

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 Christine Cid, President, Ernie Dillon, Elsie Franklin, Jerome A. Prince, Thomas O'Donnell, Ted Bilski and Larry Blanchard, County Councilpersons, together with Ray Szarmach, County Council Attorney.

In the Matter of Minutes of Lake County Council for November 6, 2008 - Special Meeting, and November 10 2008.

Blanchard made a motion, seconded by Prince to defer to 1-13-09. All voted "Yes". Motion carried 7-0.

ORDINANCE NO 1306

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.

Appropriated	Appropriation Requested
General Fund 001	
<u>Commissioners</u> 2900	
44310 Improvements(CNL)	\$ 290,000.00
No Action	
<u>Council</u> 3700	
41237 Deferred Comp Match	-\$ 290,000.00
No Action	
Gambling Adm Tax Fund 196	
<u>Commissioners</u> 2900	
44310 Improvements	\$1,000,000.00

NO ACTION
Data 3600
 43240 Telephone \$ 8,929.00
 \$ 8,929.00
 43995 Other Services & Charges \$ 9,587.00
 \$ 9,587.00

SAPS FUND 143

Criminal Court 4000
 43190 Other Professional Service(CNL) \$ 10,000.00
 \$ 10,000.00

Infraction Deferral Fund 104

Prosecutor 0800
 41150 Paraprofessional \$ 9,400.00
 \$ 9,400.00
 41160 Office & Clerical \$ 3,650.00
 \$ 3,650.00
 41220 FICA \$ 1,000.00
 \$ 1,000.00
 41230 PERF \$ 1,275.00
 \$ 1,275.00
 41240 Group Insurance \$ 6,600.00
 \$ 6,600.00
 41237 Deferred Comp \$ 2,040.00
 \$ 2,040.00

TRANSFER OF FUNDS CERTIFICATE

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

Approved	Requested
<u>Assessor</u> 0900	
From: 001-43190 Other Professional Service	\$ 10,500.00
To: 001-43730 Property Rental	\$ 10,500.00
\$ 10,500.00	
<u>Auditor</u> 0200	
From: 001-41190 Part-Time	\$ 460.00
To: 001-41210 Longevity	\$ 460.00
\$ 460.00	
<u>Criminal Court</u> 4000	
From: 001-41130 Technicians	\$ 1,706.00
001-41160 Official & Clerical	\$ 400.00
To: 001-41120 Professionals	\$ 2,106.00
\$ 2,106.00	

<u>Commissioners</u> 2900		
From: 001-41220	FICA	\$ 20,000.00
	\$ 30,000.00	
	001-41230	PERF
	\$ 70,000.00	\$ 80,000.00
To: 001-43190	Other Professional Service	\$100,000.00
	\$100,000.00	
<u>Commissioners</u> 2900		
From: 196-44310	Improvements	\$143,808.00
To: 196-43190	Other Professional Service	\$143,808.00
	\$143,808.00	
<u>CASA</u> 4150		
From: 001-41190	Part-Time	\$ 960.00
To: 001-41120	Professionals	\$ 960.00
	\$ 960.00	
<u>CASA</u> 4150		
From: 001-43310	Printing	\$ 2,500.00
To: 001-43235	Travel-Mileage	\$ 2,500.00
	\$ 2,500.00	
<u>CASA Fund 706</u>		
From: 706-41190	Part-Time	\$ 140.00
To: 706-41210	Longevity	\$ 140.00
	\$ 140.00	
<u>Fairgrounds</u> 2920		
From: 001-41110	Officials & Admin	\$ 2,000.00
To: 001-41190	Part-Time	\$ 2,000.00
	\$ 2,000.00	
<u>Cooperative Extension</u> 2300		
From: 001-43620	Equipment Repair	\$ 500.00
To: 001-43630	Maintenance & Service Contr	\$ 500.00
	\$ 500.00	
<u>Plan Commission</u> 2400		
From: 001-41120	Professionals	\$ 340.00
To: 001-41210	Longevity	\$ 340.00
	\$ 340.00	
<u>Clerk</u> 0100		
Child Support Incentive Fund 428		
From: 428-41190	Equipment Repair	\$ 2,660.00
To: 428-41190	Part-Time	\$ 2,500.00
	WITHDRAWN	
	428-41220	FICA
	WITHDRAWN	\$ 160.00
<u>Clerk</u> 0100		
From: 001-41150	Paraprofessional	\$ 500.00
	001-43630	Maintenance & Serv Contr
	\$ 6,000.00	
To: 001-41110	Officials & Administrators	\$ 500.00

	\$ 500.00	
001-43620	Equipment Repair	\$ 3,000.00
	\$ 3,000.00	
001-43330	Photo/Blue Printing	\$ 3,000.00
	\$ 3,000.00	
<u>Clerk</u>	0100	
	Child Support Incentive Fund 428	
From:	428-44490 Other Equipment	\$ 22,177.68
To:	428-41390 Supplemental Pay	\$ 22,177.68
	WITHDRAWN	
<u>Ross Township Assessor</u>	1700	
From:	001-43510 Utilities	\$ 600.00
	001-43919 Laundry & Cleaning	\$ 580.00
To:	001-42110 Office Supplies	\$ 1,000.00
	\$ 1,000.00	
	001-43630 Maintenance & Service Contr	\$ 180.00
	\$ 180.00	
<u>County Court Div II</u>	4040	
<u>Saps Fund</u>	143	
From:	143-44410 Furniture & Fixtures	\$ 600.00
To:	143-42110 Office Supplies	\$ 600.00
	\$ 600.00	
<u>Public Works</u>	2950	
From:	001-43630 Maintenance & Service Contr	\$ 900.00
	001-43910 Dues & Subscriptions	\$ 750.00
To:	001-43620 Equipment Repair	\$ 1,650.00
	\$ 1,650.00	
<u>Community Development</u>	6100	
From:	001-42410 Other Supplies	\$ 1,000.00
To:	001-42390 Other Repair & Maint Suppl	\$ 1,000.00
	\$ 1,000.00	
<u>Sheriff</u>	0500	
From:	001-43630 Maintenance & Serv Contr	\$ 25,992.56
To:	001-42220 Garage & Motors	\$ 10,000.00
	\$ 10,000.00	
	001-43620 Equipment Repairs	\$ 15,922.56
	\$ 15,922.56	
<u>Jail</u>	3100	
From:	001-42250 Healthcare & Lab Suppl	\$ 25,000.00
	001-42260 Jail Inmate Clothing	\$ 15,000.00
	001-43630 Maintenance & Service	\$ 50,000.00
	001-43610 Building & Structures	\$ 15,000.00
To:	001-42240 Household & Inst Suppl	\$ 15,000.00
	\$ 15,000.00	
	001-43120 Medical & Hospital	\$ 70,000.00
	\$ 70,000.00	
	001-43920 Food & Lodging	\$ 20,000.00
	\$ 20,000.00	

Fairgrounds 2920

Fairgrounds Non-Reverting Fund 131

From: 131-41230 Perf \$ 20.00
To: 131-41237 Deferred Comp Match \$ 20.00
\$ 20.00

Veterans Service 2700

From: 001-43231 Travel Registration \$ 200.00
001-43232 Meals \$ 330.00
001-43233 Lodging \$ 40.00
001-43235 Mileage \$ 733.00
To: 001-42110 Office Supplies \$ 1,303.00
\$ 1,303.00

Courthouse 3000

From: 001-43510 Utilities \$450,000.00
To: 001-43630 Maintenance & Service Contr \$450,000.00
\$450,000.00

Commissioners 2900

From: 001-43730 Property Rental \$ 66,000.00
To: 001-43630 Maintenance & Service Contr \$ 66,000.00
\$ 66,000.00

Election & Registration 2100

From: 001-43150 Consultant Fees \$ 30,000.00
001-43210 Freight & Express \$ 3,000.00
001-43234 Travel-Trans/Other \$ 2,500.00
001-43630 Maintenance & Serv Contr \$ 10,000.00
001-43995 Other Serv & Charge \$ 10,000.00
To: 001-42110 Office Supplies \$ 2,000.00
\$ 2,000.00
001-43145 Legal Services \$ 15,000.00
\$ 15,000.00
001-43235 Travel-Mileage \$ 1,500.00
\$ 1,500.00
001-43310 Printing \$ 37,000.00
\$ 37,000.00

Commissioners 2900

From: 001-43976 Patients & Inmates \$ 4,000.00
To: 001-43630 Maint & Service Contr \$ 4,000.00
\$ 4,000.00

Commissioners 2900

From: 001-43955 Official Bonds \$ 5,000.00
To: 001-43995 Other Services & Charges \$ 5,000.00
\$ 5,000.00

Year End Transfers:

From: 001-3700-41240 Group Insurance \$100,000.00
To: Fund 514 Health Insurance Non-Reverting Fund \$100,000.00

\$100,000.00

From:	001-3700-41260	Workers Comp	\$	350,000.00
	001-3700-43420	Insurance	\$	2,650,000.00
To:	Fund 541 Non-Reverting Self Ins Fund		\$	3,000,000.00
				\$3,000,000.00
From:	105-5130-41260	Workers Comp	\$	4,500.00
	105-5130-42430	Insurance	\$	5,000.00
To:	Fund 541 Non Reverting Self Ins Fund		\$	9,500.00
			\$	9,500.00
From:	107-5156-41250	Unemployment/Comp Ded	\$	25,000.00
To:	Fund 541 Non-Reverting Self Ins		\$	25,000.00
			\$	25,000.00
From:	196-3700-41240	Group Ins. Ded	\$	1,000,000.00
To:	Fund 514 Health Ins Non-Reverting		\$	1,000,000.00
			\$	1,000,000.00

And that such transfer does not necessitate expenditure of more money than was set out in detail in the budget as finally approved by the Department of Local Government and Finance.

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

Dated this 9th day of December, 2008.

Adopted this 9th day of December, 2008.

NAY
AYE

Christine Cid

Ernie Dillon

Elsie Franklin

Jerome A. Prince

Thomas O'Donnell

Ted Bilski

Larry Blanchard

Members of

the Lake County Council

ATTEST:

Peggy Holinga Katona,
Lake County Auditor

Additional

	Made motion	Seconded	
<u>General fund</u>			
Commissioners(\$290,000)	NO ACTION		
Council(-\$290,000)	NO ACTION		
<u>Gambling Adm fund 196</u>			
Commissioners(\$1,000,000)	NO ACTION		
Data(\$18,516)	Franklin	Prince	All
voted "Yes", except Dillon,			

"absent". Motion carried 6-yes,

1-

absent.

Saps Fund 143

Criminal Court(\$10,000)	Bilski	Prince	All
voted "Yes" to approve &			

Create new line. Motion carried

7-0.

Infraction Deferral Fund 104

Prosecutor(\$23,965)	Franklin	Dillon	All
voted "Yes" to approve.			

Motion carried 7-0.

TRANSFERS

	Made motion	Seconded	
Assessor(\$10,500)	Bilski	Prince	All
voted "Yes" to approve.			

Motion carried 7-0.

