

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:
September 13, 2011,
September 14, 2011 – 2012 Budget Workshop,
September 20, 2011 – 2012 Budget Workshop
September 26, 2011 - Second Reading of 2012 Budget
October 11, 2011
November 3, 2011 Special Meeting

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

ORDINANCE NO 1341

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

	Appropriation Requested	Appropriated
General Fund 001		
<u>Commissioners</u> 2900		
43810 TAW Interest(Reduction)	-\$100,000.00	-\$100,000.00
Council 3700		
43420 Liability Insurance(Reduction)	-\$100,000.00	NO ACTION
<u>Sheriff</u> 0500		
41140 Protective Service	\$310,000.00	\$310,000.00
<u>Jail</u> 3100		
41120 Professionals(Reduction)	-\$ 70,000.00	-\$ 70,000.00
41140 Protective Service(Reduction)	-\$ 40,000.00	-\$ 40,000.00
43630 Maintenance & Service(Reduction)	-\$100,000.00	-\$100,000.00
<u>Jail</u> 3100		
42210 Office Supplies	\$ 45.98	\$ 45.98
42230 Clothing	\$ 9,338.40	\$ 9,338.40
42240 Household & Inst Supplies	\$ 9,072.18	\$ 9,072.18
42250 Health Care & Lab	\$ 15,144.77	\$ 15,144.77
42260 Jail Inmate Clothing	\$ 846.00	\$ 846.00
43120 Medical & Hospital Service	\$ 9,256.67	\$ 9,256.67
43232 Travel-Meals	\$ 32.84	\$ 32.84
43610 Building & Structure	\$ 13,797.00	\$ 13,797.00
43620 Equipment & Repair	\$ 8,734.00	\$ 8,734.00
43630 Maintenance & Service Contr	\$ 16,262.48	\$ 16,262.48
43920 Food & Lodging	\$ 21,089.12	\$ 21,089.12
<u>Sheriff</u> 0500		
41193 Compensation Board Members	\$ 550.00	\$ 550.00
42210 Petroleum Products	\$ 11,332.26	\$ 11,332.26
42220 Garage & Motors	\$ 46,276.10	\$ 46,276.10
42230 Clothing	\$ 23,926.80	\$ 23,926.80
42410 Other Supplies	\$ 3,259.27	\$ 3,259.27
43240 Telephone	\$ 11,993.91	\$ 11,993.91
43620 Equipment Repair	\$ 23,068.25	\$ 23,068.25
43630 Maint & Service Contr	\$ 4,417.95	\$ 4,417.95
Gambling Adm Tax Fund 196		
<u>Election & Registration</u> 2100		
41196 Election Day Workers	\$ 70,000.00	\$ 70,000.00
<u>Sheriff</u> 0500		
42210 Petroleum(CNL)	\$200,000.00	\$200,000.00

Local Roads & Streets Fund 112			
<u>Local Roads & Streets</u> 5060			
43630	Maintenance & Service Contr Misdemeanant Co. Jail Housing Fund 152	\$ 41,835.60	\$ 41,835.60
<u>Jail</u> 3100			
43630	Maintenance & Service Sheriff Grant Fund 239	\$100,000.00	\$100,000.00
<u>Sheriff</u> 0500			
43620	Equipment Repair Commissioners' Incentive Fund 242	\$ 4,500.00	\$ 4,500.00
<u>Government Center</u> 3030			
41190	Part-Time Website Maintenance Fund 256	\$ 30,000.00	\$ 30,000.00
<u>Clerk</u> 0100			
43995	Other Services & Charges Lake County Coroner Facility Fee Fund 273	\$ 16,000.00	\$ 16,000.00
<u>Coroner</u> 0700			
41190	Part-Time	\$ 6,700.00	\$ 6,700.00
41220	FICA	\$ 300.00	\$ 300.00

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>Circuit Court Clerk</u> 0100		
From: 001-43232	Travel-Meals	\$ 250.00
001-43233	Travel-Lodging	\$ 425.00
001-43234	Travel-Trans/Other	\$ 300.00
001-43235	Travel-Mileage	\$ 106.00
001-43420	Insurance	\$ 256.00
001-43995	Other Services & Charges	\$ 600.00
To: 001-42110	Office Supplies	\$ 1,937.00
		WITHDRAWN
<u>Circuit Court Clerk</u> 0100		
From: 001-41150	Paraprofessionals	\$ 7,000.00
001-41160	Office & Clerical	\$ 3,000.00
To: 001-42110	Office Supplies	\$ 10,000.00
<u>Coroner</u> 0700		
From: 001-42110	Office Supplies	\$ 1,200.00
001-42390	Other Repair & Maint Suppl	\$ 1,000.00
001-42115	Photography	\$ 700.00
To: 001-43190	Other Professional Services	\$ 1,200.00
001-43630	Maintenance & Service Contr	\$ 1,700.00
<u>Coroner</u> 0700		
From: 001-41100	Overtime	\$ 20.00
To: 001-41210	Longevity	\$ 20.00
<u>Commissioners</u> 2900		
From: 001-43810	TAW Interest	\$ 20,000.00
To: 001-43310	Printing	\$ 20,000.00
<u>Commissioners</u> 2900		
From: 001-43810	TAW Interest	\$500,000.00
To: 001-43190	Other Professional Services	\$ 50,000.00
001-44500	Construction/Reconstruction	\$450,000.00
		\$450,000.00
<u>Commissioners</u> 2900		
Hermits Lake Sewer Use Fee Fund 356		
From: 356-43630	Maintenance & Service Contr	\$ 20,000.00
To: 356-43995	Other Services & Charges	\$ 20,000.00
<u>Commissioners</u> 2900		
From: 001-41220	FICA Deductions	\$193,000.00
To: 001-41230	PERF Deductions	\$193,000.00
<u>Commissioners</u> 2900		
Payroll Court Judgment Fund 441 (CNL)		
From: 441-41398	Payroll Court Judgment	\$ 51,000.00
441-41336	Lateral Pay	\$ 51,000.00

