

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 Ted Bilski, President, Jerome Prince, Michael Repay, Elsie Franklin, Daniel Dernulc, Christine Cid, and Rick Niemeyer County Councilpersons, together with Ray Szarmach, County Council Attorney.

In the Matter of Minutes of the Lake County Council for February 9, 2011.

Prince made a motion, seconded by Dernulc to approve the minutes of the February 9, 2011 Lake County Council meeting. All voted "Yes". Motion to approve carried 7-0

ORDINANCE NO. 1333

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

	Appropriation Requested	Appropriated
Non-Reverting RICO Seizure Fund 141		
<u>Sheriff Drug Task Force</u> 0582		
Create All New Line Items		
42210 Petroleum Products	\$ 3,000.00	\$ 3,000.00
42410 Other Supplies	\$ 1,000.00	\$ 1,000.00
43231 Travel-Registration	\$ 3,800.00	\$ 3,800.00
43234 Travel-Transportation	\$ 1,000.00	\$ 1,000.00
43232 Travel-Meals	\$ 4,000.00	\$ 4,000.00
43233 Travel-Lodging	\$ 7,200.00	\$ 7,200.00
Non-Reverting Property Seizure Fund 145		
<u>Sheriff Drug Task Force</u> 0582		
Create All New Line Items		
41100 Overtime	\$ 84,000.00	\$ 84,000.00
41120 FICA	\$ 5,000.00	\$ 5,000.00
41336 Lateral Pay	\$ 11,000.00	\$
11,000.00		
42110 Office Supplies	\$ 25,000.00	\$ 25,000.00
42210 Petroleum Products	\$ 66,000.00	\$ 66,000.00
42290 Other Supplies	\$ 25,000.00	\$ 25,000.00
43190 Other Professional Service	\$ 60,000.00	\$ 60,000.00
43240 Telephone	\$ 55,200.00	\$ 55,200.00
43630 Maintenance & Service Contr	\$ 64,000.00	\$ 64,000.00
43830 Matching Funds	\$ 15,000.00	\$ 15,000.00
43995 Other Services	\$ 2,000.00	\$ 2,000.00
44490 Other Equipment	\$118,000.00	\$118,000.00
Misdemeanant County Jail Fund 152		
<u>Jail</u> 3100		
43630 Maintenance & Service	\$ 78,000.00	WITHDRAWN
L.C. Multi Agency Task Force Grant Fund 182		
<u>Sheriff Drug Task Force</u> 0582		
Create All New Lines		
41100 Overtime	\$ 8,334.46	\$ 8,334.46
41160 Office & Clerical	\$ 4,454.83	\$ 4,454.83
41220 FICA	\$ 340.79	\$ 340.79
41230 PERF	\$ 445.48	\$ 445.48
41240 Group Insurance	\$ 2,750.00	\$ 2,750.00
41336 Lateral Pay	\$ 2,189.92	\$
2,189.92		
42110 Office Supplies	\$ 3,042.51	\$ 3,042.51
42410 Other Supplies	\$ 1,983.56	\$ 1,983.56

43190	Other Professional Service	\$ 4,457.49	\$ 4,457.49
43240	Telephone	\$ 12,919.97	\$ 12,919.97
43630	Maintenance & Service Contr	\$ 4,336.54	\$ 4,336.54
43995	Other Services & Charges(CNL)	\$ 14,000.89	\$ 14,000.89
44490	Other Equipment	\$ 502.24	\$ 502.24
2005 Reassessment Fund 237			
<u>Ross Township Assessor 1700</u>			
41100	Overtime	\$ 19,340.00	WITHDRAWN
41190	Part-Time	\$128,867.00	"
41220	FICA	\$ 11,691.00	"
41230	PERF	\$ 2,118.00	"
41351	Assessor Per Diem	\$ 2,150.00	"
42230	Clothing Allowance	\$ 79.00	"
43220	Postage	\$ 2,200.00	"
43231	Travel-Registration	\$ 1,425.00	"
43232	Travel-Meals	\$ 2,750.00	"
43233	Travel-Lodging	\$ 4,858.00	"
43234	Travel-Trans/Other	\$ 2,100.00	"
43235	Travel-Mileage	\$ 4,108.00	"
43310	Printing	\$ 347.00	"
43910	Dues & Subscriptions	\$ 942.00	"
44490	Other Equipment	\$ 1,175.00	"
Rainy Day Fund 240			
<u>Sheriff 0500</u>			
Create New Line			
41260	Workman's Compensation	\$ 780.00	No Action Taken
Justice Assistance Grant Fund 262			
<u>Sheriff 1005 2010 DJ-BX-0810</u>			
Create All New Line Items			
43190	Other Professional Services	\$ 97,173.00	\$ 97,173.00
42410	Other Supplies	\$ 85.00	\$ 85.00
44490	Other Equipment	\$ 94,463.00	\$ 94,463.00
Justice Assistance Grant Fund 262			
<u>Sheriff ARRA 0550</u>			
Create All New Line Items			
41190	Part-Time	\$ 25,000.00	\$ 25,000.00
41220	FICA	\$ 1,450.00	\$ 1,450.00
41260	Workman's Comp Deduction	\$ 390.00	\$ 390.00
42410	Other Supplies	\$ 97,130.00	\$ 97,130.00
43190	Other Professional Service	\$ 429,000.00	\$ 429,000.00
43995	Other Services	\$ 21,000.00	\$ 21,000.00
44490	Other Equipment	\$ 127,000.00	\$127,000.00
Cops Interoperability Fund 272			
<u>Sheriff 0500</u>			
41220	FICA	\$ 315.00	\$ 315.00
41230	PERF	\$ 390.00	\$ 390.00
41390	Supplemental Pay	\$ 4,100.00	\$ 4,100.00
Cops Interoperability Fund 272			
<u>Sheriff 1006 2010-CK-WX0498 (911 Consolidation)</u>			
Create All New Line Items			
43190	Other Professional Service	\$ 40,000.00	\$ 40,000.00
44490	Other Equipment	\$ 435,241.00	\$435,241.00
Sex or Violent Offender Fee Fund 275			
<u>Sheriff 0500</u>			
41260	Workman's Compensation(CNL)	\$ 390.00	\$ 390.00
EECB Grant Fund 276			
<u>Commissioners 2900</u>			
Create All New Line Items			
43145	Legal Service	\$ 27,680.00	\$ 27,680.00
43150	Consultant Fees	\$ 120,012.00	\$120,012.00
43190	Other Professional Service	\$ 25,120.00	\$ 25,120.00
43995	Other Service & Charge	\$ 1.00	\$ 1.00
44220	Building Structure Impr	\$2,635,700.00	\$2,635,700.00
Check Deception Collection Service Fee Fund 279			
<u>Prosecutor 0800</u>			
41190	Part-Time(CNL)	\$ 25,000.00	\$ 25,000.00
41220	FICA	\$ 1,925.00	\$ 1,925.00
Commissary Reimbursement Pass Thru Fund 332			
<u>Sheriff 0500</u>			
41370	Holiday Pay	\$ 10,700.00	\$ 10,700.00
41260	Workman's Comp(CNL)	\$ 1,560.00	\$ 1,560.00

Commissary Reimbursement Pass Thru Fund 332

<u>Sheriff</u> 0500		
41235 Merit Retirement	\$ 112,200.00	\$112,200.00

TRANSFER OF FUNDS CERTIFICATE

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

	Requested	Approved
<u>Prosecutor</u> 0800		
Property Seizure Fund 145		
From: 145-44420 Office Machines	\$ 500.00	
To: 145-42410 Other Supplies(CNL)	\$ 500.00	\$ 500.00
<u>Parks &amp; Recreation</u> 5151		
Parks & Rec Fund 107		
From: 107-41180 Service Maintenance	\$ 5,340.00	
107-43730 Property Rental	\$ 1,500.00	
To: 107-43810 TAW Interest	\$ 5,340.00	\$ 5,340.00
107-43710 Equipment Rental	\$ 1,500.00	\$ 1,500.00
<u>Clerk</u> 0100		
Clerk's Records Perpetuation Fund 194		
From: 194-44490 Other Equipment	\$ 30,500.00	
To: 194-41190 Part-Time	\$ 22,000.00	\$ 22,000.00
194-41220 FICA	\$ 4,500.00	\$ 4,500.00
194-41260 Workman's Compensation	\$ 4,000.00	\$ 4,000.00
<u>Commissioners</u> 2900		
Non-Reverting Self Insurance Fund 541		
From: 541-43420 Insurance	\$ 60,000.00	
To: 541-43150 Consultant Fees	\$ 60,000.00	\$ 60,000.00
<u>PTBOA</u> 2505		
From: 001-41190 Part-Time	\$ 8,093.09	
To: 001-41390 Supplemental Pay(CNL)	\$ 6,923.08	\$ 6,923.08
001-41220 FICA(CNL)	\$ 529.62	\$ 529.62
001-41230 PERF(CNL)	\$ 640.39	\$ 640.39

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 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 8<sup>th</sup> day of March, 2011

Adopted this 8<sup>th</sup> day of March, 2011

NAY

AYE

Ted Bilski  
Jerome A. Prince  
Michael Repay  
Elsie Franklin  
Daniel Dernulc  
Christine Cid  
Rick Niemeyer

ATTEST:  
Peggy Holinga Katona,  
Lake County Auditor

## Additional

	Made motion	seconded	
<u>Non-Reverting RICO Seizure Fund 141</u>			
Sheriff Drug Task Force(\$20,000)	Cid	Prince	All voted "Yes" to create all new line items and approve. Motion to approve carried 7-0.
<u>Non-Reverting Property Seizure Fund 145</u>			
Sheriff Drug Task Force(\$530,200)	Cid	Prince	All voted "Yes" to create all new line items and approve. Motion carried 7-0.
<u>Misdemeanant County Jail Fund 152</u>			
Jail(\$78,000)	WITHDRAWN		
<u>LC Multi Agency Task Force Grant Fund 182</u>			
Sheriff Drug Task Force (\$59,758.68)	Cid	Prince	All voted "Yes" to create 1 new line item and approve. Motion carried 7-0.
<u>2005 Reassessment Fund 237</u>			
Ross Twp Assr(\$184,150)	WITHDRAWN		
<u>Rainy Day Fund 240</u>			
Sheriff(\$780)	NO ACTION TAKEN		
(See Footnote)			
<u>Justice Assistance Grant Fund 262</u>			
Sheriff 2010 DJ-BX-0810 (\$191,721)	Cid	Prince	All voted "Yes" create all new line items and approve. Motion carried 7-0.
<u>Justice Assistance Grant Fund 262</u>			
Sheriff ARRA(\$700,970)	Cid	Prince	All voted "Yes" to create all new line items and approve. Motion carried 7-0.
<u>Cops Interoperability Fund 272</u>			
Sheriff(\$4,805)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Cops Interoperability Fund 272</u>			
Sheriff(\$475,241) (911 Consolidation)	Cid	Prince	All voted "Yes" to create all new line items and approve. Motion carried 7-0.
<u>Sex or Violent Offender Fee Fund 275</u>			
Sheriff(\$390)	Cid	Prince	All voted "Yes" to create a new line item and approve. Motion carried 7-0.
<u>EECB Grant Fund 276</u>			
Commissioner(\$2,808,513)	Franklin	Cid	All voted "Yes" to create all new line items and approve, except Prince, "abstain" Motion carried 6-yes, 1-abstention.
(See Footnotes)			
<u>Check Deception Collection Service Fee Fund 279</u>			
Prosecutor(\$26,925)	Franklin	Prince	All voted "Yes" to create 2 new line items and approve. Motion carried 7-0.
<u>Commissary Reimbursement Pass Thru Fund 332</u>			
Sheriff(\$12,260)	Cid	Prince	All voted "Yes" to create 1 new line item and approve. Motion carried 7-0.
<u>Commissary Reimbursement Pass Thru Fund 332</u>			
Sheriff(\$112,200)	Cid	Prince	All voted "Yes" to approve. Motion Carried 7-0.

Footnotes

Re: Sheriff(\$780) Fund 240, Rainy Day Fund – Cid made a motion, seconded by Prince to Create New line item, and approve.

Dante explained that there is no cash in that fund.

Cid rescinded her motion. Prince rescinded his second. NO ACTION TAKEN.