Auditor(\$460)	Franklin	Prince	All
voted "Yes" to approve,			except

Blanchard, "absent".

Motion carried 6-yes, 1-absent.
Criminal Court(\$2,106) Bilski Prince All
voted "Yes" to approve.

Motion carried 7-0.
Commissioners(\$100,000) Blanchard Franklin All
voted "Yes" to approve.

Motion carried 7-0.
Commissioners(\$143,808) Blanchard Franklin All
voted "Yes" to approve &

Create new line item. Motion

Carried 7-0.
CASA(\$960) Franklin Prince All
voted "Yes" to approve.

Motion carried 7-0.
CASA(\$2,500) Franklin Prince All
voted "Yes" to approve.

Motion carried 7-0.
CASA Fund 706(\$140) Franklin Prince All
voted "Yes" to approve.

Motion carried 7-0.
Fairgrounds(\$2,000) Bilski Franklin All
voted "Yes" to approve

Except Blanchard, "absent".

Motion carried 6-yes, 1-absent.
Co-Op Extension(\$500) Bilski Prince All
voted "Yes" to approve,
except

Blanchard, "absent"

Motion carried 6-yes, 1-absent.
Plan Commission(\$340) Bilski Prince All
voted "Yes" to approve.

Motion carried 7-0.
Clerk(\$2,660) WITHDRAWN
Clerk(\$6,500) Dillon Prince All
voted "Yes" to approve.

Motion carried 7-0.
Clerk(\$22,177.68) WITHDRAWN
Ross Twp Assr(\$1,180) Bilski O'Donnell All
voted "Yes" to approve, except
Prince, "absent".

Motion to approve carried
1-absent. 6-yes,
County Court Div II(\$600) Franklin Dillon All
voted "Yes" to approve, except
Prince, "absent".

Motion carried 6-yes, 1-absent.
Public Works(\$1,650) Dillon Franklin All
voted "Yes" to approve, except
Prince, "absent".

Motion carried 6-yes, 1-absent.
Community Dev(\$1,000) Bilski Franklin All
voted "Yes" to approve, except
Prince, "absent".

Motion carried 6-yes, 1-absent.
Sheriff(\$25,922) Blanchard Franklin All
voted "Yes" to approve, except
Prince, "absent".

Motion carried 6-yes, 1-absent.
Jail(\$105,000) Blanchard Prince All
voted "Yes" to approve.

Motion carried 7-0.
Fairgrounds(\$20) Bilski Prince All
voted "Yes" to approve, except
Blanchard, "absent".

Motion carried 7-0.
Veterans Service(\$1,303) Dillon Prince All
voted "Yes" to approve.

Motion carried 7-0.
Courthouse(\$450,000)
voted "Yes" to approve.

	Bilski	Franklin	All
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Motion carried 7-0.
Commissioners(\$66,000)
voted "Yes" to approve.

	Blanchard	Franklin	All
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Motion carried 7-0.
Election & Registration(\$55,500)
voted "Yes" to approve.

	Franklin	Dillon	All
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Motion carried 7-0.
Commissioners(\$4,000)
voted "Yes" to approve.

	Blanchard	Franklin	All
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Motion carried 7-0.
Commissioners(\$5,000)
voted "Yes" to approve.

	Blanchard	Bilski	All
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Motion carried 7-0.
Year End Transfers
Fund 514 Health Ins Non-
Reverting Fund(\$100,000)
voted "Yes" to approve.

	Blanchard	Prince	All
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Motion carried 7-0.
Fund 541 Non-Reverting
Self Ins Fund(\$3,000,000)
voted "Yes" to approve.

	Blanchard	Prince	All
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Motion carried 7-0.
Fund 541 Non-Reverting
Self Ins Fund(\$9,500)
voted "Yes" to approve.

	Blanchard	Prince	All
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Motion carried 7-0.
Fund 541 Non-Reverting
Self Ins(\$25,000)
voted "Yes" to approve.

	Blanchard	Prince	All
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Motion carried 7-0.
Fund 514 Health Ins
Non-Reverting(\$1,000,000)
voted "Yes" to approve.

	Blanchard	Prince	All
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Motion carried 7-0.

In the Matter of Revised 144 for Prosecutor, and Detention Center.

Re: Prosecutor - Franklin made a motion, seconded by Blanchard to defer to 1-13-09. All voted "Yes". Motion to defer carried 7-0.

Re: Detention Center - Bilski said that these are step increases. Bilski made a motion, seconded by Prince to approve. All voted "Yes". Motion to approve carried 7-0.

<u>Revised 144 - Fund 001- Exp Date</u>	<u>Present</u>	<u>Proposed</u>
<u>Difference</u>		
12434-005 Intake Prob Ofc 11-19-08	\$28,416	\$30,587
\$2,171		
12434-007 Intake Prob Ofc. 10-31-08	\$34,026	\$39,269
\$5,243		

In the Matter of Ord 1301D - Restricting Hiring (1) for Sheriff - 001-0500-14416-004 - Court Security.

NO ACTION TAKEN.

In the Matter of Ord 1301D - Restricting Hiring (1) for Sheriff - 001-0500-14403-007- Radio Communication.

NO ACTION.

In the Matter of Ord 1301D - Restricting Hiring (1) for Work Release - 001-3150-12715-002 - Custody Officer.

No Action was taken.

The Sheriff asked if the Council would reconsider, and explained that this position is from eliminating one position, and moving this other individual into that position, so that person does not have a job beginning January 1. That position is very critical to our overall plan in ensuring that someone is not without a job, and that Custody Officer is a position where that person would be assigned to, in the event that the Custody Officer' position, one that has been approved for our 2009 budget, is not approved, then we would like to move this person over before January 1. It is already been part of the 2009 budget.

O'Donnell asked are you saying that it's a lateral transfer?

The Sheriff answered that it's vacant now, it is part of the 2009 budget that's already been approved, so if it's a person who is working now in one position, he would be placed into that position beginning January 1.

O'Donnell said if it's a lateral transfer then I would make a motion...

The Sheriff said that position would no longer exist come January 1. It is one of

the 10 positions that we eliminated for the 2009 budget.

Dante said you are moving between budgets, and down is what you're doing, it's lateral and down.

O'Donnell made a motion, seconded by Franklin to approve effective January 1. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord 1301D - Restricting Hiring (1) for Jail - 001-3100-18801-001 - Maintenance I - Effective 1-1-09

Blanchard made a motion, seconded by Bilski to approve.

Blanchard said that this is a lateral move.

Cid said correct, it was part of the budget agreement.

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

In the Matter of Ord 1301D - Restricting Hiring (3) for CASA - 001-4150-12015-001 - Assistant Director, 706-4150-12015-002 - Assistant Director, 706-4150-13457-003 - Technician.

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

In the Matter of Ord# 1301D - Restricting Hiring(1) for Coroner. 001-0700-13450-001 - Photographer.

Dillon made a motion, seconded by Franklin to approve.

Dillon suggested that they give him the Photographer that he needs, but whatever the Council' wishes he will abide by.

Bilski asked Dillon didn't we do something January 1st in moving some positions, that we said at the beginning of the year, we would fill one of those vacant positions because there is a Clerk or somebody who is retiring, and I can't recall.

Cid said yes, for his 2009 budget, 2 positions were eliminated, a Technician, or clerk, and the Chief Investigator was also eliminated. Yes, part of his 2009 package all was approved, with the elimination of the 2 positions. We approved his 2009 budget, as presented, which included the elimination of the Investigator and Technician.

Bilski asked so the position is still available for the Photographer.

Cid answered, it's still vacant, so, yes, it's.

Bilski said so we would want to give him I'm assuming, the right staff to work with

if Councilman Dillon' wishes are right, effective the 1st of the year.

Cid said that's a good point that you are making because in other words you're saying, we've approved these 2009 budgets with staffing and all, but yet I believe we have a hiring freeze ordinance on our agenda today, so yes, you're saying, "here's your budget, but we're still going to restrict you from hiring any positions that are vacant, or become vacant during 2009 year, so we approve the budget, but yet, we can still say, no you can't fill that.

Bilski said I think this takes a little more discussion, and I encourage Councilman Dillon to defer to next month on this issue.

Franklin said this is something that the Coroner' Office needs, and I've been for this all along, to let him have what he needs. We compromised and gave him the Investigator. He specifically stated that he needed this job.

Motions withdrawn.

Dillon made a motion, seconded by Franklin to defer to 1-13-09. All voted "Yes", except Prince, "absent" Motion to defer carried 6-yes, 1-absent.

In the Matter of Sheriff - Lease Need Approval.

Blanchard made a motion, seconded by Bilski to approve the lease need, not the lease agreement. All voted "Yes" to approve the lease need. Motion carried 7-0.

In the Matter of Councilmanic Appointment - Garner Scholarship Committee(2).

Blanchard made a motion, seconded by Franklin to retain the two persons serving members of the Council on the Garner Scholarship Committee, which would be myself and Cid. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Nominations - Economic Development Commission - Merrillville(1).

Bilski nominated Gene Ward.

Bilski made a motion, seconded by Prince to close the nominations. All voted "Yes". Motion carried 7-0.

Bilski made a motion, seconded by Prince to appoint Gene Ward to the Merrillville Economic Development Commission. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointments - Lake Ridge Fire (3).

Franklin nominates Bill Tolbert, Terry Woodson, and Melanie Jackson. Dillon seconded.

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

In the Matter of Citizen Appointment to Alcoholic Beverage Board (1R).

Franklin wanted to re-appoint Alma V. White. Dillon seconded.
All voted "Yes". Motion carried 7-0.

In the Matter of County Property Tax Assessment Board of Appeals (1D & 1R).

Franklin nominated Carol Ann Seaton. Dillon seconded.
All voted "Yes" to approve Carol Ann Seaton to the County Property Tax Assessment Board of Appeals. Motion carried 7-0.

Blanchard nominated Vern Vierk. Dillon seconded the nomination.
All voted "Yes" to approve Vern Vierk to the County Property Tax Assessment Board of Appeals. Motion carried 7-0.

In the Matter of Discussion/Action - I.C. 6-3.5-1.1-24(q) - Public Meeting to Discuss Imposing a Lake County One Percent (1%) County Income Tax.

Cid said that this has been placed on the agenda according to State Statues, cited I.C. 6-3.5-1.1-24, County Council must, each year hold a public meeting, at which the County Council discusses whether the tax rate under this section should be imposed or increased.

Discussion

Dillon commented that at this time, he doesn't think we need to consider a 1% Option Income Tax and give time to continue the work that we've been doing with reducing the budget, and reducing the amount of employees, and all things that we have been doing, giving it time to work, and maybe re-consider this next year.

Franklin asked if by law, we should have, every year public input as to whether or not we should impose the 1% ,is that what you're saying?

Attorney Szarmach answered the statues says, not a public hearing, but a public meeting.

Franklin said, okay, now we've had our public meeting.

