

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 – April 12, 2005.

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

President Smith acknowledged Senator Frank Mrvan, who was present in the audience.

ORDINANCE NO 1263

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
General Fund 001		
<u>Public Defender</u> 4002		
41190 Part-Time	\$ 9,000.00	No Action Taken
<u>Jail</u> 3100		
43120 Medical & Hospital Service	\$ 80,000.00	No Action Taken
<u>Juvenile Court</u> 4100		
41120 Professionals	\$ 14,242.00	No Action Taken
Gambling Adm Tax Fund 196		
<u>Jail</u> 3100		
43120 Medical & Hospital Service	\$ 80,000.00	No Action Taken
SAPS FUND 143		
<u>County Court Div II</u> 4040		
41160 Office & Clerical	\$ 13,000.00	\$ 13,000.00
41120 FICA	\$ 995.00	\$ 995.00
41130 PERF	\$ 975.00	\$ 975.00
41240 Group Insurance	\$ 6,400.00	\$ 6,400.00

TRANSFERS

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.S. Court Div III</u> 4050		
SAPS FUND 143		
From: 143-43955 Official Bonds	\$ 300.00	
To: 143-45400 Refund Probation Fees	\$ 300.00	\$ 300.00
<u>PTBOA</u> 2505		
From: 001-43190 Other Professional Service	\$ 2,000.00	
To: 001-44420 Office Machines	\$ 2,000.00	Defer to 6-14-05
<b>(Create New Line Item)</b>		

Detention Center 4200

From: 001-43920	Food & Lodging	\$80,000.00	
To: 001-41190	Part-Time	\$80,000.00	\$ 80,000.00

Sheriff 0500**(Create New Line Item)**

From: 001-43235	Travel – Mileage	\$ 6,030.00	
To: 001-44490	Other Equipment	\$ 6,030.00	\$ 6,030.00

Sheriff 0500

From: 001-41140	Protective Service	\$25,000.00	
To: 001-41190	Part-Time	\$25,000.00	\$ 25,000.00

Jail 3100

From: 001-41180	Service & Maintenance	\$ 2,500.00	
To: 001-41337	Differential Pay	\$ 2,500.00	\$ 2,500.00

Jail 3100

From: 001-41140	Protective Service	\$190,000.00	
001-41150	Paraprofessionals	\$ 10,000.00	
001-41160	Office & Clerical	\$ 20,000.00	
To: 001-43120	Medical & Hospital	\$220,000.00	\$220,000.00

Work Release 3150

From: 001-41120	Professional	\$ 300.00	
To: 001-41100	Overtime	\$ 300.00	\$ 300.00

Work Release 3150

From: 001-41120	Professional	\$ 9,000.00	
To: 001-41190	Part-Time	\$ 9,000.00	\$ 9,000.00

Veterans Service 2700

From: 001-41190	Part-Time	\$ 2,000.00	
To: 001-43231	Travel Registration	\$ 200.00	\$ 300.00
001-43232	Travel Meals	\$ 300.00	\$ 300.00
001-43233	Travel Lodging	\$ 1,000.00	\$ 1,000.00
001-43234	Travel – Other	\$ 400.00	No Action
001-43235	Travel Mileage	\$ 100.00	\$ 400.00

Sheriff 0500

## Sheriff Grant Fund 239

From: 239-43630	Maint & Service	\$ 15,000.00	
To: 239-42410	Other Supplies	\$ 15,000.00	\$ 15,000.00

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

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

Dated this 10<sup>th</sup> day of May, 2005.

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

Adopted this 10<sup>th</sup> day of May, 2005.

NAY

AYE

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

Members of the Lake County Council

	Additional		
	made motion	seconded	
<u>general Fund</u> Public Defender(\$9,000)	No Action Taken		
Jail(\$80,000)	No Action Taken		
Juvenile Court(\$14,242) (See Footnote)	No Action Taken		
<u>Gambling Adm Tax Fund 196</u> Jail(\$80,000)	No Action Taken		
<u>SAPS FUND 143</u> Div II(\$21,370)	Franklin	O'Donnell	All voted "Yes". Motion carried 7-0.

Footnotes

Re: Juvenile Court – Franklin made a motion to approve.  
Cindy explained that 4 of their Probation Officers are due their step increases, which are State Mandated. She said that the problem that they ran into was there was no flexibility within the general fund budget. She said they can not insure that they will have the funds there next year, with supplemental funds. They could do it this year, but then it would have to be reviewed during budget time.

Dante said Cindy is correct. You can go through the general fund, it's a mandate. He said they could go through the administrative fee fund, the supplemental fund, there is enough money in there to support a pro-rated portion in there for the 4 salaries, only this year. He said, if the Council goes that route, they will need 4 revised 144's, and will have to articulate what they are, and come back next month for an appropriation in FICA, PERF, and the line item itself. He said they will have the existing appropriation there, but it won't be enough to carry you all year long.  
Dante recommended that they go with the user fee fund, and stay out of the general fund, and then they would need the 4 supplemental pay positions, and they will total \$8,469 dollars.  
Franklin made a motion to approve the revised 144, "as presented" for the Supplemental Pay, Fund 246.  
Blanchard asked if they would have to come back on the agenda for an appropriation?  
Dante said it's an option, you can go to your general fund, you're mandated, or you can go with this option.  
All voted "Yes". Motion carried 7-0. No Action was taken on the appropriation.

	Transfers		
	made motion	seconded	
L.S. Court Div III(\$300) Saps Fund 143	Cid	Potrebic	All voted "Yes", except O'Donnell, "abstain". Motion carried 6-yes, 1-abstention.
PTBOA(\$2,000) (See Footnote)	Potrebic	Franklin	All voted "Yes" to defer to 6-14-05. Motion to defer carried 7-0.
Detention Center(\$80,000) (See Footnote)	Franklin	Smith	All voted "Yes" to approve, except, O'Donnell, Cid, and Blanchard, "No". Motion to approve carried 4-yes, 3-no.
Sheriff(\$6,030) (See Footnote)	Cid	Franklin	All voted "Yes" to approve and Create New Line Item. Motion Carried 7-0.
Sheriff(\$25,000) (See Footnote)	Cid	Franklin	All voted "Yes" to approve, except Blanchard, "No". Motion carried 6-yes, 1-no.
Jail(\$2,500)	Franklin	O'Donnell	All voted "Yes". Motion to Approve carried 7-0.

Jail(\$220,000) (See Footnote)	Franklin	O'Donnell	All voted "Yes" to approve. Motion carried 7-0.
Work Release(\$300)	O'Donnell	Blanchard	All voted "Yes" to approve. Motion carried 7-0.
Work Release(\$9,000)	O'Donnell	Blanchard	All voted "Yes" to approve Motion carried 7-0
Veterans Service(\$2,000) (See Footnote)	Tabaczynski	Franklin	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$15,000) Sheriff Grant Fund 239	Cid	Franklin	All voted "Yes" to approve. Motion carried 7-0.

Footnotes

Re: Sheriff(\$25,000) – Cid said that with everything that's facing the Council, she thinks that part-time is one of those things that they need to cut down on until absolutely necessary. She said they do want to help out the youth during the summer, but she thinks we need to start looking to making cuts where we can.

