

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 Lake County Council - May 10, 2005 and May 12, 2005 – Special Meeting.

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

ORDINANCE NO 1264

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>Courthouse</u> 3000		
43240 Telephone	\$200,000.00	\$200,000.00
<u>Commissioners</u> 2900		
43976 Patient & Inmates( <b>Reduction</b> )	<b>-\$200,000.00</b>	<b>-\$200,000.00</b>
<u>Commissioners</u> 2900		
43976 Patients & Inmates( <b>Reduction</b> )	<b>-\$ 53,212.00</b>	<b>-\$ 53,212.00</b>
<u>Government Center</u> 3030		
43630 Maint & Serv Contr	\$ 53,212.00	\$ 53,212.00
<u>Commissioners</u> 2900		
43976 Patients & Inmates( <b>Reduction</b> )	<b>-\$63,065.00</b>	<b>-\$ 63,065.00</b>
<u>Government Center</u> 3030		
41190 Part-Time	\$63,065.00	\$ 63,065.00
<u>Council</u> 3700		
41240 Group Insurance( <b>Reduction</b> )	<b>-\$10,400.00</b>	<b>Defer to 7-12-05</b>
<u>Plan Commission</u> 2400		
41120 Professionals	\$10,400.00	Defer to 7-12-05
<u>Sheriff</u> 0500		
41100 Overtime	\$ 2,537.00	\$ 2,537.00
<u>Juvenile Court CASA</u> 4150		
41120 Professional	\$10,125.00	No Action Taken
<u>Jail</u> 3100		
41100 Overtime	\$500,000.00	Defer to 6-28-05
<u>Sheriff</u> 0500		
41100 Overtime	\$ 30,000.00	Defer to 6-28-05
Gambling Adm Tax Fund 196		
<u>Data</u> 3600		
44490 Other Equipment	\$ 9,079.63	\$ 9,079.63
<u>Jail</u> 3100		
41100 Overtime	\$500,000.00	Defer to 6-28-05
<u>Sheriff</u> 0500		
41100 Overtime	\$ 30,000.00	Defer to 6-28-05
E-911 Fund 199		
<u>Auditor</u> 0200		
43995 Other Services & Charges	\$850,000.00	\$850,000.00
Local Law Enforcement Block Grant Fund 238		
<u>Jail</u> 3100		
43830 Matching Funds( <b>Reduction</b> )	<b>-\$400,000.00</b>	<b>-\$400,000.00</b>

Sheriff Grant Fund 239

<u>Sheriff</u> 0500		
42410 Other Supplies	\$ 15,000.00	\$ 15,000.00
43630 Maintenance & Service	\$ 15,000.00	\$ 15,000.00

Homeland Security Grant Fund 249

<u>Emergency Management</u> 3500		
44490 Other Equipment	\$ 31,020.00	\$ 31,020.00
44490 Other Equipment	\$ 7.56	\$ 7.56
44490 Other Equipment	\$ 32,327.00	\$ 32,327.00

Juvenile Probation Administration Fund 246

<u>Juvenile Court</u> 4100		
41220 FICA	\$ 1,000.00	\$ 1,000.00
41230 PERF	\$ 1,000.00	\$ 1,000.00
41390 Supplemental Pay	\$ 9,631.00	\$ 9,631.00

Weights & Measures User Fee Fund 255

<u>Weights &amp; Measures</u> 2800		
43992 Refunds of Fines & Cost	\$ 80.00	\$ 80.00

Alternate Dispute Resolution Fund 409

<u>Juvenile Court</u> 4100		
41110 Officials & Administrators	\$ 1.00	\$ 1.00
42110 Office Supplies	\$ 200.00	\$ 200.00
43235 Travel/Mileage	\$ 500.00	\$ 500.00
43995 Other Services	\$ 1.00	\$ 1.00

Juvenile Court CASA Fund 706

<u>CASA</u> 4150		
41120 Professionals	\$ 3,375.00	\$ 3,375.00
41220 FICA	\$ 252.00	\$ 252.00
41230 PERF	\$ 253.00	\$ 253.00
41240 Group Insurance	\$ 1,200.00	\$ 1,200.00

TRANSFER

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>Clerk</u> 0100		
From: 001-41110 Officials & Admin	\$ 1,845.00	
001-41160 Office & Clerical	\$10,000.00	
001-41396 Perf	\$ 1,555.00	
001-43630 Maint Serv Contr	\$27,225.00	
To: 001-41190 Part-Time	\$40,625.00	Defer to 7-12-05
<u>PTBOA</u> 2505		
(Create New Line Item)		
From: 001-43190 Other Prof Serv	\$ 2,000.00	
To: 001-44420 Office Machines	\$ 2,000.00	Motion Fails
<u>Emergency Management</u> 3500		
Project Impact Grant Fund 236		
Create New Line Item		
From: 236-41190 Part-Time	\$ 1,079.41	
To: 236-45003 Grant Dissolution	\$ 1,079.41	\$ 1,079.41
<u>County Court Div III</u> 4050		
Div III Defensive Driving Fee Fund 227		
From: 227-41190 Part-Time	\$ 3,711.00	
To: 227-41230 Perf (CNL)	\$ 250.00	\$ 250.00

227-41390	Supplemental Pay (CNL)	\$ 3,461.40	\$ 3,461.40
<u>Public Defender</u> 4002			
From: 001-43190	Other Professional Serv	\$ 18,450.00	
To: 001-41110	Officials & Admin	\$ 18,450.00	Defer to 7-12-05
<u>Public Defender</u> 4002			
From: 001-43290	Other Professional Serv	\$ 18,000.00	
To: 001-41190	Part-Time	\$ 18,000.00	Denied
<u>Coroner</u> 0700			
From: 001-43190	Other Professional Serv	\$ 5,819.00	
To: 001-44420	Office Machines (CNL)	\$ 5,819.00	\$ 5,819.00
<u>Surveyor</u> 0600			
Surveyor's Corner Perpetuation Fund 167			
From: 167-43630	Maint & Serv Contr	\$ 6,200.00	
	167-44490 Other Equipment	\$27,000.00	
To: 167-43420	Insurance	\$ 6,200.00	\$ 6,200.00
	167-44440 Motor Vehicles	\$27,000.00	\$ 27,000.00
<u>Surveyor</u> 0600			
Electronic Digital Mapping Fund 250			
From: 250-44490	Other Equipment	\$11,970.00	
To: 250-41190	Part-Time	\$10,800.00	\$ 10,800.00
	250-41220 FICA Deduction	\$ 1,170.00	\$ 1,170.00
<u>Prosecutor Adult Protective Services</u> 0800			
From: 127-41110	Officials & Admin	\$ 969.42	
	127-41190 Part-Time	\$ 4,127.73	
	127-41220 OASI	\$ 707.53	
	127-41230 PERF	\$ 370.63	
	127-41240 Group Insurance	\$ 1,360.00	
	127-42210 Petroleum Products	\$ 294.90	
	127-43231 Travel-Registration	\$ 200.00	
	127-43232 Travel- Meals	\$ 206.42	
	127-43233 Travel-Lodging	\$ 250.00	
	127-43234 Travel-Trans/Other	\$ 150.00	
	127-43235 Travel-Mileage	\$ 280.12	
	127-43240 Telephone	\$ 440.47	
	127-43310 Printing	\$ 500.00	
	127-43620 Equipment Repair	\$ 570.48	
	127-43630 Maint & Serv Contr	\$ 383.00	
To: 127-42290	Other Supplies	\$ 1,350.60	\$ 1,350.60
	127-44410 Furniture & Fixtures	\$ 1,942.89	\$ 1,942.89
	127-44420 Office Machines	\$ 7,517.21	\$ 7,517.21

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 13<sup>th</sup> day of June, 2005.

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

Adopted this 13<sup>th</sup> day of June, 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>				
Courthouse(\$200,000)	Cid	Blanchard		All voted "Yes", except O'Donnell, "No". Motion carried 6-yes, 1-no.
Commissioners(-\$200,000)	Franklin	O'Donnell		All voted "Yes". Motion Carried 7-0.
Commissioners(-\$53,212.00)	Franklin	O'Donnell		All voted "Yes". Motion Carried 7-0.
Government Center(\$53,212.00) (See Footnote)	Potrebic	Franklin		All voted "Yes", except Tabaczynski, O'Donnell, and Blanchard, "No". Motion to Approve carried 4-yes, 3-no.
Commissioners(-\$63,065.00)	Franklin	O'Donnell		All voted "Yes". Motion Carried 7-0.
Government Center(\$63,065)	Potrebic	Franklin		All voted "Yes", except Tabaczynski, O'Donnell, and Blanchard, "No". Motion carried 4-yes, 3-no.
Council(-\$10,400.00)	Potrebic	Blanchard		All voted "Yes", except Franklin, To defer to 7-12-05.
.....				
Plan Commission(\$10,400.00)	Potrebic	Blanchard		To defer to 7-12-05 All voted "Yes" to defer to 7-12-05, except O'Donnell, "No". Motion Carried 6-yes, 1-no.
Sheriff(\$2,537.00)	Cid	Potrebic		All voted "Yes", except O'Donnell, "absent". Motion Carried 6-yes, 1-absent.
Juvenile Court CASA(\$10,125) (See Footnote)	No Action Taken			
Jail(\$500,000)	Franklin	Blanchard		All voted "Yes", to defer to 6-28-05, except Potrebic, "No". Motion carried 6-yes, 1-no.
Sheriff(\$30,000)	Cid	Blanchard		All voted "Yes" to defer to 6-28-05. Motion carried 7-0.
<u>Gambling Adm Tax fund 196</u>				
Data(\$9,079.63)	Tabaczynski	O'Donnell		All voted "Yes", except Blanchard, "absent". Motion Carried 6-yes, 1-absent.
Jail(\$500,000) (See Footnote)	Franklin	Blanchard		All voted "Yes" to defer to 6-28-05, except Potrebic, "No". Motion to defer carried 6-yes, 1-no.
Sheriff(\$30,000)	Cid	Blanchard		All voted "Yes" to defer To 6-28-05. Motion carried 7-0.
<u>E-911 Fund 199</u>				
Auditor(\$850,000)	Blanchard	Tabaczynski		All voted "Yes" to Approve. Motion carried 7-0.
<u>Local Law Enforcement Block Grant Fund 238</u>				
Jail(-\$400,000)	Franklin	Blanchard		All voted "Yes" to approve. Motion carried 7-0.
<u>Sheriff's Grant Fund 239</u>				
Sheriff(\$30,000)	Cid	Potrebic		All voted "Yes" to Approve. Motion carried 7-0.

Homeland Security Grant Fund 249

Emergency Mngmt(\$32,327.00)      Blanchard      O'Donnell      All voted "Yes". Motion Carried 7-0.  
Q#051002 dted 5-5-05

Homeland Security Grant Fund 249

Emergency Mngmt(\$31,020)      Blanchard      O'Donnell      All voted "Yes". Motion Carried 7-0.  
Q#051001 dted 5-5-05

Homeland Security Grant Fund 249

Emergency Mngmt(\$7.56)      Blanchard      O'Donnell      All voted "Yes". Motion Carried 7-0.  
Q#051003 dted 5-5-05

Juvenile Probation Administration Fund 246

Juvenile Court(\$11,631.00)      Franklin      Cid      All voted "Yes". Motion Carried 7-0.

Weights & Measures User Fee Fund 255

Weights & Measures(\$80.00)      Franklin      Blanchard      All voted "Yes" to Approve and create new line Item. Motion carried 7-0.

Alternate Dispute Resolution Fund 409

Juvenile Court (\$702.00)      Franklin      Cid      All voted "Yes" to Approve. Motion carried 7-0.

Juvenile Court CASA Fund 706

CASA(\$5,080.00)      Cid      Blanchard      All voted "Yes" to approve. Motion carried 7-0.  
(See Footnote)

Footnotes

Juvenile Court CASA(\$10,125) – Cid made a motion, seconded by Blanchard to defer to 7-12-05 meeting.

