COMPLIANCE WITH FEDERAL AND STATE STANDARDS REQUIRED (INSTRUMENTS AND COMMODITIES)

- A. No person engaged in the business of selling, buying, exchanging goods or commodities by weight, measurement or volume shall use an instrument in his business operations for such purpose if such instrument does not meet the standards established by the Federal Government, State of Indiana, Weights and Measures Division of the State Department of Health, and the National Conference on Weights and Measures including Handbook 44. A person who violates this section shall be fined Fifty (\$50.00) Dollars per instrument.
- B. No Person shall offer commodities for sale unless they comply with State law, the Weights and Measures Division of the State Department of Health, and the Method of Sale of Commodities and Packaging and Labeling Regulations as contained in the National Conference on Weights and Measures Handbook 130. A person who violates this section shall be fined Fifty (\$50.00) Dollars per instrument or commodity plus an additional Ten (\$ 1 0.00) Dollars for each package or edible item.

SECTION 5. SECURITY SEALS

- A. Any person who owns or operates more than one instrument of a particular type at a business location shall serially number each instrument in such a manner that each instrument may be readily distinguished from all other such instruments of that type present at that location.
- B. A weighing or measuring instrument designed to be security sealed shall not be used in the business of selling, buying, bartering or exchanging of goods or commodities unless the instrument is sealed.
- C. No security seal shall be valid in the County except a seal approved or affixed by the State or County Inspector.
- D. Once sealed, the security seal on a weighing or measuring instrument shall not be cut, severed or removed unless permission has been granted by a State or County Inspector. If permission is granted to remove the seal for repairs, the repairman is required to reseal the instrument upon completion. The person is required to submit a copy of the repair report to the County Inspector by fax or U.S. mail within two (2) business days after repairs are made. The report shall include the company name, address, phone number, date seal was cut, device type, serial number and readings.
- E. A person who violates this section shall be fined Five Hundred (\$500.00) Dollars plus One Hundred (\$ 1 00.00) Dollars for each day the repair records have not been received as required by this section.

SECTION 6. INSTRUMENT REPAIR AND INSTALLATION

- A. Any person engaged in the business of repairing or installing devices shall have all equipment inspected and certified by a State Metrology Lab before engaging in said business. All such equipment shall conform to the requirements of the National Institute of Standards and Technology. All volumetric test measures shall be inspected and

recertified at least one (1) time each year. All weights are required to be re-certified once every two (2) years. A copy of any such certification shall be filed with the County Inspector if requested.

- B. Any person engaged in the business of repairing or installing devices shall have a current knowledge of the state rules and regulations concerning tolerances and standards for devices and shall comply with the state rules and regulations.
- C. Prior to delivery of an instrument to a repairman for major repairs, a person shall during normal business hours of the County:
 - i. notify the County Inspector of the instrument to be repaired and the serial number of the instrument.
 - ii. the County Inspector shall issue the person a repair confirmation number.
 - iii. the person may then deliver the instrument to the repairman.
 - iv. the person shall send a copy of the repairman's report to the County Inspector by fax or U.S. mail within two (2) business days after repairs are made. The report shall include the company name, address, phone number, date seal was cut, device type, serial number and readings.

A person who violates this section shall be fined Five Hundred (\$500.00) Dollars plus One Hundred (\$100.00) per day per instrument from the time of delivery to the time the County Inspector is informed or receives the repairman's report as required by this section.

SECTION 7. COMMODITY REGULATIONS

- A. Any person engaged in the selling, buying, bartering or exchanging of goods or commodities must sell, buy, barter or exchange the goods or commodities using the legal method of selling, buying, bartering or exchanging such goods or commodities as required by the State of Indiana, the Weights and Measures Division of the State Health Department, and the National Conference on Weights and Measures Method of Sale of Commodities Regulations contained in Handbook 130. As required by State law, the County Inspector is responsible for checking commodities, including but not limited to, packaged items whether or not the person has instruments requiring inspection by the County Inspector.
- B. All goods and commodities when offered for sale in a package shall meet all packaging and labeling requirements as required by the National Conference on Weights and Measures Uniform Packaging and Labeling Regulations. All commodities offered for sale shall meet the requirements of the State of Indiana and the Uniform Regulation for the Method of Sale of Commodities as contained in Handbook 130.
- C. All commodities required to be sold by weight must be sold by net weight and all commodities that may be sold by measure or count shall be accurate as required.
- D. A person who violates this section shall be fined Fifty (\$50.00) Dollars per commodity plus an additional Ten (\$10.00) Dollars for each package or edible item.