Re: Commissioners(\$2,808,513) – Franklin made a motion, seconded by Cid to create all new line items and approve the appropriation in the EECBG Fund 276

Dernulc said I understand this is for part of North Township buildings that are in Wicker Park. Blanchard said Calumet Township, as well. It's an Energy Efficiency Grant stimulus funds were used to fund the Grant. The cash is in the fund currently, and we needed it appropriated so we can pay some bills. Dernulc said I'm in full support of this appropriation, and the fact that it comes from a Grant, and that we will be able to have some greatly needed improvements at Wicker Park, and some of the other places.

Niemeyer said I believe that the Hanover Township Trustee' Office is part of this.

All voted "Yes", except Prince, "abstained". Motion to approve carried 6-yes, 1-abstention.

Transfer

	Made motion	seconded	
Prosecutor(\$500)	Franklin	Prince	All voted "Yes" to create 1 new line item and approve. Motion carried 7-0.
Parks & Rec(\$6,840)	Dernulc	Prince	All voted "Yes" to approve. Motion Carried 7-0.
Clerk(\$30,500)	Franklin	Prince	All voted "Yes" to approve, except Cid, "abstain". Motion carried 6-yes, 1-abstention.
Commissioners(\$60,000)	Franklin	Prince	All voted "Yes" to create 1 new line item and approve. Motion carried 7-0.
PTBOA(\$8,093.09)	Prince	Franklin	All voted "Yes", except Repay, "No". Motion carried 6-yes, 1-no.

In the Matter of Revised 144's for Sheriff, Jail, Circuit Court, and PTBOA.

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

<u>Rev 144 Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12xxx-001	-0-	\$5,523.29	\$5,523.29

Re: Sheriff Revised 144, Fund 001 for Legal Advisor - Cid asked for No Action on this matter.

Niemeyer said that this is a position that was for Legal Advisor, for an Attorney for the Sheriff' Department, which is now I believe being funded through the Commissioner' Office through a contract through the Reserve insurance funds, not to exceed \$115,000.

Niemeyer said the reason I brought this up is because when I first came on this Council, evidently this was going on in December, this discussion with the Legal Advisor. On the agenda then, it was Legal Advisor, with health insurance, and it was on our agenda again in January for Legal Advisor with health insurance. Then somehow it just disappeared, or went away. I thought it would have been deferred to come back and to talk about it.

That's when I researched a little bit, and found out how this got funded, this position.

My question is, if you're funding your Legal Advisor through that system right now, I look at this fund, we are short in the Sheriff' Department fund, we have Officers we have to fund out there that we have no money for. When you re-organized some of your pay schedule for your Deputy Commanders there is a \$25,000 dollars shortfall, so I'm looking at this, why do we need this position, at this point. The money is yours in your fund, okay with that. I'm a little nervous that a legal advisor, with insurance that's still sitting in this position, and evidently went in a different direction with the legal advisor, the way I understand.

Can we revert this money and get rid of this particular line item, and revert it to some other areas that we need for funding for some of your re-organization? That's why I brought it up for discussion. I didn't know that the Commissioners had granted this Contract until I researched it and found out, again some of this stuff may have been done in 2010, I don't know. That's the reason why I brought it forward, I don't know why we need both the positions funded if we have it funded now through another direction.

Bilski asked if we would like to make a motion on the floor for a simple point of order, and second for discussion?

Niemeyer made a motion, seconded by Dernulc to approve

Cid said we were well aware that the Commissioners did approve the Contract.

Niemeyer interjected, I was not.

Cid continued it was discussed at our meeting, and maybe it was in December, but it was brought to our attention that the Commissioners did approve the Contract, with insurance contingent upon approval of the Council. We did not approve any insurance for the Attorney. The Attorney currently is working without

insurance. The thing of it is, I am the Chairman of the Sheriff' budget and the Sheriff is finding ways, and has been very cooperative in using other funds that he has, that the prior Sheriff wouldn't even consider, so we are working to make sure that he stays in line with his budget.

Cid said, this is not the only vacant position in the County and if we are going to start picking and choosing, I mean, we shouldn't do that. Let's look at all of the vacant positions in the County and then start putting those on the agenda as well, but no one is being sneaky. The Sheriff even has the right to actually hire a legal advisor into this position if he so chooses to. So the Sheriff is working with this budget, he is doing a tremendous job at that, and the last thing he wants to do is put his budget in the red. We are working very hard on the Sheriff' budget.

Niemeyer said to Cid, I agree with you, I believe the Sheriff is working, he has a lot of lead way because he inherited the 2011 budget, so we are allowing a lot of reconstruction and things that are going on there because he was Sheriff before, until he has the expertise to do it.

I have the right to look at anything that I'm going to look at, and place it on the agenda because I look at a lot of these Committee chairs. We are not there a lot, and that's another issue that I have. I don't have the ability sometimes, I'm always waiting for the Council representative who represents that department to bring something forward, and should I discuss it with you, absolutely, but in this case I felt very passionate about and I wanted to find out exactly why this was not bypassed, why I wasn't informed about what was going on. My constituents asked me consistently what's happened to Attorney Bushemi' health insurance situation? Don't know, don't know it disappeared, then I researched and I found out, and I read the Contract, and the Contract never specified insurance in that contract. It didn't even mention insurance, so that was one reason I assumed we didn't act on it because the Contract did not say a funded position, with insurance. It didn't say it in the Contract, so why was it even placed on our agenda originally, I really don't know because it was never a part of that Contract. So that's my reason for bringing it forward, and looking at saving money here, and reorganization, but also when I see something that I don't particularly care for or think I need an answer on, I guess I have the ability to bring some of that stuff forward. I will talk to you, in the future on these things, you're the Chairman, but that's the reason I brought it forward, and I will continue if I have a problem with something and I feel like it wasn't discussed properly. Niemeyer asked why wasn't the insurance issue ever discussed? It just went off the agenda?

Franklin said when the issue of the Legal Advisor came up, I was the one that asked for a deferral. We passed the Legal Advisor portion. We did not approve the insurance at that time. We couldn't, but, that following Wednesday it went over to the Commissioners, and they approved the measure in it's entirety. That's what they did. We didn't. We did, I asked for us to take a look at the insurance, and when it went over there, that was their doing.

Niemeyer asked are we funding this, or are the Commissioners funding this?

Bilski said it comes out of the Sheriff' budget, and it's up to the Sheriff or any other department to ask for any transfers.

Niemeyer said I understand it's coming out of the Insurance Reserves Fund. I guess it needs to be clarified, I might be wrong. I assumed that the Contract was funded through the Liability Insurance Reserve Fund.

Dante answered the Insurance Reserve Fund, which in the Commissioner's budget.

Niemeyer said so it's not in the Sheriff' budget. The line item is now, because it's not being used, but the funding of the Sheriff' Legal Advisor is coming from the Insurance Reserve Fund, and asked, is that a correct statement?

Bilski said that is a correct statement.

Niemeyer said okay, so it's not coming out of the Sheriff' budget.

Bilski said part of the Sheriff' budget.

Niemeyer said, no, I don't think so, not at all.

Bilski said the line item and the staffing and the personnel. Bilski said line 15510-001 Legal Advisor is part of your budget. Now the funding mechanism for that is through the Board of County Commissioners.

Cid said not this, the physical funding is ...

Bilski asked Niemeyer so your motion is to zero this out, return the \$21,373 dollars to the Commissioners?

Niemeyer answered no to the Sheriff' budget.

Dante said you have an appropriation that has no expense so it turns into available cash.

Bilski asked how to track it?

Dante said it stays in that line item. It will show up as a surplus by the end of the year. It comes back.

Bilski asked if we eliminate the position, or not, if it's not tapped into it's going to return to us anyway right?

Dante answered, sure, absolutely.

Bilski said so if we leave this there, or we take it out, either way it's going to be there at the end of the year.

Dante said that's correct, either way. You want to head it off, be preventative here, and prevent the use of that, so what you're doing is executing the use of that, that's what you're doing

Repay said that I concur with what Niemeyer said. The information in the public has been that somehow, there is the ability for this, or some other legal advisor, to at this point jump in and obtain insurance. I understand the Sheriff has a right, obviously and is budgeted for a legal advisor. In all of our discussions when we fill vacant positions, never once has anyone said who's filling that position, and I think that that would be completely inappropriate, to ask that, so if this were to come to pass, later on in the year, and somebody says we are going to fill the Legal Advisor position, we would be at a point as a Council to ask a question that we've never asked before, and one that I think is inappropriate, so rather than we do that, what Councilman Niemeyer proposed was to zero it out, and say, should there be a need to fill the Legal Advisor position with benefits in the Sheriff' Department, then we should have a very large discussion about it. It should not be somewhere to the discussions that we had earlier about filling different positions as vacancy. I could imagine situations coming down in the months ahead where someone says we are going to fill this position, it's a vacant position, it's budget neutral, okay let's go, and that's the thing that we want to, not only prevent ourselves in the future from doing, but also to send a message to the public who has had great concern over an individual who's received a significant contract, and still the ability, somehow to get some type of insurance from the county.

Cid said that with that, if that should ever happen, I think that you don't have to ask who it is, but all you would have to ask is does this put us in violation of the new IRS rules.

Repay said that the issue is that we are relying on other entities to ensure that we are complying with the IRS rules, and I, for one don't want to rely on other entities. I feel like it's my duty to eliminate that possibility as an Elected Official, so if I have the ability to do that, or if we have the ability to do that as Council, then I think we should do that and not have to rely on other entities to prevent that from happening. I think we have one on the agenda in which funding was done in error, and errors happen, and I want to make sure that it doesn't end up happening again.

Niemeyer said he wanted to hear what Sheriff Buncich has to say.

Sheriff Buncich said that he excuses himself from all of the wrangling over this contract for insurance for the Legal Advisor. I did that earlier on in January. I want to make that clear. It's a situation for my Legal Advisor to deal with the County Commissioners, the County Attorney, with you, whatever, so I excuse myself from that. I made it clear to my Attorney, and Mr. Dull, and the Board of Commissioners.

This position...where would I get a lawyer for \$21,000 dollars? What kind of lawyer would I get for \$21,000 dollars? Just a suggestion, we are very short in communications. We need to have proper staffing in communications. This could be very easily utilized to hire a communications officer, a person for Officer safety, just a suggestion.

Niemeyer said the intent of this was to always leave it in the Sheriff' fund, it's just to put it in a line item that can be used, and get it out of the fund itself. Niemeyer said I am willing to do anything to work with the Sheriff to get this in an area where he needs it.

Bilski said I think that's an excellent suggestion, and said why don't you sit with the Sheriff, and you guys decide where you want to transfer this money to, we can earmark it for a specific line item. If it's wherever you need to, if it's going to stay in your funding, we can dedicate it to, and transfer it.

Niemeyer said he would like the Sheriff to make sure that it goes to some of the areas that we are going to be short on funding, we know we're going to be short on funding. The Sheriff has the ability to tell me where those areas are, and we can make sure this is going to the right spot and not creating something outside of that.

Franklin said I was of the impression that Council lady Cid took no actions on it.

Bilski said that for a point of correction, it was Councilman Niemeyer that asked that for this on the agenda, not Council lady Cid. When Council lady Cid surrendered the floor, Councilman Niemeyer got the floor, and that's where the discussions ensued.

Franklin asked, so this is mainly for discussion and no action?

Bilski said, at this point, I believe Councilman Niemeyer was about to make a motion to defer to the 4-12-11 meeting, and refer back to this committee for the placement of this funding, is that the motion.

Niemeyer withdrew his motion to approve, Dernulc withdrew his second.

Niemeyer made a motion, seconded by Prince to defer to 4-12-11. All voted "Yes". Motion to defer carried 7-0.

Re: Sheriff – Cid made a motion, seconded by Prince to approve. Cid explained that this is to pay out a person who left employment. All voted "Yes". Motion carried 7-0.

<u>Revised 144 Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16xxx-001	-0-	\$3,923.07	\$3,923.07

Re: Jail – Cid made a motion, seconded by Prince to approve. Cid said that these are employees who have left employment. All voted "Yes". Motion carried 7-0.

<u>Revised 144 – Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16xxx-001	-0-	\$3,692.31	\$3,692.31
16xxx-002	-0-	\$1,269.23	\$1,269.23

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

<u>Revised 144 – Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16xxx-001	-0-	\$1,830.59	\$1,830.59

Re: PTBOA – Prince made a motion, seconded by Franklin to approve. Prince amended his motion to not only include the Transfer, but to include the Revised 144.