Sheriff Dominguez said that this is budget neutral. He tries to stay within the budget and move it out of line items so that they can put it in there and teach our college students about public service and good government.

Re: Jail(\$220,000) – Sheriff Dominguez explained that they are facing an increase in medical costs for the increased jail population, and the increase in the prescriptive costs. He said rather than taking it out of Casino funds, they looked within their budget. They are trying to save the taxpayers.

Dante said this is going to limit future options, they have to work with the Sheriff in jail overtime issues.

Re: PTBOA(\$2,000) – Potrebic made a motion to approve to create a new line item and the transfer. Franklin seconded the motion.

Smith said it was discussed the necessities of purchasing recording devices, when in fact, the meetings of the PTBOA are in this room, and we have a recording system. Smith said the wisdom of buying additional recording devices, when in fact the meetings can be transcribed and recorded here.

Potrebic made a motion, seconded by Franklin to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

Re: Detention Center(\$80,000) – Franklin made a motion, seconded by Smith to approve.

Mr. Bennett explained that about 10 years ago, they were granted the sum of \$260,750 dollars for their part-time people.. He said if they could do with part-time people, the same service as they would with the full-time, without having to pay all the extras, and still operate the building. He said that \$260,000 dollars has been cut down to the \$71,990 dollars that they were appropriated this year. He said the responsibilities of the Juvenile Center has not changed in 10 years. He said the nature of the child that they service, has not only not changed, but has gotten worse. The amount of work that has to be done at the Juvenile Center has not changed, it has increased with the addition of the complex to the front of the Juvenile Center, it still has to be maintained, cleaned, etc. He said they are asking to transfer money that exist, into their part-time so they can pay these people, who he believes they can pay them for another 3 pay days, then something else will have to be done.

O'Donnell said that when we spent more than \$30 million dollars on a building, with pods, O'Donnell said, he thought it was going to be more efficient.

Mr. Bennett said they built the extra capability, the extra capacity, the but they didn't staff it, that wasn't part of any mandate, they had to staff this extra room with the existing staff, which they were short anyway.

Smith said, he doesn't understand how we would not support this, when it is not an additional appropriation, coming out of our general fund. This gentleman has been there 20 years and has run an efficient, and effective operations there, for the Juveniles of Lake County. Smith said, his operations continue to increase.

Franklin said that we have got to work with our young people. If you have never been in a facility as such, then you need to visit because it's very important.

Tabaczynski said he wasn't aware that his budget had gone down so much in ten years. He said that neither of these are good choices, if we have to choose between losing part-time, or providing food to the youths in there. Tabaczynski asked Mr. Bennett if he is comfortable that if we make this transfer, we are not creating a food crisis. Mr. Bennett said his is comfortable that they will make it to the end of the year.

Cid asked if this is off of existing staff? Mr. Bennett said, existing staff.  
Cid asked how many are there? Mr. Bennett said it fluctuates between 17 to 20.  
Cid asked if this would bring them till the end of the year? Mr. Bennett said, till the end of the year.

Blanchard asked if the request could be reduced at all? Mr. Bennett said, no.

Potrebic asked Mr. Bennett to clarify his statement in reference to 3 pay days left.  
Mr. Bennett said that if this transfer is not made, they will have to let some people go.

O'Donnell asked, who is paid out of this?

Mr. Bennett said, Security Officers, Detention Officers, and Housekeeping.

All voted "Yes", except O'Donnell, Cid, and Blanchard, "No". Motion carried 4-yes, 3-no.

Re: Veterans Service – Tabaczynski made a motion, seconded by Franklin to approve, but said, there is no need to create a new line item, and on 43231 – Travel – Registration, change amount from \$200 to \$300 dollars, strike line 43234 – Travel – Other, and that \$400 dollars, should have said \$400 to 43235 – Travel – Mileage. He clarified his motion in saying that 43231 should be \$300, 43234 is eliminated, and 43235 was changed from \$100 to \$400 dollars, and the bottom line is still the same.  
All voted "Yes". Motion carried 7-0.

In the Matter of Revised #144 for Parks & Recreation, Juvenile Court, and Div II.

Re: Parks & Recreation – Tabaczynski made a motion, seconded by Franklin to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

Re: Juvenile Court – Franklin made a motion, seconded by Blanchard to approve in Fund 246. All voted "Yes" to approve. Motion carried 7-0.

<u>Revised 144 Fund 246</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39003-005 Suppl Pay/Probation	\$3,500	\$6,679	\$3,179
39003-007 Suppl Pay/Probation	-0-	\$3,735	\$3,735
39003-008 Suppl Pay/Probation	-0-	\$3,664	\$3,664
39003-009 Suppl Pay/Probation	-0-	\$3,664	\$3,664

Re: County Court Div II – Franklin made a motion, seconded by O'Donnell to approve. All voted "Yes" to approve. Motion carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16670-005 Secretary	-0-	\$20-,750	\$20,750

In the Matter of Create New Line Items Fund 167 – Surveyor's Corner Perpetuation Fund – 43420 – Insurance, and 44440 – Motor Vehicles.

O'Donnell made a motion, seconded by Potrebic to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Create New Line Item Fund 194 Clerk's Record Perpetuation Fund – 44440 – Motor Vehicles.

Franklin made a motion, seconded by Tabaczynski to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Citizen Appointments – Gary Library Board (1)

Franklin nominated Cynthia Watts to be re-appointed to the Gary Library Board.  
Tabaczynski made a motion, seconded by Cid to close the nominations.  
All voted "Yes" to approve re-appointing Cynthia Watts. Motion carried 7-0.

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

Potrebic nominated James Vanderlin.  
O'Donnell made a motion, seconded by Blanchard to close the nominations.  
All voted "Yes". Motion to approve James Vanderlin carried 7-0.

In the Matter of Ameresco – County Buildings.  
Discussion

Stu Rhodes, and Mark Heirbrandt were present to give a presentation. He said that the Council was given a preliminary study on the county owned buildings. He said the process that he is speaking about with Ameresco is called performance contracting, and it's a way to do turn key capital improvements through special legislation to improve the working environment and reduce energy and operational expenditures. He said that Ameresco is the largest independent provider of this in North America and it can do things such as heating and ventilation, lighting systems, indoor air quality tuck pointing, any mechanical type thing, anything that deals with energy. He said that Ameresco is on their 10<sup>th</sup> project right now, and they have done more than other companies collectively in the market. He said they are vendor independent. They are not trying to sell you a certain type of controls, or certain type of heating and cooling system. He said they get the best deals because they are not a manufacturer.

He said that during this process of doing the preliminary study, doing the final RPRFQ, there are no fees charged to the County. He said we are at risk basically, and the only time you actually would be paying anything is once we've determined exactly what is going to be done, and a contract is signed. He said, after a contract is signed, one of the things that he likes about it is there are no change orders. If we miss something in our looking at it, it's on our "nickel". He said that's another nice thing about this process.