Cid totally agreed with Councilman Dillon by saying we achieved our task, we cut our budget, had we not, we probably would have had to consider some other tax. Cid wanted to let this Council know that she has spoken with several legislators, or delegates, and they are very pleased with the action by this Council, as far as reaching our goal in cutting our budget.

It was tough, we had a lot of debate on this Council, I think that was good. I think if we are not going to pass an income tax, we are definitely going to have to keep reducing the cost of government. I have been approached by people outside my district, especially who have been asking me, especially senior citizens. They are asking me is it less costly for them to pay an income tax, or pay all these new fees that we are now generating, so that's something I really can't answer

because I don't know exactly what, but you've noticed there are instead of a tax, we are now implementing new fees or increasing fees, and that's something that I've been approached with.

O'Donnell said that the Beverage Tax needs to be discussed again. He received a phone call this morning from Lou Martinez, our RDA appointment indicating that the way the tax is written right now, the statute is written, we have to pass the tax and then the money goes to the RDA, and it's a 1% Food and Beverage Tax. RDA can then do with it, whatever they want, but the good news, I think our appointment called me this morning, and left a voice message that told me that the RDA committed this morning that any fund generated by the Beverage Tax would be dedicated to public transit. So I'm going to ask Attorney Szarmach if he would draft the ordinance, I'm going to sponsor it, for January to impose a 1% Food & Beverage Tax. I want to talk to each of my colleagues individually. I only wanted to bring it up today because the RDA announced it this morning.

Franklin said we are facing a loss of transportation for our seniors and handicapped residents throughout Lake County via Northwest Community Action not being able to fund its bus service, and they are very concerned as I'm sure all of you are, but in the area of Hammond, East Chicago, and Gary, they have funds out there. Without the support that we give them, the Lake County Council, and the Commissioners, the funds have been shortened from the Cities up North, which means, and they have appealed to the RDA, and everybody that takes our money out of the County, to help fund this valuable transportation for these persons that I'm speaking of. At this point, I just think that all the money that they have taken from us, and all the other entities, they should be giving some of that back in the form of transportation that is currently serving its citizens, but they are not doing that. They are not doing that. They are not giving them any money to help subsidize that transportation system.

O'Donnell asked are you saying the RDA isn't, or the RBA?

Franklin answered, neither one of them.

O'Donnell said the RDA gave \$5 million dollars to the RBA.

Franklin said they are not utilizing our money to subsidize transportation, so ...

O'Donnell said that maybe if they aren't doing a good job then we need to bring back what happens at RBA meetings because we do. We are subsidizing the Gary Public Transportation right now.

Franklin said I'm not talking about Gary Transportation

O'Donnell said that all these agencies are drying up because there is no funding source out there, that's why I think we have to pass this Food & Beverage next month.

Franklin said I'm talking about transportation, and this is what's going to hurt those communities, the fact that they don't have the funding to continue with the buses. This is what I'm talking about. I understand communication, but I'm just upset that there is not enough money to continue what it does for senior citizens and handicapped. It reduces isolation. It is important to those persons that are homebound, that can not get anywhere. They can't get to the beauty shop, they can't get doctors, and even get to visit their neighbors who live across town. I just want to make sure that whenever we talk about taxes, that it is taken under consideration on the human side, that that money goes into human issues, human programs that benefit the taxpayers.

O'Donnell said that's what RDA is committed to. According to Lou Martinez this morning, they are committed to public transportation from that 1%, but we can talk about it more, I will get you exact numbers. In Lake County it will generate about \$7 million dollars.

Dillon commented Hammond has already reduced their budget, eliminating, pretty much, their bus service. I will look forward to continuing dialogue in January in support of some type of regional transportation.

Prince said as we move towards considering the passage of the 1% Food & Beverage Tax, or this body, that in doing so, that we certainly should define what public transportation is. I spoke briefly with Councilman O'Donnell, and my question to him was, does that include the extension of the South Shore line, and I think that is a completely separate issue than what Council lady Franklin is talking about. We talk about public transportation, and local transportation, but if we are doing this simply to further the notion, and this is just my perception on it at this particular point, certainly haven't had the chance to dialogue with Councilman O'Donnell or anyone else on this. I point I want to make is I certainly think that in doing so, we should define what public transportation is, and what percentages, if any would be devoted to local public transportation versus our extension of the South Shore line.

On another note, the County Option Income Tax, I guess it really depends on who you ask. Since I've been a member of this body, it's clear to me that the majority of this body and probably all of this body doesn't support the option income tax, and I respect everyone's view on that. Coming from the north end of town, I think if you would ask the people who are in charge, in some of the northern communities, they probably feel a little bit differently, and certainly the consideration that I have to at least put forward in considering the option income tax, having said that, I'm not speaking for it, or against it today, I'm only saying that yes, in one instance, we've done our job as a body reducing our budget, and increasing fees, and that, but I think also something that we should consider is what sort of message, if any we send to our State legislators, in terms of an agenda, and not just this body. This body and all the local municipalities, something that I'm kind of getting at, and it was brought to my attention about a month ago. I spoke with Attorney Szarmach briefly on it, and I'd like Dante to take note of it and certainly give me feedback that he could, would be a Sales

Tax increment financing, in lieu of abatements and things like that, as a way of spearheading economic development. I read recently, over in Hammond Mayor McDermott applied for it. I'm not prepared to discuss it in great length today, and certainly don't know all the nuances. I think as a part of our responsibility, or at least an extension of it anyway, that we consider some solutions to achieving extra revenue sources as we move forward in our budget process.

Bilski said that we are going to have to look at alternative sources for a few things. We've all sat here and we know what the Highway Department, and what our infrastructure is going in our Cities. I don't know if we are pulling the cart before the horse or not, do we look at a wheel tax prior to doing something with these buses, I'm more concerned about our folks being able to drive their car down the road, and no money to pave and resurface these things, so what is the plan. I can't completely support the buses, when I see, and I've sat out here late nights a 60/70 passenger bus with one person on it. I have a hard time supporting something like that. What's their plan, what's their goal. Are they going to get the right type of bus to provide the service, I'm not saying that the service isn't needed, but get the right bus. It seems wasteful to see that big bus like that, when they can get by with a smaller around town bus.

In respect to the option income tax, alternative revenue source, yes they are needed, but I would suggest not talking to the folks in charge, but talking to the people who are going to have to pay it.

In the Matter of Lake County Police Retirement & Benefit Plan.

Cid said we have been asked to approve this amendment. It's an amendment and I believe there is a time restraint. Dante spoke with Mr. Dilts on this.

O'Donnell asked is this the widow's cost of living?

Dante said there are 3 components buried in there, kind of asking to do 3 things, number 1, the retirement, and the first document is the retirement plan, and there is language in there (inaudible), net neutral, no big deal. Then we walk into the benefits side of it, and according to Chris Dilts there is a little over \$100,000 a year that's coming on to your plan, and that's what I was asked to find out, what indeed the cost implications are. The third, I took it upon myself, the very end of this we talked about it during budgets, was there any cost implications to the declining cash in the actuarial, or unfunded liability reserve the fund that sits down in Indianapolis, and the answer to that is yes, and I have an amortization schedule. My job is to present to you that indeed, of the 3 components, the second component is about \$100 grand, and about \$200 grand for the loss of cash, a 15% decline that somewhere, over the next 30 years is going to come into your contribution, so to answer your question, the 3rd one is optional and not

part of us, but I just wanted to answer your question.

O'Donnell said it sounds like Chris is saying don't worry about investment wise because we're shooting these things out 20 to 30 years.

Dante said that's easy for him to say. I put an amortization schedule in there saying that you do absorb that over 30 years.

O'Donnell said so we don't have to pay \$200,000 today, we can just absorb it over the next 30 years.

Dante said this is just FYI. It's not a normal business, and we have to start watching this. Each 1% is a lot of money, \$70 to \$80 grand a "pop".

Attorney Szarmach said that the First Amendment, which is 3 pages in the packet, he sees where the Sheriff signed it, but there is no date on it on the signing, and also the Sheriff' Merit Board needs to sign it before it comes to us for approval.

Attorney Szarmach said that I understand that this also has to be signed before December 31, 2008, is that correct?

It was explained that the First Amendment needs to be executed by the 31st of December, failure to fully execute the Amendment by the deadline, likely will result in penalties from the IRS.

Attorney Szarmach said in my opinion, I would follow that to the "T", and if you need to, was there a motion at the Merit Board to approve this?

Sheriff Dominguez said let me start out with the one with the discussions we had on the widow' increase. That is not something that needs to be done by December 31st. That is a totally separate component. I certainly hope that you do do that, but that's something that can be done, not today, or by December 31st.

The IRS forms were submitted to the Merit Board, everyone agreed that that is kind of a routine matter. We thought that the IRS forms were signed, if they are not signed Commander Riley will get those. We thought those were already signed. The amendment should have the Merit Board President' signature, Mr. Shelhart. If I recall, his signature is on there. That one should be hopefully passed by the end of this year. Those 2 items need to be signed by the end of this year, and I thought that the Amendment is separate than the Widow' increase. That could be done at a different work study meeting. I do hope that that passes, but that's separate.

Attorney Szarmach asked if somebody had a document that was signed by the Sheriff' Merit Board?

Attorney Szarmach said that is procedural, even if it's not signed at the meetings,

if at the meeting the motion to adopt passes, so you can sign at a later date, it's the minutes of the meeting that count, not necessarily the signature on there. Attorney Szarmach explained, as long as there was a motion to adopt, there was a vote, and it passes, so the First Amendment was adopted, you can put the signature on anytime. It's the minutes of the meeting that make it a valid document.

Sheriff Dominguez asked what do they need?

Cid answered, either the minutes, or a signed copy by the Merit Board.

Attorney Szarmach said as long as somebody can say, this was brought up at the Merit Board, there was a motion, the motion passed, and it was adopted then we're fine, and you can sign it tomorrow.

Blanchard said the motion should be move to approve the Amendment, based on the approval and signatures of the Sheriff Merit Board.

Attorney Szarmach said whether it's signed or not, is irrelevant. What counts in a Court of Law is the fact that you have minutes, a certified copy of the minutes reflecting that the motion was made, the motion passed. If somebody forgot to sign it, you can sign it anytime. So was anybody at the meeting where there was a motion made, and adopted?

Someone said I think it was passed in September or October.

O'Donnell said that the problem is, what the Chair is suggesting is that we put this off, and it has to be done before December 31st.

Cid said we will have a Special Meeting.

O'Donnell said to the Sheriff, you are representing to us that it's your understanding that the Sheriff' Merit Board passed it.

The Sheriff answered, yes.

O'Donnell said that's good enough for me.

Bilski said if they need to bring the minutes up here, we can go ahead and approve this pending the presentation of the minutes reflecting the fact that this was approved at their meeting. That's exactly what Blanchard made a motion to do.

Attorney Szarmach said well, I wouldn't do that because what happens if there's no minutes to show that?

Bilski said, then it's not passed.

Attorney Szarmach said okay.

Bilski said that would be my interpretation. If they don't have the minutes to

reflect it, then it would not be approved.