Niemeyer said I think here with Hank, the same thing we're doing with the Sheriff' Office right now, we are allowing a lot of reorganization there. Hank is going to have to have the ability, and our support, not that we don't have to question anything, I agree with that 100%. We've got to question where it's coming from, and where it's going, and for what use. But we're going to have to give him a lot of room here to do what he needs to do to get this assessing back on because if we don't get this assessing right in this County, ground zero, they're actually where we start. So I just want to make sure that Hank knows, coming from me as a Councilman here, I will do everything I can to give you that ability to do that, and as long as you can support what you do, in which you have so far, with me. Everything you've asked for will be supported.

Hank said there will be more changes. I haven't made great changes like everybody else, all the other Officeholders have because I don't know what's coming out of the Legislature. A lot of times they do the assessment, and make it retro-active. So that's why, so sometime after April I'll be up, but I won't have a long list.

Franklin said I do agree with my colleague. We just passed supplementary pay for one of our departments, and I think that we need to give the new Assessor the same respect that we give any newly elected official, in order for him to get his shop in order, to allow him room to do the things that he needs to do. This happens to be one of those things, the revised 144 with supplementary pay. We need to give him that leeway.

Cid said I'm not saying that we should...., the Assessor has 2 to get the job done. They are placing funds in the reassessment that should be used for reassessment, and not general fund money. There is money. He says he has only 8 employees, you don't just have 8 employees in the County Assessor' Office.

Hank interjected, no we don't have 8.

Cid continued you are only utilizing 8 employees to do the reassessment. That's your choice. You also have overtime funds, a lot of reassessment funds. There are other funds, so it's not that we are "strangling" him from getting the job done. That is something that I would never want to do. I'm more for getting this job done right and getting the tax bills out on time. I have always been for that, but don't make me feel that because you're not giving 2 employees supplemental pay that the whole reassessment job is in jeopardy. That is not the case at all.

Hank said if you knew how the office worked, the reassessment and the regular work is different. The reassessment has nothing to do with getting the tax bills out on time until 2012 pay 2013.

Bilski asked Dante if the if this matter of the transfer out of the general fund, and asked Dante if this would be better coming out of the reassessment fund, or do we have the revenue existing in his general fund to do this and the revised 144 of \$9,000?

Dante explained that this is part of his mainstay operations, part of his main on-going operations, that was the agreement that he heard and was parlayed to the Councilmen. Dante said it's a fine line to separate once every 4 years from the mainstay, the main unit. This is a main unit. We challenged it with a re-org in lieu of new positions.

Dante said the issue here that I see is whether or not you want the PTBOA fund to pay for it as a supplemental, or bring it back next month to take down the PTBOA budget, to increase his budget, and put it as a permanent salary increase. That's the issue to me, so it was a 1/2 a dozen of one, 6 of the other, and that was the issue that I had before me, and Hank, you made the choice not to wait a month. I'd like to have this re-org now, Councilman I found it basically not unacceptable but you indeed chose basically by and large to allow this, well there weren't any questions last Thursday.

Bilski said that does make sense and asked Hank if he will be making these transfers this next month to make this a part of your permanent salary?

Dante said it will be done next year. You could have done that this year, but you would have to wait another month.

Cid said I just don't understand. I think when you make people work longer hours, there is more productivity. If you just give somebody a raise, they are only working 8 hours a day, and they are not actually doing any more work than they were doing anyway. So this is more of a merit increase than, less say if we don't give it, the job won't get done. I just want that clear.

Hank said you wouldn't work for me very long.

Repay said I think kind of concur with Council lady Cid. This is supplemental pay, we're not talking about overtime pay, and I think that needs to be clearly understood that we're not getting more hours of productivity when in essence the Assessor is saying is that this person would be more productive if he is getting paid more money. I also kind of understand that you were given this, well actually you asked for it, and as a result you were given (inaudible) and you need to adjust certain things, and I want to give you the leeway to do that, just like Councilman Niemeyer said, but I just think that if we're talking about overtime, then we should be talking about overtime, but the idea of supplemental pay, I disagree.

Hank said you voted "yes" on it a while ago. You voted "yes" on the same thing.

Franklin said I'm really confused. If we are giving supplemental pay to other departments and we're not monitoring how much productivity they are putting out, but we're going to monitor what the Assessor is doing? That isn't making good sense to me. We are saying "no" to this, but back over here, we said "yes", and nobody mentioned or asked how much time are these people going to be putting in for this supplemental pay. I just need some clarity as to whether we are going to monitor how much time each person that we give supplemental pay to is going to be productive. I'm not getting that part.

Bilski said this is something that we dealt with last year in the budget year 2011, when we looked into reassessment funds, and supplemental pay for those when they were getting the additional work order, work to come in, and they would be able to be paid. The statues, the law does allow for supplemental pay out of the reassessment fund where they are accruing these additional duties and they are going up. Their workload does increase, and we are not paying them overtime, which is time and a half, but they would get this supplemental pay, and in return, save us more money. So to kind to clear up why aren't just saying, "hey, put him on overtime", well you're getting into the time and a half, you're getting into a huge more amount of money, so the concept there with the supplemental pay is when they are taking on these additional tasks, during these reassessment processes, that they would be able to "tap" into this to earn the additional money so that they could get the job done, and that is if you want the reward for the additional hard work that they are putting in, that was shot down. That brought it back to us here, we approved that for the Assessors themselves, but not for the personnel that is doing it. That was done in the 2011 budget. To me now we are going back and saying that this should be paid out of the supplemental, which I don't have an issue with that because it is cheaper than paying time and a half. You are better off paying these people than paying time and a half because it does add up relatively quick that way.

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

<u>Revised 144 – Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39002-001 Supplemental Pay	-0-	\$4,500	\$4,500
39002-002 Supplemental Pay	-0-	\$4,500	\$4,500

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Prosecutor (2).

Franklin made a motion, seconded by Prince to approve filling the vacant positions of 104-0800-16696-013 Support Staff III, 104-0800-16696-014 Support Staff III. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Prosecutor IV-D (1).

Franklin made a motion, seconded by Prince to approve filling the vacant position of 001-0850-15707-009 Caseworker III. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Ross Township Assessor(1).

Prince made a motion, seconded by Cid to approve filling the vacant position of 001-1700-13465-001 Business Deputy. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff Dept (1).

Cid made a motion, seconded by Repay to approve filling the vacant position of 001-0500-14408-011 Court Security. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff Dept (2)

Cid made a motion, seconded by Repay to approve filling the vacant positions of 001-0500-14416-001 Court Security Sergeant, andf 001-0500-14408-009 Court Security. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff Dept (4)

Cid made a motion, seconded by Dernulc to approve filling the vacant positions of 001-0500-14416-003 Court Security Sergeant, 001-0500-14408-004 Court Security, 001-0500-14408-007 Court Security, 001-0500-14408-012 Court Security.

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

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Jail (1)

Cid made a motion, seconded by Prince to approve filling the vacant position of 001-3100-14404-076 Correctional Officer. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Center Twp Assr(1)

Prince made a motion, seconded by Niemeyer to approve filling the vacant position of 001-1200-13250-001 Personal Property Supervisor. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Juvenile Court (2).

Dernulc made a motion, seconded by Prince to approve filling the vacant positions of 001-4100-16670-005 Secretary , 001-4100-16670-004 Secretary. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Clerk (1).

Franklin made a motion, seconded by Prince to approve filling the vacant position of 001-0100-16723-004 Deputy Clerk I. All voted "Yes", except Cid, "abstain". Motion carried 6-yes, 1-abstention.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – LADOS Div II (3).

Franklin made a motion, seconded by Dernulc to approve filling the vacant positions of 218-4042-16903-001 Executive Secretary, 218-4042-16035-001 Case Manager Clerk/Secretary, 218-4042-12442-001 Intake Officer. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – LADOS Div I (5)

Franklin made a motion, seconded by Cid to approve filling the vacant positions of 217-4032-16226-001 Clerk Bookkeeper, 217-4032-12403-002 Interventionist, 217-4032-12441-001 Case Monitor Supervisor. All voted "Yes". Motion to approve carried 7-0.

NO ACTION was taken on 217-4032-16035-001 Case Monitor Clerk/Secretary and 217-4032-16035-002 Case Monitor Clerk/Secretary.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Work Release (3).

Dernulc made a motion, seconded by Prince to approve filling the vacant positions of 001-3150-12713-001 Custody Sergeant, 001-3150-12715-009 Custody Officer, and 001-3150-12715-016 Custody Officer. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Citizen Appointments – County Child Fatality Review Team (13)

Prince made a motion, seconded by Repay to defer to 4-12-11. All voted "Yes" Motion to defer carried 7-0

In the Matter of Council Nominations – County Economic Development Commission (1)

Repay made a motion, seconded by Prince to defer to 4-12-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Council Nominations – Economic Development Commission – Town of Dyer (1).

Dernulc made a motion, seconded by Niemeyer to nominate Jim Storm.  
Prince made a motion, seconded by Dernulc to close the nominations and approve. All voted "Yes".  
Motion to appoint Jim Storm carried 7-0.

In the Matter of Insurance Committee Report.

Discussion/Action

Niemeyer explained that the Committee, which consists of himself, Mike Repay, and Dan Dernulc have met with some department heads. He said they will have a full report in the April meeting, and in the workshop of what they've come up with, and for the other Council members to look at and see what their thoughts are on it.

Dernulc said they were hoping to have a "basket" of items from which to be able to choose, and have great conversations about it.

Dante reminded the 3 Councilmembers not to forget liability insurance. It's a lot smaller, but there are expenses that are being attached to that fund, and you may want to take a look at it. There is a recourse to those items as well.

No Action was taken on this matter.

In the Matter of Resolution Honoring Eric Roach – Crown Point High School Senior – IHSAA state Wrestling Champion – 145 Lbs.

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

**RESOLUTION NO. 11-18**

**RESOLUTION HONORING ERIC ROACH  
INDIANA STATE WRESTLING CHAMPION – 145 POUND WEIGHT DIVISION**

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

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

**WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken Upon themselves the hardships and disciplines, both physical and mental, which Successful participation in sporting events demands; and

**WHEREAS,** ERIC ROACH, a Crown Point High School Senior, with a season record of 44 wins and 0 losses, won the Indiana State Wrestling Championship – 145 Pound Weight Division, on February 19, 2011 in Indianapolis, his second State title.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens Of Lake County extend congratulations and praise to ERIC ROACH for Capturing first place in the Indiana State Wrestling Meet – 145 Pound Weight Division; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to ERIC ROACH.

DULY ADOPTED by the Lake County Council, this 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Honoring Jason Tsirtsis – Crown Point High School Junior – IHSAA State Wrestling Champion – 140 Lbs.

Bilski made a motion, seconded by Niemeyer to approve. All voted “Yes”. Motion carried 7-0.

**RESOLUTION NO. 11-19**

**RESOLUTION HONORING JASON TSIRTSIS,  
INDIANA STATE WRESTLING CHAMPION – 140 POUND WEIGHT DIVISION**

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

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

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

**WHEREAS,** JASON TSIRTSIS, a Crown Point High School Junior, with a season record of 45 wins and 0 losses, won the Indiana State Championship 140 Pound Weight Division; on February 19, 2011 in Indianapolis, which was his third State Championship.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to JASON TSIRTSIS for capturing first place in the Indiana State Wrestling Meet – 140 Pounds Weight Division; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to JASON TSIRTSIS.

DULY ADOPTED by the Lake County Council, this 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution honoring Kyle Ayersman – Lake Central High School Junior – IHSAA State Wrestling Champion – 119 Lbs.

Dernulc made a motion, seconded by Prince to approve. All voted “Yes”. Motion carried 7-0.

**RESOLUTION NO. 11-20**

**RESOLUTION HONORING KYLE AYERSMAN,  
INDIANA STATE WRESTLING CHAMPION – 119 POUND WEIGHT DIVISION**

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

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

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

**WHEREAS,** KYLE AYERSMAN, a Lake Central High School Junior, with a season record of 52 wins and 0 losses, won the Indiana State Wrestling Championship – 119 Pound Weight Division, on February 19, 2011 in Indianapolis, his second State Title.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens Of Lake County extend congratulations and praise to KYLE AYERSMAN for Capturing first place in the Indiana State Wrestling Meet – 119 Pound Weight Division; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to KYLES AYERSMAN.