He said the next step is that we need to come to an agreement to explore a project, find a building solution, the funding of these is done through capital leases, it's not through constitutional debt, but you're still doing tax-exempt financing. He said we need to verify all of the preliminary studies, when we did the preliminaries, they gave the Council, in their work study, an estimate of what it might cost to repair all of that and bring things up.

He said what we need to do now is get into specifics.

Mark Heirbrandt said one of the things they were asked was to come up with a one-page scenario to talk about what the next steps would be, and maybe a possible tentative time line.

He said in order to move forward, there are two types of processes that you can utilize. One is a request for proposals, and he put some advantages and disadvantages for both. He said the other one is a request for qualifications. He also put some advantages and disadvantages for both of them also that the Council could take into consideration.

He said they both require that you advertise. There are 37 days after the first advertisement according to the legislation, which allows other companies to come in and compete for your business, and gives it a competitive nature. He said the other thing is, in regards to a tentative time line, we've put on here for advertisement, if you wanted to move forward with this, he put some tentative dates on there, and some of the things that the Council would have to do, and based on this, this is September, October would be, usually we can do that a little bit quicker, but he was trying to be conservative, but it's only a tentative time line.

Mr. Rhodes said that they are favored by the Commissioners, but they have to talk the Council into funding. He said he was told that the Council is the body who makes the decisions.

Attorney Szarmach said one of the quirks to the statue for Lake County and St. Joe County, the County Council legislative body in St. Joe County and Lake County actually negotiates and signs the contract, as well as approving the funding. Even though technically, it's the Commissioners building, you will be negotiating, and doing the contract on this.

Smith said it's a little different than what our normal positions have been, and it's unique that we have an opportunity to grab hold of the handle of funding, as well as making being a part of some major decisions, in terms of the contract to get the things done. Smith said that is why he was very interested in the proposals. He said one of the things they have been talking about is a capital plan for building improvements, and saving dollars, this would in fact give us a great opportunity to be involved for that.

Potrebic said he hopes that real soon that his colleagues will soon spend time with Commissioner Scheub, and Danny Ombac to take a tour. Potrebic said it will be an eye opener.

Smith asked what kind of time frame are we looking at? He said we are very close to our budget negotiations for 2006, and asked if these are issues that we would need to be discussing during that process, or can we move on prior to that?

Attorney Szarmach said he believes they could move on, and by motion, ask for RFQ. He said he would want to get more information, as far as available funding, even though it's a capital lease.

Mr. Rhodes said, in a case like this, you would probably do is certificate participation because then you can, for 10 years, have different interest rates which lowers your overall costs, so the shorter ones are going to have basically higher rates. He said that's what you would probably do, rather than have a capital lease that is all one interest rate, it saves you money.

Szarmach asked does that guarantee a revenue bonding type?

Mr. Rhodes said, it's still a capital lease, it is still something that does not count towards your payments, like a revenue bond, it does not count towards your...

Attorney Szarmach said we could .

Mr. Rhodes said any types of revenues you could use to pay off a bond, you can use to pay off this. Through this process, you are going to get some savings through operations because if you upgrade your building, if you upgrade your equipment and controls, it is going to save you money because you are going to have controls then, that in the evening, automatically lowers the temperature, in some areas, and bring it back up. It will save time. He said that's not going to pay for the project, but you are going to see operational savings in each of those buildings, once they are operating. He said lighting shows the actual savings, and that is part of the process we do, is to show you where that savings is.

Attorney Szarmach said, you are putting all of this time into this project, at what point are we, so to speak, "on the hook"?

Mr. Rhodes said, when you sign the contract for us to do the work.

Attorney Szarmach asked, so up to that point, it's?

Mr. Rhodes said up until that time, it's kind of our "nickel".

Attorney Szarmach asked, how long will it take for you to put together an RFQ?

Mr. Rhodes said they could have one drafted to you by the first of next week.

Attorney Szarmach suggested they could move it forward, and he believes that the Council controls the time on it. He said the Council could take action today, you probably want to go with an RFQ, that's requesting one Company, that would be Ameresco.

Mr. Rhodes said the RFQ would go out to companies, to us and our competitors, and each of us would submit, within that 37 days time. He explained that the reason it's 37 days is because it's 30 days after the second advertising, you have to advertise it twice, and it's 30 days from that second advertising.

Smith said there needs to be some action from the Council to at least move towards that.

Attorney Szarmach asked on an RFP, are they opposed to that? What's the easiest for you to do?

Mr. Heirbrandt said either one of them really, but seeing the complex and the vast improvements that are needed here, he would say probably an RFQ would probably be your best, to look at that.

Smith asked for a motion to at least request that.

Tabaczynski made a motion, that we place the advertising for the Request for Qualifications. Potrebic seconded the motion.

Blanchard said the disadvantages of making a selection without pricing up front. He is not too "cozy" about taking any action on this today, before we understand what we're doing.

Smith said that would be the reason for asking for a proposal.

Mr. Rhodes explained that on an RFQ, one of the things that Counties and Schools do, when they do a request for qualifications is, they are able to sit down and negotiate and make sure that you get the contractors that you guys want, and so forth. This is all done in an open book format, and what we do is, we would negotiate either what our margin would be on this, and then you would see all the contractors' pricing and so forth, then there would be a decision upon your selection about which contractors would be used on this process.

Attorney Szarmach said, you can always move to an RFQ if you want to.

Mr. Rhodes said that part of the process when you're negotiating this is really a give or take. In this, we look at all the buildings, and you may not decide to do all the buildings, you may have a Phase I, and a Phase II. He said in Elkhart County we did a Phase I, and then a couple of years later, we did a Phase II. He said when you are doing an RFQ basis, then you can address that, you can put this project together, then you can wait a couple of years to do the other. In an RFQ process, you have a lot more give and take.

Smith asked in the RFP would it be the same issues? All you are doing is requesting a proposal from people who are in this business, and those proposals come in, and as we do our contract procedures in the Commissioners, or any other contract.

Mr. Rhodes said it would be the same thing, one of the biggest things that you would see here, in this County is because of the significant improvements that need to be made. You would have contractors and other providers going in and tying up your maintenance staff, and may inconveniencing, cause you would have to spend a lot of time going through each one of these buildings.

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

In the Matter of Public Hearing – Lowell Public Library 2006-2008 Capital Projects Fund.

The Public Hearing was opened. There were no remonstrators present. The Public Hearing was closed.  
SEE RESOLUTION NO. 05-57

In the Matter of Public Hearing – Crown Point Community Library 2006 – 2008 Capital Projects Fund.

The Public Hearing was opened. Barbara Burke, the Interim Director of the Lowell Public Library was present to answer any questions. There were no remonstrators present.  
Wayne Weitbrook said they do a fantastic job at that library.  
The Public Hearing was closed. SEE RESOLUTION NO. 05-58

In the Matter of Resolution Authorizing the transfer of an appropriate amount of funds between Gambling Admission Tax Fund 196 and 2% Circuit Break Debt Fund 325.