Sheriff Dominguez asked, just to cover the bases, to say respectfully, if you would approve this subject to the Merit Board passing this, in the event that they haven't, we meet Thursday.

Attorney Szarmach said he thinks they are okay with that. If there is no approval, this is not going to fly. He said it would help also if you have a dates in there.

Blanchard made a motion, seconded by Prince to approve the First Amendment with the presentation by the 31st of December of proof of ratification and approval by the Sheriff' Merit Board to our Council President by 12-31-08. All voted "Yes". Motion carried 7-0.

FIRST AMENDMENT
TO
LAKE COUNTY POLICE RETIREMENT PLAN

WHEREAS, Lake County Police Retirement Plan (hereinafter referred to as "Plan") was established effective as of January 1, 1962; and as last amended by a complete restatement, effective as of January 1, 2006; and

WHEREAS, the Employer reserved the right to amend the Plan; and

WHEREAS, the Internal Revenue Service has required that retirement plans adopt amendments consistent with the final regulations issued under Section 415 of the Internal Revenue Code; and

WHEREAS, the Employer desires to amend the Plan to reflect the final regulations issued under Section 415;

NOW, THEREFORE, BE IT RESOLVED, that Section 6.05 of the Plan is hereby amended by this First Amendment, effective as of January 1, 2008, to read as follows:

"Section 6.05. Limitations on Benefits.

a) All benefits payable under this Plan shall be limited as required by Section 415 of the Internal Revenue Code; Section 415 and the applicable Treasury regulations under Section 415 are herein incorporated by reference and shall supersede any inconsistent provisions in the Plan. Benefit increases resulting from any increase in the limitations of Section 415(b) of the Internal Revenue Code shall be provided to all current and former Participants. The 'Limitation Year' referred to in Section 415 of the Internal Revenue Code is the calendar year for this Plan.

b) The aggregate annual benefit to which a Participant is entitled under all qualified defined benefit pension plans maintained by the Employer, payable as a straight life annuity for the Participant's life, or as an Equivalent Annual Benefit for a benefit payable in any other form, except to the extent otherwise specifically provided herein, shall not exceed the Defined Benefit Dollar Limitation, adjusted as required under subsection (c). For purposes of determining an Equivalent Annual Benefit, the survivor annuity portion of a benefit that is payable as a qualified joint and survivor annuity within the meaning of Section 417(b) of the Internal Revenue Code shall not be taken into account. The definitions of Defined Benefit Dollar Limitation and Equivalent Annual Benefit are as follows:

(1) Defined Benefit Dollar Limitation. The 'Defined Benefit Dollar Limitation' is one hundred sixty thousand dollars (\$160,000), as adjusted, effective January 1 of each year under Section 415(d) of the Internal Revenue Code in such manner as the Secretary of the Treasury shall prescribe, and payable

present value as the particular amount of benefit payable, computed using a five and one-half percent (5-1/2%) interest rate assumption and the mortality table specified in section 417(e) of the Internal Revenue Code.

c) Adjustment to the Defined Benefit Dollar Limitation shall be as follows, except in the case of disability retirement benefits:

If the Participant has fewer than ten (10) years of participation in the Plan, the Defined Benefit Dollar Limitation shall be multiplied by a fraction, the numerator of which is the number of years (or part thereof) of participation in the Plan and the denominator of which is ten (10). The portion of a year of participation is determined using the same method that is used to determine a fractional year of Credited Service.

Note: Since there is no late retirement factor, there is no increase factor applied to the Defined Benefit Dollar Limitation at age 65.

d) Benefits for Participants whose benefits commenced prior to January 1, 2000, shall be limited to the extent necessary to comply with the combination of plans limit under Section 4.15(e) of the Internal Revenue Code."

In witness of its adoption of the foregoing amendment to the Plan,
the Lake County

Sheriff's Department has caused this amendment to be executed as of the
24th day of November, 2008.

LAKE COUNTY SHERIFFS DEPARTMENT

By: Roy Dominguez,
Sheriff of Lake County

Approved and ratified at a meeting of the Lake County Sheriff's Merit Board on the 17th day of July, 2008.

MERIT BOARD

LAKE COUNTY SHERIFF'S

Approved and ratified at a meeting of the County Council of Lake County on the 9th day of December, 2008.

COUNTY

COUNTY COUNCIL OF LAKE

Christine Cid.

In the Matter of Letter of Intent - Lake County, Indiana and AMERESCO.

Bilski made a motion, seconded by Dillon to approve. All voted "Yes", except Prince, "absent". Motion carried 6-yes, 1-absent.

Cid said that this is part of our Phase II, necessary improvements to various buildings in the County.

Letter of Intent

This Letter of Intent ("LOI") is entered into as of 12-09, 2008 by and between the Lake County, Indiana ("**Customer**") and AMERESCO, INC. ("**Ameresco**"), a Delaware corporation. Customer and Ameresco may be referred to herein individually as a '**Party**' and collectively as the "**Parties**".

1. Intent. This LOI expresses both Parties' intent, subject to the terms and conditions of this LOI, to enter into an Energy Services Agreement ("ESA") pursuant to which Ameresco shall provide an integrated package of services, equipment, devices, and design to Customer to achieve energy and operational cost reductions and increased efficiencies (collectively, the "**Services**") including, but not limited to, the energy conservation measures and facility improvement measures identified in preliminary proposal delivered to the Customer on September 26, 2008 and scope identified in subsequent

committee meetings. Pursuant to the terms of a mutually acceptable form of standard ESA containing reasonable and customary provisions and conditions for construction of this type and in this geographic area, recognizing the scheduling needs, the necessity for subcontractor selection and the possibility of change orders and unforeseen conditions, the costs incurred by Ameresco associated with the implementation of the Services including, but not limited to, site surveys, data collection, analysis, engineering, design, procurement, project management, and installation will be included in the fixed price cost.

2. Documentation. Ameresco will complete an infrastructure audit, analysis and pre-construction design (collectively, the **"Documentation"**), resulting in the development of the ESA. The preliminary ESA will be delivered to Customer One Hundred Twenty (120) days after Ameresco's receipt of a fully-executed copy of this LOI. Ameresco's receipt of a fully-executed copy of this LOI shall be evidence of Customer's agreement to the terms and conditions of this LOI and its authorization of and notification to Ameresco to proceed with work on the Documentation and development of the ESA.

3. Cooperation and Information. Customer will cooperate with Ameresco in its preparation and performance of work necessary to complete the ESA.

Customer will furnish, upon Ameresco's request, all data concerning energy usage and operational expenditures for the Facilities, including, without limitation, the following data for the most recent three (3) years:

- (i) (i) Actual energy consumption invoices issued by existing energy providers and other relevant utility records;
- (ii) (ii) A summary of expenditures by Customer, either by itself or through a third party, on maintenance, repairs and replacements;
- (iii) (iii) Full access to all building equipment, accurate occupancy levels, building operating schedules;
- (iv) (iv) Prior energy audits or studies, if any; and
- (v) (v) All other reasonable information necessary to complete the ESA.
- (vi) (vi) Audited financial statements for most recent three (3) years.

4. Services incorporated into ESA. Ameresco agrees to provide, and Customer agrees to accept, the Services identified in the Documentation that meet the following criteria:

- (i) The simple payback term (i.e., the number of years it would take for Energy Savings, Operational Savings and Additional Revenues and Avoided Costs Savings (as each such term may be defined in the ESA) derived from the Services to equal the installed costs of the Services together with all accrued interest thereon) of the Services shall not

exceed ten (10) years from the date that the installation is completed for all general facilities and Fifteen (15) years from the date of installation for all projects that are part of the wastewater treatment system.

(ii) The Parties agree to execute an ESA incorporating the Services within thirty (30) days after the delivery of the Documentation to Customer. Customer hereby agrees that if it chooses not to proceed with implementation of the Services within thirty (30) days of submission of the ESA, then Customer shall compensate Ameresco for the Development of the ESA by paying a project development fee in the amount of **ONE HUNDRED FIFTY THOUSAND AND XX/00 Dollars (\$150,000.00)** (the '*Project Development Fee*'), The Project Development Fee and, if accepted, shall be fully-earned, due and payable by Customer to Ameresco no later than forty-five (45) days after the date that Ameresco submits the preliminary ESA to Customer; provided, however, that should Customer proceed with the implementation of the Services, Customer will not be billed the Project Development Fee due under this LOI as such Project Development Fee Costs shall be included in the contract cost set forth in the ESA.

5. **Indemnification and Limitation of Liability.** Each Party agrees to indemnify, defend and hold harmless the other party and its agents against loss, damage, expense and liability for injury to or death of persons or for damage to property which arise from the indemnifying Party's negligence or misconduct in connection with activities related to this LOI, except to the extent such damage, expense, liability, injury or death of persons, or damage arises from such Party's gross negligence or willful misconduct IN NO EVENT WILL EITHER PARTY BE LIABLE FOR ANY LOST PROFITS, LOST SAVINGS, LOST REVENUES, LOSS OF USE OF THE FACILITIES OR OTHER PROPERTY, BUSINESS INTERRUPTION, OR INCIDENTAL, SPECIAL, INDIRECT, PUNITIVE, EXEMPLARY OR CONSEQUENTIAL DAMAGES ARISING FROM OR RELATED TO THIS LOI, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED IN CONTRACT, TORT, STRICT LIABILITY OR OTHERWISE.
6. **Governing Law.** This LOI shall be governed by the laws of the State of Indiana.
7. **Entire Agreement; Severability.** This LOI and exhibits hereto shall (a) constitute the entire agreement between the Parties relating to the subject matter hereof, (b) supersede all previous agreements, discussions, communications and correspondences with respect to the subject matter hereof and (c) only be amended, supplemented or modified by a written instrument executed by both Parties. If any provision of this LOI is held by a court of competent jurisdiction to be unenforceable, no other provision shall be

affected thereby, and the remainder of this LOI shall be interpreted as if it did not contain such unenforceable provision.

8. **Representations and Warranties.** Ameresco and Customer represent and warrant to each other that (a) the execution, delivery and performance of this LOI have been duly authorized and approved by all necessary organizational action on the part of such Party, (b) the signatories hereto have been duly authorized by all necessary organizational action of such Party to sign and deliver this LOI and (c) upon execution, this LOI will constitute a legal, valid and binding obligation of such Party.

[Signature page follows]

IN WITNESS WHEREOF, the duly authorized officers or representatives of the Parties have set their hands on the date first written above with the intent to be legally bound.

CUSTOMER

AMERESCO, INC.

Lake County, Indiana
Street, Suite 410
2293 N. Main St.

Crown Point, Indiana 46307
Massachusetts 01701

111 Speen

Farmingham,

Christine Cid
Authorized Signature
signature

Christine Cid
Name

President
Title

Authorized

Name

Title

In the Matter of Update on Results of Bond Sale - WITHDRAWN.

In the Matter of Lake County F.O.P. Anton Lodge No. 125 and Lake County Police Union Local No. 72 A. F. L./C.I.O. Contracts.

Blanchard made a motion, seconded by Dillon to approve. All voted "Yes" to approve, except Prince, "absent". Motion to approve carried 6-yes, 1-absent.