O'Donnell said that at the study session, Gail indicated that she was going to go back and see if she could find some funds in her own budget and possibly reduce the appropriation from the general fund. O'Donnell asked if she was able to find any money, and what impact would this motion have?

Gail said that her grant funding runs out 6-30-05. If she doesn't have a position and money to pay, that individual will no longer be a CASA coordinator. Their case load had increased 150% since 2002. She said losing a staff member would be detrimental. She said she did find some money, and that money will revert, at the end of the year, whether she transfers it into these line items if the Council is gracious to create them or not. She said the problem is, she needs to have that position come July 1, 2005.

Cid said they are just deferring it because it's not time. She was actually looking for a reduction in the general fund, not necessarily from your budget, to fund that position. Cid said maybe this matter should have come to the Council sooner. Gail said she was not aware that the State was going to change the law any sooner.

Blanchard said he could identify a line item now in Fund 706 to transfer to carry over for July 12, as far as the salaries are concerned, then maybe we could reduce and then appropriate enough to cover our portion at the July 12<sup>th</sup> meeting.

Gail said she has no money in Fund 706 to cover this salary, except the 25%, which would come from 706. She said they are in a position in Fund 706, to meet their 25% of that salary and benefits. What she needs from the Council is the 75% in Fund 001. She has line items in Fund 001 from which she could transfer money to make up the 001 portion, the 75%. She has no money within 706, except sufficient money just barely, to meet her 25% obligation.

Dante said this issue should be done at budget time. This issue should be offset by a reduction, he suggest the elimination of a position, in this budget, not necessarily hers, but some else in the general fund, he said if that is unacceptable, then and it's a mandate, then appropriate it and put it on the batch of hold files, until we get a 2005 budget.

Gail said that she needs the job created in Fund 706, and 001 and she needs the appropriation of funds in Fund 706.

Attorney Szarmach said they want to create the new position. Gail said, create the two new positions, appropriate 706, which is her State money, and then she will pay the job out of 706 until she transfers the money in 001 at then meeting in July.

Blanchard withdrew his second to defer. The motion is made by Franklin, seconded by Blanchard to approve the appropriation of \$10,125.

O'Donnell said it's not creating two new jobs, this is an existing job in which the grant has run out, it's the same person.

Smith said there are no new jobs that we are concurring with, we are kind of locked in on the general fund, a lot of this is done with the miscellaneous funds, funds that are generated by the office, and they have special funds, in this case, it's a grant from the State of Indiana that allow that function to occur.

All voted "Yes". Motion carried 7-0

Courthouse(\$200,000) – Cid made a motion, seconded by Blanchard to approve.  
 O'Donnell asked if there is any possibility of holding back some of this money and saying come to us on an as needed basis so we can do something with the general fund a little bit?  
 Jim Bennett said if they don't have a bill to charge against this account, then he won't spend it, or transfer it.  
 O'Donnell said he is concerned with is the maintenance & service contracts and that we have to pay the full amount .  
 Jim said that when they went out to bid on the service contracts for the elevator and escalators, which are 30 years old, the company that did this for many years is out of business, and the new company came in and gave them new proposals.  
 O'Donnell said, he guess that's why Dante is always talking about implementing a capital plan, so we can plan for replacing things of that nature.  
 Jim said, there is not, at this point, capital set aside for the replacement.  
 Jim said that he thinks part of the reason they haven't developed a plan is because most of the gaming monies, which would be the capital, has been dedicated for reassessment, and it's taken away from us in some form or shape quite frequently, so that has hindered the capital plan.  
 All voted "Yes", except O'Donnell, "No". Motion carried 6-yes, 1-no.

Jail(\$500,000) – Franklin made a motion, seconded by Blanchard to defer to 6-28-05.  
 Blanchard said that hopefully this is the means to the end of this ever being on the agenda again and for them ever waiting for the overtime pay again. Blanchard said that is why they are asking for a deferral today.  
 All voted "Yes" to defer, except Potrebic, "No". Motion to defer carried 6-yes, 1-no.

Transfers

	Made motion	seconded	
Clerk(\$40,625.00) (See Footnote)	Franklin	O'Donnell	All voted "Yes" , except Cid, "abstain". Motion to defer to 7-12-05 carried 6-yes, 1 abstention. Motion Fails
PTBOA(\$2,000) (See Footnote)			
Emergency Mngmt(\$1,079.41)	Blanchard	O'Donnell	All voted "Yes" to create New line item and approve. Motion carried 7-0.
County Court Div III(\$3,711.40)	Cid	Franklin	All voted "Yes" to Approve and create 2 new line Items & make it retro to 6-13-05 , except O'Donnell, "absent". Motion to approve carried 6-yes, 1-absent.
Public Defender(\$18,450) (See Footnote)	Potrebic	Franklin	All voted "Yes" to defer to 7-12-05.
Public Defender(\$18,000) (See Footnote)	Blanchard	Tabaczynski	All voted "Yes" to deny, Except Cid and Potrebic, "No". Motion to deny carried 5-yes, 2- no.
Coroner(\$5,819)	Cid	O'Donnell	All voted "Yes" to create new Line and approve. Motion Carried 7-0.
Surveyor(\$33,200) (See Footnote)	O'Donnell	Franklin	All voted "Yes", except Cid, "No". Motion carried 6-yes, 1-no.
Surveyor(\$11,970) (See Footnote)	O'Donnell	Franklin	All voted "Yes". Motion Carried 7-0.
Prosecutor(\$10,810.70)	Franklin	O'Donnell	All voted "Yes" to Approve. Motion carried 7-0.

Footnotes

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

Blanchard said that this was deferred last month because the nature of the request for audio equipment , taping equipment that we have here already. That was the thought for the deferral.

Cid withdrew her second.

Motion Failed for a lack of a second.

Clerk(\$40,625) – Franklin made a motion, seconded by O'Donnell to defer to 7-12-05.

Franklin suggested that the Clerk's Office take this dollar amount out of their 194 Fund. She asked Sandy to explain to the Council what they are doing, and if they have a capital plan for the usage of this money. Sandy said they have designated the fund, all the cash in their 194 fund for some projects that are ongoing, some of which they are looking at are new. She said they have just been informed by Data Processing that non of the 18 computers in their Hammond Office are capable of keeping up with the latest version of Court View, which is what they use to post information. They have to replace all of those computers at a minimum cost of \$16,200 and it will be done out of this fund. She said they have 150,000 filing inches to complete, and that will come out, over the next two or three years, out of this fund. She pointed out that the previous Clerk had twice as much money in her part-time fund than they were given. She said they are asking that this money be transferred in their part-time fund, not to hire new part-time employees, not for summer help, but just to complete the year at the present rate that they are using that money. She said they need part-time help. It's something that they just can't get along without. She said they are asking to transfer money within their budget over to the Part-time, and it can't come out of their 194 fund.

Dante said he mentioned his recommendation on fund 194, which is a user-fee fund and he is adversed to any transfers until the first of the year in part-time accounts.

Blanchard said there are still sufficient funds in that line item at this time and asked if it could be deferred until the July 12, 2005 meeting, then a capital plan could be produced for their 194 balance, and for the Council' review.

Sandy said she would like to be able to do that, but she is not sure that she will be ready to do that. She said they have to go through a certain process to get figures. They won't be ready in time.

Smith said if this is deferred to July 12<sup>th</sup> is Sandy indicating that they can't deal with this matter.

Sandy said she doesn't know how much more information that she will be able to give the Council.

Smith said it is just a matter of trying to work it out among her committee and come back by the 12<sup>th</sup> so that maybe something can be worked out. The deferment would allow that to happen.

Franklin made a motion to defer to 7-12-05. O'Donnell seconded the motion. All voted "Yes", except Cid, "abstain" Motion to defer carried 6-yes, 1-abstention.

Re: Surveyor(\$33,200) – O'Donnell made a motion to approve. Motion dies for a lack of a second.

O'Donnell made a motion, seconded by Franklin to approve. All voted "Yes", except Cid, "No". Motion to approve carried 6-yes, 1-no.

Re: Surveyor(\$11,970) – O'Donnell made a motion to approve. Motion dies for a lack of a second.

O'Donnell made a motion, seconded by Franklin to approve.

O'Donnell said this is the use of non-general fund money, which is exactly what we have asked the Officeholders to do. O'Donnell said, he can't imagine anyone having a problem with it.

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

Re: Public Defender(\$18,450) – Potrebic made a motion, seconded by Franklin to approve. All voted "Yes", except O'Donnell, "No". Motion to approve carried 6-yes, 1-no.

Potrebic made a motion, seconded by Franklin for reconsideration of this transfer. All voted "Yes". Motion carried 7-0 for reconsideration.

Potrebic made a motion, seconded by Franklin to defer to 7-12-05. All voted "Yes". Motion to defer carried 7-0.

Re: Public Defender(\$18,000) – Potrebic made a motion, seconded by Franklin to approve. All voted "Yes", except O'Donnell, "No". Motion to approve carried 6-yes, 1-no.

Blanchard made a motion, seconded by O'Donnell for reconsideration. Blanchard said it was an oversight on his part on voting for it. All voted "Yes", except Potrebic, "No". Motion for reconsideration carried 6-yes, 1-no.

Blanchard made a motion, seconded by Tabaczynski to deny this transfer.

Blanchard explained that the Council "busted their behinds" to find sufficient funds to cover the death penalty cases, and re-appropriate money, re-appropriate, and re-appropriate for both of these issues. Blanchard said he is really not in support of the part-time or the salary increases.

Potrebic said they had better start taking some time and going through these budgets where there are thousands and thousands of dollars being wasted.

Smith said he did concur with this to be heard, but he is not exactly happy with going back and restructuring this right now. The officeholder was here earlier and we should have given them the opportunity to speak yea or nay on this.

Franklin said she thinks they need to hear from the Financial Advisor about this issue.

Dante said the \$750,000 dollars, of which this is coming from of the appropriation made by the Council earlier this year took a great deal of creativity and hard work to resolve that. We had very little time to resolve that, not much more time than they gave us to consider this.

Dante said he hates to make a rash decision, after thinking about it because they have been going through this agenda very quickly today that he hates to short that account out. He wants to make ultra sure that that account is not shorted any way, shape, or form and have them come back towards the end of the year, even if it's one dollar, Dante said he would hate to revisit that issue before the end of the year. Dante said, he is not quite sure they can make it, with the \$18,000, and the other \$18,000 both.

He said, the second issue is the time and effort that was put into this \$750,000 dollars, and the short time-frame that we had to resolve it. Dante said he hates to pay \$18,000 dollars for something that looks so important, that's vitally important to the operation, and may be, that's most important, and may be.

All voted "Yes", except Cid, Potrebic, and Smith, "No". Motion to deny carried 4-yes, 3-no.

In the Matter of Revised 144 for Parks & Recreation, Juvenile Court, Juvenile Court CASA, General Fund, Juvenile Court CASA Fund 706, Plan Commission, North Township Assessor, County Court Div III, Ross Township Assessor, Public Defender, Coroner, and St. John Township Assessor.

Re: Parks & Recreation – Tabaczynski made a motion, seconded by O'Donnell to defer to 7-12-05. All voted "Yes". Motion carried 7-0.

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39003-010 Suppl Pay Probation	-0-	\$1,162	\$1,162

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

<u>Revised 144 – General Fund</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12013-004 CASA Coordinator	-0-	\$27,000	\$27,000

<u>Revised 144 – Fund 233</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12013-001 CASA Coordinator	\$27,000	-0-	-\$27,000

Re: Juvenile Court CASA Fund 706 – Cid made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

<u>Revised 144 – Fund 706</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12013-006 CASA Coordinator	-0-	\$27,000	\$27,000

<u>Revised 144 – Fund 233</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12013-001 CASA Coordinator	\$27,000	-0-	-\$27,000

Re: Plan Commission – Potrebic made a motion, seconded by Blanchard to defer to 7-12-05. All voted "Yes", except O'Donnell, "No".. Motion to defer carried 6-yes, 1-no.