Blanchard made a motion to defer to 6-14-05.  
Szarmach asked if they could take no action, then when Dante gets the numbers just put it all in, would that be easier?  
Dante said he has to get the number from the State.  
Attorney Szarmach said, defer it, we have to do it by June.  
Blanchard made a motion, seconded by Potrebic to defer it till 6-14-05.  
All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution approving Lake County Government inclusion in Government Efficiency Study.

Tabaczynski made a motion, seconded by Franklin to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Permitting Lake County Coroner to pay a 2004 invoice with 2005 funds.

O'Donnell made a motion, seconded by Blanchard to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Honoring Lorien Estes – St. Thomas More Eighth Grader – Indiana State Champion Reader's Digest National Word Power Challenge.

O'Donnell made a motion, seconded by Tabaczynski to approve. All voted "Yes". Motion carried 7-0.  
Tabaczynski presented Lorien Estes with a plaque.

#### **RESOLUTION NO. 05-52**

#### **RESOLUTION HONORING LORIEN ESTES, INDIANA STATE CHAMPION OF THE READER'S DIGEST NATIONAL WORD POWER CHALLENGE**

**WHEREAS,** students and scholars from Lake County, Indiana have consistently excelled in all academic matters through the State and Country; and

**WHEREAS,** Lake County has generously sent forth its spirited youth to compete in academic contests in this State, the Nation and the World; and

**WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in academic contests demand; and

**WHEREAS,** LORIEN ESTES, an eighth grader from St. Thomas More in Munster won the Indiana State Championship in the third annual Reader's Digest National Word Power Challenge and placed Sixth in the Nationals at Walt Disney World in Orlando, Florida.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to LORIEN ESTES for winning the Indiana State Championship in the third annual Reader's Digest National Word Power Challenge; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to LORIEN ESTES.

**DULY ADOPTED** by the Lake County Council, this 10<sup>th</sup> day of May, 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 Honoring the Lake County Library.

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

Blanchard read and presented a plaque to the Lake County Public Library. Lawrence Acheff, Director of the Library thanked the Council for this honor.

**RESOLUTION NO. 05-53**

**RESOLUTION HONORING THE LAKE COUNTY LIBRARY**

**WHEREAS**, the Outstanding Library Award is given for outstanding library service which consistently exceeds the expectations of the users and serves as an exemplary model for other libraries; and

**WHEREAS**, the Outstanding Library Award is also given for notable expansion or improvement of service, based on cooperation with other libraries or community organizations; and

**WHEREAS**, the Indiana Library Federation has awarded the Outstanding Library Award to the Lake County Public Library.

**NOW, THEREFORE, LET IT BE RESOLVED THAT THE** Lake County Council and all citizens of Lake County extend congratulations to the Lake County Public Library in receiving Indiana Library Federation's Outstanding Library Award; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the Lake County Public Library.

**DULY ADOPTED** by the Lake County Council, this 10<sup>th</sup> day of May, 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 Honoring Emerson School for Visual and Performing Arts.

Smith made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0. A plaque was presented to the school.

**RESOLUTION NO. 05-54  
RESOLUTION HONORING THE  
EMERSON PERFORMING ARTS CONCERT CHOIR**

**WHEREAS**, the Emerson Performing Arts Concert Choir of Emerson School for Visual and Performing Arts has been notably acclaimed since 1982; and

**WHEREAS**, the Choir has performed in concerts, musical theater productions and public appearances throughout the cities of Gary, Chicago, Indianapolis, South Bend, Fort Wayne and New York; and

**WHEREAS**, the Choir was selected to represent the State of Indiana for the American Salute to Unity in New York New York and performed at the National Association for the Study and Performance of African American Music Conference in Chicago, Illinois;

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to the Emerson Performing Arts Concert Choir for its notable and outstanding musical accomplishments; that a copy of this

Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the Emerson Performing Arts Concert Choir.

**DATED THIS 10th day of May, 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 Honoring Marion Lynn Boynes – Emerson Concert Choir Director.

Smith made a motion, seconded by Franklin to approve. All voted "Yes". Motion to approve carried 7-0. A plaque was presented to Ms. Marion Lynn Boynes.

**RESOLUTION NO. 05-55  
RESOLUTION HONORING MARION LYNN BOYNES, DIRECTOR  
OF THE EMERSON PERFORMING ARTS CONCERT CHOIR**

**WHEREAS, MARION LYNN BOYNES** is the Director of the Emerson Performing Arts Concert Choir of Emerson School for Visual and Performing Arts; and  
**WHEREAS, MARION LYNN BOYNES** has been nominated four times to be listed in "Who's Who Among America's Most Respected Teachers"; and  
**WHEREAS, MARION LYNN BOYNES** has taught at the Emerson School for the Visual and Performing Arts since 1984; and  
**WHEREAS,** through **MARION LYNN BOYNES** leadership the Emerson Concert Choir has performed in concerts, musical theater productions and public appearances throughout the cities of Gary, Chicago, Indianapolis, South Bend, Fort Wayne and New York.  
**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to **MARION LYNN BOYNES**, Director of the Emerson Performing Arts Concert Choir; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the MARION LYNN BOYNES.

**DATED THIS 10th day of May, 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 an Intra-Governmental Expense Agreement Between the Lake County Data Processing Agency and the Lake County Prosecutor.

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

**RESOLUTION NO. 05-56  
RESOLUTION AUTHORIZING AN INTRA-GOVERNMENTAL EXPENSE AGREEMENT  
BETWEEN THE LAKE COUNTY DATA PROCESSING AGENCY  
AND THE LAKE COUNTY PROSECUTOR**

**WHEREAS,** on December 14, 2004, the Lake County Council adopted the Ordinance Establishing Fees for Internet Access to Lake County Court Records, Ordinance No. 1258H; and  
**WHEREAS,** the Ordinance in part provided that public agencies such as the Lake County Prosecutor's Office would receive one free access site; and

**WHEREAS,** the Lake County Prosecutor's Office desires to purchase additional access sites for the yearly fee of Seventy-Five (\$75.00) Dollars per site; and

**WHEREAS,** the Lake County Data Processing Agency desires to sell additional access sites to the Lake County Prosecutor's Office at Seventy-Five (\$75.00) Dollars per year per site.

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

That the Lake County Council authorizes the Lake County Data Processing Agency and the Lake County Prosecutor's Office to enter into an Intra-Governmental Expense Agreement to provide for the sale of internet access sites to the Lake County Prosecutor's Office for Seventy-Five (\$75.00) Dollars per year per site.

SO RESOLVED THIS 10th DAY OF MAY, 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 approving the Lowell Public Library 2006-2008 Capital Projects Fund.

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

**RESOLUTION NO. 05-57**

**RESOLUTION TO ADOPT THE LOWELL PUBLIC LIBRARY CAPITAL PROJECTS FUND-**

**WHEREAS,** the Lowell Public Library Capital Projects Fund has been established; and

**WHEREAS,** the Lowell Public Library Board is required under 1.C. 20-14-13 -5 to adopt a plan with respect to the Library Capital Projects Fund; and

**WHEREAS,** on April 25, 2005, the Library Board held a public hearing on the plan and approved the Lowell Public Library Capital Projects Fund for 2006, 2007 and 2008; and

**WHEREAS,** the Lowell Public Library Board submitted a certified copy of the Resolution, including the adopted plan, to the Lake County Council to review and approve pursuant to I.C. 20-14-13-6.