	Requested	Approved
<u>Economic Development</u> 6100		
HUD NSP Grant Fund 271		
From: 271-43145 Legal Services	\$ 300.00	
To: 271-41260 Workman's Compensation	\$ 300.00	\$ 300.00
<u>Sheriff</u> 0500		
From: 001-41337 Differential Pay	\$ 15,000.00	
To: 001-41336 Lateral Pay	\$ 15,000.00	\$ 15,000.00
<u>Sheriff</u> 0500		
From: 001-43235 Travel-Mileage	\$ 2,000.00	
To: 001-42110 Office Supplies	\$ 2,000.00	\$ 2,000.00
<u>Sheriff</u> 0500		
From: 001-43240 Telephone	\$ 4,000.00	
To: 001-42210 Petroleum Products	\$ 4,000.00	\$ 4,000.00
<u>Sheriff</u> 0500		
From: 001-43330 Photo Blue Printing	\$ 5,000.00	
To: 001-42110 Office Supplies	\$ 5,000.00	\$ 5,000.00
<u>Calumet Township Assessor</u> 1000		
Reassessment Fund 237		
From: 237-43235 Travel-Mileage	\$ 9,000.00	
To: 237-41100 Overtime	\$ 3,000.00	\$ 3,000.00
237-43510 Utilities	\$ 6,000.00	\$ 6,000.00
<u>Calumet Township Assessor</u> 1000		
From: 001-43232 Travel-Meals	\$ 1,500.00	
001-43240 Telephone	\$ 1,900.00	
To: 001-41350 Assessor Certification	\$ 1,500.00	\$ 1,500.00
002-54640 Maintenance & Service Contr	\$ 1,900.00	\$ 1,900.00
<u>Calumet Township Assessor</u> 1000		
From: 001-41190 Part-Time	\$ 80.00	
To: 001-41210 Longevity	\$ 80.00	\$ 80.00
<u>Parks & Recreation</u> 5156		
Parks & Recreation Fund 107		
From: 107-44110 Land Purchase	\$ 12,000.00	
To: 107-43810 TAW Interest	\$ 12,000.00	\$ 12,000.00
<u>CASA</u> 4150		
From: 001-43630 Maintenance & Service Contr	\$ 4,500.00	
To: 001-43235 Travel-Mileage	\$ 4,500.00	\$ 4,500.00
<u>Plan Commission</u> 2400		
From: 001-43235 Travel-Mileage	\$ 500.00	
To: 001-41210 Longevity	\$ 500.00	\$ 500.00
<u>Prosecutor</u> 0800		
From: 001-41331 Court Reporter Per Diem	\$ 4,637.75	
001-42110 Office Supplies	\$ 2,544.96	
001-43132 Travel-Registration	\$ 221.00	
001-43232 Travel-Meals	\$ 625.00	
001-43234 Travel-Trans/Other	\$ 500.00	
001-43235 Travel-Mileage	\$ 1,000.00	
001-43240 Telephone	\$ 500.00	
001-43620 Equipment Repair	\$ 4,552.59	
To: 001-43145 Legal Services	\$ 8,235.05	\$ 8,235.05
001-43630 Maintenance & Service	\$ 6,346.25	\$ 6,346.25
<u>Prosecutor</u> 0800		
Infraction Deferral Program Fund 104		
From: 104-43231 Travel-Registration	\$ 1,000.00	
104-43910 Dues & Subscriptions	\$ 7,000.00	
To: 104-43190 Other Professional Services	\$ 8,000.00	\$ 8,000.00
<u>Animal Control</u> 3200		
Animal Shelter Non-Reverting Fund 163		
From: 163-41190 Part-Time	\$ 10,000.00	
To: 163-43995 Other Services & Charges	\$ 10,000.00	\$ 10,000.00
<u>Work Release</u> 3150		
From: 001-42230 Clothing	\$ 4,000.00	
To: 001-42210 Petroleum	\$ 4,000.00	\$ 4,000.00
<u>Surveyor</u> 0600		
From: 001-41160 Office & Clerical	\$ 6,620.00	
To: 001-41110 Officials & Admin	\$ 330.00	\$ 330.00
001-41120 Professionals	\$ 790.00	\$ 790.00
001-41190 Part-Time	\$ 8,000.00	\$ 5,500.00

	Requested	Approved
<u>Surveyor 0600</u>		
MS-4 Storm Water Management Fund 264		
From: 264-41190 Part-Time	\$ 6,334.00	
264-42250 Health Care & Lab	\$ 3,000.00	
264-42410 Other Supplies	\$ 35,000.00	
264-43310 Printing	\$ 1,200.00	
264-43620 Equipment Repair	\$ 500.00	
264-43710 Equipment Rentals	\$ 1,400.00	
264-44110 Land Purchase	\$ 24,500.00	
264-44410 Furniture & Fixtures	\$ 900.00	
264-44490 Other Equipment	\$ 5,360.00	
To: 264-41260 Workman's Comp	\$ 450.00	
264-41390 Supplemental Pay	\$ 5,884.00	
264-44510 Other Capital Outlay	\$ 71,860.00	
<u>Circuit Court 3800</u>		
Alternate Dispute Resolution Co-Payment Fund 411		
From: 411-41190 Part-Time	\$ 3,000.00	
411-41260 Workman's Comp	\$ 1,000.00	
To: 411-43190 Other Professional Service	\$ 4,000.00	\$ 4,000.00
<u>Juvenile Court 4100</u>		
From: 001-41110 Officials & Administrators	\$ 9,000.00	
001-41130 Technicians	\$ 8,000.00	
001-41140 Protective Services	\$ 6,000.00	
001-41160 Office & Clerical	\$ 8,000.00	
To: 001-41120 Professionals	\$ 31,000.00	\$ 31,000.00
<u>Center Township Assessor 1200</u>		
Reassessment 2005 Fund 237		
From: 237-41190 Part-Time	\$ 600.00	
To: 237-42110 Office Supplies	\$ 600.00	\$ 600.00
<u>Center Township Assessor 1200</u>		
From: 001-43510 Utilities	\$ 50.00	
To: 001-43240 Telephone	\$ 50.00	\$ 50.00
<u>Treasurer 0300</u>		
From: 001-41160 Office & Clerical	\$ 600.00	
To: 001-41210 Longevity	\$ 600.00	\$ 600.00
<u>St. John Township Assessor 1800</u>		
Reassessment 2005 Fund 237		
From: 237-41190 Part-Time	\$ 10,000.00	
To: 237-42110 Office Supplies	\$ 10,000.00	\$ 10,000.00
<u>Ross Township Assessor 1700</u>		
Reassessment 2005 Fund 237		
From: 237-41190 Part-Time	\$ 3,000.00	
To: 237-42110 Office Supplies	\$ 3,000.00	\$ 3,000.00
<u>Ross Township Assessor 1700</u>		
From: 001-41130 Technicians	\$ 300.00	
To: 001-43240 Telephone	\$ 300.00	\$ 300.00
<u>Council 3700</u>		
From: 001-41190 Part-Time	\$ 1,020.00	
To: 001-41210 Longevity	\$ 1,020.00	\$ 1,020.00
<u>Council 3700</u>		
From: 001-43231 Registration	\$ 6,000.00	
001-43232 Meals	\$ 2,000.00	
001-43233 Lodging	\$ 9,000.00	
001-43234 Transportation/Other	\$ 2,000.00	
001-43910 Dues & Subscriptions	\$ 2,000.00	
To: 001-44420 Office Machines(CNL)	\$ 21,000.00	\$ 21,000.00

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

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

Dated this 22nd day of November, 2011.

Adopted this 22nd day of November, 2011.

NAY

AYE

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

Members of the Lake County Council

ATTEST:
Peggy Holinga Katona,
Lake County Auditor

Additional

	Made motion	seconded	
<u>General fund 001</u>			
Commissioners(-\$100,000)	Franklin	Cid	All voted "Yes" to approve. Motion carried 7-0.
Council(-\$100,000)	NO ACTION TAKEN		
Sheriff(\$310,000)	Cid	Franklin	All voted "Yes" to approve. Motion carried 7-0.
Jail(-\$210,000)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.
Jail(\$103,619.44)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$124,824.54)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Gambling Adm Tax Fund 196</u>			
Election & Registration(\$70,000)	Franklin	Repay	All voted "Yes" to approve, Except Prince, "absent". Motion Carried 6-yes, 1-absent.
Sheriff(\$200,000)	Cid	Prince	All voted "Yes" to create new Line item and approve appropriation. Motion carried 7-0.
<u>Local Roads & Streets Fund 112</u>			
Local Roads & Streets (\$41,835.60) (See Footnotes)	Franklin	Repay	All voted "Yes" to approve. Motion carried 7-0.
<u>Misdemeanant Co Housing Fund 152</u>			
Jail(\$100,000)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.
<u>Sheriff Grant Fund 239</u>			
Sheriff(\$4,500)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Commissioners Incentive Fund 242</u>			
Government Center(\$30,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Website Maintenance Fund 256</u>			
Clerk(\$16,000)	Franklin	Prince	All voted "Yes" to approve, Except Cid, "abstain". Motion carried 6-yes, 1-abstention.
<u>Lake County Coroner Facility Fee Fund 273</u>			
Coroner(\$7,000) (See Footnotes)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.

Footnotes

Re: Local Roads & Streets(\$41,835.60) - Franklin made a motion, seconded by Repay to approve. Niemeyer noted that this money is going to be reimbursed from the Town of Schererville.

Re: Coroner(\$7,000) – Cid made a motion, seconded by Prince to approve the appropriation in Fund 273. All voted "Yes". Motion to approve carried 7-0.