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

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16702-001 R.E. Clerk Supervisor	\$26,785	-0-	-\$26,785
16xxx-001 R.E. Deputy	-0-	\$26,785	\$26,785
13711-001 Commercial/Ind. Deputy	\$25,094	-0-	-\$25,094
13xxx-001 Commercial Clerk	-0-	\$25,094	\$25,094
13251-001 Commercial Supervisor	\$33,538	-0-	-\$33,538
13711-001 Commercial/Ind. Deputy	-0-	\$33,538	\$33,538

Re: North Township Assessor – Tabaczynski explained that he would like to delete the first position, 13124-002 Pers/Real Field Deputy from the revised 144 and make a motion, seconded by O'Donnell to approve. All voted "Yes". Motion carried 7-0

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
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16572-01 PP Deputy II	\$26,137	-0-	-\$26,137
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Re: County Court Div III – Cid made a motion, seconded by Franklin to approve and that it be retroactive to June 13, 2005. All voted “Yes”, except O’Donnell, “absent”. Motion to approve carried 6-yes, 1-absent.

<u>Revised 144- Fund 227</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
<u>Retroactive to June 13, 2005</u>			
39002-001 Supplemental Pay	-0-	\$3,000	\$3,000
39002-002 Supplemental Pay	-0-	\$3,000	\$3,000

Re: Ross Township Assessor – Potrebic made a motion, seconded by O’Donnell to approve. All voted “Yes”. Motion carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12001-001 Residential Supervisor	\$26,125	-0-	-\$26,125
12xxx-001 Commercial/Ind. Dep. I	-0-	\$26,1215	\$26,125

Re: Public Defender – David Schneider explained that the revised 144 is based upon Senate Bill 363, which is the Judicial salary bill, which impacts the Prosecutor’ Office, which impacts the Public Defender’ salaries as well. He said with their Public Defender’ Commission, their position has been all along, even with the creation of their positions five years ago that, their salaries were to be in line and consistent with what the Prosecutors were making, and it would be in effect consistent with what the Prosecutor will be receiving the first of July, and what the Chief Deputy Prosecutor’ would be. They are paid by the State, the Chief Public Defender, and Deputy Chief Public Defender are paid by the County.

Attorney Szarmach said that Senate Bill 363 does not mention the Public Defenders.

Mr. Schneider said that is correct. Their Public Defender’ Board did indicate that back in the year 2000. Attorney Szarmach said he wanted to make clear that they are relying on the comprehensive plan that was put together by their board, so it’s not required by Statue, but by the Comprehensive Plan, which is put together by their board.

Blanchard asked if the Council is bound by statue, or not bound by statue through the action of the board? Attorney Szarmach said the Council is not bound by statue, but the board has what is called by-laws, and has adopted a position that the Public Defenders are paid the same as the Prosecutors, which are covered by this House Bill.

Franklin said it troubles her that they are not able to do this for the other staff, and she asked if she was correct in her understanding that they are not bound by a mandate, but by by-laws from the board ? Attorney Szarmach said, correct.

Smith said that the chairman of that committee might want to consider a deferment on this and let our representative, O’Donnell have another meeting of that comprehensive committee. Potrebic said he wanted to recommend a deferral on this.

Potrebic made a motion, seconded by Franklin to defer to 7-12-05. All voted “Yes”. Motion carried 7-0.

Re: Coroner – Cid made a motion, seconded by O’Donnell to approve. All voted “Yes”. Motion Carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
11051-001 Chief Dep of Admin	\$39,696	-0-	-\$39,696
11101-001 Chief Deputy	-0-	\$39,696	\$39,696
11052-001 Chief Deputy of Operations	\$38,696	-0-	-\$38,696
11xxx-001 Chief Investigator	-0-	\$38,696	\$38,696

Re: St. John Township Assessor – Tabaczynski made a motion, seconded by O’Donnell to delete the Commercial Deputy, and approve the Personal Property Deputy. He explained that this is transferring personnel from North Township to St. John Township, and at this point, we are transferring this one person only. All voted “Yes”. Motion carried 7-0.

<u>Revised 144</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
13458-002 Personal Property Deputy	-0-	\$26,137	\$26,137

In the Matter of Create New Line Items Fund 167 Surveyor’s Corner Perpetuation Fund.

O’Donnell made a motion to defer. Motion dies for a lack of a second.

O’Donnell made a motion, seconded by Franklin to approve creating two new line items in Surveyor’s Corner Perpetuation Fund 167, 43420 – Insurance, and 44440 – Motor Vehicles.

Cid said until we establish a take-home county policy, that’s fair to everyone, she doesn’t believe they should approve any purchases of any new vehicles at this time.

Mr. Van Til said this doesn't relate to that. The current policy that the County Council passed some time ago would not affect this one way or another. This is a replacement for a vehicle that has 142,000 miles on it. He said he has reduced his amount of vehicles in an effort to save money. They retired a vehicle, and at this time he can't retire another one, but he does need this. It is simply a replacement that we very much need to perform the service that we, in fact are there for the taxpayers, which is surveying service.

O'Donnell said that this is a new way to do it, it's not a property-tax based fund. The new way to do it is through the Surveyor's own perpetuation fund, so it is a new way to do it, and this vehicle hauls guys from the County building to the job site with their instruments.

Cid asked is this a take-home vehicle?

Mr. Van Til said that sometimes it is, sometimes it's not. It falls within the ordinance that the Council passed some time ago, when needed.

Tabaczynski said that this vehicle is not a "perk" type of vehicle, it's a utility service truck that we are talking about. It's a van or a truck that can haul equipment. He commends the Surveyor for doing what we've tried to encourage which is using non-property tax funds whenever possible and relieve the general fund, and the taxpayers.

Franklin said that the vehicle that is currently being used is an old vehicle in which the mileage is over 100,000 miles. Franklin said this office does it's job. This is a work vehicle, it's not a vehicle to be taken home for "show and tell", it is a vehicle that is going to be used to do the work of the Surveyor' Office, and that she can support.

Cid said she knows it's not tax-based funds, but we are in the midst of establishing that county policy on vehicles, and this falls into it, the Commissioners put in their policy of not taking home these vehicles, and she just feels that we shouldn't take any action until we have that policy.

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

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

Franklin said that this is a personal vehicle to be taken home and she is going to ask for deferment because this matter will be discussed during budget time.

Franklin made a motion, seconded by Tabaczynski to defer to 7-12-05. Motions were withdrawn and No Action was taken.

In the Matter of Creating New Line Item – Emergency Management – General Fund

Blanchard made a motion, seconded by O'Donnell to approve creating new line item 43234 – Travel – Trans/Other. All voted "Yes". Motion carried 7-0.

In the Matter of Public Hearing – Vacating Platted Easement – The South 30 Feet of the North 120 Feet of the 5 Foot No access easement across the East 5 Feet of Lot 5 in Country Manor – Lowell, IN., Arnold H Kiran & Susan M. Kiran.

The public hearing was opened

Arnold Kiran was present and in favor of vacating this easement.

There were no remonstrators present.

Angela Ksiazek of Whiting had a question for Mr. Kiran.

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

In the Matter of Citizen Appointments – Convention & Tourism Bureau.

Potrebic nominated Gus Trakas

O'Donnell made a motion, seconded by Tabaczynski to defer to 7-12-05.

O'Donnell said that he thinks there are some procedural issues that need to be resolved as to eligibility for voting, that needs to be addressed at the next meeting.

All voted "Yes", except Potrebic and Smith, "No". Motion to defer carried 5-yes, 2-no.

Cid made a motion, seconded by Potrebic for reconsideration.

O'Donnell made a motion to adjourn.

Attorney Szarmach said that the motion to adjourn takes precedence.

Blanchard seconded by motion to adjourn. All voted "Yes", except Franklin, Cid, Potrebic, and Smith, "No".

Motion to adjourn failed 3-yes, 4-no.

Cid made a motion, seconded by Potrebic to reconsider. All voted "Yes" except O'Donnell, Blanchard, Tabaczynski, "No". Motion to reconsider carried 4-yes, 3-no.

Cid nominates Gus Trakas

O'Donnell made a motion, seconded by Blanchard to defer to 7-12-05. All voted "Yes", except Cid, Potrebic, Franklin, and Smith, "No". Motion to defer failed 3-yes, 4-no.

O'Donnell said the reason he did a motion to defer was because Franklin asked him to.

O'Donnell nominated Ann Bochnowski.

Cid nominated Gus Trakas.

O'Donnell made a motion, seconded by Blanchard to close the nominations.

O'Donnell asked for a legal opinion as to whether Mr. Trakas' boss, should be allowed to, whether a council person who Mr. Trakas happens to be her boss should be allowed to vote on this issue.

Attorney Szarmach said, there is no statutory seclusion.

O'Donnell asked if he believed it is creating the appearance of impropriety?

Smith said he wanted to begin the vote on this issue.

Potrebic voted for Mr. Trakas, O'Donnell voted for Ann Bochnowski, Cid voted for Gus Trakas, Franklin voted for Gus Trakas, Tabaczynski voted for Ann Bochnowski, Blanchard voted for Ann Bochnowski, Smith voted for Gus Trakas. Motion to approve Gus Trakas carried 4yes, 3-no.

In the Matter of Jail Oversight Committee.

Discussion

Blanchard said he brought this matter up at the study session, about consideration of maybe reconsidering the appointments or reconsidering department heads and elected officials that are appointed to the Jail Oversight Committee and making some new appointments and changing some others so that there is a little bit more "push". Blanchard said he just wasn't comfortable having someone who wasn't a Judge in the County Courts as a member of the committee. Blanchard said, maybe they should consider putting someone from the Courts for representation of all of the Courts, from the top to the bottom. Blanchard said the Sheriff and the Warden is there already, we have a Commissioner, and two Council members, the Prosecutor. Blanchard said he wanted this issue on the agenda for discussion purposes. – No Action Taken.

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

Tabaczynski made a motion, seconded by Blanchard to defer to 7-12-05. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Honoring Bishop Noll High School Senior – Sam Watts – Indiana State Champion – IHSAA Track and Field Finals – Long Jump Competition.

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

Cid read the plaque and presented to Sam Watts.

#### **RESOLUTION NO. 05-61**

#### **RESOLUTION HONORING SAM WATTS, LONG JUMP- STATE CHAMPION**

**WHEREAS**, students and professional athletes nurtured and trained in Lake County, Indiana, have consistently shown excellence in all sporting endeavors; and

**WHEREAS**, Lake County has generously sent forth its spirited and athletic youth to compete with other youths of this state and of every country and nation of this 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 sporting events demands; and

**WHEREAS**, SAM WATTS, of Bishop Noll won the Long Jump at the IHSAA Track and Field State Finals.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to SAM WATTS for capturing first place in the Long Jump at the IHSAA Track and Field State Finals; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to SAM WATTS.

DULY ADOPTED by the Lake County Council this 13<sup>th</sup> day of June, 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 an appropriate amount of funds between Gambling Admission Tax Fund 196 and 2% Circuit Break Debt Fund 325.

O'Donnell made a motion, seconded by Franklin to approve. All voted "Yes", except Blanchard, "No". Motion to approve carried 6-yes, 1-no.

**RESOLUTION NO. 05-62**

**RESOLUTION TRANSFERRING \$104,312.00  
FROM THE GAMBLING ADMISSION TAX FUND (FUND NO. 196)  
TO THE CIRCUIT BREAKER DEBT FUND (FUND NO. 325)**

**WHEREAS,** the Lake County Council has established the Circuit Breaker Debt Fund (Fund No. 325) to make payments to the State of Indiana to repay the Circuit Breaker Program Advance; and

**WHEREAS,** the Lake County Council desires to transfer \$104,312.00 in funds from the Gambling Admission Tax Fund (Fund No. 196) to the Circuit Breaker Debt Fund (Fund No. 325) to pay the State of Indiana a payment on the Circuit Breaker Program Advance.