**NOW, THEREFORE, LET IT BE RESOLVED THAT:**

The Lake County Council hereby approves the Lowell Public Library Capital Projects Fund for 2006, 2007, and 2008.

SO RESOLVED THIS 10<sup>th</sup> DAY OF MAY, 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 Approving Crown Point Community Library 2006-2008 Capital Projects Fund.

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

**RESOLUTION NO. 05-58**

**RESOLUTION TO ADOPT THE CROWN POINT COMMUNITY  
LIBRARY CAPITAL PROJECTS FUND**

- WHEREAS,** the Crown Point Community Library Capital Projects Fund has been established; and
- WHEREAS,** the Crown Point Library Board is required under I.C. 20-14-13-5 to adopt a plan with respect to the Library Capital Projects Fund; and
- WHEREAS,** on April 26, 2005, the Library Board held a public hearing on the plan and approved the Crown Point Community Library Capital Projects Fund for 2006, 2007 and 2008; and
- WHEREAS,** the Crown Point Community Library Board submitted a certified copy of the Resolution, including the adopted plan, to the Lake County Council to review and approve pursuant to I.C. 20-14-13-6.

**NOW, THEREFORE, LET IT BE RESOLVED THAT:**

The Lake County Council hereby approves the Crown Point Community Library Capital Projects Fund for 2006, 2007, and 2008.

**SO RESOLVED THIS 10<sup>th</sup> DAY OF MAY, 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 County Court Div III to pay a 2004 invoice with 2005 funds.

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

**RESOLUTION NO. 05-59**

**RESOLUTION PERMITTING SUPERIOR COURT OF LAKE  
COUNTY, COUNTY DIVISION, ROOM NO. 3, TO PAY  
OUTSTANDING 2004 INVOICES/DEBTS FROM THE 2005 BUDGET**

**WHEREAS,** the Superior Court of Lake County, County Division, Room No. 3, is currently operating in the 2005 Budget; and

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

208-4050-43130	Toxicology Lab
AIT Labs	\$ 96.00

**WHEREAS,** the Honorable Julie N. Cantrell, Judge, Superior Court of Lake County County Division No. 3, desires to pay the above invoice/debt due.

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

1. That the Honorable Julie N. Cantrell, Judge of the Superior Court of Lake County, Indiana, County Division, Room No. 3, shall pay from her 2005 Budget the following invoice/debt incurred in the calendar year 2004 as follows:

208-4050-43130	Toxicology Lab
AIT Labs	\$ 96.00

**SO RESOLVED THIS 10<sup>th</sup> DAY OF MAY, 2005.**

WILL A. SMITH, JR., President

RON TABACZYNSKI  
CHRISTINE CID  
DONALD POTREBIC

LARRY BLANCHARD  
ELSIE FRANKLIN

Members of the Lake County Council

In the Matter of Resolution Approving a cash transfer of \$18,000.00 from Data Processing Dept 3600 – Website Maintenance Fund – 256 to County Assessor Dept 0900 – Sales Disclosure Fund 710.

Mark explained that this is a one time cash transfer between the Data Processing web maintenance fund to the County Assessor' Sales Disclosure Fund of \$18,000 dollars  
Tabaczynski made a motion, seconded by Blanchard to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 05-60**

**RESOLUTION TO APPROVE TRANSFER OF \$18,000.00  
FROM THE LAKE COUNTY DATA PROCESSING DEPT. 3500 - WEBSITE  
MAINTENANCE FUND, NO. 256 TO THE LAKE COUNTY ASSESSOR DEPT. 0900  
SALES DISCLOSURE FUND, NO. 710**

**WHEREAS,** the Lake County Council by Resolution may permit the transfer to a fund from another fund with sufficient money on deposit in the County; and

**WHEREAS,** the Data Processing Dept. 3600, Website Maintenance Fund, Fund No. 256 has on hand a surplus of cash required to pay the current and anticipated expenses; and

**WHEREAS,** the Data Processing Dept. 3600 - Website Maintenance Fund, Fund No. 256 requests a cash transfer of \$18,000.00 be approved to the County Assessor Dept. 0900 - Sales Disclosure Fund, Fund No. 710.

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

That the sum of \$18,000.00 is transferred from the Lake County Data Processing Dept. 3600, Website Maintenance Fund, Fund No. 256 to the County Assessor Dept. 0900 - Sales Disclosure Fund, Fund No. 710.

**SO RESOLVED THIS 10th DAY OF MAY, 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 Ordinance.

O'Donnell made a motion, seconded by Potrebic to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

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

Potrebic made a motion to approve on Second Reading, but he would like to have in it, however wording may be, that only on the outside of the cafeteria.

Attorney Szarmach said, as a practical matter, what people have been doing is going to the outside of their offices, like the Sheriff' building, they go outside. Those in Building B, and C go outside the employee' entrance to smoke.

Potrebic said he doesn't like to see employees in the front of this building smoking.

Smith asked if it could be deferred another month so that Potrebic could have Attorney Szarmach put in the language that he wants, and then bring it up next month.

Attorney Szarmach said you can set the policy by Ordinance; however, designated areas may be an executive function, and that's the Commissioners. Szarmach said at least confer with them before. Potrebic said he conferred with them, and that's what they wanted.

Potrebic made a motion, seconded by Franklin to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Authorizing the Collection of a Credit Card Service Charge for payment of Lake County Real Estate Taxes.

Tabaczynski made a motion, seconded by Potrebic to defer to 6-14-05. All voted "Yes". Motion to defer carried 7-0.

Smith said that they might change the date of the next meeting. They might have the meeting before the 14<sup>th</sup>.

In the Matter of Override Commissioner's Veto of Ord 1255G-3 – Part-Time Employees Salary Ordinance.

Blanchard made a motion, seconded by Franklin to override the Commissioner's veto. All voted "Yes". Motion to override Commissioner's veto of Ordinance 1255G-3 carried 7-0.

In the Matter of Approving the Lake County Environmental Protection Ordinance.

Steve said that it is their intention that this ordinance would be a self-funded ordinance in that fines, or violations could be utilized to go back into the fund. The cost coming back from cost recovery through the responsible parties that are no longer present in the area, and any kind of settlements could be generated in a similar fashion. He said the need for this is, it provides a lot of muscle from the County' prospective to pursue illegal disposal and violators, and then to restore our blighted areas in Brownfield sites.

Tabaczynski asked Attorney Szarmach if there is any chance that adopting this ordinance, the county is taking on some added accountability that the cities may later try to absolve themselves of, and give to us much like the Health Department, Weights and Measures, Jail?

Attorney Szarmach said that is part of the reason why he is asking for First Reading today so we can make those amendments for Second Reading. He wants to make sure the ordinance is clear that if we are going to enforce this in a city, it's got to be with an intra-local agreement with the cities, and their responsibilities are made clear.

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

In the Matter of Ordinance approving the continuation of temporary loans.