Cid noted that if the Council had not created this fund, and were collecting these fees, they would be looking to the general fund, so for that Cid again thanked the Council for creating this fund.

Sheriff(\$310,000) – Cid made a motion, seconded by Franklin to approve.

Cid wanted it to be duly noted that this appropriation is made possible by reductions that were previously voted on.

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

Transfer			
	Made motion	seconded	
Circuit Court Clerk(\$1,937) Circuit Court Clerk(\$10,000)	WITHDRAWN Franklin	Prince	All voted "Yes" to approve, Except Cid, "abstain". Motion Carried 6-yes, 1-abstention.
Coroner(\$2,900)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.
Coroner(\$20)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(\$20,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Commissioner(\$500,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(\$20,000) Hermits Lake Sewer Use Fee Fund 356	Franklin	Repay	All voted "Yes" to approve. Motion carried 7-0.
Commissioner(\$193,000)	Franklin	Niemeyer	All voted "Yes" to approve the amount of \$193,000. Motion carried 7-0.
Commissioners(\$51,000)	Franklin	Prince	All voted "Yes" to create a new line item and approve the transfer. Motion carried 7-0.
Economic Development(\$300)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$15,000)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$2,000)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$4,000)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$5,000)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Calumet Township Assessor(\$9,000) (Reassessment Fund 237)	Prince	Cid	All voted "Yes" to approve. Motion carried 7-0.
Calumet Township Assessor (\$3,400)	Prince	Cid	All voted "Yes" to approve. Motion carried 7-0.
Calumet Township Assessor (\$80)	Prince	Cid	All voted "Yes" to approve. Motion carried 7-0.
Parks & Recreation(\$12,000) Parks & Rec Fund 107	Dernulc	Prince	All voted "Yes" to approve. Motion carried 7-0.
CASA(\$4,500)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Plan Commission(\$500)	Niemeyer	Dernulc	All voted "Yes" to approve. Motion carried 7-0.
Prosecutor(\$14,581.30)	Franklin	Repay	All voted "Yes" to approve. Motion carried 7-0.
Prosecutor(\$8,000) Infraction Deferral Program Fund 104	Franklin	Repay	All voted "Yes" to approve. Motion carried 7-0.
Animal Control(\$10,000)			

Animal Shelter NR Fund 163	Repay	Prince	All voted "Yes" to approve. Motion carried 7-0.
Work Release(\$4,000)	Dernulc	Prince	All voted "Yes" to approve. Motion carried 7-0.
Surveyor(\$6,620)	Repay	Prince	All voted "Yes" to approve. Motion carried 7-0.
Surveyor(\$78,194) MS-4 Storm Water Mngmt Fund 264	Repay	Prince	All voted "Yes" to approve, except Niemeyer, "No". Motion Carried 6-yes, 1-no.
Circuit Court Clerk(\$4,000)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Juvenile Court(\$31,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Center Twp Assr(\$600)	Prince	Niemeyer	All voted "Yes" to approve. Motion carried 7-0.
Center Twp Assr(\$50)	Prince	Niemeyer	All voted "Yes" to approve. Motion carried 7-0.
Treasurer(\$600)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
St. John Twp Assr(\$10,000) Fund 237	Prince	Dernulc	All voted "Yes" to approve. Motion carried 7-0.
Ross Twp Assr(\$3,000)	Prince	Niemeyer	All voted "Yes" to approve. Motion carried 7-0.
Ross Twp Assr(\$300)	Prince	Niemeyer	All voted "Yes" to approve. Motion carried 7-0.
Council(\$1,020)	Prince	Dernulc	All voted "Yes" to approve. Motion carried 7-0.
Council(\$21,000)	Prince	Cid	All voted "Yes" to create new Line item and approve the transfer. Motion carried 7-0.

In the Matter of Revised 144 for Economic Development, and Parks & Recreation.

Re: Economic Development – WITHDRAWN.

Re: Economic Development – Cid made a motion, seconded by Franklin to approve.

Cid explained that she hasn't approved Supplemental Pay in the past, but this was actually a shortage in the supplemental pay that was already approved by this Council. It's a shortage in the fund that was already agreed upon.

Bilski also said that Economic Development is not on the general fund, it is strictly through appropriations through their Federal Grant Program. They have nothing on the general fund.

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

<u>Revised 144 – Fund 284</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39002-001 Supplemental Pay	-0-	\$3,000	\$3,000
39002-002 Supplemental Pay	-0-	\$3,000	\$3,000
39002-003 Supplemental Pay	-0-	\$3,000	\$3,000

Re: Parks & Recreation – Dernulc made a motion, seconded by Prince to approve. All voted "Yes". Motion carried 7-0.

<u>Revised 144 107-5153</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
18851-002 Groundskeeper I	\$26,929	-0-	-\$26,929
18xxx-001 Mechanic	-0-	\$26,929	\$26,929

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Circuit Court Clerk.

Franklin made a motion seconded by Prince to approve filling the vacant positions of:

001-0100-16730-006 Deputy IV

001-0100-16725-001 Deputy II

001-0100-16724-006 Deputy II

001-0100-16723-004 Deputy I

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

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Parks & Recreation

Dernulc made a motion, seconded by Prince to approve filling the vacant position of 18xxx-001 Mechanic. All voted "Yes". Motion carried 7-0.

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

Cid made a motion, seconded by Repay to approve filling the vacant position of 001-3100-14404-078 Correctional Officer.

Niemeyer said that since he has been on this Council he has been agreeing to this Ordinance, but what he is looking for, going into 2012, and he said he will base his vote on that, is some back-up information on these ordinances when you are asking to fill a vacancy, which position you are filling, why you are filling it, and the need for it. Niemeyer said we are getting that from the Department Heads, but the Ordinance speaks for itself, and he thinks that they need some back-up information in front of us, that I can look at, and read and have for our files.

Cid added that being with the DOJ, she believes that it's obvious that this Correction Officers positions are vital, and we can not do without them.

Neimeyer said he is not questioning the vacancy, he is questioning the intent of the Ordinance, that we need to have that information of why you are asking for it, how long it's been vacant. It's kind of standard questions, and we won't have to ask them every meeting because we will have it in front of us to read.

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

In the Matter of Ord 1330C – Regarding Vacant Position for 2011 – Jail.

Cid made a motion, seconded by Prince to approve filling the vacant position of 001-3100-14408-108 Correctional Officer.

Cid explained that this position has employee terminated 10-25-11, due to a promotion, and the position will be available 11-21-11.

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

In the Matter of Ord 1330C – Regarding Vacant Position for 2011 – Jail.

Cid made a motion, seconded by Repay to approve filling the vacant position of 001-3100-14405-005 Correctional Sergeant.

Cid explained that this position was and employee terminated 10-25-11, and the position will be available 11-21-11.

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

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff.

Cid made a motion, seconded by Prince to approve filling the vacant position of 001-0500-13548-004 Sergeant. All voted "Yes".

Dante explained that this is how the Sheriff does a promotion from within, for Police Officers, so you will have 4 vacancies in the Police Officers now. One is moving up, you have 3 that are already vacant. After this move, there will be 4 vacancies.

Motion to approve carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff.

Cid made a motion, seconded by Prince to approve filling the vacant position of 001-0500-14403-007 Radio Communications.

Cid said that this is an involuntary termination.

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

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Sheriff.

Cid made a motion, seconded by Repay to approve filling the vacant position of 001-0500-14565-001 Communication Clerk. All voted "Yes".

Cid explained that this was a verbal resignation, 10-28-11, and the position became available 11-21-11.

Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Parks & Recreation

Dernulc made a motion to approve 107-5153-18851-002 Groundskeeper I. Prince seconded the motion.

It was explained that this does not have to be done because they are changing that title to Mechanic, so the Mechanic position has to be filled.

Motions were withdrawn. NO ACTION TAKEN.