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

That the Lake County Council approves the transfer of \$104,312.00 from the Gambling Admission Tax Fund (Fund No. 196) to the Circuit Breaker Debt Fund (Fund No. 325), to be used to pay the State of Indiana a payment on the Circuit Breaker Program Advance.

**SO RESOLVED** THIS 13<sup>th</sup> day of JUNE, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI  
CHRISTINE CID

THOMAS O'DONNELL  
ELSIE FRANKLIN

Members of the Lake County Council

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

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

**RESOLUTION NO. 05-63**

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

**WHEREAS,** the Lake County Coroner's Office, is currently operating in the 2005 Budget; and

**WHEREAS,** the following invoice/debt incurred in the Budget year of 2004, has not been paid:  
Line Item #001-0700-44420            Office Machines  
Horizon Consulting Services, LLC    \$ 3,907.09

**WHEREAS,** the Coroner desires to pay the above invoice/debt due.

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

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

Line Item #001-0700-44420            Office Machines  
Horizon Consulting Services, LLC    \$ 3,907.09

**SO RESOLVED** THIS 13<sup>th</sup> day of June, 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 Commissioners to pay a 2004 invoice with 2005 funds.

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

**RESOLUTION NO. 05-64**

**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:

001-3000-43610	Buildings & Structures
Kone, Inc.	\$ 21,456.00

**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 be paid from the Lake County Board of Commissioners 2005 Budget:

001-3000-43610	Buildings & Structures
Kone, Inc.	\$ 21,456.00

SO RESOLVED THIS 13<sup>th</sup> day of June, 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 Supporting the Gary Steelheads.

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

**RESOLUTION NO. 05-65**

**RESOLUTION IN SUPPORT OF THE GARY STEELHEADS**

**WHEREAS**, the Gary Steelheads Professional Basketball CBA franchise was born to Gary and the Northwest Indiana Region in February, 2000; and

**WHEREAS**, the Gary Steelheads' mission statement to Gary and the Northwest Indiana Region is to serve the community with pride and passion as a quality example of individual and team excellence on the court, at the arena, and within the community and region; and

**WHEREAS**, the Gary Steelheads are committed to serve as a special inspiration and encouragement to young people and adults alike for higher levels of personal and professional achievement, growth, maturity, and respect for each other; and

**WHEREAS**, the Gary Steelheads further project themselves to be examples and role models for youth, free of physical violence, drugs, and alcohol; and

**WHEREAS,** the Gary Steelheads has brought five (5) unprecedented seasons of professional basketball to Gary and the Northwest Indiana Region that included total family entertainment and a safe environment at the Genesis Convention Center; and

**WHEREAS,** the Gary Steelheads brought unprecedented consideration and delivery of the 2005 CBA All-Star Classic and pre-game events that were held on January 19, 2005 and attracted more than 6,600 people from all over the region to the Genesis Convention Center; and

**WHEREAS,** the Gary Steelheads have earned and do merit the support of every resident in the Northwest Indiana Region.

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

The Lake County Council hereby encourages the people of Lake County and Northwest Indiana to support the Gary Steelheads by encouraging family and friends to engage in affordable family fun and make plans to attend the scheduled home games during the 2005-2006 season.

**SO RESOLVED THIS 13TH DAY OF JUNE, 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 Blanchard to defer to 7-12-05. 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 Franklin to defer to 7-12-05. All voted "Yes". Motion carried 7-0.

In the Matter of Ordinance Approving Lake County Food and Beverage Tax.

Franklin made a motion, seconded by Potrebic to defer to 6-23-05. All voted "Yes". Motion to defer carried 7-0.

Smith explained that there will be a special meeting on 6-23-05 in the Auditorium at 6:00 P.M. They will hear all of the tax issues and allow the public an opportunity to speak on those issues. The issues to be discussed will be the County 2% Circuit Breaker Ordinance, the County Option Income Tax Ordinance, and the Food & Beverage Ordinance.

Smith said that they feel that all of the issues related to the taxes should be done in one setting, which is why the actions are being deferred today on the Food & Beverage.

Smith said that a subsequent meeting will also be held on June 28, 2005 at 6:00 P.M. in the auditorium as well.

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

Potrebic made a motion, seconded by O'Donnell to approve on Second Reading. All voted "Yes", except Franklin, and Smith, "No". Motion to approve carried 5-yes, 2-no.

**ORDINANCE NO. 1077C-13**

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

**WHEREAS,** on July 10, 1990, the Lake County Council adopted the Lake County Personnel Policy Ordinance, Ordinance No., 1077C; and

**WHEREAS**, the Lake County Council desires to amend the current employment policy regarding smoking (Lake County Code Sec. 32.064) in said Ordinance.

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

That the Lake County Personnel Policy Ordinance, Ordinance No. 1077C be amended as follows:

Sec. 32.064 Smoking.

**Delete.**

(A) Except as otherwise provided below smoking is prohibited in all County owned or operated buildings. Any County employee found to be in violation of this policy shall be subject to disciplinary action.

(B) Notwithstanding paragraph (A), smoking may be allowed in the areas of the Lake County Jail, Work Release Center, Male and Female and Kimbrough Center as designated by the Board of Commissioners and the Lake County Sheriff. In addition, smoking may be allowed in County owned or operated buildings in areas designated for smoking by the Board of Commissioners. The smoking areas shall be in a separate room in the southwest corner of cafeteria in Lake County Government Center and shall be sufficiently ventilated to keep "second hand smoke" to enter the non-smoking areas.

**Insert.**

(A) Except as otherwise provided below smoking is prohibited in all county owned or operated buildings, any employee found to be in violation of this policy shall be subject to disciplinary action.

(B) Notwithstanding paragraph (A), smoking may be allowed in the areas of the Lake County Jail, Work Release Center, Male and Female and Kimbrough Center as designated by the Board of Commissioners and the Lake County Sheriff.

**SO ORDAINED** THIS 13<sup>th</sup> DAY OF JUNE, 2005.

RON TABACZYNSKI  
THOMAS O'DONNELL  
DONALD POTREBIC

LARRY BLANCHARD  
CHRISTINE CID

Members of the Lake County Council

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

Franklin made a motion, seconded by Tabaczynski to approve on Second Reading. Tabaczynski wanted to be reassured by the Council Attorney that we are not biting off some responsibility here later that a municipality may later decide to give up and thereby stick us with it. He asked Attorney Szarmach if he was comfortable that nothing in this ordinance will allow that to happen? Attorney Szarmach said, yes. Each City has its own, Gary has it's own, East Chicago has its own. Tabaczynski said, If we create one here and then say, one of those cities decides they are going to get rid of their environmental department... Attorney Szarmach said, the cost does not come to us.

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

**ORDINANCE NO. 1264A**

**LAKE COUNTY ENVIRONMENTAL PROTECTION ORDINANCE**

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

**WHEREAS**, the Lake County Council desires to adopt a Lake County Environmental Protection Ordinance.

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

1. **PURPOSE AND INTENT.**

(A) This chapter shall be known and may be cited as the "Lake County Environmental Protection Ordinance".

(B) It is hereby declared to be the purpose of this chapter to protect public safety, health and welfare and enhance the environment for the people of the County by providing for the investigation and remediation of Hazardous Substances.

(C) The provisions of this chapter are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, United State Environmental Protection Agency or the Indiana Department of Environmental Management, but shall be construed as supplementing, implementing and assisting in the enforcement of federal and state laws concerning Hazardous Substances. Should any of the provisions of this chapter be determined to be inconsistent with federal or state law the remainder of this ordinance shall remain in effect and be interpreted ignoring such provision.

(D) This chapter shall not be construed to limit the authority of any municipality to adopt more stringent standards. The purpose of this chapter is solely to establish minimum standards protective of human health and the environment.

#### 11. DEFINITIONS.

As used in this chapter, the following terms shall be defined as follows:

(A) "Abatement Costs" mean all necessary and reasonable costs required to abate any discharge of hazardous substances.

(B) "Abate" means to reduce the presence of uncontrolled hazardous materials in the environment to a level that adequately reduces the risk of human health and the environment consistent with the future proposed use of the property.

(C) "Covered Person" means:

(1) Those persons described in the Comprehensive Environmental Response, Compensation and Liability Act, Section 107(a), 42 U.S.C. Sec. 9607(a); and

(2) All tenants or other persons in control of any real property within the County where hazardous substances exist.

(D) "Discharge" means any intentional or accidental action or omission which in the releasing, spilling, pumping, pouring, emitting, emptying, or dumping of any hazardous substance upon public or private property located within the limits of the County.

(E) "Environmental Public Nuisance" means:

(1) Any property where hazardous substances are present, unless the presence of hazardous substances is specifically authorized under state or federal laws or regulations governing hazardous substances; or,

(2) Property which has otherwise been allowed to become a health or safety hazard.

(F) "Local Government" means the County or any municipality within the County seeking to enforce this chapter.

(G) "Local Government Designee" means:

(1) The department, official or component designated by any local government within the County to enforce this chapter;

(2) The designee for the County shall be the Lake County Sheriff's Police.

(3) The designee for any municipality within the County shall be the Lake County Sheriff's Police, unless notice of an alternate designation is given to the Lake County Sheriff's Police by the executive of the municipality.

(H) "Hazardous Substance" means "hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act, Section 101(14), 42 U.S.C. Sec. 9601(14) and "hazardous waste" as defined in the Solid Waste Disposal Act, Section 3001 (42 U.S.C. Sec. 6921) and

"hazardous material" as defined in Title 13 Section 1311-2-96 of the Indiana Code and "hazardous waste" as defined in Title 13 Section 13-11-2-99 of the Indiana Code.

(1) "Notice of Violation" means a Notice of Violation pursuant to Section 101.60 of this chapter.

(i) "Persons" means one or more individuals, partnerships, corporations, trusts, joint ventures, association or any other entities or any combination thereof.

### **III. ENVIRONMENTAL PUBLIC NUISANCES PROHIBITED.**

(A) All covered persons shall be required to keep the real property in the County free from environmental nuisances.

(B) It shall be unlawful for any covered person to allow an environmental public nuisance to exist.

### **IV. VIOLATIONS OF RULES AND REGULATIONS OF THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.**

(A) The regulations of the United States Environmental Protection Agency as set forth in 40 C. F. R. 403 on the effective date of this Ordinance are hereby adopted and are incorporated herein by reference hereto.

(B) All rules and regulations promulgated by the Indiana Department of Environmental Management are hereby adopted and are made a part of this chapter by reference.

(C) Any person who commits a violation of any rules and regulations adopted pursuant to this section shall be deemed guilty of committing a violation of this chapter.

(D) Violations of such rules and regulations shall constitute violations of this chapter triable in the court of appropriate jurisdiction.

(E) Nothing in this section shall be construed to prohibit the Local Government or any from enacting ordinances stricter than the rules and regulations incorporated herein or to invalidate or supersede ordinances heretofore enacted by the Local Government which are stricter than the rules and regulations incorporated in this section.

### **V. INVESTIGATION.**

(A) Whenever a Local Government Designee has reason to believe that a Discharge of a Hazardous substance has occurred or is about to occur, the Local Government Designee may undertake such investigation, monitoring, surveying, testing, and other information gathering as the Local Government Designee may deem necessary or appropriate to identify the existence and extent of a Discharge or the threat of a Discharge, the source and nature of any Hazardous Substances involved and the extent of danger to the public health or welfare or to the environment.

(B) The local Government Designee may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:

- (1) The identification, nature and quantity of materials which have been or are manufactured, generated, treated, stored, or disposed of at the property;
- (2) The nature or extent of a release or threatened release of a Hazardous Substance or pollutant or contaminant at or on the property; and
- (3) Information relating to the ability of a person to pay for or to perform a cleanup.