In the Matter of Resolution Reducing the Building Permit Fees for the Tri-Creek School Corporation.
Discussion

Dr. Nathan Kleefish, Director of Operations for Tri-Creek School Corporations explained that Tri-Creek is currently in the process of building a new Middle School to replace their ageing 94 year old Middle School. This building located within the jurisdiction of Lake County, Indiana, scheduled to open in August, 2010.

He said during the early phases of their construction project, Tri-Creek School Corporation applied for the building permits that were necessary for the project. It was during this time that the actual cost of the project was determined to be \$292,990 dollars. As the caretaker for the taxpayers money, Tri-Creek inquired, and received a breakdown of the actual costs associated with this building permit fee.

They are as follows: For the Permits for the electrical, plumbing, heating air conditioning, and zoning, it came up to a total of \$1,990.00. The actual building permit fee came up to \$286,110, that's the permit fee, just for doing the project.

There were also inspection fees for pouring concrete, pouring footings, inspecting foundations, inspecting underground plumbing, inspecting the (inaudible), the electrical service, and then the final inspection, which equated to \$4,150.00. That's the actual amount of inspection fees, physical onsite inspection fees.

In addition to the fee structure, it was discovered that Tri-Creek School Corporation, a State Agency was listed under the Building Permit Classification as a new commercial building, public access. That is generally considered to be a for profit, such as those classifications Wal-Mart would fall under.

Tri-Creek understands that under the current Lake County Building Permit Fee Schedule, there are no building permit classifications for other governmental agencies; furthermore, Tri-Creek would like to remind the Lake County Council that the School Corporation is a State Agency that' is charged with providing a free and appropriate education for all children within our district, and not a profit generating entity.

Based on these findings, Tri-Creek School Corporation is asking the Lake County Council to consider reducing the fees that have been charged to Tri-Creek School Corporation for the Lowell Middle School Building Project, to an amount equivalent to the cost that the County will actually incur.

Specifically Tri-Creek is proposing \$40,000 dollars for the building permit fee that equates to approximately nine times the amount of the originally calculated fees that were for the anticipated expenditures that Lake County should incur throughout the entire project.

This proposal provides additional funding for unanticipated expenses that may have been overlooked during the normal calculations, and represents the win, win outcome for the County, for the Tri-Creek School Corporation, and most

importantly, for the taxpayers that are funding this project.

I am competent that as a government agency, that Lake County Council clearly understands the financial constraints that all government agencies, including Tri-Creek School Corporation are facing during these difficult times. Throughout today's meeting I heard a lot of transparency and responsibility, and accountability. We are held to the same standards that you are, and as a representative of Tri-Creek School Corporation, I am asking you to seriously consider reducing the fees that are more appropriate to the actual expenditures that are incurred.

Franklin said that when it comes to the building of any building, it is not the responsibility of, for instance the plumbers, or electrical people, they are responsible to have to pay for those permits, not the School itself.

Mr. Kleefish said the School Corporation is responsible for paying for the permits. It's not in your bond?

Cid said they may do it for you.

Bilski said are you saying you did not factor into your bond money, these costs?

Mr. Kleefish answered, yes.

Bilski asked you did not factor them in?

Mr. Kleefish answered, we did, yes.

Bilski asked your sanction is then that you take the savings you would get, reduce your bond by that amount so there would truly be a savings to the taxpayers?

Mr. Kleefish answered, that is correct.

O'Donnell asked Blanchard is he is correct about the fact that we are frozen, and the schools are not?

Blanchard answered, yes.

O'Donnell said that our Planning Department functions and generates revenue for the County to run that department, and we are operating under a zero levy, where you guys... I'd rather have the money spent on kid's education real honestly, but the problem is you guys already paid this, and we appreciate that, but it's in our mix, it's already spent, so to give it back would be pretty difficult.

Mr. Kleefish said, again, originally when we were applying for the permits, I knew that once I turned the check over, I would not have a chance of getting this money back, and I knew that, and I mentioned that, but I was also told that I

could not proceed with my project unless I paid the money, so I'm up against the wall. I did what I had to do to get through the process, and again, move the project forward and be responsible. Had I had the opportunity to go before, I would have done so, but I did not.

Blanchard said this has a little bit of history associated within, I think that you spoke with myself, and I think, Mr. Scheub as well. At the time, we weren't aware of what the cost was going to be, the plans weren't finished to be submitted to the Plan Commission so they could calculate what those figures were going to be, and I, obviously had no idea that they were going to come to this amount. I spoke with the Principle before the meeting last month, and if it's not possible that a portion of this to be returned, I think seriously need to look at the future, and ask ourselves do we need to be taxing other units of government and put ourselves in the position of let's say any projects built in any of our municipalities in Lake County, and if it's a substantial amount, would we not go to those municipalities and ask for a waiver ourselves, to pay the taxpayer', I think that we'd be remiss if we didn't do that, and that's basically what they are here for today. I think that this probably won't be the last construction project undertaken by a taxing district in the unincorporated areas, and we should consider some type of waiver.

Mr. Kleefish wanted to reiterate that he is not asking you to go into debt for us, I certainly understand that the inspection process and building permit process requires funding on your behalf, I'm not asking for a freebie. We will pay what is due the County, but I'm just looking for a little bit of consideration on the permit fee, itself.

Cid asked Dante where we get the extra dollars?

Dante said number one, you would have establish a precipe for everyone. Number two, that we have to come out of a \$15 million dollar debt, what can I tell you. You are the only county in the State of Indiana here that has these enormous costs with no income tax. No income tax whatsoever, and now we are going to go and subsidize the School Corporation, and he is not going to be the last one. There are going to be others. We all charge them \$4,000 it's in the mix, we are going to have to find another quarter of a million dollars. That's unacceptable, just unacceptable.

Cid said and when we have to hold the referendum now, starting 2009, I believe we will be having a referendum for schools. All of Lake County right now has to pay for that, regardless of where in Lake County that it is. Crown Point, East Chicago, all Lake County residents are now, having to pay for that. I just don't, I would love to do it for you, but then I think we are going to set precedence, and where are we going to get our dollars, and as Councilman O'Donnell brought up, our levy is frozen, yours isn't.

So maybe the State would give you more consideration, they are not going to give us any.

Blanchard said attempts were made to discuss this as prior to the conclusion of our budget, due to circumstances...

Mr. Kleefish said this is our third attempt.

Dante said what I would need from the Council is a payment plan to remedy this, what happens to our projections on the other school corporations that may want this that we won't collect fees from too, and then the matter gets resolved that way, but the short of that is I'm going to have to go back, it's unacceptable. There are answers.

Cid asked how would we fund the Plan Commission? Do these permits go into their department directly?

Dante answered it goes into general fund, and we just had to look for \$15 million dollars.

Wayne Weitbrook said it's a point that we need to pay for permits, we aren't arguing that. What has been precedent with other schools in unincorporated areas, when I was at my Farm Bureau, I checked with others, and there is a State bill that says that the Council can waiver up to 80% of a building permit for a school in an unincorporated area. It's up to the Council whether they want to do that or not. If you don't, even if we take the \$40,000 and pay that, it would still mean, if we didn't do that, it would mean a quarter of a million times 20 years, times 5%, that's a half million dollars that Tri-Creek School Corporation would have to try to come up with meaning about \$60 or \$70 dollars added on to my farm taxes to pay for this. Now, if that money had gone to the Plan Commission, it might have been a different story, but it goes into a general fund, not to the Plan Commission. The \$4 or \$5 thousand or 6, or whatever it does, that goes to the Plan Commission. It comes down to the fact of do we tax from one entity to another entity, and so that I will leave it up to you, and what you think is right as far as taxing one entity to support another entity.

Cid said it is definitely something to look into in the future, I just don't know where we can make up the dollars. We just have nowhere.

O'Donnell said that Tri-Creek has the ability to raise their levy, they are not frozen.

Action

No Action Taken.

In the Matter of the Niemeyer Quinn Award.

Mr. James Kujawa, and Blythe Koza, members of the Lake County Local Emergency Planning Committee spoke. She explained that they are responsible for the development and implementation of the hazardous materials annex to the Countywide disaster plan, which also includes the terrorism

chapter.

She said that two member, one representing the Council, which would be Councilman Larry Blanchard, and Commissioner Fran DuPey who represents the Commissioners Office, are representatives of the Local Elected Officials, and are permanent members of the LAPC.

She said each year, the LAPC give out awards to industry, and people who do good things. Each year there is one special award, which is to recognize a member of the LAPC, and it is provided by the other members, they are the only ones who are voting members. The title of this award is the Niemeyer Quinn Award. That is named after Ernie Niemeyer who was a super guy who has been involved with the LAPC since 1987. He certainly was one who had the interest of county, and the people of the county in his mind. The Quinn portion is for Mr. Quinn who was chairman of the Grand Cal Task Force, and as an environmentalist, he was one of the environmentalist who was able to get along with industry. By working with industry, we were able to make a lot of good things happen in the County.

The Niemeyer Quinn Award is an award of excellence. This year Ms Koza wanted to present Councilman Larry Blanchard the Lake County LAPC Niemeyer Quinn Award of Excellence, presented in November, 2008.

In the Matter of Resolution Honoring Kahler Middle School - Indiana State Champions Academic Spell Bowl Class I Junior Division.

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

O'Donnell gave certificates to each member on the team.

RESOLUTION NO. 08-156

RESOLUTION HONORING THE KAHLER MIDDLE SCHOOL SPELLING TEAM

WHEREAS, students and scholars from Lake County, Indiana, have consistently excelled in all Academic matters throughout the State and Country; and

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

WHEREAS, Lake County is justly proud of its son and daughters who have so willingly taken upon Themselves the hardships and disciplines, both physical and

mental, which successful
Participation in academic contacts demands; and

WHEREAS, Kahler Middle School of Dyer through its Spelling Team, won the Indiana Academic Spell Bowl, Class I Junior Division in West Lafayette, Indiana on November 15, 2008.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council, and all citizens of Lake County who are represented by this august body, extend congratulations and praise to The students and teachers, of the Kahler Middle School Spelling Team for capturing the Class I Junior Division Championship at the Indiana Academic Spell Bowl.

DATED THIS 9TH day of December, 2008.

CHRISTINE CID, President

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

Members of the Lake County Council

In the Matter of Resolution Extending Repayment of Temporary Loans which are currently due on or before December 31, 2008 for Lake County Parks & Recreation.