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

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

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

#### **ORDINANCE No. 1263A**

**AN ORDINANCE** authorizing the COUNTY OF LAKE, INDIANA (the "Participant"), to accommodate the payment of its outstanding emergency temporary loans that were made to meet current running expenses for certain funds of the Participant, and were made in anticipation of and not in excess of current taxes levied in the year 2003 (including property tax replacement revenues), originally collectable in the year 2004 but due to reassessment and related delays, are now anticipated for collection in 2005.

**WHEREAS**, the County Council (the "Fiscal Body") of the Participant determined that there would be an insufficient amount of money in each applicable fund of the Participant (the "Funds") to meet the current running expenses of the Participant payable from such Funds during the fiscal year ending on December 31, 2004, and made temporary loans for the Funds as evidenced by temporary loan tax anticipation warrants dated December 31, 2004 (collectively, the "Warrants") that are due and payable on the earlier of June 30, 2005 or the Settlement Payment Due Date (as defined in the below referenced Warrant Purchase Agreement); and

**WHEREAS**, the Participant participated in a year-end warrant assistance program (the "Program") established by the Indiana Bond Bank (the "Bond Bank") for 2004 whereby the Bond Bank purchased the Warrants pursuant to that certain Warrant Purchase Agreement dated as of December 15, 2004 (the "Warrant Purchase Agreement") that the Qualified Entity entered into with the Bond Bank; and

**WHEREAS**, the levy (including property tax replacement revenues) was originally proposed for collection for the Funds in 2004, but due to reassessment and related delays remains in the course of collection in 2005 and may remain so after June 30, 2005 (the "Outstanding 2004 Taxes"), the stated date by which each Warrant was to be paid; and

**WHEREAS**, a necessity exists for continuing such temporary loans until collection of the Outstanding 2004 Taxes and the Participant desires to enter into an understanding with the Bond Bank with respect to the settlement of payment on its Warrants.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL BODY OF THE PARTICRPAANT AS FOLLOWS:**

Section 1. It is hereby found and declared that an emergency continues to exist for the continuation of its borrowing of money as evidenced by the Warrants. The Participant hereby confirms, ratifies and approves (a) the Warrant Purchase Agreement as originally entered into and the Warrants as originally issued and (b) a Warrant Settlement Agreement in the form attached hereto.

Section 2. The Warrant Settlement Agreement shall be executed in the name of the Participant by any executive officer of the Participant, in substantially the form approved, subject to such changes in form or substance as such officer or officers of the Participant may hereafter approve, as conclusively evidenced by the signatures of such officer or officers of the Participant affixed thereon.

Section 3. Each of the executive officers of the Participant (including, without limitation, any Authorized Official as defined in the Warrant Purchase Agreement), or such other officers as may be permitted by law once authorized by the Fiscal Body (which this action shall be deemed to do), are hereby authorized and directed to execute and deliver the Warrant Settlement Agreement, make such filings and requests, deliver such certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the directions of this Fiscal Body, and its desired purposes, as herein authorized and directed.

Section 4. This authorization shall be in full force and effect from and after the time it has been adopted by the Fiscal Body and all directions in conflict herewith are, to extent of such conflict, hereby repealed.

**ADOPTED AND APPROVED** BY the Fiscal Body of the Participant, this 10<sup>th</sup> day of May, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI  
THOMAS O'DONNELL  
ELSIE FRANKLIN

LARRY BLANCHARD  
CHRISTINE CID  
DONALD POTREBIC

ATTEST:

STEPHEN R. STIGLICH,  
Auditor

In the Matter of Plan Commissioner Ordinances # 2090, 2091, 2092, and 2093.

Blanchard made a motion, seconded by Potrebic to approve Plan Commissioner Ordinance # 2090, with recommendations. All voted "Yes". Motion carried 7-0.  
There were no remonstrators present.

**ORDINANCE #2090  
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified **Zoning** Maps of the County of Lake, Indiana to make provisions for a **VARIANCE OF USE** (Board of Zoning Appeals recommended approval 04/20/05).

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

VARIANCE OF USE owned and petitioned by IVAN NESCH to allow a component adjustment facility in an A-1 (Agricultural) Zone on the following described property:







ELSIE FRANKLIN  
LARRY BLANCHARD  
CHRISTINE CID

RON TABACZYNSKI  
THOMAS O'DONNELL  
DONALD POTREBIC

In the Matter of the 2% Property Tax Relief Issue – Discussion

Smith said that this issue was not put on the agenda today because the Governor has not officially signed the legislation. He said he would take this time to allow a representative from each group to give a brief presentation, in terms of what they want the Council to hear, in terms of the Council' deliberations.

George Rogge, President of the Miller Citizen' Corporation spoke about the 2%, and said that, if you qualify, it is something that will not hurt anyone, and the 2% will help save homes.

Wes Miller, who organized a taxpayer's organization in the Hammond area said, he agrees with the 2% cap, except that it doesn't go far enough. He said many people are not going to get the advantage of the 2% cap. He said they are advocating that the tax rate should be down to 1 ½ percent, and whatever it takes to get it there, we need to get it there, which is the national average. He said that should be the tax rate for everybody, across the board, except for the five, who have gotten enough already. He said they should cut spending, and use the gaming monies to pay for tax relief for everybody, and the County should take their portion to help out those Communities who don't have Casino funds.

Mr. Miller said he is for the 2% cap, and he doesn't think that County Income Taxes should be imposed because it is going to hurt the people who can afford it the least.

Joe Hero, St. John Township Republican Town Chairman said the only way to cut taxes without shifting taxes to everybody else, is to cut spending, and he said this Council is where it starts. This council has to take the existing budgets and cut 7% this year, create the next budget and cut 7% next year. He said we don't have to shift the taxes, we have to cut the taxes, that's how we fund the 2% cap. He said it is wrong to impose an income tax on someone else, as a measure to pay for this.

Carolyn Marsh from Whiting and represents the Lake Michigan Calumet Advisory Council, which is mainly environmental, said that she thinks that the main reason that Hammond, Gary, and East Chicago are in crises, is because of overspending, and the shift in taxes. She said the easiest way to solve it is with the Casino money. They should just take it right off the top and put it in a tax relief fund. She said for cities such as Whiting, who doesn't have a casino boat, they should knock off some of these economic development plans, such as buying out Wachala Beach and put condos in there. She said they don't need condos at Wachala Beach, they want our L.C. Parks to stay for the people there. She said that Whiting has not done any reductions, and their payroll is bloated. She said they should go after the Casino money, and have some accountability.

Juan Andrade, spoke. He said he doesn't own a home, but is a renter. He said that maybe they should consider capping rental properties, especially in the areas of East Chicago, Gary, and Hammond, at a higher, but still fair rate, which would hopefully allow rental property owners to keep their property. He said that not only is this affecting the landlords, but it's affecting all of the tenants as well.

Attorney Szarmach said, in reference to casino money being used for tax relief, the money controlled by the County Council, our casino money is used for tax relief. All of our casino money goes to pay for capital expenditures, bond payments, that if it wasn't used for the bond payments, there would be a bond levy on top of your real estate taxes. He said, in other cities, and other municipalities that may not be true, but we use every penny of our casino money for tax relief.