(c) In addition, upon reasonable notice, such person shall either:

- (1) Grant the Local Government Designee access at all reasonable times to any vessel, facility, establishment, place, property, or location to inspect and copy all documents or records relating to such matters; or,
- (2) Copy and furnish to the Local Government Designee all such documents or records, at the option and expense of such person. However, nothing in this section shall be interpreted to waive the Local Government Designee's ability to inspect original documents.

(D) The Local Government Designee is authorized to enter at reasonable times any of the following:

- (1) Any vessel, facility, establishment, or other place or property where any Hazardous Substance may be or has been discharged;
- (2) Any vessel, facility, establishment, or other place or property from which or to which a hazardous substance has been or may have been discharged;
- (3) Any vessel, facility, establishment, or other place or property where such discharge is or may be threatened; or
- (4) Any vessel, facility, establishment, or other place or property where entry is needed to determine the need for response or the appropriate response or to effectuate abatement under this chapter.

(E) The Local Government Designee is authorized to inspect and obtain samples from any vessel, facility, establishment, or other place or property referred to in section 101.40(D) or from any location of any suspected hazardous substance. Each such inspection shall be completed with reasonable promptness.

(F) The Local Government Designee is authorized to inspect and obtain samples of any containers or labeling for suspected hazardous substances. If the Local Government Designee obtains any samples, before leaving the premises the Local Government Designee shall give to the covered person of the place from which the samples were obtained a receipt describing the sample obtained and, if requested, a portion of each such sample. A copy of the results of any analysis made of such samples shall be furnished promptly to the covered person in control, if such person can be located.

(G) Where there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance, the Local Government Designee may seek compliance in court as follows:

- (1) In the case of interference with entry or inspection, the court shall enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection, unless under the circumstances of the case, the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.
- (2) In the case of information or document requests or orders, the court shall enjoin interference with such information or document requests or orders or direct compliance with requests or orders to provide such information or documents unless, under the circumstances of the case, the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

#### **VI. TRADE SECRETS; PUBLIC INFORMATION.**

(A) Any trade secret reported to or otherwise obtained by the Local Government or a Local Government Designee in connection with an investigation conducted pursuant to this chapter shall be considered confidential.

(B) Sampling results and other environmental data regarding the conditions of soil or groundwater at a property are not trade secrets under this section and shall be available to the public at the discretion of the Local Government Designee.

#### **VII. NOTICE OF VIOLATION.**

(A) Any department of a Local Government which receives a complaint regarding an environmental public nuisance on any property within the County shall forward that complaint to the local Government Designee, who shall make a record of, and assign a case number to, such complaint. The Local Government Designee shall inspect the property in question.

(B) If the Local Government Designee determines action is appropriate and necessary to abate an Environmental Public Nuisance, a Notice of Violation shall be issued to one or more of the covered persons, unless there is an imminent threat to public health or the environment. If there is an imminent threat to public health or the environment, then no notice is required.

(C) Notice of violation shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice of violation shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than ten days from the date of the notice of violation when the property will be re-inspected. The notice of violation shall inform the recipient that, if the condition is not corrected upon re-inspection, the Local Government has the right to:

- (1) Enter on the property to abate the Environmental Public Nuisance and bill the recipient for abatement costs and, if necessary, assert a lien against the subject property;
- (2) File a court action against the recipient for ordinance violation; or,
- (3) File a court action against the recipient to enjoin the Environmental Public Nuisance.

(D) A notice to the occupant at the real estate or to any covered person at the address to which property tax statements are sent, as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located, shall be sufficient notice under this section.

#### **VIII. CONSENT AGREEMENTS.**

(A) The Local Government or the Local Government Designee, may, in their discretion:

- (1) Terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the local Government Designee, and the persons who are the subjects of the investigation or action; or,
- (2) Hold in abeyance pending performance of voluntary compliance activities an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Local Government Designee, and the persons who are the subjects of the investigation or action.

(B) The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by said persons.

(C) The consent agreement may provide, in the discretion of the Local Government Designee, the following: environmental mitigation; compensatory damages; punitive damages; civil penalties; abatement costs of the Local Government and attorneys' fees and costs.

(D) The consent agreement may provide, in the discretion of the Local Government Designee, a release or covenant not to sue to any covered person.

(E) An executed written consent agreement shall neither be evidence of a prior violation of this chapter, nor shall such agreement be deemed to impose any limitation upon any investigation or action by the Local Government or the Local Government Designee, in the enforcement of this chapter.

(F) No consent agreement shall constitute a waiver of or limitation upon the enforcement of any federal or state laws.

(G) No consent agreement shall constitute waiver of or limitation upon the enforcement of any local laws and ordinances, unless expressly provided.

(H) Each violation of any of the terms and conditions of an executed written consent agreement shall constitute a separate offense under this chapter by any persons in active concert or participation with the person who executed the consent agreement, including but not limited to officers, directors, agents, servants and employees who receive actual notice of the consent agreement.

(1) Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.

#### **IX. CLEAN-UP AND ABATEMENT.**

(A) The Local Government is authorized to take such steps as are necessary to clean up, remove or abate the effects of any hazardous substances located on the property (including streets and appurtenances) or facilities located within the limits of the County.

(B) In complying with the provisions of this chapter, the Local Government Designee may retain the use of private contractors to assist it.

(C) The provisions of this chapter do not apply to hazardous substances on properties where any Local Government entity is a covered person.

(D) Any covered person shall be jointly and severally liable for the abatement costs for any discharge of hazardous substance.

(E) When responding to any discharge of any hazardous substance, the designee for the local government shall keep a detailed record of the abatement costs attributable to any covered person.

**X. COURT ACTION FOR FAILURE TO ADDRESS A NOTICE VIOLATION.**

(A) If the Local Government Designee determines that the abatement has not occurred within ten days of the issuance of any Notice of Violation or within any period specifically provided in the Notice of Violation, the Local Government Designee may initiate a civil action or administrative action for ordinance violation against the recipient.

(B) Any court action may involve a complaint of ordinance violation, a request to enjoin any Environmental Public Nuisance or both.

**XI. REIMBURSEMENT OF ABATEMENT COSTS PENALTIES OTHER REMEDIES.**

(A) Each covered person shall reimburse the Local Government Designee for the full amount of all abatement costs within a period of ten days after receipt of an itemized bill for such abatement costs from the Local Government, plus any accrued interest. No further documentation is required.

(B) If any covered person fails to reimburse the Local Government Designee as required by Section XI. (A) of this chapter within 30 days, the Local Government Designee may certify to the County Auditor the amount of the bill, plus any additional administrative costs, incurred in the certification. The County Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected, except that payments from these efforts shall be made to the Local Government Designee.

(C) Any person who fails to comply with this chapter, shall be subject to:

- (1) Civil penalties up to the amount of \$10,000.00 per violation per day; and
- (2) A lien for abatement costs, civil penalties and other damages under this chapter upon the real property owned which is the subject of any Notice of Violation or any abatement efforts on the part of the Local Government or the Local Government Designee. The lien shall attach regardless of whether any covered person or otherwise liable for investigation or remediation of any hazardous substances release because a claim and lien is imposed pursuant to this section. This lien shall be superior to every other lien to the maximum extent allowed by federal and state law.
- (3) In assessing any civil penalty, the following factors should be considered: (a) the seriousness of the violation or violations; (b) the economic benefit (if any) resulting from the violation or violations; (c) any history of such violations, and any good-faith efforts to comply with the applicable requirements; (d) the economic impact of the penalty on the violator; and, (e) such other matters as justice may require.

(D) Attorneys fees and costs. The Local Government shall be entitled to the reasonable attorneys fees and costs expended in obtaining amounts due the Local Government under this chapter.

(E) Funds recovered under this chapter will be charged back to the Local Government Department that provided services or materials. It is the intent of this chapter that amounts expended by any Local Government Department in performing activities authorized under this chapter shall be replenished in a prompt manner.

(F) The remedies provided for in this section shall be supplemental to and in addition to all other available remedies at law and equity.

SO ORDAINED THIS 13<sup>th</sup> DAY OF JUNE, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI  
THOMAS O'DONNELL  
DONALD POTREBIC

LARRY BLANCHARD  
CHRISTINE CID

Members of the Lake County Council

In the Matter of Ordinance Vacating Platted Easement – Country Manor – Lowell, IN.

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

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

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

**ORDINANCE NO. 1264B**

**ORDINANCE GRANTING PETITION FOR PLATTED EASEMENT VACATION BY ARNOLD H. KIRAN AND SUSAN M. KIRAN**

**WHEREAS**, Petitioners ARNOLD H. KIRAN and SUSAN M. KIRAN pursuant to I.C. 36-7-3-12 file their Petition to vacate a portion of a platted easement (Exhibit "A"); and

**WHEREAS**, the Lake County Council on June 13, 2005, granted the said petition.

**IT IS NOW, THEREFORE, ORDAINED AS FOLLOWS:**

That the following described real estate in Lake County, Indiana, shall be given to the Petitioners ARNOLD H. KIRAN and SUSAN M. KIRAN, husband and wife, tenants by the entireties with right of survivorship:

The South 30 feet of the North 120 feet of the 5 foot no access easement across the East 5 feet of Lot 5 in Country Manor

**SO ORDAINED THIS 13<sup>th</sup> DAY OF JUNE, 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 Rescinding Ord 1260A – Establishing Rules & Penalties for Weights & Measures.

Franklin made a motion, seconded by Blanchard to approve on First Reading. All voted "Yes". Motion to approve on First Reading 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. 1264C**

**ORDINANCE RESCINDING ORDINANCE NO. 1260A, THE ORDINANCE ESTABLISHING THE RULES AND PENALTIES FOR WEIGHTS AND MEASURES**

**WHEREAS**, on February 8, 2005 the Lake County Council adopted Ordinance No. 1260A, the Ordinance Establishing the Rules and Penalties for Weights and Measures; and

**WHEREAS**, the Lake County Council now desires to rescind Ordinance No. 1260A, the Ordinance Establishing the Rules and Penalties for Weights and Measures.

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

That the Lake County Council now rescinds Ordinance No. 1260A, the Ordinance Establishing the Rules and Penalties for Weights and Measures adopted on February 8, 2005.

**SO RESOLVED THIS 13th DAY OF JUNE, 2005.**

WILL A. SMITH, JR., President

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

Members of the Lake County Council

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

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

Blanchard had a question about the late fee.

Attorney Szarmach explained that the late fee is \$100.00 per page 7 of the Ordinance F-i.

Blanchard asked if the other fees are as before, prior to what we rescinded? Attorney Szarmach said, yes.

Attorney Szarmach said, the main change is on page 7, B-ii, which is the license fee for each establishment, and not each product, each scale.

Blanchard said for clarification, the licensing fees are going back to original before,

Attorney Szarmach said originally, the basis for the licensing fee is going back to where it was, but the it's being increased by \$50.00. It's \$100.00, if passed.

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

**ORDINANCE NO. 1264D****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 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 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 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:

- 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 (\$10.00) 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 (\$100.00) 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 re-certified 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 5 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 of One Hundred (\$100.00) Dollars in check or money order payable to the Lake County Auditor for each application. License applications shall be submitted to the Lake County Weights and Measures Department.

New business license fees shall be prorated as follows:

January 1 to March 31	-	Full Amount
April 1 to June 30	-	$\frac{3}{4}$
July 1 to September 30	-	$\frac{1}{2}$
October 1 to December 31	-	$\frac{1}{4}$

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 annual license fee.

- 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 violating this section by failing to possess or conspicuously post a license shall:
- i. Pay a fine of Two Hundred (\$200.00) Dollars plus (\$100.00) Dollars for each year for failure to possess a license or conspicuously post a license.