In the Matter of Ord. 1330C – Regarding Vacant Positions for 2011 – Parks & Recreation

Dernulc made a motion, seconded by Prince to approve filling the position of 18xxx-001 Mechanic. All voted "Yes". Motion carried 7-0.

In the Matter of Ord 1330C – Regarding Vacant Positions for 2011 – Prosecutor

Franklin made a motion, seconded by Prince to approve filling the vacant position of 001-0800-16695-009 Support Staff II. All voted "Yes". Motion carried 7-0.

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

001-3150-18809-001 Cook – WITHDRAWN.

In the Matter of Lease Need Approval – Hobart Twp Assessor – 1461 South Lake Park Ave., Hobart, IN

Prince made a motion, seconded by Dernulc to approve the lease need for Hobart Township. All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Appointments for Common Construction Wage Committee

(City of Lake Station, Town of Merrillville, Town of New Chicago, and Town of St. John)

Prince made a motion, seconded by Franklin to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Citizen Appointments – Lake County Domestic Violence Fatality Review Team (8 +11)

Cid nominated for Survivor, Nicholas Perkins.

Dernulc made a motion, seconded by Prince to close nominations. All voted "Yes" to close the nominations.

Cid made a motion, seconded by Prince approve Nicholas Perkins. All voted "Yes". Motion carried 7-0.

Cid nominated for Protective Service Employee, Jane Bisbee. Prince seconded.

Prince made a motion to close the nominations. All voted "Yes" to close the nominations

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

Cid nominated for Animal Control Office, Deborah Nowlen. Prince seconded the nomination.

Prince made a motion to close the nominations. All voted "Yes" to close the nominations.

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

Cid nominated for the Domestic Violence Attorney, Jerome Ezell. Repay seconded the nomination.

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

Cid made a motion, seconded by Repay to approve Jerome Ezell as the Domestic Violence Attorney. All voted "Yes". Motion carried 7-0.

Health Dept – No Action

Bar Association – No Action

Educator – No Action

Business Community – No Action

In the Matter of Councilman & Citizen Appointments – Lake County Redevelopment Commission (2)

Repay made a motion, seconded by Prince to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Establishing the Assessor's Settlement Fund

rollover amount is to be treated on a pre-tax basis. In addition, an Employee or former Employee who is absent from the active service of the Employer as a result of the voting or electoral process and subsequently return to the active service of the Employer and who has not taken a distribution pursuant to Section 7.01 of the Plan shall, upon return to active service, have all his prior Credited Service reinstated."

3. Section 3.02(b) of the Plan is hereby amended, effective January 1, 2011 in its entirety in accordance with the provisions of the service purchase agreement, to read as follows:

"(b) A Participant who severs his employment with the Employer, receives a lump sum distribution of his Net Amount of Contributions pursuant to Section 7.01(a)(1), and is reemployed by the Employer shall have the option of repaying his Net Amount of Contributions plus interest as provided in Section 3.01. The crediting of prior service shall depend on whether the Participant repays his Net Amount of Contributions plus interest and provides written certification that such Credited Service was not credited to another Indiana retirement program pursuant to a service purchase agreement or some other arrangement. Whether the Participant repays his Net Amount of Contributions or does not repay them, there shall be no offset of any benefits the Participant is subsequently entitled to receive."

4. In accordance with the Heroes Earnings Assistance and Relief Tax Act of 2008, Section 3.04 of the Plan is hereby amended in its entirety, effective January 1, 2009 to read as follows:

"Section 3.04. Benefits for Qualified Military Service.

"(a) Additional Service. 'Qualified Military Service' means military service as defined under the federal Uniformed Services Employment and Reemployment Act and that satisfies the requirements of Internal Revenue Code Section 414(u) and 38 U.S.C. Section 2021 for veteran's reemployment rights. To the extent required by Section 414(u) of the Internal Revenue Code, an Employee shall be granted Credited Service for purposes of benefit accrual and vesting upon his reemployment by the Employer for any period of time during which such Employee was on active military duty, if certain requirements are satisfied. To be credited with service for benefit accrual and vesting purposes, the Participant must be entitled upon his reemployment to veteran's reemployment rights with respect to such period of military duty under the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.). In addition, to be credited with service for benefit accrual purposes, the Participant must make up any Participant contributions required under Article X based on the Salary the

Participant would have received with reasonable certainty during the period of his military duty. Such Participant shall have up to three (3) times the period of his military duty (but not to exceed five (5) years) to make up his missed required Participant contributions.

"(b) Compensation During Qualified Military Service. In determining the Final Average Monthly Salary of a reemployed veteran meeting all requirements of applicable federal law for reemployment rights, Salary shall be computed: (a) at the rate the reemployed veteran would have received but for the reemployed veterans period of qualified military service; or (b) in the case that the determination of such rate is not reasonably certain, on the basis of the reemployed veteran's average rate of salary during the twelve (12) month period immediately preceding such period of qualified military service (or, if shorter, the period of employment immediately preceding such period).

"(c) Death Benefits. If a Participant dies on or after January 1, 2007, while performing Qualified Military Service, the survivors of the Participant shall be entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the Plan as if the Participant had been reemployed on the day prior to death and then terminated employment on the actual date of death.

"(d) Differential Wage Payments. For Plan Years beginning after December 31, 2008, any individual receiving a differential wage payment, as defined by Section 3401(h)(2) of the Internal Revenue Code from the Employer, shall be treated as an Employee of the Employer and the differential wage payment shall be treated as Compensation solely for the purpose of determining benefit limitations under Section 6.05.

"(e) All other provisions of the Plan shall be interpreted to provide a reemployed veteran who meets all requirements of applicable federal law for

reemployment rights with all rights under the Plan which are required under applicable federal law."

5. Article III of the Plan is amended by the addition of the following Section 3.05, effective January 1, 2011 to incorporate the service purchase provisions and shall read as follows:

"Section 3.05. Service Purchase.

"(a) A Participant who satisfies the eligibility requirements of this Section 3.05 may elect to purchase additional Credited Service in this Plan for the Participant's prior service credited under a Public Retirement Fund. A 'Public Retirement Fund' refers to any of the following, either singly or collectively: 1) the public employees' retirement fund, 2) the Indiana state teachers' retirement fund, 3) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund, 4) the state police pension trust, 5) the 1977 police officers' and firefighters' pension and disability fund, and 6) a county Sheriffs retirement plan established by a department other than the Employer.

"(b) A Participant must satisfy the following requirements to be eligible to purchase Credited Service:

1. be employed by the Employer at the time of election to purchase additional Credited Service;
2. may **not** have any vested benefit under the Public Retirement Fund;
and
3. may **not** be an active participant in the Public Retirement Fund at the time of application for the purchase of Credited Service.

"The Participant shall complete any forms required by the Public Retirement Fund in which the prior service was earned and any forms required by this Plan.

"(c) If the Participant satisfies the eligibility requirements **in (b)**, such Participant may make a transfer to purchase Credited Service under this Plan equal to the Credited Service that would be purchased by a contribution of the transferred amount computed at the actuarial present value for an individual whose salary and age would be the same as the salary and age of the Participant on the transfer date; provided, however, Credited Service may not be purchased for a period greater than the Participant's prior service in the Public Retirement Fund.

"(d) If the Participant is one hundred percent (100%) vested in this Plan or has satisfied the Credited Service requirement for Early Retirement when he severs employment with the Employer, the purchase of Credited Service **shall** be included in the calculation of the Participant's monthly benefit.

"(e) If the Participant is not one hundred percent (100%) vested in this Plan when he severs employment with the Employer, the purchase of Credited Service **shall not** be included in the calculation of the Participant's monthly benefit. The Participant may request a refund of the transferred amount, with adjustment for interest at a rate that ensures the Plan remains actuarially cost neutral.