DULY ADOPTED BY THE Lake County Council, this 8<sup>th</sup> day of March, 2011.

TED BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Commissioners to pay two 2010 invoices with 2011 funds 356-2900-43620 Equipment Repair in the amount of \$1,938.75 and 356-2900-43620 Equipment Repair in the amount of \$880.00.

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

**RESOLUTION NO. 11-21**

**RESOLUTION PERMITTING THE LAKE COUNTY COMMISSIONERS TO PAY OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS,** the Lake County Commissioners are currently operating in the 201 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2010, have not been paid:

<u>356-2900-43620</u>	<u>Equipment Repair</u>
Largura Inc.	\$ 1,938.75
Ziese & Sons Excavating, Inc.	\$ 880.00

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from the Lake County Commissioners 2011 Budget:

<u>356-2900-43620</u>	<u>Equipment Repair</u>
Largura Inc.	\$ 1,938.75
Ziese & Sons Excavating, Inc.	\$ 880.00

SO RESOLVED THIS 8<sup>TH</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting Lake County Health Dept to pay two 2010 invoices with 2011 funds

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105-5130-43235 Travel-Mileage in the amount of \$104.00 and 105-5130-43235 Travel-Mileage in the amount of \$292.80

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

**RESOLUTION NO. 11-22**

**RESOLUTION PERMITTING THE HEALTH DEPARTMENT TO PAY OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS,** the Health Department is currently operating in the 2011 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2010, have not been paid;

<u>105-5130-43235</u>	<u>Travel-Mileage</u>
Joellen Trojnar	\$ 104.00
Warner Glover	\$ 292.80

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from the Health Department's 2011 Budget:

<u>105-5130-43235</u>	<u>Travel-Mileage</u>
Joellen Trojnar	\$ 104.00
Warner Glover	\$ 292.80

SO RESOLVED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting Superior Court Juvenile to pay two 2010 invoices with 2011 funds – 001-4100-43235 Travel-Mileage in the amount of \$52.50 and 001-4100-43235 Travel-Mileage in the amount of \$58.50.

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

**RESOLUTION NO. 11-23**

**RESOLUTION PERMITTING THE LAKE SUPERIOR COURT, JUVENILE DIVISION TO PAY OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS,** the Lake Superior Court, Juvenile Division is currently operating in the 2011 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget year of 2010, have not been paid:

<u>001-4100-43235</u>	<u>Travel-Mileage</u>
Cheryl Ray	\$ 52.50
Luis Hernandez	\$ 58.50

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from  
The Lake Superior Court, Juvenile Division's 2011 Budget:

<u>001-4100-43235</u>	<u>Travel-Mileage</u>
Cheryl Ray	\$ 52.50
Luis Hernandez	\$ 58.50

SO RESOLVED THIS 8<sup>TH</sup> DAY OF March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Elections & Registrations to pay two 2010 invoices with 2011 funds – 001-2100-43235 Travel-Mileage in the amount of \$11.50 and 001-2100-42410 Other Supplies in the amount of \$127.99.

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

**RESOLUTION NO. 11-24**

**RESOLUTION PERMITTING THE BOARD OF ELECTIONS  
AND REGISTRATIONS TO PAY  
OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS**, the Board of Elections and Registrations is currently operating in the 2011 Budget;  
and

**WHEREAS**, the following invoices/debts incurred in the Budget year of 2010, have not  
been paid:

<u>001-2100-43235</u>	<u>Travel-Mileage</u>
Gretchen W. Fleming	\$ 11.50
<u>001-2100-42410</u>	<u>Other Supplies</u>
Staples	\$127.99

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from  
The Board of Elections and Registration' 2011 Budget:

<u>001-2100-43235</u>	<u>Travel-Mileage</u>
Gretchen W. Fleming	\$ 11.50
<u>001-2100-42410</u>	<u>Other Supplies</u>
Staples	\$127.99

SO RESOLVED THIS 8<sup>TH</sup> DAY OF March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution permitting the Office of the Public Defender to pay seven 2010 invoices with 2011 funds – 001-4002-43190 Other Professional Services in the amount of \$13,707.10.

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

**RESOLUTION NO. 11-25**

**RESOLUTION PERMITTING THE OFFICE OF  
THE PUBLIC DEFENDER TO PAY  
OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS**, the Office of the Public Defender, is currently operating in ghe 2011 Budget; and

**WHEREAS**, the following invoices/debts incurred in the Budget year of 2010 have not been paid:

<u>001-4002-43190</u>	<u>Other Professional Service</u>
Kristin A. Mulholland	\$ 2,376.00
Tactical Solutions Group, Inc.	\$ 5,626.50
Herbert I. Shaps	\$ 1,314.40
Casey J. McCloskey	\$ 1,197.80
Michael Riley	\$ 2,172.00
Lakeland Reporting/Luann Hollis	\$ 334.40
Thomson West/West Payment Center	\$ 686.00

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from the Office of the Public Defender's 2011 Budget:

<u>001-4002-43190</u>	<u>Other Professional Service</u>
Kristin A. Mulholland	\$ 2,376.00
Tactical Solutions Group, Inc.	\$ 5,626.50
Herbert I. Shaps	\$ 1,314.40
Casey J. McCloskey	\$ 1,197.80
Michael Riley	\$ 2,172.00
Lakeland Reporting/Luann Hollis	\$ 334.40
Thomson West/West Payment Center	\$ 686.00

SO RESOLVED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Commissioners to pay a 2010 invoice with 2011 funds – 001-2900-43231 Travel-Registration in the amount of \$250.00

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

**RESOLUTION NO. 11-26**

**RESOLUTION PERMITTING THE LAKE COUNTY  
COMMISSIONERS TO PAY  
OUTSTANDING 2010 INVOICE/DEBT FROM THE 2011 BUDGET**

**WHEREAS**, the Lake County Commissioners are currently operating in the 2011 Budget; and

**WHEREAS**, the following invoice/debt incurred in the Budget year of 2010, has not been paid:

<u>001-2900-42131</u>	<u>Travel-Registration</u>
Bingham/McHale	\$ 250.00

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expense shall be paid from  
The Lake County Commissioners 2011 budget:

<u>001-2900-42131</u>	<u>Travel-Registration</u>
Bingham/McHale	\$ 250.00

SO RESOLVED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Commissioners to pay two 2010 invoices with 2011 funds 196-2900-44310 Improvements in the amount of \$585.00 and 196-2900-44310 Improvements in the amount of \$4,279.70.

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

**RESOLUTION NO. 11-27**

**RESOLUTION PERMITTING THE LAKE COUNTY  
COMMISSIONERS TO PAY  
OUTSTANDING 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

**WHEREAS**, the Lake County Commissioners are currently operating in the 2011 Budget; and

**WHEREAS**, the following invoices/debts incurred in the Budget year of 2010, has not been paid:

<u>196-2900-44310</u>	<u>Improvements</u>
The Pangere Corporation	\$ 585.00
The Pangere Corporation	\$4,279.70

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expenses shall be paid from  
The Lake County Commissioners 2011 Budget:

<u>196-2900-44310</u>	<u>Improvements</u>
The Pangere Corporation	\$ 585.00
The Pangere Corporation	\$4,279.00

SO RESOLVED THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Commissioners to pay a 2010 Government Center invoice with 2011 funds – 001-3030-42390 Other Repair & Maintenance Supplies in the amount of \$259.42.

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

**RESOLUTION NO. 11-28**

**RESOLUTION PERMITTING THE LAKE COUNTY COMMISSIONERS TO PAY OUTSTANDING GOVERNMENT CENTER 2010 INVOICE/DEBT FROM THE 2011 BUDGET**

**WHEREAS,** the Lake County Commissioners-Government Center are currently operating in the 2011 Budget; and

**WHEREAS,** the following invoice/debt incurred in the Budget year of 2010, has not been paid:

<u>001-3030-42390</u>	<u>Other Repair &amp; Maintenance Supplies</u>
Lake County Highway Dept	\$ 259.42

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2010 expense shall be paid from  
The Lake County Commissioners-Government Center  
2011 Budget:

<u>001-3030-42390</u>	<u>Other Repair &amp; Maintenance Supplies</u>
Lake County Highway Dept.	\$ 259.42

SO RESOLVED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Sheriff to pay a 2010 invoice with 2011 funds – 001-0500-43610 Maintenance & Service Contracts in the amount of \$6,879.72.

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

**RESOLUTION NO. 11-29**

**RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY OUTSTANDING 2010 INVOICE/DEBT FROM THE 2011 BUDGET**

**WHEREAS,** the Sheriff’s Department of Lake County is currently operating in the 2011 Budget; and

**WHEREAS,** the following invoice/debt was incurred in the Budget year of 2010 has not been paid:

<u>001-0500-43610</u>	<u>Maintenance and Service</u>
on Site Computer, LLC	\$ 6,879.72

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Sheriff’s Department shall pay  
From its 2011 Budget the following invoice/debt incurred in the

Calendar year 2010 as follows:

001-0500-43610  
On Site Computer, LLC

Maintenance and Service  
\$ 6,879.72

SO RESOLVED THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Authorizing the Lake County Board of Commissioners to file an Annual Consolidated Plan and execute a Grant Agreement with the U.S. Department of Housing and Urban Development for an estimated \$2,123,721.00 representing Fiscal Year 2011 Funding to the County.

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

**RESOLUTION NO. 11-30**

**RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF COMMISSIONERS TO FILE AN ANNUAL CONSOLIDATED PLAN AND TO EXECUTE A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AN ESTIMATED \$2,123,721.00 FOR FISCAL YEAR 2011 FUNDING TO LAKE COUNTY**

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

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

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

NOW, THEREFORE, LET IT BE RESOLVED, by the Lake County Council that the Lake County Board of Commissioners is authorized to file an Annual Consolidated Plan and Execute a grant agreement with the U.S. Department of Housing and Urban Development for an estimated \$2,123,721.00 representing Fiscal Year 2011 funding to the County.

DATED THIS 8<sup>th</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Sheriff to pay a 2010 Animal Control invoice with 2011 funds – 163-3200-42410 Other Supplies in the amount of \$1,489.00.

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

**RESOLUTION NO. 11-31**

**RESOLUTION PERMITTING THE LAKE COUNTY SHERIFF TO PAY AN OUTSTANDING 2010 ANIMAL CONTROL INVOICE/DEBT FROM THE 2011 BUDGET**

**WHEREAS,** the Lake County Sheriff’s Animal Control Department is currently operating in the 2011 Budget; and

**WHEREAS,** the following invoice/debt incurred in the Budget year of 2010 has not been paid:

<u>163-3200-42410</u>	<u>Other Supplies</u>
Kuranda USA	\$ 1,489.00

**WHEREAS,** the Lake County Sheriff-Animal Control Department desires to pay the above Invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Sheriff-Animal Control Department shall pay From its 2011 Budget the following invoice/debt incurred in the Calendar year 2010 as follows:

<u>163-3200-42410</u>	<u>Other Supplies</u>
Kuranda USA	\$ 1,489.00

SO RESOLVED THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Board of Commissioners to Pay 2006, 2007, 2009 and 2010 Government Center invoices with 2011 funds – 001-3030-43190 Other Professional Services in the amount of \$1,080.00

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

**RESOLUTION NO. 11-32**

**RESOLUTION PERMITTING THE LAKE COUNTY BOARD OF COMMISSIONERS TO PAY AN OUTSTANDING 2006, 2007, 2009 AND 2010 GOVERNMENT CENTER INVOICE/DEBTS FROM THE 2011 BUDGET**

**WHEREAS,** the Lake County board of Commissioners, Government Center is currently operating In the 2011 Budget; and

**WHEREAS,** the following invoices/debts incurred in the Budget years of 2006, 2007, 2009 and 2010 have not been paid;

<u>001-3030-43190</u>	<u>Other Professional Service</u>
State of Indiana, Dept. of Homeland Security-Elevator Division	\$ 1,080.00

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2006, 2007, 2009 and 2010 expenses shall be paid from the Government Center’s 2011 Budget:

<u>001-3030-43190</u>	<u>Other Professional Service</u>
State of Indiana, Dept of Homeland Security-Elevator Division	\$ 1,080.00

SO RESOLVED THIS 8<sup>TH</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Supporting the Right to All Workers to Form Unions and Engage in Collective Bargaining.