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

RESOLUTION NO. 08-157

RESOLUTION TO EXTEND THE PAYMENT OF A TRANSFER BETWEEN FUNDS (TEMPORARY LOAN) PURSUANT TO I.C. 36-1-8-4(b) (OPERATING FUND/FUND NO. 107; REVENUE BOND REDEMPTION FUND/FUND NO. 315; GENERAL OBLIGATION BOND REDEMPTION FUND/FUND NO. 310

WHEREAS, 36-1-8-4(a) provides for the transfer of funds for a prescribed period, to a fund in need of money for cash flow purposes from another fund; and

WHEREAS, I.C. 36-1-8-4(a)(3) provides that the amount so transferred must be returned to the fund from which it was transferred at the end of the prescribed period; and

WHEREAS, LC. 36-1-8-4(b) further provides that if the fiscal body of the political subdivision determines that an emergency exists that requires an extension of the prescribed period of transfer, the prescribed period may be extended for up to six (6) months beyond the budget year of the year in which the transfer occurs; and

WHEREAS, on September 4, 2007, the Lake County Council, by Resolution No. 07-139 approved temporary loans to certain funds to be repaid to the source fund on or before December 31, 2008; and

WHEREAS, the Lake County Council, the fiscal body of Lake County, finds that an emergency exists and that due to the delay in receiving its settlement of real estate taxes for 2006 pay 2007, insufficient tax revenues exist to repay the following on; or before December 31, 2008:

Operating Fund/Fund No. 107, \$1,015,000.00 from Bond Fund/Fund No. 353 Revenue Bond Redemption Fund/Fund No. 315. \$560,000.00 from Bond Fund/Fund No. 353

General Obligation Bond Redemption Fund, Fund No, 310, \$377,000.00 from Bond Fund/Fund No. 353

Operating Fund/Fund No. 107, \$500,000.00 from Non-Reverting Self Insurance Fund/Fund No. 109

General Obligation Bond Redemption Fund/Fund No. 310, \$40,000.00 from Non-Reverting Land Fund/Fund No. 116

NOW, THEREFORE, LET IT BE RESOLVED by the Lake County Council that the repayment date of the following temporary loans and transfers approved on September 4, 2007 by Resolution No. 07-139 be extended to June 30, 2009, pursuant to I.C. 36-1-8-4(b) as follows:

Operating Fund/Fund No. 107, \$1,015,000.00 from Bond Fund/Fund No. 353 Revenue Bond Redemption Fund/Fund No. 315, \$560,000.00 from Bond Fund/Fund No. 353

General Obligation Bond Redemption Fund, Fund No. 310, \$377,000.00 from Bond Fund/Fund No. 353

Operating Fund/Fund No. 107, \$500,000.00 from Non-Reverting Self

Insurance Fund/Fund No. 109
General Obligation Bond Redemption Fund/Fund No. 310,
\$40,000.00 from Non-Reverting Land Fund/Fund No. 116

SO RESOLVED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID, President

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

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Sheriff to pay 2006 & 2007 Jail Invoices with 2008 funds - 001-3100-43120 Medical & Hospital Services in the amount of \$50,658.25.

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

RESOLUTION NO. 08-158

RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY OUTSTANDING 2006 AND 2007 JAIL INVOICES/DEBTS FROM THE 2008 BUDGET

WHEREAS, the Sheriff's Department of Lake County is currently operating in the 2008 Budget; and

WHEREAS, the following invoices/debts were incurred in the Budget year of 2006 and 2007 have not been paid:

001-3100-43120	Medical & Hospital Services
Family Medicine of Merrillville	\$ 3,282.39
Internal Medicine	478.27
Methodist Anesthesia	544.00
Methodist Hospital (2006)	14,628.35
Methodist Hospital (2007)	24,864.24
Methodist Hospital Pathology	495.60
Mirich Medical	1,132.00
Northwest Emergency Assoc.	2,945.80

Northwest Indiana Radiology	1,138.42
P.A. Labs	638.66
St. Mary Medical	277.60
Zadeh, Habib	232.92
	\$50,658.25

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Sheriff's Department shall pay from its 2008 Budget the following jail invoices/debts incurred in the calendar years 2006 and 2007 as follows:

001-3100-43120	Medical & Hospital
Services	
Family Medicine of Merrillville	\$ 3,282.39
Internal Medicine	\$ 478.27
Methodist Anesthesia	\$ 544.00
Methodist Hospital (2006)	\$ 14,628.35
Methodist Hospital (2007)	\$ 24,864.24
Methodist Hospital Pathology	\$ 495.60
Mirich Medical	\$ 1,132.00
Northwest Emergency Assoc.	\$ 2,945.80
Northwest Indiana Radiology	\$ 1,138.42
P.A. Labs	\$ 638.66
St. Mary Medical	\$ 277.60
Zadeh, Habib	<u>\$ 232.92</u>
	\$ 50,658.25

SO RESOLVED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID, President

LARRY BLANCHARD
 ERNIE DILLON
 THOMAS O'DONNELL
 FRANKLIN
 TED F. BILSKI
 JEROME A. PRINCE

ELSIE

Members of the Lake County Council

In the Matter of Over-Ride of Commissioner's Veto of Ord 1305A - Establishing the Lake County Sheriff Eviction Fee.

Blanchard made a motion, seconded by Dillon to override Commissioner's Veto of Ordinance # 1305A - Establish L.C. Sheriff Eviction Fee.

Mr. Coleman wanted to comment that he has contacted other people in Hammond, and Merrillville, but the Realtors are reluctant to come out for some reason, and he doesn't understand that, for the record, but the amount of escalation is over 700%, and I think we are getting new information on bankruptcies every day, and I'm asking that this Council reconsider the negotiation fee with the Sheriff asking for 700% increase in evictions, that we can compromise on the amount. There is a tremendous need for that. Maybe a \$25 dollar fee would be reasonable, but to go from 0 to \$13, to \$113 would be excessive.

Dillon asked if they are enacting this ordinance as the original

Attorney Szarmach explained that this Ordinance is "as original". When the Commissioners veto an ordinance, it's what comes before you, is to override the ordinance, which was adopted and vetoed already, not any amendments to it. If you want to make any amendments, you would submit a new ordinance with the changes.

Cid said that she can't support this eviction fee because I believe that the fee should be paid, not at the time of filing, for eviction because it may not lead to a forced eviction in which the Sheriff' Department is needed. I feel that it should be filed just the same with your Sheriff Foreclosure fee, at the time that precipe is filed. That's when I believe because then you are instructed to take that action. So that's the reason that I can not support this, and I wish that we could maybe reconsider and changing that to the time that that writ of execution, that precipe is actually filed.

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

In the Matter of Ordinance Creating a Lake County Ordinance regarding Itinerant Merchants/Solicitors. - Second Reading

Blanchard made a motion, seconded by O'Donnell to approve on Second Reading, with a change of the wording on Section 1, A (b) where it says Lake County Plan Commission shall execute an application, I would like that to read the Lake County Sheriff. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1306A

LAKE COUNTY ITINERANT MERCHANT AND SOLICITORS ORDINANCE

WHEREAS, pursuant to I.C. 36-2-3-2 and I.C. 36-2-3.5-3, the Lake County Council is the fiscal and legislative body of Lake County, Indiana; and

WHEREAS, pursuant to I.C. 36-2-3.5-5, the Lake County Council has authority to adopt ordinances for governing Lake County, Indiana; and

WHEREAS, the Lake County Council, desires to adopt an itinerant merchant and solicitors ordinance to regulate the registration and activities of itinerant merchants and solicitors.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

SECTION I. PURPOSE.

The purpose of this Ordinance is to register and regulate the activities of itinerant merchants and solicitors within the unincorporated areas of Lake County.

TABLE OF CONTENTS.

A.	Registration required
B.	Issuance of registration certificate
C.	Conditions of certificate
D.	Revocation of certificate
E.	Bond
F.	Exceptions
G.	Penalties

A. REGISTRATION REQUIRED:

- (a) No person or entity shall sell or take orders for any goods, wares, merchandise, or services without first applying for and being issued a registration certificate.
- (b) An applicant for a registration certificate shall execute an application form at the office of the Lake County Sheriff

prior to engaging in any soliciting in the County. The form shall require:

1. Applicant's name, home address and local address, if any.
2. A photograph and physical description of applicant.
3. The name and address of principal office of the person, firm, organization, or corporation for whom the applicant is authorized to conduct such activity solely on his own behalf.
4. A brief description of the type of goods or services to be sold and a statement whether delivery of such goods or services is to be immediate or in the future.
5. That the applicant appears at the Sheriff's Department and allows him/herself to be finger printed.

(c) At the time of executing such application form, the applicant shall also appear in person for the inspection of the Sheriff proof of his/her identity and provide a specimen of the applicant's signature.

(d) The application is a continuing application and if, after the issuance of the registration certificate, the information in the application shall become inaccurate for any reason, and the holder of the registration certificate intends to continue his/her activity, notice of such change and the correct information shall be furnished to the office of the Sheriff within 24 hours.

(e) The certificate issue shall be for a period of three months from the date of issuance and shall expire on the date specified in the certificate. Upon expiration of the license, the vendor shall either reapply for a registration certificate with the Sheriff or cease his/her activity immediately.

B. ISSUANCE OF REGISTRATION CERTIFICATE.

On compliance of the applicant with the above provisions, the Sheriff shall issue a registration certificate by issuance of a photograph identification badge which shall be dated and signed by the Sheriff to the applicant who shall personally appear at the Sheriff's Office, provided that the Sheriff has not found applicant's previous registration certificate revoked. Each registration certificate shall be valid for a period not to exceed three (3) months. Each applicant shall pay the Sheriff the sum of \$100.00 to defray the costs of administration of this chapter. Each applicant shall pay the Sheriff the sum of \$10.00 for the replacement of a lost or stolen photograph identification badge, during the effective date of any registration certificate.

C. CONDITIONS OF CERTIFICATE.

All certificates and photograph identification badges are nontransferable and entitle the holder to sell, distribute, solicit, or canvass within the County, subject to the following conditions:

- (a) The holder shall openly display/wear upon his/her person while engaging in door-to-door sales activity the identification badge issued by the Sheriff and shall exhibit the same at any time on request by any police officer of the County or by an individual.
- (b) The holder shall not enter into or on any house, building, or other structure or upon any land or other property, without the prior consent of the owner thereof.
- (c) The holder of a certificate shall be restricted to conducting door-to-door activities between the daytime hours of 9:00 A.M. and 7:00 P.M. during any weekday and Saturday 12:00 P.M. to 5:00 P.M.
- (d) The holder is prohibited from door-to-door activities at a residence or neighborhood if a sign has been posted by the property owner or landowners association at either the front door of the residence or other conspicuous place that reads, "No Soliciting".

- (e) The holder of a certificate shall make no false statement or misrepresentation of fact in the course of carrying on the activity for which the certificate is granted, and shall conduct him/herself at all times in an orderly and lawful manner.
- (f) The holder of a certificate who takes orders for the future delivery of any type of goods or service shall give written receipt to the purchaser, which shall be signed by the holder and set forth a brief description of goods or services ordered, the name, address, telephone number, facsimile number, and email address of the entity with whom the purchaser may communicate regarding the statute of any such order the total purchase price, and the amount of payment, if any received by the holder from the purchaser.