"(f) To the extent permitted by the Internal Revenue Code and applicable regulations, the Plan may accept the following as payment by the Participant for the purchase of Credited Service:

1. A direct rollover from a qualified plan under Section 401(a) or 403(a) of the Internal Revenue Code, a 403(b) plan, a 457(b) plan, or an individual retirement account or annuity under Section 408(a) or (b) of the Internal Revenue Code, or
2. A trustee to trustee transfer from a 403(b) plan or an eligible deferred compensation plan under 457(b) to the extent permitted by the Internal Revenue Code.

"The plan from which payment for the purchase of service is received does not have to be the same plan in which the prior service was earned.

"(g) The Employer may deny an application for purchase of service credit if the transfer would exceed the limitations under Section 415 of the Internal Revenue Code. Any transfer pursuant to this Section is irrevocable, and a transfer may not exceed the amount necessary to fund the service purchase. Any amounts in the Public Retirement Fund after the transfer shall remain subject to the Public Retirement Fund's provisions."

6. In accordance with the Worker, Retiree, and Employee Recovery Act of 2008, Section 6.05 is hereby amended by the addition of the following subsection (e), effective January 1, 2009 to read as follows:

"(e) Notwithstanding the foregoing, effective January 1, 2009, the mortality table for adjusting any benefit or limitation under Internal Revenue Code Section 415(b)(2)(B)(C) or (D) shall be the mortality table prescribed by the Secretary of the Treasury pursuant to Section 417(e)(3) of the Internal Revenue Code modified as appropriate by the Secretary of the Treasury based on the mortality table specified for the Limitation Year by the Secretary and determined under subparagraph (A) of Section 430(h)(3) of the Internal Revenue Code (without regard to subparagraph (C) or (D) of such Section), Revenue Ruling 2007-67 and any other guidance provided by the Internal Revenue Service."

7. In accordance with the curative amendment required by the Internal Revenue Service, Section 6.05 is hereby amended by the addition of the following subsection (f), effective as of the date of the GUST restatement to read as follows:

"(f) For Limitation Years beginning after December 31, 2001, the Participant's mandatory contributions and any other annual additions on behalf of a Participant under any qualified defined contribution plan maintained by the Employer for any Limitation Year shall not exceed the lesser of (1) forty thousand dollars (\$40,000) or (2) one hundred percent (100%) of his Compensation from the Employer for such Limitation Year. The forty thousand dollar (\$40,000) limitation shall be automatically adjusted annually to take into account increases in any permissible cost-of-living increases in such limitation, pursuant to Section 415(d) of the Internal Revenue Code.

For purposes of this subsection 'Compensation' shall mean the total wages, salaries and other amounts actually received by the Participant, as reportable for federal income tax purposes, plus the following salary deferral amounts:

- (1) all elective contributions made under an Internal Revenue Code Section 401(k) plan, an Internal Revenue Code Section 125 cafeteria plan, a simplified employee pension plan, or an Internal Revenue Code Section 403(b) tax deferred annuity;
- (2) all compensation deferred under an eligible deferred compensation plan as defined in Internal Revenue Code Section 457;
- (3) effective January 1, 2001, any amounts not included in taxable income as a qualified transportation fringe benefit by reason of Section 132(f) of the Internal Revenue Code.

'Compensation' shall be subject to the federal limit on Salary described in Section 2.01."

8. In accordance with the Pension Protection Act of 2006 and the Worker, Retiree, and Employee Recovery Act of 2006, Section 6.08 of the Plan is hereby amended in its entirety, effective January 1, 2008 to read as follows:

"Section 6.08. Direct Rollovers.

"(a) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this Section, a Distributee may elect, at the time and in the manner prescribed by the Committee, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover.

"(b) Definitions. The following terms shall have the following meanings:

- (1) An 'Eligible Rollover Distribution' means any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee and the Distributee's Designated Beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to Employer securities). A portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax Employee contributions which are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in

Internal Revenue Code Sections 408(a), 408(b), or 408A (as permitted by the Internal Revenue Code), or to a qualified plan described in Section 401(a),

403(a), or 403(b) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(2) An 'Eligible Retirement Plan' means (i) a traditional individual retirement account described in Sections 408(a) , (ii) effective for distributions made on or after January 1, 2008, a Roth IRA described in Section 408A of the Internal Revenue Code subject to income restrictions applicable prior to January 1, 2010 on the portion of the eligible rollover distribution that is not attributable to a designated Roth account, (iii) an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, (iv) an annuity plan described in Section 403(a) of the Internal Revenue Code, (v) a qualified trust described in Section 401(a) of the Internal Revenue Code, (vi) a plan described in Section 403(b) of the Internal Revenue Code, and (vii) an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan. All definitions of 'Eligible Retirement Plan' shall apply in the case of a distribution to a spouse, surviving spouse, or to a former spouse who is the Alternate Payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code. An Eligible Retirement Plan is limited to items (i), (ii), and (iii) of this subsection (b)(2) for a Designated Beneficiary who is not the Participant's spouse.

(3) A 'Distributee' includes: (i) an Employee, (ii) former Employee, (iii) the Employee's or former Employee's surviving spouse, (iv) the Employee's or former Employee's Alternate Payee under a Qualified Domestic Relations Order, and (v) the Employee's or former Employee's Designated Beneficiary. The Direct Rollover of a Designated Beneficiary who is not the Participant's spouse must be made to an inherited IRA pursuant to the provisions of Internal Revenue Code Section 408(d)(3)(C). (It is noted that for Plan Years commencing prior to January 1, 2010, an Eligible Rollover Distribution that is distributed from the Plan in cash to a distributee who is a non-spouse Beneficiary (i.e., not paid as a Direct Rollover) shall be subject to applicable income tax withholding rules, but not the mandatory twenty percent (20%) income tax withholding otherwise required under Q&A-1 as contained in Treasury Regulation Section 1.401(a)(31)-1. For Plan Years commencing on or after January 1, 2010, an eligible rollover distribution made with respect to a distributee who is a non-spouse Beneficiary shall be subject to the notice requirement under Section 402(f) of the Internal Revenue Code and the mandatory twenty percent (20%) income tax withholding requirement under Section 3405(c) of the Internal Revenue Code in the same manner as an eligible rollover distribution made to any other distributee under the Plan.

(4) A 'Direct Rollover' is a payment by the Plan to the Eligible Retirement Plan specified by the Distributee."

9. In accordance with the curative amendment required by the Internal Revenue Service, Section 7.01(a) is hereby revised, effective as of the date of the GUST restatement by the addition of the following sentence:

"Upon attainment of Normal Retirement Age, a Participant shall be one hundred percent (100%) vested even if he has not severed employment."

10. In accordance with the provisions of the service purchase allowance, Section 7.01(a)(1) is hereby amended in its entirety, effective January 1, 2011, to read as follows:

"(1) A lump sum payment which shall consist of the Net Amount of Contributions as of the date of severance plus the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service. Such payment shall be made within ninety (90) days after his severance date (or within ninety (90) days after the date his application is received by the Merit Board, if later."

11. In accordance with the provisions of the service purchase allowance, Section 7.01(c) is hereby amended in its entirety, effective January 1, 2011, to read as follows:

"(c) In the event that the employment of a Participant, otherwise eligible for the benefit described in subsection (a)(2) above, is severed due to said Participant's dishonesty or misconduct which relates to his employment with the Employer or due to said Participant's conviction of a felony, the Merit Board, at any time prior to the applicability of Section 11.02, shall have the power to cause the Participant to forfeit the benefit for which he would otherwise be eligible, except a return of his Net Amount of Contributions plus the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service. The Merit Board shall apply this power in a nondiscriminatory and uniform manner to all Participants in similar circumstances."