Bilski made a motion, seconded by Franklin to approve.

Dernulc said I agree with most of this resolution. I would ask that we make an amendment to this, where the last 3 "Whereas" clauses be removed. Also in the "Now, Therefore, Let it be resolved as, up to, and including "in a union", in the 4<sup>th</sup> line, that the other sentence where it starts with "the Indiana State Legislature" be removed also.

Dernulc asked that that be amended.

Bilski said, I can't do that.

Bilski said I can't accept that as a friendly amendment, I am presenting this "as presented", and ask for it to move forward.

Repay said first I have 2 questions for Dernulc' proposed amendment. One, I didn't catch which line you wanted to change in the first part of the "whereas".

Dernulc answered, the 4<sup>th</sup> line, where it starts with, "in a union". Then the last where it says that "the Indiana State Legislature should not attempt to pass any law". Along with, and including "that so called "right to work", would be removed also.

Repay asked, so the whole section, you would prefer it to stop at "in a union". Dernulc answered yes, right.

Repay said I have unwavering support for unions right to organize and I'd like to collect dues, and engage in collective bargaining, and I will taking a trip in support of that on Thursday of this week. I also see however the great benefit that this resolution would have if it had the full weight of this Council, and while I think that the language here is good, I think in the interest of having complete passage by an overwhelming show of support from the entire Council would be beneficial for the weight of the Resolution, so therefore; I would ask that you consider the amendment that was proposed to Councilman Bilski.

Niemeyer said reading through this also, I support basically everything that's kind of went on so far. What happened downstate, they were very passionate about collective bargaining, and decided to walk out. I support that. I support the union having the right to do that. I don't support some of the stuff that's gone on since that, not returning and going on with the State' business. I support that part of this resolution. What I don't support is the same as Dernulc has talked about, is when you get into the last 3 "whereas" here. Talking about the differences in the General Assembly, and the Elected Officials who have drawn the line. I think they have a right to respond to this. This is really a debate and it has been a debate, and you're on one side of the debate or the other. This is restricting it, in my opinion to that debate. I believe, again, I'm not questioning what went on, I support of what went on down state, and what they had to do, and I support collective bargaining. I think collective bargaining is something that needs to be looked at, in the public sector of some legislation being drafted to protect the taxpayers, and the people of collective bargaining and the union. They have a say so also, but that's a different issue. I agree with Dan on this issue. I support this amendment, everything that's in this first part of this amendment.

I've always had the philosophy that everybody has a right to do, and I support the unions, and have a lot of my family members in unions, but when it gets into the other "whereas" towards the end, I think we cross the line somewhat what we're doing with this resolution. That's my comment.

Dernulc said if this passes as is, it is what it is, however; I was under the impression that this was going to be more of a where we stand. I too, agree for bargaining. I too, believe that, especially on the private sector side, that there should be, that people should be able to bargain. They should be able to join a union, if they want, and in fact, I was at one point, 1989, a person trying to get a union into a company in Northwest Indiana. However; I think that these 3 last "whereas" clauses and items that I put out, I just don't feel comfortable with that being put in, but again that is my opinion.

Cid said I would like definitely the "Whereas union workers throughout the United States have accepted concessions in order to ensure the health of both the private and public sector" I think that's very vital to

our resolution because what I've been hearing is that all unions are greedy, and "I must have it my way or no way". Cid said that's not true, and I can say that solely for the unions that we've had to deal with on bargaining here at the Council level, and they have taken concessions. I think that's very important to show. Cid said I did receive a letter from a constituent that said there should be no unions in public government. Her reasoning was because of wages. Cid said, I think we all know that employees in public government get paid a lot less than people in the private sector. I'll give back to the chair of the motion, but I think it's very important to leave the part about the concessions.

Bilski said since I did bring this forward I would like to say that there are 3 very important points in here that would be removed and exactly what Council lady Cid said, you can not find it objectionable that union workers throughout the United States have accepted concessions. For example, our own Lake County Highway Department has gone 4 years without receiving any pay raises.

In the City of East Chicago they are on 4 years without any pay raises, have taken furlough days.

In the City of Gary they have taken furlough days, and have taken extreme layoffs.

These are union positions, and I feel are detrimental and the very major part of the statement that was prepared. "There are those in elected positions, in the State of Indiana that have pledged to the destruction of the effectiveness of the unions by prohibiting payroll deductions for union"

Bilski said that is exactly what the legislation is down there, and that is exactly what they are trying to do, and there is no way that I can compromise that, even remotely, and I would just suggest that we move on with this issue, and if you have to make a stance, God Bless you, make your stance, I'm making mine.

Franklin said I totally agree with this resolution. Having seen how unfairly the staffing of the area that I represent in my City, how they have just been belittled, and taken out of their jobs, and some of those persons had years, more seniority than some of the other people that were kept on.

Franklin said had the corporation gone along with union, and the employer, this would have not happened, and when I look at the years of service that some of those people had put in, one lady had put in 30 years. She was let go for a person that had only been there for 6 years. I think it's totally unfair that this happened, and we have to continue to work to keep our unions strong and strengthened. If we don't fight back, we are going to look around, the same kind of stuff is going to happen all over. You take right here in Lake County, when you look at the Highway Department, the concessions that they have made, in order to try to hold on because of budget cuts. In the interim of all of that, we have really compromised some public safety, as it relates to our roads, it's just not the same. Franklin said, in my city, if the sun doesn't shine you can't get through, so these are the kinds of things that are happening out here, so we just need to stand up for once for our union brothers and sisters. I'm a union person, and I just believe that in it's entirety I'd like to continue to support it.

Niemeyer said to Cid, there is a little misunderstanding. To that one you just read, I supported that. That one "whereas" you read about the...

Cid interjected that was one of the last 3, and that was one that I thought...

Niemeyer said, no, no it wasn't, I support that "whereas". That was not one that I was not supporting. Which one did you read? How far down?

Cid said it's the second to the last one.

Niemeyer said I think what we're looking for here is, I don't want to get off the path here, but we are all in support, I am, of what's went on in supporting the union, and supporting what's went on there. This is a pretty restrictive type of resolution coming here with wordage in it. Looking for some support, broad support for what's gone on down there. We want to give them that, I want to give them that, but I wasn't part of drafting this resolution. Ted said he was going to do it, but there are just some things in here that I'm not quite comfortable with in some language. Nothing more than that, don't make something out of this more than it is. We support highway workers, we support anybody getting raises, and I support government workers having the right to collective bargaining, to try to get as much money as they can. It's public money so don't take this somewhere else that it's not for me because that's what's there. I was not part of drafting this resolution there are some clauses in there that I don't quite agree with some of the wordage in it, and not any more than that. So by not supporting this resolution I hope it's not a sign that we're not supporting union workers, it doesn't come out that way. We should have a little bit of dialogue in drafting this, Ted drafted it, and he wants to stick by what he drafted. There is some things in here, language in here I don't think is quite appropriate for what we're trying to do.

Dernulc said I do agree with Council lady Cid. This was a new version that we just received today. I didn't see that. I do agree with that whereas clause, where "union workers throughout the United States have accepted concessions in order to ensure the health of both the private and public sector". Dernulc said I am okay with that, absolutely.

Bilski said I just need a point of clarification because I said the last three bullet points on here, the "whereas" are to me are 3 very important parts of this resolution, so I don't understand now, exactly what point that you are having difficulty with.

Dernulc said that this is an updated resolution that is in our binder, and the one that I had didn't have that "whereas" clause in the one that I received yesterday.

Bilski said the one that I read is the updated version.

Repay said I'm not sure that I have the updated version, and secondly so that we are on the same page, maybe what I would ask is that if Dernulc says that he wants it to read a different way then made that adjustment how you propose it to be made, and then we can all read that one as well in black and white and say okay this one is better, or worse, or not acceptable, or acceptable.

Prince said actually that would be called an amendment, and I think the sponsor of this legislation has made it pretty clear that he wants it written, and at least considered in its original form.

Bilski said for all those concerned, the one that I read is the one that was drafted and is in the binder. That's the original one. That's the one this is not the original, this is the revised. If you have, I'd like to pass this. If you have an amendment to present it as an amendment at our next meeting, we could amend the resolution, but I think in its entirety right now, it's a very clear and concise document, and it addresses the exact issues, and I need to know exactly what parts you object to.

Prince said the only comment that I was going to make, and it's interesting how this whole thing kind of takes shape. Prince said I'm glad that it's brought to the floor here. The comment that I was going to make is, it gets pretty clear that this is a debate that's divided along partisan lines, and that's the unfortunate side of it. I don't think, as much so here, because what I'm hearing on the left from the 2 Republican colleagues is that they are, in fact supportive of union workers, and supportive of most of this particular legislation.

Prince said I can understand at least, trying to look at their different perspective of it, why they would have some concerns with at least one of the particular "whereas", but that's at the point that we vote, and we exercise whatever our own convictions are about it.

Councilman Bilski, I think has made a pretty fair gesture, and that is if someone has some other language that they'd like to insert, at another point, for the next session, that he'd certainly be amenable to it, and I don't think that anybody on this body wouldn't be.

Dernulc said I would be more than happy to support the amendments, but I just will not be able to vote on this, as is today. I would hope that we would could be a unified front in the items, but there is not a , I guess there is a concern that that might not even happen too. If it passes the way it does, so be it, you guys are great colleagues, and these are just philosophical differences, and I respectfully disagree with some of the language.

Dernulc said the 2 that I'll be specific on are: "Whereas there are those in elected positions in the State of Indiana that are pledged to the destruction of the effectiveness of unions by prohibiting payroll deductions for union dues, outright prohibition of unions in the public sector, and prohibiting collective bargaining; and"

Dernulc said, and the other one would be "in the 2011 Indiana State Legislature, H.B. 1468 is an example of the attack on working people in the State of Indiana".

Dernulc said those are the two. The one in the middle, "Whereas, union workers throughout the United States have accepted concessions in order to ensure the health of both the private and public sector; and".

Dernulc said that one, I am 100% in agreement with.

Bilski said, again, I'll respect Councilman Dernulc' opinion, but as I've been spending my time out, and there is nothing further from the truth, it's absolutely, absolutely, there are legislators down there that have taken a position, and have pledged and said they would not waiver on that, and prohibiting payroll deductions for the unions. Those Bills are very active and they have absolutely refused to negotiate and to alter their decision. They absolutely want to move forward with it, and that is a fact, it's documented, it is in the list of the Bills, and they have a language outside of House Bill 1468. I have those Bills in my possession, I can show you the language on them. They have taken a very firm stance in saying that they absolutely want to move forward with that legislation as our newspapers have been reporting that is very relevant in what is going on with the school teachers', and the school teachers representatives.

It has been published in the newspapers, the legislation that they are going after, and that has been published in the newspapers, so I think it is a very relevant choice. I don't think this is a Democrat, or a Republican issue it is a middle class issue, a working people' issue. This is an issue that certain people, in one faction have chose to go after that, and this is very relevant, they have not changed from that, they are

absolutely are 100% going after that, and they want to see the destruction of those types of deductions. They've been very clear on that, so it's been nothing more than as a restatement of the facts.

Repay said I would say that I plan on, and will vote for this resolution just as it reads. Repay said I would also vote for this resolution with the amendments that Councilman Dernulc offered. The thing that I would point out is, that I think the weight of this resolution, the ability to say, without a doubt that we had unanimous approval from the Lake County Council that says "we support you" is very valuable, and we lose that if we lose two votes no matter whether they're Republican, or purple, or whatever. If we have 7 votes for it, it brings less weight, and I understand and feel as strongly as you do Councilman Bilski about these particular issues, but I think it's a perfect example of what we're really asking for of our State Legislature, which is compromise, and thinking about things in a different light.

Franklin said that every other day I've been talking a different legislator, and most of this is old, and if we as a Council and as a body, even the citizens of the community have stood up when House Bill 1858 was passed where USX was allowed to do its own assessment. We would not be in the financial crunch that we're in today in Northwest Indiana but because we did not stand up this has affected our citizens, their ability to work, and pay increases. All of these kinds of things, and I think that at some point, be it ...this does not affect just one particular Party. It affects any person that is part of the union. If they want to do this, I think that at some point, the people in our districts, we need to stand up and say no. I don't care what Party we belong to. It is not about Party. This is about the people that we are elected to represent. So I think that we need to, for once stand up and represent, and forget about whether we are Democrats or Republicans. We need to stand and say that this is for the people that put us here in these seats.