Attorney Szarmach said that the County portion of the tax bill, in some areas, are eight percent of your total tax bill. You have to look at your tax bill to see what money goes to your county, school city, city, and so forth. He said, so the County portion of your tax bill is only about ten percent. He also said that out of that ten percent, about eighty percent of that goes for public safety, the Sheriff, the Prosecutor, your Courts, and the Clerk. He said what you have to understand is county government is very lean, and the most of it is public safety. If you want to start cutting county government, that's where it's going to be cut.

Blanchard said, on the casino revenue, someone made a comment about the County using casino revenue for tax relief, the bills have not been signed yet, but we get \$17.4 million dollars in admissions tax distributions annually, but \$6.3 to \$6.4 million is used for bond reduction off the property tax rolls for the Juvenile Jail addition, the new Juvenile Court, and the Adult Jail addition. He said, on top of that, we just after reviewing some of the bills, we have about \$6.5 million dollars in low income tax relief, that we have to pay to the State. We have \$3.5 million dollars for the RDA that the State is going to take, and we have about \$4.4 million dollars in distributions to the Cities and Towns at 25 percent that we give to all of the non-gaming communities, as a share of our casino revenue. He said because of the new legislation that the State passed, at this last session, we will probably be in the red with our casino revenue, even though our budgets were prepared last August, for this year. Blanchard said that based on the new legislation, our Casino revenue is going to be in the red, so we will have to take, either the Juvenile Center or the Jail Bond off the responsibility of the Casino revenue, and put it on the tax rolls. Blanchard said, there were no cuts downstate, they balanced the budgets on the backs of the local units of Government and you folks.

Blanchard also said that this County pays \$21.6 million dollars for the HCI levy, which is hospital care for the indigent. It is designed to serve the folks that fall through the cracks, they don't qualify for medicade, and they don't have health insurance, and they have life threatening illnesses. Blanchard said it was calculated that that responsibility runs taxpayers about a half million dollars in this County, but the State just put upon us a \$21.6 million dollar levy so they can leverage medicade, federal dollars, and subsidize in medicade budgets.

Tabaczynski said that some of the other things that are going to happen in this County, as a result of legislation that was passed, he totaled about \$18.9 million dollars in either shifted dollars that could go to property tax relief for paying things that would fall on property taxes. Tabaczynski said, that's in one year- \$18.9 million dollars, without calculating the cost of capping the PTRC money, which will raise everybody's tax bill. That's without calculating the effect of an eliminated inventory tax, which will shift the tax burden onto homeowners and small businesses, and that's also without calculating the change in the school funding formula, which is going to allow schools to place even more burden on property tax payers. He said all this comes, not long after you all started paying a penny extra in sales tax for more property tax relief to fund additional PTRC, which is now going to disappear. Also, not long after you started paying additional taxes to take more of the schools burden off of property taxes, and put it with the State, now it's coming back, less than a few years later. Tabaczynski said, if you're not at 2% now, you're probably going to be shortly. Tabaczynski said he has no doubt that your fight on the 2%, is not a difficult one with this Council. He said, this Council passed the 2% last year, with no legislative authority, legislative authority wasn't necessary last year. The involvement from the Governor was to okay a loan to fund the 2%. He said the City of Hammond passed the 2%, with no legislative authority, so Tabaczynski said, he thinks this Council was probably going to pass the 2% with, or without the legislative authority. Tabaczynski said, if anything came out of that legislation, they gave us more ability to borrow, and asked, if that was really what you want us to do, to borrow more money? Tabaczynski said he asked the legislators if we have a 2% cap that's going to cost us \$16.5 million dollars this year, then let's make it a \$16.5 million dollar budget cut by simply saying, each taxing unit is going to be short the money that they drove your tax bills above 2%. He said there is a tax savings right there. Tabaczynski said, that idea was not addressed in the legislator, if fact, what he believes they tried to do was box us into adopting an income tax. Tabaczynski said, that is not happening with him, he will not support that. You do not provide tax relief by providing another tax. Tabaczynski said, that's absurd. He said that has been the legislatures' agenda since he was there, to force this County into an income tax. He said it's not going to happen because of this 2%. He said the Income tax forces more spending. If a local unit of government wants to take a share of income tax, it must spend more. The legislature has told us this problem was created because there is too much local spending. Tabaczynski said he hopes his colleagues will adopt the 2% just as we have it, let's send it down the line, and if it creates a short at the end of those budgets, then start finding the "fat" in the budget, but let's start there, don't start with talking about an income tax.

Franklin said that the one thing that she is concerned about is tax relief for all the citizens of Lake County. She said we have got to work together. She said she hears people talking about cut this, cut that. She is a proponent because when you talk about cutting, the first thing most people say is cut "fat". She said what it does when you do that is send them to another roll. If they don't have a job, they have to go to the Township Trustee, or the Welfare Department, so what have you really saved? Nothing, because those people are still on "the roll", one way, or the other. Franklin is in support of the 2%, and once we iron out all the "teeth", and it's brought before the Council, she will certainly vote for it.

Cid said that she is for the 2% cap, because we all need tax relief, it is tough making the everyday needs, she said she doesn't know what happened to the "American Dream", just to have a home, an automobile, and send you children to school. It's getting tougher and tougher everyday.

O'Donnell said he thinks it's clear from what we've had a chance to review in the executive summaries that we received on the budget, that the State legislature did not do us any favors this year. It's not just this year, he heard somebody say, "return it to the Big 4", and to that, O'Donnell said "amen, and amen." He said our own legislative delegation screwed us on that one with HB1858. He said we were lobbied strongly by the Northwest Indiana Forum, and by the Big 10, and, O'Donnell said, it was one of the most delightful things that he heard the Chairman say, which was, "we've got to be concerned about the Big 11", where the 11 is the taxpayers of Lake County, Indiana, and nobody is concerned about that. O'Donnell said we have undertaken, to continue to fund County government and as Attorney Szarmach indicated, it's a small portion of people' tax bills. O'Donnell said it's too easy to say it's all Lake County' fault, and that's effectively what's happened. He said now he is reading Chet Dobis saying, "they need to cut at the County", which O'Donnell said is a song he has been hearing Dobis sing for four years now. He doesn't tell us how, but continues to stack unfunded mandates on top of unfunded mandates, now they cap our casino money two years ago at the 2001 rate, which is 17.5 million and say, "we promise we are going to use the extra money for senior citizen tax relief, \$300 dollars per household, and we will pay for that with this money, well guess what, that just got pulled out from under us too. We are still capped at \$17.5 million, but now we get to pay the \$300 dollars to the senior citizen that don't make enough and get the Lake County credit. That's going to cost us another \$6 million dollars, so we literally have to come to our budget hearings in August and say, let's go back to 2004 levels, which is what we do each year. We revert back to the prior year spending, which means no raises for anybody, it means all we are going to pay is the extra NIPSCO bill, and the extra health insurance for the Doctors, and all the extra expenses we have of County Government, but now we've got to say, go back to 2004, minus the \$6 million dollars we're going to

have to pay for the Lake County tax credit. O'Donnell referred to a Disney movie which talks about the golden rule, and said, we think of the golden rule as being, do unto others, that's not what the golden rule means here. O'Donnell said the golden rule means that he who has the gold makes the rules, and they've made all the rules for us, and they tell us this is what you have to do, and if you don't pay it, we're going to just keep your money because it gets sent down to them first, and then they just get to keep it. O'Donnell said he is a little frustrated by what has happened to us, and he is looking forward to a pretty aggressive budget session because that's what it's going to be.