SECTION 8. LICENSES

- A. A license shall be required at any location using an instrument or engaged in the buying, selling, bartering or exchanging of goods or commodities. Locations engaged in selling, bartering or exchanging packaged food items that are enclosed in a container or wrapper in any manner in advance of retail sale are also required to obtain a license. The County Inspector shall issue a license to applicants qualifying under this ordinance. A license issued under this ordinance is only valid for the calendar year unless revoked or suspended by the County Inspector and is not transferable.
- B. A person doing business at two (2) or more locations shall obtain a separate license for each location. Where multiple persons operate at the same street address, each person using an instrument shall obtain a license. Only one license shall be required for persons located at the same address if multiple persons use and share the same instrument and benefits from the items sold.

SECTION 9. REGISTRATION

- A. An applicant for a license to use an instrument under this section must submit proof to the County Inspector of the appointment of an agent for service of process in Indiana if the applicant is:
 - i. a person whose principal place of residence is outside Indiana; or
 - ii. a person, other than an individual, that has its principal place of business outside Indiana.
- B. To obtain or renew a license under this section, a person must:
 - i. submit a new application for each location; and
 - ii. pay a license fee for each application by check or money order. Checks are to be

payable to the Lake County Auditor and submitted with the license application to the Lake County Weights and Measures Department.

LICENSE FEE SCHEDULE:

Location Device Type	Per Unit Cost
Small Capacity Scale (0 to 350 lbs.)	\$ 40.00
Medium Capacity Scale(51 to 999 lbs.)	\$ 90.00
Large Capacity Scale (1,000 lbs. & Up)	\$ 250.00
Gasoline, Kerosene, Diesel Pump (Each Brand)	\$ 40.00
Bulk Oil Pumps	\$ 40.00
High Flow Diesel Pumps	\$ 100.00
Vehicle Tank Meters	\$100.00
L.P. Gas Meters	\$50.00
Wire Measure Meters	\$50.00
Taxi Meters	\$50.00
Laudromat Dryers	\$30.00
Automated Car Wash	\$30.00
Miscellaneous Devices	\$50.00
Packaged Food Items - No Scale	\$50.00

NEW BUSINESS LICENSE FEES:

The license fee for a new business that opens during the calendar year shall be

Prorated. Payment amounts are calculated as follows:

January 1 to March 31	-	Full Amount
April 1 to June 30	-	3/4
July 1 to September 30	-	1/2
October 1 to December 31	-	1/4

OTHER LICENSE FEES:

The license fee for farm stands or seasonal businesses that are open three months or less each year shall be assessed at one fourth (1/4) of the applicable amount.

- C. Each license must be numbered, show the name and address of the business name, the name and address of the applicant, and the County Inspector may require any other information as necessary. The license shall be posted in a conspicuous place at the place of business for which it is issued.
 - D. The Auditor's Office shall place payments received by the Weights and Measures Department into the Weights and Measures User Fee Fund as required by the Lake County Council.
 - E. The County Inspector shall not issue a person a license or the renewal of an existing license if the person has amounts owing and outstanding with the County Inspector unless the person has challenged these same amounts owing and outstanding and the matter is pending before a court where both parties are awaiting final disposition.
- The County Inspector shall suspend the license should the person fail to make full payment to the County Clerk within the deadline set by the court. If within the court's deadline the person files an appeal of the decision with a higher court, the license shall be reinstated pending the higher court's ruling.
- F. A person having been issued and having received a license from the County Inspector who fails to conspicuously post the license shall be fined Two Hundred (\$200.00) Dollars.
 - G. A person failing to possess a license from the County Inspector as required by Section 9

shall:

- i. pay the annual license fee as provided under Section 9.B for each year a license was required but not possessed.
- ii. be fined as a penalty an amount equal to the annual license fee as provided in Section 9.B for each year the person failed to possess the license. No additional fines shall be assessed under this subsection upon the person filing an application with the County Inspector and paying the accompanying license fee as provided under Section 9.B.
- iii. remain liable for any other fines assessed by the County Inspector under this ordinance even though a license application and payment has been submitted to the County Inspector.