Niemeyer said I understand Ted' passion with this. Ted has been down there, he represents a lot of people, union people, I understand that. But it's just a little bit here, like this resolution drawn has a little bit of personal stuff in it because of the talk he has had, and the past he has down there, and he's got pretty worked up over it, and I'm okay with that. But now he's asking us to sign a resolution with those 2 clauses in there. We're comfortable with the whole resolution, except those 2 clauses. It seems like there is no compromise, or no bending on this. It's a pretty good resolution, and I don't know why we have to, we can't have any conversation about these 2 clauses, it's got to go as stands...

Bilski interjected, Mr. Chairman, as a point, I did offer a friendly amendment.

Prince said I think that unless somebody can present something new, I would respectfully ask that everybody kind of quell those comments.

Bilski said I said that I would entertain, what is said, line 5 is what you find objectionable, then read, "there are those in elected positions in the State of Indiana that are pledged to the destruction of the effectiveness of unions by prohibiting payroll deductions for union dues, outright prohibition of unions in the public sector"

Bilski said that's legislation that's on the floor. If you want that amended, tell me how. How would you want that versed? I don't mind hearing a friendly amendment if I can have that written, but to take that out completely, is (don't understand). We have to call this out there. There is, that legislation is on the floor. That's where all this hubbub is about folks, so a friendly amendment, if you have it, tell me how you think it would be better worded.

Prince said I think I can kind of wrap this thing up for everybody. At the beginning, I spoke of the unfortunate thought of this being partisan, then everybody says no it's not Republican, when actually it turns out to be that in some instances. I don't think that it's anybody' intention here, I certainly can't speak for those folks down there, but Councilman, in all due respect, if I were in these guy' shoes, there is no way I could actually vote for it, with the language. I mean, for them to support, and say that their colleagues who initially, I mean, I know where they are going, and I think that everybody else does also, and that's pretty much what Mike was speaking to. Perhaps we could compromise and get some "happy" language in here for everybody, which you said you are willing to do. Can it happen today, will it happen? I'm not sure which is why I'm pretty much to the point where I think we should call for the roll, unless of course it's going to be some more meaningful dialogue here. In this particular instance I think it's some of the language that they object to.

Dernulc said you are my colleagues, and if it goes one way, that's okay. I would hope that we would talk about it at our next study session, and the way it is right now, I just can not vote for it.

All voted "Yes", except Niemeyer, and Dernulc, "No". Motion to approve carried 5-yes, 2-no

#### **RESOLUTION NO. 11-33**

#### **RESOLUTION SUPPORTING THE RIGHT OF ALL WORKERS TO FORM UNIONS, AND ENGAGE IN COLLECTIVE BARGAINING**

**WHEREAS,** the rights of our citizens to form unions to affect working conditions, wages and benefits is an important right which dates back to the mid 19<sup>th</sup> Century; and

**WHEREAS,** the right of workers to organize and form unions in order to be effective in negotiation conditions of employment, wages and benefits has led to the growth and success of the middle class in the United States; and

**WHEREAS,** the history of the labor movement in the United States has been responsible for child labor laws, a forty hour work week, work place safety and many other benefits for the middle class; and

**WHEREAS,** there is currently a political movement to restrict the rights of all workers to participate in a union to limit the ability of a union to collect dues, and engage in collective bargaining; and

**WHEREAS,** there are those in elected positions in the State of Indiana that are pledged to the destruction of the effectiveness of unions by prohibiting payroll deductions for union dues, outright prohibition of unions in the public sector, and prohibiting collective bargaining; and

**WHEREAS,** union workers throughout the United States have accepted concessions in order to ensure the health of both the private and public sector; and

**WHEREAS,** in the 2011 Indiana State Legislature, H.B. 1468 is an example of the attack on working people in the State of Indiana.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

1. That a policy position is clearly stated by the Lake County Council that all citizens of Lake County, whether in private employment or in the public sector, shall have the right to organize and participate in a union. That the Indiana State Legislature should not attempt to pass any law that limits or restricts the rights of union and union activity. That so called "right to work" legislation should not be passed, specifically, H.B. 1468 should be defeated.
2. That the State legislators from Northwest Indiana should avoid supporting any decision by the State Legislature that adversely impacts unions in the State of Indiana. That since the turn of the last Century, the growth of the middle class has been directly tied to an increase in wages and benefits accomplished through union activity. The growth of unions, and their success has caused an increase in wages for all Americans, even those who were not in a union. The undermining of unions, by any means, is detrimental to the middle class and will result in an decrease in the standard of living in the United States for all.

SO RESOLVED THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
ELSIE FRANKLIN

MICHAEL C. REPAY  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Proclaiming March as Disability Awareness Month.

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

**RESOLUTION NO. 11-34**

**RESOLUTION PROCLAIMING  
MARCH AS DISABILITY AWARENESS MONTH**

**WHEREAS,** disability is a natural part of the human experience and in no way diminishes the right of individuals with disabilities to live independently, enjoy self-determination, make choices, contribute to society and experience full in the economic, political, social, cultural and educational mainstream

of American society; and

**WHEREAS,** family members, friends and members of the community can play a central role in enhancing the lives of people with disabilities especially when the family and community are provided with necessary support services; and public and private employers are aware of the capabilities of people with disabilities to be engaged in competitive work in inclusive settings; and

**WHEREAS,** the goals of Lake County include providing individuals with disabilities the opportunities and support to make informed choices and decisions, live in homes and communities where such individuals can exercise their full rights and responsibilities as citizens; pursue meaningful and productive lives; contribute to their family, community, State and Nation; have interdependent friendships and relationships with others; and achieve full inclusion in society; and

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

**WHEREAS,** the Lake County Council desires to proclaim March as Disability Awareness month in an effort to increase public awareness and education; and to celebrate and recognize people with disabilities

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

That the Lake County Council declares March as Disability Awareness Month and calls upon the citizens of Lake County to observe the month with appropriate programs and activities; furthermore the Lake County Council encourages the citizens of Lake County to seek counsel and input from any person or group with knowledge and expertise in matters concerning disabilities.

SO RESOLVED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Creating a Lake Circuit and Superior Courts Excess Internet Access Fee Fund.

Franklin made a motion, seconded by Prince to defer to 4-12-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance 1113B-3, the Ordinance to Establish the Treasurer's Incentive Fund and the Auditor's Incentive Fund.

Franklin made a motion, seconded by Prince to defer to 4-12-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Establishing Fee for Services Provided by the Lake County Sheriff's Marine Unit.

Cid made a motion, seconded by Franklin to approve on First Reading.

Niemeyer asked the Sheriff if he would explain the changes.

Sheriff Buncich explained that this is for the Marine Unit to start charging for towing. He said they are going to have their Marine Officers to provide towing for boats that are broken down, and the County will be able to charge.

Niemeyer said that the fees should be read out loud for the audience.

Cid read that there will be a fee for extinguishing fire on board - \$225.00

Towing (Less than 1 mile) - \$250.00

Towing (More than 1 mile) - \$375.00

Pumping water from watercraft at Marina - \$350.00

Degrounding of watercraft - \$15.00 per foot  
Other emergency services - \$150.00 per hour  
Fuel (5 gallons) - \$35.00

Repay asked what, if anything are we charging for these services now?

The answer was, nothing

Repay also asked this isn't going to prohibit somebody from providing emergency assistance on the water?

The Sheriff answered, absolutely not.

Repay asked how do we get them to pay?

Bilski said that we would follow this just like any violation of any other ordinance. We would pursue a legal remedy.

Attorney Szarmach said we will send them a bill, if they don't pay, file collections in Small Claims.

Franklin asked who is going to be responsible for collecting these fees, and what fund will this money go into?

Bilski answered as any other ordinance ticket written, there is a block on that ticket, a mark on the ticket itself, one for a State violation, so if it's State, then our Prosecutor's Office prosecute that, and the revenue goes to the State to fund that. If it is a County violation of a County Ordinance, then that particular block on the handwritten ticket would be, and then our Prosecutors would handle it the same way, but instead of sending the money downstate, the money would return here to our general fund.

Franklin said if we are performing the services, why do we have to give the State the money?

Attorney Szarmach answered, this is not a ticket, this is not a citation, this is a fee. It's just establishing a fee. He also said, on these fees, if you look at paragraph 8, within 10 days of receiving the service, and the invoice, they are to pay at the Lake County Sheriff' Office here.

If they don't, you've got a record of it, you could send them a notice, you can give it to a collections company, and then it goes to the general fund.

Repay said that this wasn't discussed at the study session, and he thinks that it merits further review, and Repay asked that we don't pass it completely today and in the course of that review, an adjustment should be made to the spelling of Wolfe, in Wolfe Lake, and omit the "e" because it does not pertain to the Wolf Lake that's in my district.

Bilski said we do have some time, and hopefully we can do the Second Reading in April.

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

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

In the Matter of Amending Ordinance 1206E – The Lake County Vehicle Towing Ordinance.

Cid made a motion to approve the amendment of the Lake County Vehicle Towing Ordinance 1206E, **Deleting** "County Towing Fee – "In addition to towing fees, the County shall receive a \$20.00 per tow fee which shall be paid at the time the vehicle owner receives the vehicle from storage, or the vehicle is otherwise disposed."

**Inserting**, "In addition to towing fees, the County shall receive a \$75.00 per tow fee which shall be paid at the time the vehicle owner receives the vehicle from storage, or the vehicle is otherwise disposed."

Franklin seconded the motion.

Bilski said in increasing the fee, they want to get it close up to any other County that is close to us. We are currently charging \$20.00, which does not pay for the Officer to even drive out there for the disabled vehicle, or for the vehicle involved in an incident. It doesn't even come close. This is a fee that's established that's in parity with the surrounding counties and communities, actually less than most. It is still under what it should have been. This is in essence just some bookkeeping, us bringing some of our fees back up to where they need to belong.

Bilski said we do not supercede the authority of any community. This would now lower the fees that other communities are charging. Some of the Communities charge more than this, and we wouldn't be forcing them to lower it, it's for unincorporated Lake County.

Niemeyer asked the Sheriff, on the \$75.00 fee, how would they get a vehicle get released from you, under what kind of a cause? If somebody goes in a ditch and he is pulled out, when will they have to come to you for some kind of release?

Sheriff Buncich answered, whenever a vehicle is stolen, it's towed to a towing yard, and before they get a release, they have to come to the B of I to present proof of ownership, and then they have to pay this fee.

Niemeyer said so it could be an auto accident?

The Sheriff answered, it could be, yes, and the Insurance Company would cover that fee, in that case.

Niemeyer said I guess my question, coming from an unincorporated area, we are looking at a lot of these fees today because that's where your jurisdiction is at I understand. I don't know what the fee is in Cities and Towns, and municipalities that are out there, and maybe I need to look at that and see if we are somewhere close to them. I don't want to be \$75.00 in an unincorporated area and they are \$25 or \$30 whatever the other Cities and Towns are addressing. Niemeyer said I'm okay for discussion purposes.

Niemeyer asked if somebody needs a tow, and the Sheriff Department shows up, are they told that if it's not blocking an intersection, an accident, or whatever it may be, are they instructed that they can call another towing company?

The Sheriff answered the Officer will advise radio that the driver has his own tow in route, and we will stand by.

Niemeyer interjected does he know he can do that? That's my question.

Sheriff Buncich answered, yes. All Officers are instructed.

Franklin said in most Cities, and I know we have an agreement of such, we have certain towing companies that they utilize, for instance take the criminal' vehicle that's disabled, and you want to tow, that's in a drug bust. Do you utilize that towing company that's within that jurisdiction?  
Sheriff Buncich answered yes.

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

Bilski said that this is something that could be implemented and asked Cid if she was entertaining a motion to Suspend? Cid answered, yes.

Cid made a motion, seconded by Prince to Suspend Rules. All voted "Yes", except Niemeyer, "No". Motion to Suspend Rules failed 6-yes, 1-no. Ordinance approved on First Reading Only.

In the Matter of Ordinance Establishing Franchises and Franchise Fees for Town Services at the Direction of the Lake County Sheriff.

Cid made a motion, seconded by Prince to defer to 4-12-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Establishing Law Enforcement Property and Release Fees.

Cid made a motion, seconded by Prince to approve on First Reading.

Franklin said I need clarity on establishing this fee for property release, and asked what kinds of property are we talking about?