O'Donnell said we've got to do a little more than 2%. We've got to say to the legislature, put the corporations back on the tax rolls. He said immediately after that happened, Inland Steel declared a 25 million dollar profit, and guess whose money that was. That was our money.

Potrebic said he can't add too much more to what has been said, but stated that a few years back he was one of the first to be opposed to House Bill 1858, and 1901. He said that he is unhappy about what has been implemented on us. He said he will never vote on a county option income tax, and he will never vote for a food and beverage tax.

Smith said that the Council started out prudently using our casino monies to take the property tax relief off the heads of the taxpayers, and not allowing the mandated issues of the Jail, and the Juvenile Center, which would have been our cost, as taxpayers. Smith said, we are paying for that with our casino monies. That's our contribution towards the property tax relief, over \$80 million dollars. He said the \$25.5 million dollars that was pushed on heads from the State for the reassessment of Lake County. We are paying for it. That would have normally been on our heads as taxpayers in Lake County, and we are paying for that, with our Casino monies. Smith said, we could not have done that as a single body here, without the input from the County Commissioners.

Commissioner Rudy Clay said that US Steel presented the County with a check for \$44 million dollars, and Commissioner Clay wanted to go on record by saying that every penny of that money should go back to the people who paid it. He said that Casino money has been coming into this County for about 10 years. He clarified the County as being the Cities of Gary, Hammond, and East Chicago included. He said, if you add that money up, the City of Gary, over \$200 million dollars, City of Hammond, almost the same amount, and East Chicago, almost the same amount. He said that 25% of the County' Casino money goes to every other City, Merrillville, Munster, Hobart, Cedar Creek, Winfield Township, all across the board. He said that the County Jail was a mandate, and he wanted to make another point to everybody by saying, if we lay off everybody in County Government, on this side of the building, except our law enforcement officers, your tax bill will only go down eight or nine dollars per year, but you want us to lay off a clerk that makes \$12,000 dollars, a switchboard operator, a janitor that makes \$5 dollars an hour?

He said he was reading in the paper where the US Steel President takes home \$10 million dollars a year, but they want to study us. Nipsco President taking home \$9.7 million dollars a year, but they want to study us? NiSource President takes home \$10 million dollars a year, but they want to study us? There is a guy sitting over in the Radisson, who is going to spend \$3.1 million dollars of his own money to study us?

Commissioner Clay said we have to get on the same wavelength, almost a billion dollars in Casino money in the last ten years, and we are going to get the same amount of money in the next ten years. We don't have to tax anybody, use some of this Casino money and stop building these baseball stadiums.

Smith also acknowledge Philippa Tolliver, who was present representing Calumet Township Trustee' Office, a member of the Board, as well as precinct organization in Gary.

Smith said it is important and significant that she is here representing the Township level of government because that's where, on the other side of the ledger, is what we are supporting. Smith said, if the State, and we've asked, collectively, the Governor, and the representatives, to take Welfare off the heads of the Lake County taxpayers. He said, HCI, which is Health Care for the Indigent, we don't mind paying our share for that, make sure it's correct. Don't give us a bill for \$20 million dollars, and the bill should only be \$3 million dollars. That's all we ask.

Smith said, that none of the Council is opposed to the 2%. The Council did it without being "hit over the head", and the Council was able to collect those 16 Cities and Towns who would have been otherwise, "out of the loop". The Casino money that we give them, they got together, even though some of them didn't really get any great relief, but we have an inter-local agreement, in which Whiting benefited from. Even though the lady from Whiting said they didn't get any relief, Smith said that some of the people in Whiting did get taken care of.

Smith said we got "hit over the head" with the legislators in this session who now put into the language that we have to give the 25% of our Casino monies, regardless of what, to the Cities and Towns, non Casino Cities. Smith said we didn't need that. We were already working harmoniously together. He said what if it is a situation in which the County would have to use all of our casino monies? Now, we are 25% less, as we start because we must give it to the Cities and Towns. He said, those are the kinds of things that puts us in a bind. We prudently used the \$25.5 for the reassessment, over \$30 million dollars for the Jail, over \$23 million dollars for the Juvenile Center. He said our bridges are also a part of the equation, and over 75% of our general fund budget comes from Criminal Justice and related issues. He said the Sheriff is running his operations, we can't do anything about it, and then 25% of those dollars is left for us to run the Surveyor' Office, the Auditor's Office, the Treasurer's Office. Smith said, these people here they work hard. He said our Law Enforcement Officers working here are out there "under the fire". They want to be compensated. They are the lowest in Lake County, in terms of their salaries, and we want to do something

about that, but how can we when our money is drained and we are continuously hit over the head with our operations, by some legislators.

Smith said that they are going to take these issues that you gave us today, and see what we can come out with that would be the best for your interest, and all citizens of Lake County.

Wayne Weitbrook, representing Farm Bureau said that back in the 70's we had this same problem. Property taxes were getting so high that we put together a legislature to have income tax and sales tax to help the property tax. He said in the 80's, we had Federal Revenue Sharing money coming in here and then they pulled that out, we came into the same crisis. He said we have gone through these crises time after time, it's up to all of us to work together. Yes, we have a crisis right now because of reassessment. We have to work together to make this a community, we don't want to cut safety. Everybody wants to cut somebody else' budget, not your budget. He said let's work together, and we will come out of it.

Smith said our legislative group put on the agenda to use taxes from the cigarettes, cigarettes that are sold in Lake County from people coming from Illinois to our State. Smith said, if 2 cents could be dedicated towards property tax relief. We take a percentage of the sale of fireworks, that are sold extensively in Lake County to people from across the boarder coming in buying fireworks in our County, and put it into the "pot" for proper tax relief for Lake County, would raise the amount of dollars that would take care of this 2% that is proposed right now. He said when you look in the final analysis of the Bill, there is nothing in there about that. It talks about putting on a Food and Beverage Tax, a 1% that is dedicated to transportation initiatives in which Smith said, he is on board with, but when you look beyond that, the other tax categories could certainly have funded this 2%, without any additional tax to be imposed. Smith said, those are the kinds of innovations that we need, and we need the flexibility to do. Smith said there are economic revitalizations and opportunities for here for us to do, that they won't give us the tools to work with. He said we ought to be allowed to do the food tax, but allowing us to do the sales tax, increment financing from the County, bringing some of these large retailers in here that can help shoulder the cost of what it cost us to fund government. Those are the things we need to be on board with.

There was no action taken during this discussion.

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

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President, Lake County Council

ATTEST:

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Stephen R. Stiglich,  
Lake County Auditor