- ii. Remain liable for any other fines assessed by the County Inspector under this Ordinance even though a license application and payment have 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.
- I. 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 13<sup>TH</sup> DAY OF JUNE, 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 Ord 992C-3 – Eligibility Requirements for Retirees.

Blanchard made a motion, seconded by O'Donnell to approve on First Reading. Potrebic asked if this includes for the employees, 15 years and they can leave at the age of 65, as long as they pay for their insurance? Blanchard said, yes. O'Donnell said that's secondary to medicare. Blanchard said, correct. All voted "Yes". Motion carried 7-0.

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

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

**ORDINANCE NO.992C-23**

**ORDINANCE AMENDING THE LAKE COUNTY  
SELF INSURANCE ORDINANCE CONCERNING ELIGIBILITY REQUIREMENTS  
FOR RETIREES, ORDINANCE NO. 992C-3**

**WHEREAS,** on May 9, 1989, the Lake County Council adopted the Lake County Self Insurance Ordinance, Ordinance No. 992C-3, (Lake County Code Sec. 32.165 through 32.171) in part, to establish a Group Health Insurance Program for employees of Lake County Government; and

**WHEREAS,** certain sections of the Ordinance defined eligibility requirements for retirees; and

**WHEREAS,** the Lake County Council now desires to amend the Ordinance concerning the eligibility requirements of retirees.

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

That the Lake County Self Insurance Ordinance, Ordinance No- 992C-3 (Lake County Code Section 32.165 through 32. 171) be amended as follows:

- 1 **Non-Merit County** Employees.
  - b. Retired Non-Merit Employee, 65 years of age or older, and Medicare eligible, with 15 aggregate years of County service, and applies within 90 days of retirement. Cost of single person plan, \$65.19 per month, Cost of family plan, \$130.38 per month.

**DELETE:**

That this Amendment shall remain in effect to and including June 30, 2005. On July 1, 2005, the deleted section shall be in full force and effect and the inserted section shall be deleted.

**INSERT:**

That this Amendment shall remain in full force and effect until amended by the Lake County Council by law.

SO ORDAINED THIS 13<sup>TH</sup> DAY OF JUNE, 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 Adding Lake County Recorder to Tax Sale Certificate Fund.

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

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

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

**ORDINANCE NO. 1264E**

**ORDINANCE ESTABLISHING THE NON-REVERTING PROPERTY SALES FUND 385 FOR COMMISSIONERS' TAX SALE CERTIFICATE PROCEEDS FOR SALES WHICH OCCUR SUBSEQUENT TO AUGUST 1, 2004**

**WHEREAS,** pursuant to I.C. 36-2-3.5-3 the Lake County Council is the fiscal and legislative body of Lake County, Indiana; and, pursuant to I.C. 36-2-3.5-5(b)(3) shall -adopt all ordinances for the Government of the County; and

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

**WHEREAS,** pursuant to I.C. 36-2-3.5-5(b)(3) the County Council desires to create certain funds for the deposit of money received with respect to the sale of County owned real estate and kept in the County Treasury; and

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

- 1 . That Fund 385 (Auditor's Property Sale Fund for Commissioners' Tax Sale Certificates) shall be established as an Auditor's Working Fund Account from which tax certificate sales related expenses are paid. Fund No. 385 shall also act as a clearinghouse for the sales proceeds that are due to the taxing units where the property is located, minus administrative expenses which are determined and documented as follows:
  - a. That the Auditor's Incentive Fund; the Treasurer's Incentive Fund, the Lake County Board of Commissioners' Incentive Fund and the Recorder's Incentive Fund are hereby established.
  - b. That distribution to the four (4) funds shall be made by the Lake County Auditor who is directed to deposit monthly into each Fund, ten (10%) percent of the revenue received as a direct result of the Lake County Commissioners' Tax Sale Certificate auction.
  - c. That distribution from the funds shall be made to the Auditor's office, the Treasurer's office, the Lake County Board of Commissioners and Recorder's Office respectively by appropriation from the County fiscal body as provided by law.

d. That each of the four (4) funds shall receive deposits pursuant to the Ordinance until the sum of \$100,000.00 is received in each calendar year. After the sum of \$100,000.00 is reached in a respective fund, revenue destined for the particular fund shall remain in Fund No. 385. 2. The balance of the sale proceeds after deduction of expenses and the incentive funds shall be distributed in accordance with I.C. 6-1.1-24-6.4 out of Fund No. 385.

Ordinance No. 1254B is hereby repealed and replaced by this Ordinance.

SO ORDAINED THIS 13<sup>TH</sup> DAY OF JUNE, 2005.

WILL A. SMITH, JR., President

RON TABACZYNSKI  
THOMAS O'DONNELL  
ELSIE FRANKLIN

LARRY BLANCHARD  
CHRISTINE CID  
DONALD POTREBIC

Members of the Lake County Council

In the Matter of Amending Ord 1113B – Establishing Recorder's Incentive Fund.

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

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

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

**ORDINANCE NO. 1113B-3**

**ORDINANCE AMENDING ORDINANCE NO. 1113B-1, THE ORDINANCE TO ESTABLISH THE TREASURER'S INCENTIVE FUND AND AUDITOR'S INCENTIVE FUND**

**WHEREAS,** on December 14, 1999, the Lake County adopted the Ordinance establishing the Treasurer's Incentive Fund and Auditor's Incentive Fund; and

**WHEREAS,** on July 8, 2003, the Lake County Council amended the Ordinance by creating an additional fund, the Lake County Commissioners' Incentive Fund, Ordinance No. 1113B-2; and

**WHEREAS,** the Lake County Council now desires to amend said Ordinance by creating an additional fund, the Lake County Recorder's Incentive Fund.

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

That Ordinance No. 1113B-1 be amended as follows:

Delete:

1. That three non-reverting funds, to be known as the Auditor's Incentive Fund, the Treasurer's Incentive Fund and the Lake County Board of Commissioner's Incentive Fund are hereby established.
2. That after deducting the advertising, legal, and professional service costs associated with the sale of the Lake County Commissioners' Real Estate Sales, the Lake County Auditor is directed to deposit monthly into each fund ten (10%) percent of the revenue received as a direct result of the Lake County Commissioners Real Estate Sales.
3. Distribution from the funds shall be made to Auditor's Office, the Treasurer's Office and the Lake County Board of Commissioners, respectively, by appropriation from the County fiscal body, as provided by law.
4. That each of the three funds shall receive deposits pursuant to this Ordinance until the sum of One Hundred Thousand (\$100,000.00) Dollars is reached in each calendar year. After the sum of \$100,000.00 is reached in a respective fund, revenue destined for the particular respective fund, shall remain in the Commissioners' Tax Sale Fund, Fund No. 583 for sales made up to April 8, 2003, and in Fund No. 383 for sales made subsequent to April 8, 2003.

Insert:

1. That four non-reverting funds, to be known as the Auditor's Incentive Fund, the Treasurer's Incentive Fund, the Lake County Board of Commissioner's Incentive Fund and Recorder's Incentive Fund are hereby established.
2. That after deducting the advertising, legal, and professional service costs associated with the sale of the Lake County Commissioners' Real Estate Sales, the Lake County Auditor is directed to deposit monthly into each fund ten (10%) percent of the revenue received as a direct result of the Lake County Commissioners Real Estate Sales.
3. Distribution from the funds shall be made to Auditor's Office, the Treasurer's Office, the Lake County Board of Commissioners, and Recorder's Office respectively, by appropriation from the County fiscal body, as provided by law.
4. That each of the four funds shall receive deposits pursuant to this Ordinance until the sum of One Hundred Thousand (\$100,000.00) Dollars is reached in each calendar year. After the sum of \$100,000.00 is reached in a respective fund, revenue destined for the particular respective fund, shall remain in the Commissioners' Tax Sale Fund, Fund No. 583 for sales made up to April 8, 2003, and in Fund No. 383 for sales made subsequent to April 8, 2003.

SO ORDAINED THIS 13<sup>th</sup> DAY OF JUNE, 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 Authorizing Lake County to make a Temporary Loan to meet Current Running Expenses.

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

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

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

**ORDINANCE NO. 1264F**

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

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

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

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

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

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

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

**WHEREAS**, except for (i) the outstanding portion of tax anticipation warrants delivered to JPMorgan Chase Bank, N.A. in exchange for maturing unpaid warrants on December 31, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Time Warrants, Series 2004D" in the original principal amount of Thirty-Five Million Dollars (\$35,000,000) payable with respect to the General Fund, and in the original principal amount of Thirty-Two Million Dollars (\$32,000,000) payable with respect to the Family and Children's Services Fund, and (ii) the outstanding tax anticipation warrants delivered to JPMorgan Chase Bank, N.A. on February 24, 2005, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Warrants, Series 2005A" in the original principal amount of Thirty-Two Million Dollars (\$32,000,000) payable with respect to the General Fund, and in the original principal amount of Ten Million Dollars (\$10,000,000) payable with respect to the Family and Children's Services Fund (collectively, the "Bank Warrants"), the County has no outstanding tax anticipation warrants payable from 2004 or 2005 tax or other revenues with respect to any of the Funds; and

**WHEREAS**, the County Council seeks to authorize the issuance of such temporary loan tax anticipation warrants with respect to each of the Funds and the sale of such warrants pursuant to the

provisions of Indiana Code 36-2-6-18, subject to and dependent upon the terms and conditions hereinafter set forth;

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

**SECTION 1. THE WARRANTS.** It is hereby found and declared that an emergency exists for the borrowing of money with which to pay current running expenses payable from each of the Funds prior to the receipt of anticipated revenues of the County for the remainder of 2004, including, without limitation, taxes levied (a) in 2003, payable in 2004, but not yet received, and (b) in 2004 and payable in 2005, for each of the Funds. For the purpose of paying the current running expenses of the County payable from each of the Funds, there shall be issued temporary loan tax anticipation time warrants of the County designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Warrants, Series 2005" (with a letter designation to reflect the series of such warrants) (the "Warrants"), in an aggregate principal amount not to exceed One Hundred Million Dollars (\$100,000,000), subject to applicable law, issued pursuant to the provisions of Indiana Code 36-2-6-18 as in effect on the date of the issuance of the Warrants. A separate Warrant or Warrants shall be issued with respect to each of the Funds. The County is authorized to issue Warrants from the following Funds in combined amounts not exceeding the following with respect to each of the Funds, subject to applicable law:

<u>Fund</u>	<u>Maximum Principal Amount</u>
General Fund	\$50,000,000
Family and Children's Services Fund	\$50,000,000

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

The Warrants shall mature not later than December 30, 2005. The final maturity date and final aggregate principal amount of the Warrants shall be set forth in a certificate executed by the Treasurer of the County prior to the sale of the Warrants. The Warrants shall not be payable prior to maturity. The Warrants shall bear interest prior to maturity at a rate or rates not exceeding six percent (6.0%) per annum (the exact rate or rates to be determined by public sale through competitive bidding). Interest on the Warrants shall be calculated on the basis of a three hundred sixty-five (365)-day year.