Cid explained it's a \$25.00 dollar fee and it's for the processing and release fee, to be deposited in the general fund. It is for services performed by the Sheriff' Department.

Cid read: "In order to support the added administration and additional paperwork, as well as the convenience provided associated with processing the receipt of cash or surety bonds connected with a charge or offense for which the posting of a bond in lieu of incarceration is a lawful option, there is hereby authorized and established a special user fee to be known as the Law Enforcement Processing and Release Fee."

"The Law Enforcement Processing and Release Fee hereinafter identified may be collected by the Lake County Sheriff's Department in each instance of providing additional processing and release services for persons charged with an offense for which the posting of a bond in lieu of incarceration is a lawful option. The fee shall be charged at the same time the bond is collected, except as provided in sub-section (C).

"Incidents involving a charge of driving while suspended as an infraction;"

“Incidents involving any charge or arrest in which the party arrested or charged is transported to the hospital immediately following the charge(s) or arrest.”

Franklin asked, so in other words we are going to be charging them a fee on their release?, or when we do something here, as it relates to their being released? Franklin said, I’m assuming that once they’re incarcerated, there are already a bunch of fees that’s already leveled by the Judges, as it relates to incarceration, so there are going to be additional fees?

Attorney Szarmach said, at this point, when you’re incarcerated, there may be a fine from the Judge, there may be restitution, most of this is court cost, probation fees, LADOS fees, all that is subtracted from the Bond. You’re talking about court imposed fees. This is just a fee to help support the cost taxpayers incur when an officer goes through the procedure to release someone from the Jail. Szarmach explained that what we’re doing here is this is what other jurisdictions have.

Franklin asked so why do we hire these people, and we are paying them to do the processing work to allow a person to be released from the Jail, and now we’re going to charge the person that’s being released a fee for being released. My concern about that is, here recently, I received a call from a mother whose son had been in Jail for almost 6 months because he was handicapped, and he could not pay the fees that were put on him, so they wouldn’t let him out. So how does this relate to that? Franklin said, I just need clarity.

Attorney Szarmach said there is no one incarcerated, except for non- payment of child support. That’s the only reason you can incarcerate somebody for non-payment of fees.

Franklin said, no, he was incarcerated for not paying the fees, and I talked with the Judge, and somehow or other, they had forgotten this gentleman was there.

Attorney Szarmach said they may have forgotten he was there, but it wasn’t because he wasn’t paying his court cost.

It was said the only thing that could keep you for non-payment, would be a violation of your Court Order for paying child support.

Attorney Szarmach said Child Support is it, because it cost us money to house these people, we would make no money by holding somebody there for \$50 dollars a day

Cid said that was going to be my point, public safety, we know that it is 87% of our levy. If we have a frozen, we can’t raise any more dollars, we have a frozen levy, there’s only so many tax dollars that are being collected, and we have to find new ways to generate money to offset the cost to the taxpayers, and this is new, but it is something that we need to do.

Prince said I think it’s all good ideas, and as Chris said we are always looking for new ways to raise new revenue, but I think one of the problems, at this point, is we are trying to pass it on all 3 readings. I think that perhaps if we just, and this is just a suggestion, go through these, talk about them for a second, pass them on 1<sup>st</sup> Reading, perhaps the Chair can get have time to get with everybody. I don’t think anybody is attempting to “pull the wool” over anybody’ eyes, I think it’s all clear, it’s all spelled out. It’s just that people don’t understand, so the recommendation here would be to pass these on 1<sup>st</sup> Reading, and at least have time to discuss it , and at the next meeting people can vote which ever way they want to vote.

Franklin commented recognizing that have a Committee that did meet. This should have been discussed with all of us, then we could have come here today prepared to support, or not support this. I think that whenever the Finance Committee, or the Legislative Committee meets, at some point, that needs to come back to the rest of the Council.

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

In the Matter of Ordinance Establishing Reimbursement for Lawful Detention in the Lake County Jail.

Cid made a motion, seconded by Prince to approve on First Reading. All voted “Yes”.

Attorney Szarmach explained that there is an enabling statutes that was just adopted about 2 years ago setting a maximum for this, once you’re convicted of \$30 dollars, a daily fee of \$30 dollars. We have one that’s \$25 dollars, and the Committee wanted to “bump” it up to \$30 dollars to match State maximum allowed.

Franklin said, at one point, the State said that we could not do this, so now they’ve come back and said that we can now do it?

Attorney Szarmach answered, once you’re convicted.

Franklin said it was through processing, when you were going in, but once you're convicted then it can be done?

Attorney Szarmach said right. In 2001 the Council adopted an ordinance charging a fee of \$25 dollars a day to stay there. When the Federal Government came out in 2008, saying that you couldn't do that, except convicted, then the State Statutes changed, once convicted you can charge a maximum of \$25 dollars, that was just bumped up to \$30.

Prince asked Attorney Szarmach, you said after convicted, then read from the Ordinance that number 1 says "once they are sentenced, and I know that there is a fine line between sentencing and conviction, but asked if it conviction, or the actual sentencing?

Attorney Szarmach answered that the State Statutes says conviction.

Prince asked should we change this here, even though the State is going to supercede so I guess that's just a formality at this point, right?

Attorney Szarmach asked are you going to pass it on 2 readings? You are collecting \$25 as we said. If you want to do one reading on it, and I can....

Cid interjected being convicted doesn't mean that you're actually going to be sentenced, so you can't charge somebody for being in the Jail if they are not...

Attorney Szarmach said the philosophy that's behind putting fees on somebody that's convicted is to make the wrongdoers pay for the services, instead of taxpayers.

Franklin said I guess I look at the fact that there are so many indigent people that are incarcerated. Most of them are indigent. They have probation fees, LADOS fees, and all these different fees that they have to pay, if they are placed on probation, in order for them to satisfy their probation, they have to pay these fees before they are released from probation. They don't leave probation until they pay them.

Attorney Szarmach said, they are put on probation, with a fee. Most of those times it's by agreement. It's under a Plea agreement where the defendant, his attorney agrees with the State. The Deputy Prosecutor this is the Plea Agreement, and it's going to do this, this, and this. And the Defendant agrees to do "x,y, and z, so they've agreed to pay that probation fee, if they don't pay the probation fee, that is not going to put them back in jail just because the judgment at the end of their probation.

Franklin interjected that that will just prolong their probation, until they get it paid.

Attorney Szarmach said yes, but if they can't pay, they are going to do the probation, they may get an extension of probation, but then they just put a judgment on them, they just don't collect it.

Franklin asked but the inability to pay the fee does not harm the person that the fee is being imposed on?

Attorney Szarmach said well it comes out of their wallet. Franklin said if they can't pay how is it going to come out of their wallet?

Attorney Szarmach said, well, they just don't pay. But you use supplemental probation fees here all the time here, and that is what that is.

Prince wanted to comment that earlier, I suggested that we pass all of these on 1<sup>st</sup> Reading only, and this one, I wouldn't have a problem with it, if the majority of the body would...

Bilski said I would think that this is one that should go to Second Reading today as well. I would make that suggestion.

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

Cid made a motion, seconded by Repay to Suspend Rules. Franklin voted "No". Ordinance approved on First Reading only.

In the Matter of Ordinance Amending the Lake County Part-Time Employees Pay Rate Ordinance for 2011, Ordinance No. 1330B.

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

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

Franklin 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 1330B-2**

**ORDINANCE AMENDING THE LAKE COUNTY PART-TIME  
EMPLOYEES PAY RATE ORDINANCE FOR 2011, ORDINANCE NO. 1330B**

**WHEREAS**, on December 14, 2010, the Lake County Council adopted the Lake County Part-Time Employees Pay Rate Ordinance for 2011, Ordinance No. 1330B; and

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

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

That the following section be amended as follows:

**DELETE:**

SECTION III.

29. Board of Commissioners  
a. Comm.'s assistant for Commissioner  
Real Estate Tax Sales \$ 10.50/hr.

**INSERT:**

SECTION III.

29. Board of Commissioners  
a. Comm.'s assistant for Commissioner  
Real Estate Tax Sales \$ 10.50/hr.  
b. Purchasing Assistant \$ 8.00-\$12.00/hr.

SO ORDAINED THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Amending Ordinance No. 1209C the Ordinance Establishing Payment for Veterans' Grave Markers.

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

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

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

**ORDINANCE NO. 1209C-1**

**ORDINANCE AMENDING ORDINANCE NO 1209C,  
THE ORDINANCE ESTABLISHING  
PAYMENT FOR VETERANS' GRAVE MARKERS**

**WHEREAS**, on November 14, 2000, the Lake County Council adopted the Ordinance Establishing Payment for Veterans' Grave Markers, Ordinance No. 1209C; and

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

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

That Ordinance No. 1209C be amended as follows:

**DELETE:**

1. That any interested party may file a claim with the Board of Commissioners stating that the decedent was a resident of Lake County and served in the armed forces of the United States.
- 2, That the Lake County Council establishes a payment of \$60.00 for a grave marker for any Lake County resident having served in the armed services of the United States.

**INSERT:**

1. That any interested party may file a claim with the Lake County Board of Commissioners for a burial allowance and/or an allowance for a grave marker for a deceased veteran or spouse of a veteran of the armed forces of the United States who was at the time of his or her death a resident of Lake County, Indiana.
2. That the burial allowance for the deceased veteran is One Hundred Fifty (\$150.00) dollars and the burial allowance For the deceased spouse of a veteran is One Hundred (\$100.00) Dollars.
3. That the grave marker allowance for a deceased veteran and/or the Deceased spouse of a veteran is Sixty (\$60.00) Dollars.
4. This Ordinance shall become effective upon passage.

SO ORDAINED THIS 8<sup>th</sup> day of March, 2011.

TED F. BILSKI, President

CHRISTINE CID  
DANIEL E. DERNULC  
RICK NIEMEYER

MICHAEL C. REPAY  
ELSIE FRANKLIN  
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Plan Commission Ordinance No. 2336 – to Replace Ord#1595 – L.C. Ord for Flood Hazard Areas, an Addendum to the Unincorporated L.C. Zoning Ord No. II.

Niemeyer said that this came about from a response from the DNR on flood maps, and I would like for Ned to explain it.

Ned explained that this is just an update for requesting and update on flood regulations. They were last updated in the mid-90's. He said that we worked with the DNR on preparing the new ordinance, and we are asking you to repeal Ordinance No 1595, and adopt Ordinance No 2336. Ned said it comes to you with unanimous recommendation for approval from the Lake County Plan Commission.

Niemeyer made a motion, seconded by Prince to approve Ordinance # 2336 on First Reading. All voted "Yes". Motion carried 7-0.

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

Niemeyer made a motion, seconded by Prince to approve on Second Reading. All voted "Yes". Motion to approve Ordinance No 2336 carried 7-0.

**ORDINANCE FOR FLOOD HAZARD AREAS  
OF  
UNINCORPORATED LAKE COUNTY, INDIANA**

**ORDINANCE NO 2336**

**Table of Contents**

**Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives. 3**

Section A. Statutory Authorization. 3  
 Section B. Findings of Fact. 3  
 Section C. Statement of Purpose. 3  
 Section D. Objectives. 3

**Article 2. Definitions. 4**

**Article 3. General Provisions. 12**

Section A. Lands to Which this Ordinance Applies. 12  
 Section B. Basis for Establishing Regulatory Flood Data. 12  
 Section C. Establishment of Floodplain Development Permits. 13  
 Section D. Compliance. 13  
 Section E. Abrogation and Greater Restrictions. 13  
 Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevation 14  
 Section G. Interpretation. 14  
 Section H. Warning and Disclaimer of Liability. 14  
 Section I. Penalties for Violation. 14  
 Section J. Increased Cost of Compliance (ICC). 14

**Article 4. Administration. 15**

Section A. Designation of Administrator. 15  
 Section B. Permit Procedures. 15  
 Section C. Duties and Responsibilities of the Floodplain Administrator. 16

**Article 5. Provisions for Flood Hazard Reduction. 17**

Section A. General Standards. 17  
 Section B. Specific Standards. 18  
 Section C. Standards for Subdivision Proposals. 21  
 Section D. Critical Facility. 21  
 Section E. Standards for Identified Floodways. 22  
 Section F. Standards for Identified Fringe. 22  
 Section G. Standards for SFHAs without Established. Base Flood Elevation and/or Floodways/Fringe. 22  
 Section H. Standards for AO Zones. 23  
 Section I. Standards for Flood Prone Areas 23

**Article 6. Variance Procedures. 24**

Section A. Designation of Variance and Appeals Board. 24  
 Section B. Duties of Variance and Appeals Board. 24  
 Section C. Variance Procedures. 24  
 Section D. Conditions for Variance. 24  
 Section E. Variance Notifications. 25  
 Section F. Historic Structure. 25  
 Section G. Special Conditions. 25

**Article 7. Severability. 26**

**Article 8. Effective Date. 26**

**Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.**

**Section A. Statutory Authorization.**

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Lake County Plan Commission and Lake County Council of the County of Lake, State of Indiana do hereby adopt the following floodplain management regulations.