D. REVOCATION OF CERTIFICATE.

Any certificate issued may be revoked by the Sheriff after notice of hearing for any fraud, misrepresentations, or false statement contained in the application, or for failure to observe the conditions of the certificate as set forth in "Conditions of Certificate". Notice of the hearing for revocation of a certificate shall be in writing, stating the reason for the hearing, and the time and place thereof, Notice shall be given to the holder at least three (3) days, if by personal service, and at least five (5) days if by mail, addressed to the holder's last known local address, or if none, his home address, prior to the date for the hearing.

E. BOND.

- (a) Before any registration certificate is issued as provided for by this chapter shall be issued, a surety and/or cash bond shall be filed by the applicant with the Sheriff, payable to the Lake County Board of Commissioners in the sum of Five Hundred (\$500.00) Dollars, ensuring that should the applicant and/or his agents and/or employees not comply with all the provisions of this code, other ordinances of the County, and the statutes of the State of Indiana regulating and concerning the sale of goods, wares, and merchandise and the business of a transient merchant, peddler, or solicitor, whichever shall be applicable and will pay all judgments rendered against the applicant and/or his agents and/or employees for any violation of the above Ordinances, Statutes, or Regulations, together with any and all judgments, court costs and attorney fees

that may be recovered by any person for damages growing out of any misrepresentations, deception, or violation of the aforementioned Statutes, Regulations or Ordinances associated with the sale or the vendor's product, or through advertisement of any character whatsoever printed or circulated in reference to the goods, wares and merchandise sold or any part there or service to be rendered by said vendor.

- (b) Separate bonds need not be executed by each employee or agent, but one bond may cover all the employees of one employer or all of the agents of one principal.
- (c) The bond shall be executed by the applicant and/or his employer in addition to the principal of the issuing surety entity and all other required signature or two (2) responsible freeholders residing within the County (or in lieu thereof a cash bond of equal amount) conditioned as referenced above. In the event the applicant elects to post a cash bond, the same shall be retained by the County for ninety (90) days after the expiration of all registration certificates issued in any calendar year.
- (d) Action on the bond may be brought in the name of the County to the use or benefit of an aggrieved person. Any person aggrieved by the vendor's actions or inactions may petition the Lake County Council for recovery on the bond as appropriate.

F. EXCEPTIONS.

The following are exempt from the provisions of this chapter:

- (a) Persons engaged in the sale of newspapers.
- (b) Persons who sell farm or dairy products or other foodstuffs of their own raising or produced by him/her or by members of his/her immediate family.
- (c) Persons who have established permanent places of business within the County limits and bona fide salesmen selling at wholesale to such resident merchants.
- (d) Sales for nonprofit service or civic

organizations that have an office, chapter, or lodge located in Lake County.

- (e) Members of Public Safety Departments while engaged in fund raising activity.

G. PENALTY.

- (a) Any person who violates any part of the provisions of this chapter shall, on conviction, be fined not less than One Hundred (\$100.00) Dollars no more than Five Hundred (\$500.00) Dollars for each offense. Each day a violation continues shall constitute a separate offense.
- (b) Any person discovered by a member of the Sheriff's Department to be selling, taking orders for any goods, wares, merchandise or services, without a proper registration shall be issued a citation of violation, which shall further contain a prohibition against any further solicitation, sale, order taking or any other action contemplated by this Ordinance until such time as they are in compliance with all provisions of this Ordinance.
- (c) If a person having received a registration certificate pursuant to the provisions of this Ordinance is found to be violating the terms and conditions of this Ordinance by a member of the Sheriff's Department, they shall be immediately issued a citation establishing the date and time that they are to appear before the Sheriff to answer as to the alleged violation and their registration certificate shall be immediately confiscated and held until such time as a ruling is made by the Sheriff.
- (d) All fines issued pursuant to this Ordinance shall be collected by the Sheriff and deposited in the General Fund.

H. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval by the Lake County Council.

SO ORDAINED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID, President

LARRY BLANCHARD
ERNIE DILLON
THOMAS O'DONNELL
FRANKLIN
TED F. BILSKI

ELSIE

JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Establishing the Lake County Accident and/or Crash Report Fee.

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

ORDINANCE NO. 1306B

**ORDINANCE ESTABLISHING THE LAKE COUNTY
ACCIDENT AND/OR CRASH REPORT FEE**

WHEREAS, WHEREAS,

I.C. 36-2-3.5-3 provides that the Lake County Council is the fiscal and legislative body for Lake County, Indiana; and I.C. 36-2-3.5-5 provides that the Lake County Council shall pass all ordinances, orders, resolutions and motions for the government of the County in the manner prescribed by I.C. 36-2-

4, et. seq.; and

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

WHEREAS, I.C. 36-1-3-8 provides that the Lake County Council has the power to impose a user fee reasonably related to reasonable and just rates and charges for services; and

WHEREAS, I.C. 9-29-11-1 provides that the main department under whose supervision a law enforcement officer carries on the law enforcement officers duties, may change a fee that is fixed by Ordinance of the fiscal body in an amount not less than Five (\$5.00) Dollars for each report supplied by the department; and

WHEREAS, the Lake County Sheriff's Department supplies copies of accident and/or crash reports made by officers as part of their duties in investigation a vehicle collision; and

WHEREAS, the Lake County Council desires to establish an accident and/or crash report fee of Fifteen (\$15.00) Dollars per report for supplying a copy of the report.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That there is hereby established a fee of Fifteen (\$15.00) Dollars (Fee) for each accident and/or crash report supplied by the Lake County Sheriff's Department prepared by officers as part of their duties in investigating a vehicle collision.
2. That pursuant to I.C. 9-29-11-1(b)(2) the fee shall be deposited in a separate fund known as the "Accident Report Account" Fund (Fund).
3. That pursuant to I.C. 9-29-11-1(b)(2) money deposited in the account/fund ma be expended at the discretion of the Chief Administrative Officer of the Lake County Sheriff's Department for any purpose reasonably related to the keeping of accident reports and records, or the prevention of street and highway accidents.
4. That deposits and expenditures from the fund shall be reported to the Lake County Auditor who shall keep a

record for public inspection.

SO ORDAINED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID, President

LARRY BLANCHARD

ERNIE DILLON

THONMAS O'DONNELL

ELSIE FRANKLIN

TED F. BILSKI

JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Establishing the "Accident Report Account" Fund, a Non-Reverting Fund.

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

ORDINANCE NO. 1306C

ORDINANCE ESTABLISHING THE "ACCIDENT REPORT ACCOUNT" FUND, A NON-REVERTING FUND

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

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

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

WHEREAS, the Lake County Council desires to establish by ordinance all funds within the County Treasury, from which appropriations and

transfers are made; and

WHEREAS, I.C. 9-29-11-1 provides that the Lake County Sheriff's Department may charge a fee for supplying a copy of an accident and/or crash report made as a result of an accident investigation; and

WHEREAS, pursuant to I.C. 9-29-11-1 the Lake County Council has established a fee of Fifteen (\$15.00) Dollars for copies of accident and/or crash reports supplied by the Lake County Sheriff's Department; and

WHEREAS, pursuant to I.C. 9-29-11-1(b)(2) the fees collected shall be deposited in a separate Fund known as the "Accident Report Account" Fund; and

WHEREAS, the Lake County Council desires to establish the "Accident Report Account" Fund for the deposit and expenditure of fees collected pursuant to I.C. 9-25-11-1 for supplying accident and/or crash reports.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Council establishes the "Accident Report Account" Fund (Fund) for the deposit and expenditure of fees collected pursuant to I.C. 9-25-11-1 for supplying accident and/or crash reports.
2. That pursuant to I.C. 9-29-11-1(b)(2) money collected in the Fund may be expended at the discretion of the Chief Administrative Officer of the Lake County Sheriff's Department for any purpose reasonably related to the keeping of accident reports and records, or prevention of street and highway accidents.
3. That money remaining in the Fund at the end of the year shall remain in the Fund and not revert to the General Fund.

SO ORDAINED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID, President

LARRY BLANCHARD

THOMAS O'DONNELL

ERNIE DILLON

ELSIE

FRANKLIN
TED F. BILSKI

JEROME A.

PRINCE

Members of the Lake County Council

In the Matter of Ordinance Establishing the Lake County Mileage Rate for 2009.

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

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

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

ORDINANCE NO 1306D

LAKE COUNTY MILEAGE RATE ORDINANCE FOR 2009

WHEREAS, the Lake County Council establishes the mileage rate for County employees entitled to expenses for use of their vehicles; and

WHEREAS, the Lake County Council desires to reflect the mileage rate established by the Federal Government for its employees; and

WHEREAS, the Federal mileage rate established for the year 2009 is 55 cents per mile.

NOW, THEREFORE, LET IT BE ORDAINED AS follows that the Lake County Council does hereby establish the rate of fifty-five (55) cents per mile for County employees entitled to receive mileage expenses for use of their vehicles.

SO ORDAINED this 9th day of December, 2008.

CHRISTINE CID, President

LARRY BLANCHARD
DILLON
THOMAS O'DONNELL

ERNIE
ELSIE

FRANKLIN
TED F. BILSKI
PRINCE

JEROME A.

Members of the Lake County Council

In the Matter of Ordinance Establishing the Lake County Part-Time Employees Pay Rate for 2009.

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

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

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

ORDINANCE NO. 1306E

LAKE COUNTY PART-TIME EMPLOYEES PAY RATE ORDINANCE FOR 2009

WHEREAS, Lake County employs individuals on a part-time basis in order to provide services to the citizens of Lake County and State of Indiana; and

WHEREAS, the Lake County Council desires to establish a schedule of payment for Lake County part-time employees;

NOW, THEREFORE, LET IT BE ORDAINED BY THE LAKE COUNTY COUNCIL AS FOLLOWS:

SECTION I. A part-time employee is a person who works a portion of the regular daily or monthly schedule, or is not assigned to fill a permanent position created by the Lake County Council, or State or Federal Law.

SECTION II. All part-time employees not covered by the following list shall be paid a minimum rate of \$6.55 per hour from July 24, 2008 to July 24, 2009, after July 24, 2009 the minimum rate is \$7.25 per hour except that part-time employees designated by an individual officeholder or

department head as semi-professional may be paid a maximum rate of \$8.00 per hour. The establishment of such a rate shall be at the discretion of the individual officeholder or department head, provided however, that all levels of hourly pay so established must be at fifty cent intervals.