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

**SECTION 2. SECURITY FOR WARRANTS.** The principal of and interest on the Warrants, together with all necessary costs incurred in connection with the issuance and sale of the Warrants, shall be payable from anticipated revenues for the remainder of 2005 to be received in the respective Fund upon which such Warrant is issued; provided, however, that the Warrants shall be subordinate in both lien on revenue and right to payment to the Bond Bank Warrants. There is hereby appropriated and pledged to the payment of all Warrants issued with respect to each Fund, including interest and all necessary costs incurred in connection with the issuance and sale of the Warrants, a sufficient amount of anticipated revenues for the remainder of 2005, including, without limitation, the taxes levied (a) in 2003, payable in

2004, but not yet received, and (b) in 2004 and payable in 2005, for such Fund and in anticipation of which the Warrants are issued, for the punctual payment of the principal of and interest on the Warrants evidencing such temporary loans, together with such issuance costs, if any, subject to the application of the tax revenues to be received in the Fund to any long term lease or debt obligations due contemporaneously with such Warrants; provided, however, that the Warrants shall be subordinate in both lien on revenue and right to payment to the Bond Bank- Warrants and the Bank Warrants; provided, further, that the appropriation of moneys to the repayment of Warrants shall not cause the County to violate the provisions of Indiana law or any contract, grant or other agreement to which the County is a party. The principal amount of all Warrants maturing on any date shall be based on the 2005 annual budget levy for the Fund (including property tax replacement credit revenues) as estimated or certified by the Indiana Department of Local Government Finance. For purposes of this Ordinance, fifty percent (50%) of the annual budget levy (including property tax replacement revenues) shall be deemed to equal the amount of taxes estimated by the County Auditor to be collected for and distributed to such Fund at each of the June 2005 (that is, the first) and December 2005 (that is, the second and final) settlement and distribution of such revenues. The County covenants and agrees that it shall, if it fails to make any payment required herein when due, promptly undertake all actions, including the issuance of warrants issued to refund the unpaid Warrants that: (1) are necessary to cure such nonpayment, (ii) are legally available to cure such nonpayment, and (iii) do not, in the opinion of bond counsel, cause any of the Warrants to be considered debt of the County within the meaning of Article 13, Section I of the Indiana Constitution or laws of the State of Indiana.

**SECTION 3. EXECUTION OF WARRANTS.** The Warrants issued hereunder shall be executed in the name of the County by the manual or facsimile signatures of the County Commissioners of the County and attested by the manual or facsimile signature of the Auditor of the County, provided that at least one of such signatures is manually affixed. In case any official whose manual or facsimile signature shall appear on any Warrant shall cease to be such official before the delivery of such Warrant, such signature shall nevertheless be valid and sufficient for all purposes the same as if such official had remained in office until delivery of the Warrant.

**SECTION 4. FORM OF WARRANT.** The Warrants shall be issued in substantially the following form (with all blanks, changes, additions and deletions, including the appropriate amounts, dates and other information to be properly completed prior to the execution and delivery thereof, as conclusively evidenced by the signatures of the officers of the County affixed thereon):

[Form of Warrant]

No. 05-R-1

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF LAKE

TEMPORARY LOAN TAX ANTICIPATION WARRANT, SERIES 2005\_  
FUND)

Warrant Fund:		Fund
Dated Date:	2005	
Due Date:	December 30, 2005	
Principal Sum:	\$	
Interest Rate:	percent per	annum

FOR VALUE RECEIVED, on the Due Date set forth above (the "Due Date"), the County of Lake, Indiana (the "Borrower"), shall pay to (the "Holder") the Principal Sum set forth above, together with interest thereon at the per annum Interest Rate set forth above, with such interest to be computed on the basis of a three hundred sixty-five (365) day year from the date of issuance to the date of maturity. This warrant is not payable prior to maturity.

This warrant is one of a series of temporary loan tax anticipation time warrants aggregating Dollars (\$) in principal amount, for the

purpose of providing funds to meet current expenses of the Fund of the County set forth above (the "Fund"), and has been authorized by Ordinance No. , passed and adopted by the County Council of the County of Lake, Indiana, on June , 2005 in

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

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

**This warrant is expressly subordinated in both lien on revenue and right to payment to (i) the tax anticipation warrants delivered to JPMorgan Chase Bank, N.A. in exchange for maturing unpaid warrants on December 31, 2004, designated "County of Lake, Indiana, Temporary Loan Tax Anticipation Time Warrants, Series 2004D" and (ii) the tax anticipation warrants delivered to JPMorgan Chase Bank, N.A. on February 24, 2005, designated "County of Lake, Indiana Temporary Loan Tax Anticipation Warrants, Series 2005A" (collectively, the "Bank Warrants").**

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

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

COUNTY OF LAKE, INDIANA

By:  
County Commissioner

County Commissioner

County Commissioner

ATTEST:

Auditor

[End of Form of Warrant]

Notwithstanding anything, in this Ordinance to the contrary (including the form of Warrant in this Section 4 herein), each Warrant (as well as any other papers or certification delivered in connection therewith) can be signed by one or more of the County, Commissioners and need not be signed by all members of the Board of County Commissioners.

**SECTION 5. ISSUANCE, SALE AND DELIVERY OF WARRANTS.** The Auditor of the County is hereby authorized and directed to have the Warrants prepared, and the County Commissioners and the Auditor of the County are hereby authorized and directed to execute or to cause the execution of the Warrants in the form and manner herein provided, as conclusively evidenced by their execution thereof.

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

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

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

**SECTION 6. FURTHER ACTIONS.** The County Commissioners and the Auditor of the County are hereby authorized and directed to make such filings and requests, deliver such Certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby.

**SECTION 7. TAX COVENANTS.** The County hereby covenants that the County and its officers shall not take any action or fail to take any action with respect to the proceeds of any of the Warrants or any investment earnings thereon that would result in constituting any of the Warrants as "arbitrage bonds" under the Internal Revenue Code of 1986, as amended (the "Code"), and any and all final or proposed regulations or rulings applicable thereto, or which would otherwise cause the interest on any of the Warrants to cease to be excludable from gross income for purposes of federal income taxation; and the Auditor of the County and all other appropriate officers of the County are hereby authorized and directed to take any and all actions and to make and deliver any and all reports, filings and certifications as may be necessary or appropriate to evidence, establish or ensure such continuing exclusion of the interest on the Warrants.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after the time it has been adopted by the County Council.

**SECTION 9. REPEAL OF CONFLICTING ORDINANCES.** All resolutions and ordinances in conflict herewith are, to extent of such conflict, hereby repealed.

*[the remainder of this page intentionally left blank]*

DULY ADOPTED BY THE COUNTY COUNCIL OF THE COUNTY OF LAKE,  
LAKE COUNTY, INDIANA, THIS 13<sup>th</sup> DAY OF JUNE, 2005.

- WILL A. SMITH, JR.
- RON TABACZYNSKI
- ELSIE FRANKLIN
- THOMAS O'DONNELL
- CHRISTINE CID
- DONALD POTREBIC
- LARRY BLANCHARD

ATTEST:

STEPHEN R. STIGLICH, AUDITOR

In The Matter of Ordinance Authorizing a 2004 Rollover

Dante wanted to reiterate that all of this money in our current budget, the money that we are getting right now, is for last year' budget, so none of this money that we are talking about right now is basically for this years' budget, we are still operating on last year's budget that's why we are being stingy on some of these additional appropriation requests because we certainly don't know where we're at. Dante said we are being so cautious because we are really still dealing with the remnants of the 2004 budget.

Dante said that all of this borrowing this soon, we're 100% collections, and we haven't even seen our 2004 collections, right now we are at 90% collections, but there are other factors that come into play that augment that, and that's why we've heard some say 90%, but Dante said he is looking at 95%, but there are other variables that come into play. He said they are looking at low 90s, right around 90 as the true collection rate, and in this we borrowed assuming 100%, so we have to do some "fancy footwork" to make sure that indeed we can satisfy these claims.

Smith said on the collection side, each per cent that we don't collect is approximately \$900,000 dollars.

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

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

O'Donnell 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. 1264G**

**AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF LAKE, INDIANA, AUTHORIZING THE COUNTY OF LAKE, INDIANA TO MAKE TEMPORARY LOANS TO REFINANCE WARRANTS ISSUED TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE**

**COUNTY AND CERTAIN DEPARTMENTS THEREOF; AUTHORIZING THE ISSUANCE AND EXCHANGE OF TEMPORARY LOAN TAX ANTICIPATION WARRANTS TO EVIDENCE SUCH LOANS; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON**

**WHEREAS**, the County Council (the "County Council") of the County of Lake, Indiana (the "County") has determined that there will be an insufficient amount of money in each of the General Fund, Parks and Recreation Debt Service Fund and Family and Children's Services Fund of the County (or certain departments of the County) (collectively, the "Funds") to meet the respective current running expenses of the County or departments thereof payable from each of such Funds during the fiscal year ending on the last day of December 2004, and prior to the respective June and December settlements and distributions of taxes levied for each of such Funds- and

**WHEREAS**, the County Council has heretofore determined in Ordinance No. 1253A adopted on July 13, 2004, and in Ordinance No. 1256D adopted on October 12, 2004 (collectively, the "Prior Ordinances") that an emergency exists for the borrowing of money to pay the County's current running expenses, that temporary loans for the Funds for such purposes should be made, and that temporary loan tax anticipation warrants evidencing such loans should be issued and sold, subject to the terms and conditions set forth herein and in accordance with the provisions of Indiana law; and aforesaid the County did issue (i) on August 10, 2004, its Temporary Loan Tax Anticipation Time Warrants, Series 2004B in the aggregate principal amount of Fifty-four Million Dollars (\$54,000,000) (the "Series 2004B Warrants"), and (ii) on November 18, 2004, its Temporary Loan Tax Anticipation Time Warrants, Series 2004C in the aggregate principal amount of Fifteen Million Dollars (\$15,000,000) (the "Series 2004C Warrants" and together with the Series 2004B Warrants, the "Prior Warrants"); and

**WHEREAS**, revenues anticipated to be received by the County to pay the Prior Warrants upon maturity on December 31, 2004, were not timely received by the County; and

**WHEREAS**, in order to replace the Prior Warrants and extend the maturities thereon to June 30, 2005, the County did issue on December 31, 2004 its Temporary Loan Tax Anticipation Warrants, Series 2004D in the aggregate principal amount of Sixty-nine Million Dollars (\$69,000,000) (the "Series 2004D Warrants"); and

**WHEREAS**, revenues anticipated to be received by the County to pay all of the Series 2004D Warrants upon maturity on June 30, 2005, have not been received by the County; and

**WHEREAS**, the County is authorized by Indiana Code 5-1-5-2, 5-1-5-3, and 5-1-5-13 to issue and sell or exchange, on a negotiated basis, warrants to replace the unpaid portion of Series 2004D Warrants if there are no funds otherwise available to pay the unpaid portion of Series 2004D Warrants at maturity; and

**WHEREAS**, JP Morgan Chase Bank, N.A., as purchaser and owner of the Series 2004D Warrants, has agreed to receive in exchange for the unpaid portion of Series 2004D Warrants, new replacement warrants upon such terms as shall be negotiated by the County consistent with the provisions of this Ordinance; and

**WHEREAS**, except for (a) the unpaid portion of Series 2004D Warrants, and (b) the Outstanding anticipation warrants sold to JP Morgan Chase Bank, N.A., on February 24, 2005 designated "County of

Lake, Indiana, Temporary Loan Tax Anticipation Warrants, Series 2005A" in the original principal amount of Thirty-two Million Dollars (\$32,000,000) payable with respect to the General Fund, and in the original principal amount of Ten Million Dollars (\$10,000,000) payable with respect to the Family and Children's Services Fund (the "Series 2005A Warrants"), the County has no outstanding, tax anticipation warrants payable from 2003 or 2004 tax or other revenues with respect to any of the Funds; and

**WHEREAS**, the County Council seeks to authorize the issuance of such temporary loan tax anticipation warrants with respect to each of the Funds and the exchange of such warrants for the Prior Warrants pursuant to the provisions of Indiana Code 36-2-6-18, 5-1-5-2, 5-1-5-3, and 5-1-5-13, subject to and dependent upon the terms and conditions hereinafter set forth;

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

**SECTION 1. THE WARRANTS.** It is hereby found and declared that an emergency exists for the borrowing of money with which to pay when due on June 30, 2005, the outstanding principal due on the Series 2004D Warrants. For the purpose of providing warrants to be delivered in exchange for the Series 2004D Warrants, there shall be issued temporary loan tax anticipation time warrants of the County designated "County of Lake, Indiana, Tax Anticipation Warrants, Series 2004E" (the "Warrants"), in an aggregate principal amount not to exceed Forty-seven Million Dollars (\$47,000,000), subject to applicable law, issued pursuant to the provisions of Indiana Code 36-2-6-18, 5-1-5-2, 5-1-5-3, and 5-1-5-13, as in effect on the date of the issuance of the Warrants. A separate Warrant or Warrants shall be issued with Funds in combined amounts not exceeding the following with respect to each of the Funds, subject to applicable law:

Fund	Maximum Principal Amount
General Fund	\$35,000,000
Family and Children's Services Fund	12,000,000

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

The Warrants shall mature not later than December 30, 2005. The final maturity date and final aggregate principal amount of the Warrants shall be set forth in a certificate executed by the Treasurer of the County prior to the sale of the Warrants. The Warrants shall not be optionally paid prior to maturity; provided, however, the Warrants shall be mandatorily prepaid within ten (10) days from the date the County receives the tax distribution pledged to the payment of the Warrants. The Warrants shall bear interest prior to maturity at a rate or rates not exceeding six percent (6.0%) per annum. Interest on the Warrants shall be calculated on the basis of a three hundred sixty-five (365)-day year.