12. In accordance with the service purchase allowance, the first paragraph in Section 7.02(a) of the Plan is hereby amended, effective January 1, 2011 to read as follows:

"(a) If a Participant's employment with the Employer severs as of a Disability Retirement Date and the Participant has not started to receive any other benefit under this

Plan, such Participant shall be entitled to a Disability Retirement Benefit commencing as of his Disability Retirement Date. The Disability Retirement Benefit shall be a monthly benefit based on a formula adopted by the Merit Board and shall not exceed the Participant's projected Normal Retirement Benefit determined as of the last date such Participant is included on the payroll of the Employer in accordance with the provisions of Section 6.01 based on his Final Average Monthly Salary as of such date and Credited Service projected to his Normal Retirement Date. Such pension shall be payable monthly but only so long as or until the aggregate amount of monthly payments equals the Participant's Net Amount of Contributions as of severance plus the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service. As of the date such aggregate amount of monthly payments equals the Participant's Net Amount of Contributions and transferred amount, the benefits shall cease. Notwithstanding the foregoing, a Participant who is eligible for the disability benefit hereunder may elect to receive such benefit as a lump sum payment of his Net Amount of Contributions plus the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service as of his date of severance from employment in lieu of the monthly benefit provided in this subsection (a)."

13. In accordance with the service purchase allowance, Section 7.02(b) of the Plan is hereby amended, effective January 1, 2011 to read as follows:

"(b) In the event a Disabled Participant who is eligible for the benefit described in this Section 7.02 later recovers from his Disability, his Disability Retirement Benefit shall cease as of his date of recovery. The Participant shall be entitled to his Severance Benefit, if any, pursuant to the provisions of Section 7.01(a)(1) if he has not received his Net Amount of Contributions plus the transferred amount as provided in the first paragraph in Section 7.02(a) above and if he has completed less than five (5) years of Credited Service. The Participant shall be entitled to his Severance Benefit, if any, pursuant to the provisions of Section 7.01(a)(2) if he has completed five (5) or more years of Credited Service, with reduction for disability payments received that were equal to the amount transferred by the Participant (adjusted for interest pursuant to Section 3.05 for the purchase of Credited Service. The Severance Benefit shall be determined as though he had severed his employment with the Employer as of the last day he is included on the payroll of the Employer. The payments of the Severance Benefit for a Participant with at least five (5) years of Credited Service shall be deferred as provided in Section 7.01(a)(2). However, notwithstanding the provisions of Section 7.01(a)(2), once the Severance Benefit payable to a Participant who has recovered from Disability commences, it shall only be payable in a monthly benefit during his lifetime with a final payment on the last day of the month in which he dies, as described in Section 6.01. The options available under Section 6.04 shall not be available to a Participant who has recovered from Disability. The Severance Benefit shall be payable regardless of whether the Participant returns to the active employment of the Employer and shall not be reduced for Disability Retirement Benefit payments that he has received except for the amount

transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service."

14. In accordance with the provisions of the service purchase option, Section 8.01 of the Plan is hereby amended, effective January 1, 2011 to read as follows:

"Section 8.01. Death Benefits After Retirement. If a Participant dies after retirement benefits have commenced, the death benefit shall be in accordance with the provisions of the form of benefit paid under Article VI at the time of retirement. If at the time of the death of a Beneficiary receiving a benefit in accordance with

Section 6.04 the aggregate payments to the Pensioner and the Beneficiary do not equal or exceed (a) the Participant's Net Amount of Contributions plus (b) the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.05 for the purchase of Credited Service, then the difference between such aggregate and (a) the Net Amount of Contributions plus (b) the transfer amount for the purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) shall be paid to such Beneficiary's estate in a lump sum. Any lump sum provided under this Section shall be paid within one year after the date of the Participant's death."

15. In accordance with the provisions of the service purchase option, Section 8.02(a) of the Plan is hereby amended, effective January 1, 2011 to read as follows:

"(a) If an unmarried Participant dies while employed by the Employer or after severance from employment for any reason, but prior to the commencement of any benefit from this Plan, his designated Beneficiary shall be entitled to receive a death benefit which shall be a lump sum equal to his Net Amount of Contributions at time of death plus the amount transferred by the Participant pursuant to Section 3.05 for the purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral). If a married Participant dies, his designated Beneficiary shall be entitled to receive a death benefit which shall be a lump sum equal to his Net Amount of Contributions at time of death. If the married Participant does **not** have a vested interest in the Plan, his Beneficiary shall also be entitled to the amount transferred by the Participant pursuant to Section 3.05 for the purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral).

16. Any other Sections of the Plan required to be amended by the Pension Protection Act of 2006 in a manner consistent with this Amendment are hereby deemed to be amended.

In witness of its adoption of the foregoing amendment to the Plan, the Employer Has caused this amendment to be executed as of the 17th day of November, 2011.

LAKE COUNTY SHERIFF'S DEPARTMENT

By John A. Buncich,
Sheriff of Lake County

Approved and ratified at a meeting of the Lake County Sheriff's Merit Boars on the 17th day of November, 2011

LAKE COUNTY SHERIFF'S MERIT BOARD

Charles Collins

Approved and ratified at a meeting of the County Council of Lake County on the 22nd day of November, 2011.

COUNTY COUNCIL OF LAKE COUNTY

Ted F. Bilski

In the Matter of Interlocal Agreement – Lake County Indiana and Town of Winfield – Police Services

Attorney Bill Enslin was present, who is the Attorney for Winfield.

Niemeyer made a motion, seconded by Prince to approve the extension of the Interlocal Agreement between Lake County, and the Town of Winfield. All voted "Yes". Motion carried 7-0.

RENEWAL AND EXTENSION AGREEMENT

WHEREAS, Lake County, Indiana (hereinafter "County") and the Town of Winfield, Indiana (hereinafter "Winfield") entered into an Interlocal Agreement whereby the County provides police services to Winfield; and

WHEREAS, it is the agreement of the County and Winfield to renew and extend that agreement For an additional year with increased compensation.

NOW, THEREFORE, the County and Winfield agree as follows:

1. That the Interlocal Agreement between the County and Winfield to provide police services Is extended for the period of January 1, 2012, to December 31, 2012.
2. That Winfield shall pay the County for said police services the sum of One Hundred Ten Thousand and 00/100 (\$110,000.00) Dollars.
3. That all other term and conditions of the Interlocal Agreement not inconsistent with Or modified by this Agreement shall remain in full force and effect.

APPROVED AND ADOPTED this 15th day of November, 2011, by the **Winfield Town Council.**

James L. Hicks
Paulette J. Skinner

Michael J. Lambert

Attest:
Clerk Treasurer

Approved this _____ day of _____, 2011, by the Lake County Sheriff

John Buncich,
Lake County Sheriff

APPROVED AND ADOPTED this 22nd day of November, 2011, by the **Lake County Council.**

Ted F. Bilski, President

Michael C. Repay
Jerome A. Prince
Christine Cid
Attest: Peggy Katona, Auditor

Elsie Franklin
Daniel E. Dernulc
Rick Niemeyer

Approved this _____ day of _____, 2011, by the Lake County Commissioners

Frances DuPey, President

Gerry J. Scheub, Commissioner

Roosevelt Allen, Jr., Commissioner

Attest: _____
Peggy Katona, Auditor

In the Matter of Resolution Honoring Banneker Achievement Center – National Designated 2011 Blue Ribbon School.

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

RESOLUTION NO. 11-89

**RESOLUTION HONORING THE
BANNEKER ACHIEVEMENT CENTER AS A
NATIONAL DESIGNATED 2011 BLUE RIBBON SCHOOL**

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

WHEREAS, the designation as a Blue Ribbon School is given to public and private high performing Schools that exceed state or national norms or schools with 40 percent or more Disadvantaged students who excel on state and national measures; and

WHEREAS, the BANNEKER ACHIEVEMENT CENTER has garnered its 20th year as an Indiana four-star School; and

WHEREAS, the BANNEKER ACHIEVEMENT CENTER was one of nine schools in Indiana to receive Its first ever National Blue Ribbon Award from the U.S. Department of Education.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council and all citizens Of Lake County who are represented by this august body, extend congratulations and Praise to the students and teachers, of the BANNEKER ACHIEVEMENT CENTER For being designated as a 2011 National Blue Ribbon School; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official Copy be delivered to the BANNEKER ACHIEVEMENT CENTER.