SECTION III. Notwithstanding Section II, the following apply for part-time and hourly named people, at the discretion of the officeholders:

1. Surveyor (part-time)
\$15.00/hr.
2. North, Calumet and St. John
Twp. Assessor, Auditor positions
25.00/hr.
3. St. John Twp. Ass'r. (plat book engr.)
30.00/hr.
4. Juvenile Ct. (registered nurse)
9.00/hr.
5. a. Ass't Attys. on contract with the Lake County Council, Lake County Board of Commissioners, Superior or County Courts, or any other dept. of County Government (This section does not apply to salaried attorneys hired under a position established by the Lake County Council, or attorneys who contract at a different rate approved by the Lake County Council and the Lake County Board of Commissioners) 90.00/hr.
- b. Attorneys for the Lake County Council or Lake County Board of Commissioners, who are employed as local bond counsel for Lake County, Indiana 150.00/hr.
6. Co. employed Medical Doctors & Dentists 75.00/hr.
7. Prosecutor's Office:
 - a. Deputy Prosecutors 6.55 - 20.00/hr.
 - b. Adult Protective Services Invest. 6.55 - 12.00/hr.
 - c. Semi-prof. law clerks, paralegals, all other investigators 6.55- 10.00/hr.
 - d. Secretary 6.55- 10.00/hr.
 - e. Administrative Personnel 10.00-15.00/hr.
8. Health Dept.
 - a. Clerk 10.00-12.75/hr.
 - b. Special Projects Coordinator 15.00/hr.
 - c. LHMFPool & Beach Monitor/Lab Technician 9.50/hr.
 - d. Seasonal Vector Control Technician 8.00-12.50/hr.
9. Parks & Rec.
 - a. Skilled craft: 6.55 - 14.00/hr. at .15 cent increments
Painter

- Mechanic
- Equipment Operator Carpenter
- Groundskeeper
- Electrician
- b. Technical: 6.55 - 14.00/hr.
At .15 cents increments

- Bookkeeper
- Interpretive Educator
- CAD Operator
- Computer Operator/Programmer
- Concession Manager
- Merchandise Manager
- Lifeguard
- c. Security:
Off Duty Police Officers 16.00 - 25.00/hr.
- d. Professional:
Assistant Manager 6.55 - 14.00/hr.
Landscape Architect Planner at .15 cent increments
- 10. Election Board
- a. Clerk 10.50/hr.
- b. Seasonal Voting Machine Mechanics 6.55 - 10.00/hr.
- 11. Co. Ass'r (Board of Appeals) 12.00/hr.
- 12. Weights & Measures Dept.
 - a. County Inspector 12.00/hr.
 - b. Secretary & Technicians 8.00 - 9.50/hr.
 - c. Administrative Assistant 10.46/hr.
- 13. Part-time Psychologist for LC Juvenile Center (maximum 9 hrs. per week) 40.43/hr.
- 14. Part-time positions for reassessment duties:
 - a. Data Entry Personnel 6.55 - 10.00/hr.
 - b. Field Personnel 6.55 - 10.00/hr.
 - c. Supervisor/Coordinator 9.00 - 13.00/hr.
 - d. Project Director (Calumet & North Twp. only) 13.00 - 15.00/hr.
- 15. Part-time Instrument Chemist for LC Health Dept. 13.50/hr.
- 16. Lake Superior Court, County Div. 3
 - a. Probation monitor 10.00/hr.
 - b. Court Reporter 10.00/hr.
 - c. Bailiff Fund 208 10.00/hr.
 - d. Secretary/receptionist 10.50/hr.
- 17. Part-time Secretary for LC Council 6.55 - 13.50/hr.
- 18. Coroner:
 - a. Investigator/Photographer I 12.00/hr.
 - b. Investigator/Photographer II 12.00/hr.
- 19. Lake County Community Development (Weatherization Program)

- a. Work Crew 6.55 - 10.00/hr.
- b. Management, Carpenter 10.00 - 16.00/hr.
- 20. Superior Court of Lake County,
Civil Division
- a. Resource Director Up to a
maximum of \$15.00/hr.
- b. Court Reporter Up to a maximum of
\$15.00/hr
- c. Secretary/Office Manager Up to a
maximum of \$15.00/hr.
- d. Bailiff Up to a
maximum of \$15.00/hr.
- e. Law Clerks \$15.00/hr.
- 21. Juvenile Court/CASA Technicians \$13.00/hr.
- 22. Lake County Emergency Management
Coordinator/Project Impact Grant \$10.00/hr.
- 23. Public Defender's Office
- a. Law Clerks \$14.00/hr.
- b. Paralegals \$14.00/hr.
- c. Investigator \$14.00/hr.
- 24. Lake Circuit Court
- a. Care Provider \$10.00/hr.
- b. Law Clerks \$12.00/hr.
- c. Doctor of Psychology 75.00/hr.
- d. Clinician (with Master's Degree in
Family Therapy) 75.00/hr.
- 25. Board of Commissioners
- a. Comm.'s assistant for Commissioner
Real Estate Tax Sales 10.50/hr.
- 26. Lake County Sheriff's Department
- a. Bookkeeper 12.00-15.00/hr.
- b. Radio Dispatcher 12.00-15.00/hr.
- c. EMT 12.00-15.00/hr.
- 27. Lake County Public Works Dept.
Sign Technician 10.79/hr.
- 28. Lake County Recorder
Deputy Recorders 10.00-15.00/hr.
- 29. Superior Court of Lake County,
County Division, Room No. 2.
Clerk 10.00/hr.

- 30. Superior Court of Lake County,
Criminal Division
 - a. Probation Officer 14.00/hr.
 - b. Off Duty Police Officer 22.00/hr.
- 31. Lake County Fairgrounds
 - a. Maintenance Employees 8.50/hr.
 - b. Grounds Keeper 8.00-12.00/hr.
(Major Equipment Operator)
- 32. Township Assessor/Lake County Assessor
Real Estate Deputy 10.00/hr.
- 33. Lake County Highway Dept.
Engineer Intern 12.50-14.00/hr.
- 34. Lake County Soil and Water Cons. Dist.
Secretary 6.55-11.00/hr.
- 35. Auditor's Office
 - a. Accounting Clerks 6.55-10.00/hr.
 - b. Administrative Personnel 11.00-15.00/hr.
- 36. Clerk of the Circuit Court
Clerk/Part-Time 15.00/hr.
- 37. Hobart Township Assessor
Real Estate Field Person 10.00/hr.
- 38. Treasurer's Office
Administrative Personnel 8.00-12.00/hr.
- 39. Lake Superior Court - County Division IV
Court Clerk 10.00/hr.

SECTION IV. A. In the event any part-time employee of Lake County, Indiana, cannot continue a work assignment due to weather conditions, the employee shall be relieved from the assignment for the balance of the work day and be paid only for the actual time incurred working on the assignment.

B. In the event any part-time employee of Lake County, Indiana, reports for work and is unable to begin work due to weather conditions the employee shall be relieved for the work day, and be paid for two hours.

SO ORDAINED this 9th day' of, DECEMBER , 2008 .

CHRISTINE CID, President

THOMAS O'DONNELL

ERNIE DILLON
TED F. BILSKI
JEROME A. PRINCE
ELSIE FRANKLIN
LARRY BLANCHARD

Members of the Lake County Council

In the Matter of Ordinance Restricting the Hiring of New County Employees for 2009.

O'Donnell made a motion, seconded by Prince to approve on First Reading.

Attorney Szarmach explained that #4 is what you're looking at, and I did bold face the last phrase of that paragraph, "**and the net result of the transfers is revenue neutral**", so everybody understands that you can switch employees, demote one, and promote another. Any type of transfer like that has to be revenue neutral, whatever the transfer entails.

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

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

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

ORDINANCE NO 1306F

ORDINANCE RESTRICTING THE HIRING OF NEW COUNTY EMPLOYEES FOR 2009

WHEREAS, I.C. 36-2-5-3 directs the Lake County Council to establish and fix the number and payment schedules of county officers, deputies and other employees; and

WHEREAS, I.C. 36-2-5-13 provides that the compensation or number of county deputies and employees may be changed at any time on the application of the County fiscal body; and

WHEREAS, the funding of County government has been restricted by State and Federal mandates, regulations and Laws, specially, H.B. 1001; and

WHEREAS, throughout 2009 certain positions in Lake County Government will

become vacant and if not filled the respective appropriations will revert to the operating balance of the County General Fund for 2009.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That in order to obtain an operating balance for the Lake County Budget for 2009 all County offices and departments are restricted from hiring new employees, or current employees, part-time or in a full-time position, to fill presently vacant positions and positions which may become vacant for 2009.
2. Notwithstanding paragraph one, this Ordinance shall not apply to the following:
 - a. Positions controlled by mandate (Indiana Trial Rule 60.5), positions required by State or Federal Laws, or by a Grant, provided the officeholder inform the council of such hiring with supported documents citing the mandate order, State or Federal Law, or Grant requirement.
 - b. Positions controlled by collective bargaining agreements.
3. Notwithstanding paragraph one, an officeholder may petition the Lake County Council to fill a vacated position for good cause.
4. That for the purpose of this Ordinance, the term "vacancy" does not include the transfer of employees from positions where the employees are being laterally transferred to different positions, being promoted, or being demoted, **and the net result of the transfers is revenue neutral.**

DATED THIS 9th DAY OF DECEMBER, 2008.

CHRISTINE CID, President

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

Members of the Lake County Council

In the Matter of Ordinance Creating Lake County's Payroll Court Judgment Fund, Fund No. 441, a Non-Reverting Fund.

Attorney Szarmach explained that this is a bookkeeping measure, they already have the fund established, 441, but it's not established by ordinance. It's a special fund for these payroll lawsuits that have been paid out.

Dante said it's a new business for us. Judgments going to the lawyers, and their administrators, and their accountants. Dollars go to them, they distribute the money to the employees, or plaintiffs, something like that. On Judgments, look forward to, when it comes to employees, it being funneled through us.

Cid said it means more time involved for the Auditors Office, yourselves, and Data.

Dante said no longer checks to Plaintiff Attorneys', and their Accountants. Checks to employee on a lawsuit comes through us, then to their attorney, and then to the Plaintiffs. That's the new business we're getting into now.

Prince made a motion, seconded by Franklin to add to agenda, Ordinance Creating Lake County's Payroll Court Judgment Fund, Fund No 441, A Non-Reverting Fund. All voted "Yes". Motion carried 7-0.

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

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

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

ORDNANCE NO. 1306G

ORDNANCE CREATING LAKE COUNTY'S PAYROLL COURT JUDGMENT FUND FUND NO. 441, A NON-REVERTING FUND

WHEREAS, WHEREAS, pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and pursuant to I.C. 36-2-5-2(b), the County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriation made by the County Council, except as otherwise provided as law; and

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

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

WHEREAS, the Lake County Council desires to create a new Fund, known as the Lake County's Payroll Court judgment Fund, Fund No. 441, a Non-Reverting Fund, to be used for the deposit of funds from the judgment bond to pay for all Court judgments regarding payroll issues to be disbursed through the Lake County Treasurer.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That Lake County's Payroll Court Judgment Fund, Fund No. 441, a Non-Reverting Fund, is hereby established for the deposit of judgment bond funds to be used to pay all Court judgments regarding payroll issues to be disbursed through the Lake County Treasurer.
2. That any money remaining in the Fund at the end of the year shall not revert to the General Fund but continue in Lake County's Payroll Court Judgment Fund, Fund No. 441.
3. All expenditures from the Fund shall be subject to appropriation by the Lake County Council or as otherwise provided by law.

SO ORDAINED THIS 9TH DAY OF DECEMBER, 2008.

CHRISTINE CID,

President

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

Members of the Lake County Council

Public Portion

Mr. George Janec spoke.

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

Lake County Council

President,

ATTEST:

Peggy Holinga Katona,
Lake County Auditor