It is hereby determined that it is in the best interests of the County to negotiate an interest rate with JPMorgan Chase Bank, N.A., and to exchange the Warrants for the Prior Warrants held by JPMorgan Chase Bank, N.A.

The Warrants shall be issued in denominations of One Hundred Thousand Dollars

(\$100,000) or integral multiples of One Thousand Dollars (\$1,000) in excess thereof (e.g., \$100,000, or \$101,000, or \$102,000, etc.). The Warrants shall be numbered from 04R-E-1 upwards. The Warrants shall be issued in the maximum combined principal amount of Sixty-Nine Million Dollars (\$69,000,000), subject to applicable law, with the Warrants issued with respect to each of the Funds issued up to or less than the maximum principal amount established for each such Fund as set forth in the table above, subject to applicable law.

**SECTION 2. INCORPORATION OF PROVISIONS OF THE PRIOR ORDINANCES.** Provisions of the Prior Ordinances relating to (i) security for the Warrants, prepayment of the Warrants, execution of the Warrants and the form of the Warrants are hereby incorporated by reference and shall be effective with respect to the Warrants as though set forth in full herein. Specifically, the form of Warrant shall be as set forth in the Prior Ordinances with such modifications as shall be necessitated to conform to the warrant exchange transaction authorized herein.

**SECTION 3. ISSUANCE AND DELIVERY OF WARRANTS.** The Auditor of the County is hereby authorized and directed to have the Warrants prepared, and the County Commissioners and the Auditor of the County are hereby authorized and directed to execute or to cause the execution of the Warrants in the form and manner herein provided, as conclusively evidenced by their execution thereof

The Warrants shall be issued in exchange for the Prior Warrants. The Auditor, on behalf of the County, is authorized and directed to have the Warrants prepared in the form herein provided.

Upon the negotiation with JP Morgan Chase Bank, N.A. to determine the interest rate on the Warrants, the proper officers of the County are hereby authorized and directed to execute the Warrants in the form herein provided and to deliver the Warrants when so executed in exchange for the Prior Warrants.

**SECTION 4. FURTHER ACTIONS.** The County Commissioners and the Auditor of the County are hereby authorized and directed to make such filings and requests, deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby.

**SECTION 5. TAX COVENANTS.** The County hereby covenants that the County and its officers shall not take any action or fail to take any action with respect to the proceeds of any of the Warrants or any investment earnings thereon that would result in constituting any of the Warrants as "arbitrage bonds" under the Internal Revenue Code of 1986, as amended (the "Code"), and any and all final or proposed regulations or rulings applicable thereto, or which would otherwise cause the interest on any of the Warrants to cease to be excludable from gross income for purposes of federal income taxation; and the Auditor of the County and all other appropriate officers of the County are hereby authorized and directed to take any and all actions and to make and deliver any and all reports, filings and certifications as may be necessary or, establish or ensure such continuing exclusion of the interest on the Warrants.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after the time it has been adopted by the County Council.

**SECTION 7. REPEAL OF CONFLICTING ORDINANCES.** All resolutions and ordinances in conflict herewith are, to extent of such conflict, hereby repealed. To the extent not in conflict herewith, the Prior Ordinances are expressly ratified and confirmed.

**DULY ADOPTED BY THE COUNTY COUNCIL OF THE COUNTY OF LAKE,**

LAKE COUNTY, INDIANA, THIS **13th** DAY OF JUNE, 2005.

WILL A. SMITH, JR.  
RON TABACZYNSKI  
ELSIE FRANKLIN  
THOMAS O'DONNELL  
CHRISTINE CID  
DONALD POTREBIC  
LARRY BLANCHARD

ATTEST:  
STEPHEN R. STIGLICH, AUDITOR

In the Matter of Ordinance Amending Ord 1255G – Part-Time Employees Salary Ordinance for 2005 for Criminal Court.

O'Donnell said this is an ordinance to amend our Part-Time salary ordinance. Janet Cusic is bringing it forward. This is to increase the maximum part-time Probation Officer' pay to ten dollars an hour.

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

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

O'Donnell 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-4**

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

**WEHREAS**, 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.

- 36. Superior Court of Lake County, Criminal Division  
Criminal Probation Officer \$10.00

SO ORDAINED THIS 13<sup>TH</sup> DAY OF JUNE, 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 Plan Commissioner Ordances 2094, 2095, 2096, 2097, 2098, and 2099.

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2094. All voted "Yes". Motion to approve carried 7-0. There were no remonstrators present.

**ORDINANCE #2094  
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 05/18/05).

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

VARIANCE OF USE owned and petitioned by LON & LORI CHILDRESS to allow a culinary facility in an existing accessory structure for personal use on the following described property:

General Location: at the Southeast Quadrant at the Intersection of 159th Avenue & Parrish Street. aka 9549 W. 159<sup>th</sup> Ave., in West Creek Township.

Legal: Hunter Hills Subdivision, Lot 1, as recorded in Plat Book 78, Page 6, in the Office of the Lake County Recorder

IS HEREBY

APPROVED     DENIED     REMANDED

BY THE COUNTY COUNCIL

OF LAKE COUNTY, INDIANA, THIS 13<sup>th</sup> DAY OF JUNE, 2005.

LAKE COUNTY COUNCIL

WILL A. SMITH, JR.

ELSIE FRANKLIN  
LARRY BLANCHARD  
DONALD POTREBIC

RON TABACZYNSKI  
CHRISTINE CID

Potrebic made a motion, seconded by Blanchard to approve Plan Commission Ordinance # 2095. All voted "Yes". Motion carried 7-0. There were no remonstrators present.

**ORDINANCE #2095  
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 05/18/05).

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

**VARIANCE OF USE** owned and petitioned by **ERIC GOETZ** to allow a contractor's business and storage in an A-1 (Agricultural) Zone, on the following described property:

General Location: Located approximately 1/2 mile south of 173rd Avenue on the east side of State Line Road, a/k/a 17609 State Line Road in West Creek Township.

Legal: Parcel 1: The South Half of the, South Half of the North Half of Section 24, Township 33 North, Range 10 West of the 2<sup>nd</sup> P.M., in Lake (county, Indiana, excepting the East 11 acres thereof deeded to Peter Miller by Warranty Deed recorded April 15, 1889 in Deed Record 46, page 125.

Parcel 11: Fifty-five acres, more or less, off the North end of the East Half of the Southwest Quarter of Section 24, Township 33 North, Range 10 West of the 2<sup>nd</sup> P.M., in Lake County, Indiana, being all that part of said described lot that lies North of an East and West line across the same as marked and agreed to between one Chancellor Graves and William Farley (now deceased) in their lifetime.

Parcel III: All that part of the West Half of the Southeast Quarter of Section 24, Township 33 North, Range 10 West of the 2<sup>nd</sup> P.M., in Lake County, Indiana, lying North and West of the center of the channel of West Creek as it now is.

IS HEREBY

APPROVED     DENIED     REMANDED

BY THE COUNTY COUNCIL







have the answer. She said that "Can't Pay Won't Pay has drafted up an ordinance that would effectively stop foreclosures and evictions from happening in Lake County.

Attorney Szarmach said, a County, or City Ordinance can not preempt State or Federal Law, and foreclosure is eviction, that's State Law. He said, we can not stop, for example by County Ordinance, collection of State Sales Tax, you may not approve of, or any tax. The County could not terminate any State tax. You would have to change the State Law. He said the County Council does not have any jurisdiction over Ordinances in Whiting, your City Council does.

Tabaczynski explained that the process for the County taking over a property, because of non-payment of taxes, is far from what he thinks most people believe that it is. You have to be three installments delinquent before the Treasurer can even certify your property as delinquent and tax bill eligible. You are then allowed the opportunity to come in and bring it current enough to keep it off the tax sale. If it goes to the Tax Sale, the only thing that sales is the lien on the property, which you have a year to remove before anybody can remove you from your house, so if you follow the calendar, it's almost three years from the time you are notified being delinquent, to the time you could possibly lose your house through an auction, and that would require somebody buying the lien and then going to Court to perfect the deed to take your property, so about three years.

He said, to his knowledge, the County Treasurer has suspended tax sales to try to work with people, even though people are being evicted through a foreclosure, it is by an action of their lender, their mortgage company, not by the County, the County is not putting anybody out of their homes through any kind of legal process, your mortgage companies are. He also advised, if you are confronted with huge increases in your mortgages, you have to look at your escrow payments. If you have an out of state lender, Tabaczynski said, he would be willing to bet you are paying too much into escrow because they have very set ways in calculating, they know in Indiana, you pay in two installments. He said look into your escrow amounts.

Amy Wilson of Hammond spoke about issues and questions that she E-mailed to the State, and the State's response to overspending, no governmental cut backs, the casino funds, outrageous property tax bills, take-home cars for officials satellite offices, and several other issues.

She read suggested solutions such as, funding for the 2%, cutting the budget 20%, no official will use unnecessary county cars, cell phones, and make a list of who should have county cars and cell phones, and make it publicly available. Cut the County payroll at 10%, including the Sheriff Department and Jail. Find another way to fund the RDA.

She said she has met with local politicians in meetings bearing her heart and soul, praying for some kind of help. She said she doesn't blame the local officials, she sees what Indianapolis is doing too. She hopes this Council will help them.

Smith said that there are many issues that she read that he is sure that each of the Council members can respond to.

Dante said that with the Casino revenue, \$25 million dollars CLT bailout. Jails got mandated, with \$9 million dollar potential Arthur Andersen.

Dante said that no matter how you slice it, who you fire, what offices you close, you're going to have to keep open and charge somebody for 75% of that 11.5%, there is no way, shape of form, you are going to have to charge at least. Now in that 75%, that's not including tax billing, there actually has to be somebody who actually does the tax billing. Dante said that you have to put some things in perspective.

Mr. Prettyman said that one of the concerns that they have is that every agency that they talk to seems to have an intelligent rationale as to why they can not help us. He said if they don't get some sort of assistance, they will be put out of their homes next year. They understand that the application of the state mandated home exemption is one of the causes of the problem. He said he can't handle a \$10,000 dollar tax bill, and until this tax issue is resolved, he can't sell the house because nobody wants to buy a house when they know they will be paying \$5,000 dollars or \$15,000 dollars in taxes. He asked if there is some way these issues can be resolved so they won't have to go through these experiences because of a "goose" that was made by somebody else who is being paid by taxpayer money to make these decisions. He said they understand that you aren't responsible for all of these problems, but you are the ones who are listening to them now.

Joe Gomeztagle spoke.

Smith said that he set a special meeting to speak on these issues, and he would like to respectfully cut off any dialogue on this issue, and ask that you bring your issues to the special Council meetings that he has set up on June 23, 2005 at 6:00 P.M. in the Auditorium.

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

\_\_\_\_\_  
President, Lake County Council

ATTEST:

\_\_\_\_\_  
Stephen R. Stiglich,  
Lake County Auditor