Dated this 22nd Day of November, 2011.

TED F, BILSKI, President

CHRISTINE CID
DANIEL E. DERNULC
RICH NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Honoring Crown Point High School Boy's Soccer Team – Class 2 Indiana State Champions.

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

Larry Blanchard read a Resolution that was approved by the Board of Commissioners, and presented it to the Crown Point Boys Soccer Team in the L.C. Council meeting.

RESOLUTION NO. 11-90

**RESOLUTION HONORING THE
CROWN POINT HIGH SCHOOL BOYS SOCCER TEAM
CLASS 2A INDIANA STATE CHAMPIONS**

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

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

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

WHEREAS, Crown Point High School Boys Soccer Team captured its first State Championship Hardware in team history by defeating Columbus North 4-2 in penalty kicks at Kuntz Stadium on October 29, 2011 after the teams had played to a scoreless tie through regulation and overtime, winning the Class 2A Indiana State Soccer Championship.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council, and all citizens of Lake County who are represented by this august body, extend congratulations And praise to the students and teachers, of the Crown Point High School Boys Soccer Team, for their capturing the Class 2A Indiana State Soccer Championship; And that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the CROWN POINT HIGH SCHOOL BOYS SOCCER TEAM.

DATED THIS 22ND DAY OF NOVEMBER, 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 Dwight D. Eisenhower Elementary School – National Designated 2011 Blue Ribbon School.

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

RESOLUTION NO. 11-91

**RESOLUTION HONORING
DWIGHT D. EISENHOWER ELEMENTARY SCHOOL
OF CROWN POINT AS A
NATIONAL DESIGNATED 2011 BLUE RIBBON SCHOOL**

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

WHEREAS, the designation as a Blue Ribbon School is given to public and private high performing schools that exceed state or national norms or schools with 40 percent or more disadvantaged students who excel on state and national measures; and

WHEREAS, the National Blue Ribbon designation was a first for the Crown Point Community School Corporation; and

WHEREAS, DWIGHT D. EISENHOWER ELEMENTARY SCHOOL was one of nine schools in Indiana to receive its first ever National Blue Ribbon Award from the U.S. Department of Education.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council, and all Citizens of Lake County who are represented by this august body, extend congratulations and praise to the students and teachers, of the DWIGHT E. EISENHOWER ELEMENTARY SCHOOL for being designated as a 2011 National Blue Ribbon School; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the DWIGHT E. EISENHOWER ELEMENTARY SCHOOL.

DATED THIS 22ND day of November, 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 Proclaiming November as Indiana Working Women’s Month.

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

RESOLUTION NO. 11-92

**RESOLUTION PROCLAIMING
NOVEMBER AS INDIANA WORKING WOMEN’S MONTH**

WHEREAS, working women of every race, class and ethnicity have made contributions To the growth and strength of the State of Indiana; and

WHEREAS, working women have played a critical economic, cultural and social role In every sphere of life by constituting a significant portion of the labor Force inside and outside of the home; and

WHEREAS, community leaders, county leaders and all citizens should take steps to Recognize all working women within Lake County and the State of Indiana.

NOW, THEREFORE, LET IT BE RESOLVED that the Lake County Council hereby Proclaims November as Indiana Working Women’s Month.

SO RESOLVED THIS 22ND DAY OF NOVEMBER, 2011.

TED F. BILSKI, President

CHRISTINE CID
DANIEL E. DERNULC

MICHAEL C. REPAY
ELSIE FRANKLIN

RICK NIEMEYER

JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Resolution Permitting Juvenile Court to transfer Funds from Gambling Admission Tax Fund No. 196 to Juvenile Probation Administrative Fund No. 246.

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

RESOLUTION NO. 11-93

**RESOLUTION APPROVING A PERMANENT FORGIVABLE LOAN
IN THE AMOUNT OF \$8,000.00 FROM THE GAMBLING
ADMISSION TAX FUND, FUND NO. 196 TO THE
JUVENILE PROBATION ADMINISTRATIVE FUND, FUND NO. 246**

WHEREAS, the Juvenile Probation Administrative Fund, Fund No. 246 is in need of \$8,000.00;
and

WHEREAS, the Lake County Council desires to loan to the Juvenile Probation Administrative Fund, Fund No. 246 the sum of \$8,000.00 from the Gambling Admission Tax Fund, Fund No. 196; and

WHEREAS, the Lake County Council desires that the said loan be forgivable.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council approves a loan from the Gambling Admission Tax Fund, Fund No. 196 in the amount of \$8,000.00 to the Juvenile Probation Administrative Fund, Fund No. 246, which loan is forgivable.

SO RESOLVED THIS 22ND DAY OF NOVEMBER, 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 Veterans Service Office To pay six invoices from years 2000,2008, and 2010 from 2011 funds in the amount of \$660.00 from 001-2900-43977 Soldier Burial.

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

RESOLUTION NO. 11-94

**RSOLUTION PERMITTING LAKE COUNTY VETERANS SERVICE OFFICE
TO PAY OUTSTANDING
2000, 2008 AND 2010 INVOICES/DEBTS FROM THE 2011 BUDGET**

WHEREAS, the Lake County Veterans Service Office, is currently operating in the 2011 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget years 2000, 2008 and 2010 Have not been paid:

<u>001-2900-43977</u>	<u>Soldier Burial</u>
Baran & Son Inc	\$ 100.00
Baran & Son Inc	\$ 100.00
Donnellan Funeral Home	\$ 100.00
Ridgelawn Funeral Home	\$ 100.00
Sheets Funeral Home	\$ 100.00
Sheets Funeral Home	<u>\$ 160.00</u>
	\$ 660.00

WHEREAS, the Lake County Veterans Service Office desires to pay the above invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Veterans Service Office, shall pay
From its 2011 Budget the following invoices/debts incurred in the
Calendar years 2000, 2008 and 2010 as follows:

<u>001-2900-43977</u>	<u>Soldier Burial</u>
Baran & Son Inc	\$ 100.00
Baran & Son Inc	\$ 100.00
Donnellan Funeral Home	\$ 100.00
Ridgelawn Funeral Home	\$ 100.00
Sheets Funeral Home	\$ 100.00
Sheets Funeral Home	<u>\$ 160.00</u>
	\$ 660.00

SO RESOLVED THIS 22ND DAY OF NOVEMBER, 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 2010 Jail invoices with 2011 funds in the amount of \$3,010.62 – 001-3100-43610 Building & Structures.

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

RESOLUTION NO. 11-95

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

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

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

<u>001-3100-43610</u>	<u>Building & Structure</u>
Security Automation	\$ 697.47
Grainger	\$ 91.70
Largura, Inc.	\$1,550.00
Credent Quality	\$ 514.00
Praxair	<u>\$ 157.45</u>
	\$3,010.62

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Sheriff's Department shall pay
From its 2011 Budget the following jail invoices/debts incurred
In the calendar year 2010 as follows:

<u>001-3100-43610</u>	<u>Building & Structure</u>
Security Automation	\$ 697.47
Grainger	\$ 91.70
Largura, Inc	\$1,550.00
Credent Quality	\$ 514.00
Praxair	<u>\$ 157.45</u>
	\$3,010.62

SO RESOLVED THIS 22ND DAY OF NOVEMBER, 2011.

TED F. BILSKI, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL REPAY
ELSIE FRANKLIN
JEROME A. PRINCE

Members of the Lake County Council

In the Matter of Ordinance Establishing a Public Defender Board and Department for the Juvenile Division and County Division of the Lake Superior Court.