SECTION 10. ENFORCEMENT

The County Inspector shall have the sole, discretionary power to impose on any person violating this ordinance any one or more of the following actions:

- A. The County Inspector may issue to the violator a citation that shall be written on a citation ticket and one copy kept on file in the County Weights and Measure's office and a second copy kept on file in the County Clerk's office. The County Inspector shall determine a preset fine as set forth in this ordinance.
 - B. If the violator pays the fine assessed by the County Inspector and corrects the conditions of the violation within ten (10) days, the County Inspector shall issue no further citations for the same infraction.
 - C. If the violator corrects the conditions of the violation but fails to pay the fine assessed by the County Inspector within ten (10) days of the citation being issued, the County Inspector shall request the County Clerk to issue a summons to be sent to the violator and assign a court date for trial.
 - D. If the violator fails to correct the conditions of the violation within ten (10) days:
 - i. the County Inspector shall continue to assess the violator additional fines under this ordinance until the conditions of the violation are corrected. Fines shall be assessed for each day of the ten (10) days the violator had been allowed to correct the violations but failed to do so. Each day the violation continues constitutes a separate violation and the fine doubles.
 - ii. the County Inspector shall request the County Clerk to issue a summons to be sent to the violator and assign a court date for trial. The County Attorney shall request the court to take whatever action is deemed necessary to prevent the instrument from being used or the commodity from being sold, including but not limited to, issuing a warrant for the individual owning or managing the business and/or barring the business from conducting any and all business.
 - E. All fines received at the County Clerk's office shall be placed into Lake County Weights and Measures User Fee Fund as required by the Lake County Council. The Clerk's Office shall provide the Weights and Measures Department with a weekly printout of all fines received.
 - F. The County Inspector may decline to provide the violator with the opportunity to prepay and may proceed with civil action or any other procedure or remedy available by law or granted in this Ordinance against the violator.
 - G. Any fines assessed by the County Inspector under this Ordinance shall be doubled if within the past twelve (12) month period from the time the citation is issued a person receives a second citation for violations.
 - H. The County Inspector may temporarily suspend a license and request the County Sheriff to close a person's business or businesses for violations of this ordinance to protect the consumers of Lake County from fraudulent activity of the person, or where the person has amounts exceeding Five Hundred (\$500.00) Dollars owing and outstanding with the County Inspector.
1. This ordinance shall take effect on the date of its passage by the Lake County Council.

SECTION 10. BUSINESS RECORDS

A. In enforcing this ordinance, a person shall make available to the County Inspector during normal business hours all records, including but not limited to, business and financial records, ownership date, repair records, checks, vendor invoices, purchase order and/or work orders. A person shall fax or send by U.S. mail records requested by the County Inspector within two (2) business days from the date they were requested or from the date stipulated in this ordinance.

B. A person who violates this section shall be fined Five Hundred (\$500.00) Dollars) when access to records is first denied or when records are not mailed as required, and then One Hundred (\$100.00) Dollars per day for each additional day access is denied or records have not been received by fax or U.S. mail.

SECTION 11. PENALTIES

A. It shall be a defense to a violation that the violation constitutes a misdemeanor or infraction under the laws of the State of Indiana.

B. The defendant in any civil action brought by the County through its Department of Weights and Measures pursuant to the provisions of this ordinance shall pay all court cost incurred by the County in the prosecution of said action in the event said defendant is found to have violated any one (1) or more of the provisions of this ordinance.

This ordinance rescinds Ordinance 1258C passed on December 14, 2004.

SO ORDAINED THIS 8TH DAY OF FEBRUARY, 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 Ordinance Amending 1255G – Part-Time Salary Ordinance – Superior Court – County Division II.

Franklin made a motion, seconded by Blanchard 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.

Franklin 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-2

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.

- 35. Superior Court of Lake County, County Division - Room No. 2
Clerk \$ 10.00

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