**Section B. Findings of Fact.**

- (1) The flood hazard areas of unincorporated Lake County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in the unincorporated areas of Lake County by fulfilling the requirements of the National Flood Insurance Program.

**Section D. Objectives.**

The objectives of this ordinance are:

- (1) To protect human life and health;

Page 3 of 26

- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

**Article 2. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A zone** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and AI -A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones AI -A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified

statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Accessory Structure** (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

Page 4 of 26

Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides. Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community **Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development** means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.,
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar

Page 5 of 26

agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevated structure** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

**Elevation Certificate** is a certified statement that verifies a structure's elevation information.

**Emergency Program** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction** means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

**Five-hundred year flood (500-year flood)** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Flood Prone Area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

**Flood Protection Grade (FPG)** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Page 6 of 26

**Floodplain** means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway** is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe** is those portions of the floodplain lying outside the floodway.

**Functionally dependent facility** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hardship** (as related to a variance of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Lake County Plan Commission and Lake County Board of Zoning Appeals require that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Increased Cost of Compliance (ICC)** means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into

Page 7 of 26

compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Amendment (LOMA)** means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

**a.** the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher and shall be located entirely below the BFE; and,

**b.** such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map amendment** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**Map panel number** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Page 8 of 26

**Market value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD) of 1929** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred year flood (100-year flood)** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**Participating community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Post-FIRM construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM construction** means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Page 9 of 26

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance**, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational Vehicle** means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regular program** means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory Flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdictions of unincorporated Lake County subject to inundation by the regulatory flood. The SFHAs of unincorporated Lake County are generally identified as such on the Unincorporated Lake County Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated September 2, 1981. (These areas are shown on a FHBM or FIRM as Zone A, AE, AI- A30, AH, AR, A99, or AO).

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit

date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Page 10 of 26

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance** is any grant of relief from the requirements of this ordinance in conjunction with the provisions of the Indiana Code regarding Variances. A Variance shall be characterized as authorizing deviations from restrictions upon use or construction and placement of buildings and structures or a Variance that involves altering any required setbacks, height, width, size, density, or any other requirement of this ordinance. This definition includes all conditions for a variance as described in Article 6, Paragraph D of this ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**X zone** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A** (see definition for A zone)

**Zone B, C, and X** means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Page 11 of 26

### **Article 3. General Provisions.**

#### **Section A. Lands to Which This Ordinance Applies.**

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of unincorporated Lake County.

#### **Section B. Basis for Establishing Regulatory Flood Data.**

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering

study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of unincorporated Lake County shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of unincorporated Lake County dated March 2, 1981 and the corresponding Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency and dated September 2, 1981.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an "A Zone" on the FIRM of unincorporated Lake County Areas prepared by the Federal Emergency Management Agency and dated September 2, 1981 shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
- (3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the  
\_\_\_\_\_ subject site is greater than one square mile.

### **Section C. Establishment of Floodplain Development Permit (FDP).**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. Where a Building and Zoning Permit is required in accordance with the unincorporated Lake County Building Code, a FDP may be included as a part or portion of the Building and Zoning Permit.

### **Section D. Compliance.**

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

### **Section E. Abrogation and Greater Restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Page 12 of 26

### **Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.**

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

### **Section G. Interpretation.**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **Section H. Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of unincorporated Lake County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

### **Section I. Penalties for Violation.**

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unincorporated Lake County Zoning Ordinance (Zoning Ordinance). All violations shall be punishable by a fine and penalty commensurate with those imposed by the Zoning Ordinance.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Lake County Plan Commission through their staff shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the Lake County Plan Commission or their staff from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Page 13 of 26

### **Section J. Increased Cost of Compliance (ICC).**

In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

## **Article 4. Administration.**

### **Section A. Designation of Administrator.**

The Lake County Plan Commission and Lake County Council of Lake County, Indiana hereby appoints the Executive Director of the Lake County Plan Commission and his/her staff to administer and implement the provisions of this ordinance. The Executive Director of the Lake County Plan Commission and his/her designated staff members are herein referred to as the Floodplain Administrator.

### **Section B. Permit Procedures.**

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Application stage.
  - a). A description of the proposed development;
  - b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
  - c). A legal description of the property site;
  - d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
  - e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
  - f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
  - g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;
- (2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit

Page 14 of 26

holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

### **Section C. Duties and Responsibilities of the Floodplain Administrator.**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B;
- (11) Review certified plans and specifications for compliance.
- (12) Stop Work Orders
  - a). Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

Page 15 of 26

b). Notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Notice may also be given by posting a Stop Work Order at the site of the violation or by sending the written notice to the owner, agent, or anyone conducting any work illegally by regular United States First Class Mail at their address or place of business.

(13) Revocation of Permits

- a). The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the ordinance in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b). The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

- (14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized Lake County Plan Commission Officials, including the Floodplain Administrator, shall have the right to enter and inspect properties located in the SFHA.

## **Article 5. Provisions for Flood Hazard Reduction.**

### **Section A. General Standards.**

In all SFHAs and known flood prone areas the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

Page 16 of 26

- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.
- (11) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
  - a). The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;
  - b). Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
  - c). The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water;
  - d). The fill or structure shall not obstruct a drainage way leading to the floodplain;
  - e). The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water;
  - f). The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
  - g). Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

## **Section B. Specific Standards.**

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - a). Construction or placement of any new structure having a floor area greater than 400 square feet;
  - b). Addition or improvement made to any existing structure:
    - (i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
    - (ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.
  - c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
  - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.

- e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- f). Reconstruction or repairs made to a repetitive loss structure;

**(2) Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).

**(<sup>3</sup>) Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

- a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (10).
- b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

**(4) Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade (*crawlspace or under-floor spaces*) shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- a). provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area; and
- b). all openings shall be located entirely below the BFE; and

Page 18 of 26

- c). the bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
- d). openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
- e). openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and
- f). access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- g). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
- h). the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and
- i). the interior grade of a crawlspace must be at or above the base flood elevation; and
- j). an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- k). where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

**(5) Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the either the Standard or Modified Proctor Test method.
- b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
- c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e). The top of the lowest floor including basements shall be at or above the FPG.

**(6) Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

Page 19 of 26

- (i) outside a manufactured home park or subdivision;
  - (ii) in a new manufactured home park or subdivision;
  - (iii) in an expansion to an existing manufactured home park or subdivision; or
  - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
- b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c). Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade (*crawlspace* or *under-floor space*) shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
- d). Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- e). Recreational vehicles placed on a site shall either:
- (i) be on site for less than 180 days; and,
  - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - (iii) meet the requirements for "manufactured homes" as stated earlier in this section.

### **Section C. Standards for Subdivision Proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.
- (5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SF HA.
- (6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

Page 20 of 26

### **Section D. Critical Facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

### **Section E. Standards for Identified Floodways.**

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. **However, a community's more restrictive** regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees), Lake County (or any entity acting on behalf of and with the express written permission of Lake County) shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

#### **Section F. Standards for Identified Fringe.**

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

#### **Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.**

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the

Page 21 of 26

Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

#### **Section H. Standards for Flood Prone Areas.**

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per Article 5, Section A, items (1) through (11).

### **Article 6. Variance Procedures.**

#### **Section A. Designation of Variance.**

The Lake County Plan Commission (Commission) shall hear and make recommendation to the Lake County Board of Zoning Appeals (Board) concerning requests for Appeals of Administrative Decision and Variances from requirements of this ordinance.

#### **Section B. Duties of the Commission and Board.**

The Board shall hear and decide appeals after a recommendation from the Commission when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the final decision of the Board may appeal such decision in conjunction with the provisions of I.C. 36-7-4-1003.

#### **Section C. Variance Procedures.**

In passing upon such applications, the Commission and Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and in addition;

- (1) The danger of life and property due to flooding or erosion damage;

- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

#### **Section D. Conditions for Variance.**

- (1) Variance shall only be issued when there is:
  - a). A showing of good and sufficient cause;
  - b.) A showing that the Variance is exceptional, unusual, and peculiar to the property involved;
  - c). A determination that failure to grant the Variance would result in hardship; and,
  - d). A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No Variance for a residential use within a floodway subject to Article 5, Section E or Section G (1) of this ordinance may be granted.
- (3) Any Variance granted in a floodway subject to Article 5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- (7) The owner of any property to whom a Variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk

resulting from the reduced lowest floor elevation (See Section E). It shall be the owner's responsibility to ensure compliance with the provisions of this ordinance and any variance that receives approval.

- (8) The Floodplain Administrator shall maintain the records of Appeal actions and report any Variance to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section E).

#### **Section E. Variance Notification.**

Any applicant to whom a Variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the owner, agent, petitioner, or Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. Any such document shall be recorded only after review and approval by legal counsel representing the Floodplain Administrator. No FDP or Building and Zoning Permit shall be issued until proof of the recording is provided and attached to any permit issued by the Lake County Plan Commission. All costs for recordation shall be borne by the owner, agent, or petitioner receiving the Variance.

The Floodplain Administrator will maintain a record of all Variance actions, including justification for their issuance, and report such Variance issued in the community's biennial report submission to the Federal Emergency Management Agency.

**Section F. Historic Structure.**

Variance may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the Variance is the minimum to preserve the historic character and design of the structure.

**Section G. Special Conditions.**

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board may attach such conditions to the granting of any Variance as it deems necessary to further the purposes of this ordinance.

**Article 7. Severability.**

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**Article 8. Effective Date.**

This ordinance shall take effect upon its recommendation by the Lake County Plan Commission and final passage by the Lake County Council.

HEREBY RECOMMENDED FOR,

XX BY THE LAKE  
APPROVAL DENIAL NO ACTION TAKEN

COUNTY PLAN COMMISSION OF LAKE COUNTY, INDIANA, THIS 16<sup>TH</sup> DAY OF  
FEBRUARY, 2011

MEMBERS OF THE LAKE COUNTY PLAN COMMISSION

\_\_\_\_\_  
Mr. Ken Huseman, President

\_\_\_\_\_  
Mr. Steve Strong, Vice President

\_\_\_\_\_  
Mr. Gerry Scheub, Member

\_\_\_\_\_  
Mr. Rick Niemeyer, Member

\_\_\_\_\_  
Mr. Dennis Miller, Member

\_\_\_\_\_  
Ms. Nikki Witkowski, Member

\_\_\_\_\_  
Mr. Eldon Strong, Member

\_\_\_\_\_  
Mr. James Metro, Member

\_\_\_\_\_  
Mr. William Putz, Member

Attest \_\_\_\_\_  
Mr. Ned Kovachevich, Executive Secretary

HEREBY, X BY THE COUNTY  
APPROVED DENIED NO ACTION

COUNCIL OF LAKE COUNTY, INDIANA, THIS 8<sup>TH</sup> DAY OF MARCH, 2011.

MEMBERS OF THE LAKE COUNTY COUNCIL

Mr. Ted F. Bilski, President

Mr. Jerome A. Prince, Vice President  
Mrs. Christine Cid, Member  
Mr. Dan E. Dernulc, Member

Mrs. Elsie Franklin, Member  
Mr. Rick Niemeyer, Member  
Mr. Michael C. Repay, Member

Attest: Peggy H. Katona

**Public Portion**

Jim Premeske, a citizen of Hammond spoke.  
George Janiec a citizen of Hammond spoke.  
Wayne Weitbrock, a citizen of Lowell spoke.  
There was a lady in the audience from Arc Bridges who extended an invitation to the Council.

What she was saying was inaudible because she wasn't speaking into a microphone.

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.

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

ATTEST:

\_\_\_\_\_  
Peggy Holinga Katona,  
Lake County Auditor