Niemeyer made a motion, seconded by Prince to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Amending Ordinance 1285B – Lake County Human Resource Manual – Early Retirement Plan Options – Second Reading

This Ordinance was approved on 11-3-11. NO ACTION TAKEN.

In the Matter of Ordinance Establishing the Property Tax Appeal Defense Fund.

NO ACTION TAKEN.

In the Matter of Ordinance Amending Ord # 1183D – Requiring Project Labor Agreements for Lake County Government Construction Projects.

Prince made a motion, seconded by Dernulc to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Amending Lake County Sheriff's Eviction Fee Ordinance No 1305A.

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

Repay explained that because we are going through all of these fee funds, everyone is thinking that we are increasing fees, but we are not doing that. What we are doing is creating funds where these fees are going to go, instead of where they used to go.

Dante said we have to take inventory as to where we're at, remember these are tied to the budgets, so we have to take pause and see where we're at, so what we did on items # 7a, and 7b, is to remove the \$100 dollar fee and place it into the user fee fund, that's what we've done. The Towing Fees, wherever they were, was moved out of the general fund, into it's own fund.

Dante said on #10, on the agenda, the \$13 dollar fee is going to go into it's own funds too. Those are the only 3 fees that we've agreed to.

Cid explained that there are 2 general service fees, and one is attached to 13667, and there is one is...

Dante said it's the \$200,000 dollar one that he is concerned with. He said we can't move the \$200,000 dollar one.

Dante said it's items 9a, and 9b. on the agenda. Where is that money at? We did not do that during budgets.

Cid said it's the \$100 dollar Eviction fee that the Clerk collects.

Cid said since there are some questions on those, they can still work on those in December.

After further discussion, Cid made a motion, seconded by Franklin to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Ordinance Creating the Sheriff's Eviction Fee Fund – a Non-Reverting Fund.

Cid made a motion, seconded by Franklin to defer to 12-13-11. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Overriding Board of Commissioner's Veto of Lake County Council Ordinance No 1285B-15 Human Resources Manual – Early Retirement.

Franklin said that a lot of employees have been asking whether or not the Council was going to override the Commissioner' actions. Franklin said that the Commissioners made this decision, the County Council did not. Franklin wanted it on the record that the County Council did attempt to do the right thing by allowing our staff to take advantage of the early retirement program.

NO ACTION TAKEN.

In the Matter of Ordinance Regarding Vacant Positions for 2012.

Repay made a motion, seconded by Dernulc to approve on First Reading. All voted "Yes".

Repay said he wants to approve it on First Reading, and go forward with it in December.

All voted "Yes", except Prince, "absent". Motion to approve on First Reading carried 6-yes, 1-absent.

In the Matter of Ordinance Establishing the Assessor's Settlement Fund – A Non-Reverting Fund.

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

Attorney Szarmach explained that in paragraph 4 "That 20% (percent) of the total to be received from the taxpayer is the total amount of what you get.

Prince said that Cid was asking if the settlement amount the original amount that they pay, or was supposed to pay, and it's not. It's the settled amount. It's not what they were...

Attorney Szarmach said forget about the original assessment. If there's going to be an appeal, there's a new number, 20%.

Cid said but it could be the same number that should have gone toward their tax collections.

Attorney Szarmach said it could be the same number, it could be less, it could be...

Cid asked, 20% of those tax collections are now going to go into this fund that should have gone towards...

Cid said I always hear Dante talk about our tax collections, they are low every year, we don't have 100% tax collections, and this, I'm not sure, that's why I need to fully understand this.

Prince said that the taxpayer has the right to appeal, and what Hank is doing is trying to avert, in some instances I would imagine, or the County, in addition to Hank, the Commissioners, and this Council also, avert any additional expenses, as a result of an appeal.

Bilski said to read number 4, and when you read number 4 and look at those percentages and the 20% of the total to be received from the taxpayer shall be placed into the Assessment Settlement Fund, and five per cent of the total to be received from the taxpayer shall be placed into the Self Insurance Fund 541-2900-43420.

Bilski said I think that's kind of an important point, more so than the 20%.

Repay said I am in favor of the ordinance and I would give Hank credit, and the Committee Chairman for working towards, finding another avenue of funding, instead of this money. There is a lot of work the Assessor does in order to fight these cases, and in order to make good decisions on behalf of the taxpayers, not only what the assessment is going to be, but what we're spending in order to get possibly, not very much.

Mr. Adams added that a lot of the companies, even though some of them are awfully large, they're on the verge of bankruptcy, and dragging this out in the court cases, drags them into bankruptcy.

Cid said you can still settle without this. This isn't permitting you from settling anything at all, it's just you want to take portions of that settlement because I guess you feel you've done your part in this, and you now want this to help your office because you are short of reassessment funds, and that's another one of my concerns. I don't know if we've ever used general fund money for assessment. Cid asked is this for reassessment, or is this...?

Mr. Adams said this is for appeals.

Cid said I just don't fully understand.

Cid asked Dante is he looked at this ordinance?

Dante said I'm aware generally of a concept of this is a settlement issue, and the money, the re-distribution of the money back into county, where it should go, so that's a formative basis. We are getting some money back right. They Dante asked, so it's money coming in right? The answer was right.

Cid said I just want clarification that we're not actually taking money that will even more reduce our tax collections because we never meet our tax collections.

Dante said no, this has nothing to do with the tax collections. These folks have already paid, assured us we're getting money back. The shortages have already occurred. The shortfall from these people not paying in the past, we've already incurred that. It's already in your deficit. Now, all of a sudden we're getting money back, a refund back, and the issue becomes should it go back to replenish the funds that we used to defend ourselves in this case, whether it came out of Hank' budget, out of fund 196, 541, 448, whatever, or if indeed it's something new, there's a new initiative, that's assessment related, supercede that, and that's the decision before you. And that's why I left it to the Committee, and the Committee was supposed to come up with a recommendation with Hank and John Dull. It's a value judgment, as to

whether to place it back to the fund, or funds where it came from, or to indeed let part of it reach out for a new initiative that has probably equal value. It's real close.

Cid said my concern that that money that could have gone to tax collections to help with our revenues, is not being lost.

Repay said it is an expense to the Assessor's Office to be a part of this process, and I don't want an attorney making a decision, wholly, on whether to proceed with an assessment or not, without our Assessor being there, and I want the Assessor to have the incentive to settle as opposed to continually running into "brick walls with the County's car", and we keep paying for it.

Cid said I don't know if we have one, but we need some committee, and maybe both Council and Commissioner's approval before even move into some of these appeals. Some of these appeals have been filed, and year after year, we've lost them, and we keep filing the same appeals. We need control of what is appealed.

Attorney John Dull explained that the Indiana Tax Board of Tax Review has issued this opinion which is if any Assessor increases the assessment by more than 5%, the burden of proof, in the case now shifts from the taxpayers to the Assessor. He has in his pipeline, over 3,000 cases, and they have now said, the taxpayer doesn't have to make the case, he does.

Dull said I'm not talking about appealing any cases like we did before with BP and those. What's happened is, the "game table" has switched, and he now has to prove the case versus what it was before, and I'm simply trying to put him in a position to do that, and also pay for some of the appraisers that he is going to have to have in the big cases like Cargill, which is a big case in Hammond. He said in the Cargill case, I think the appraisers are going to cost \$50,000 dollars. Now what we need to do, I'm going to be sending notices out to people who are serving as our Assessors, and they will need to use their head, because if you file a case, and you lose it, what you don't do the next year is justify 50% again because if you lost it in one year, what you need to do the next year is, if you're going to do anything, is increase it, leave it there, and increase it maybe 3 or 4%, and maybe you can get through it. Our Assessors, and I'm not talking about him, but they aren't doing that, and it's creating a terrible situation.

I'm talking now, about us trying to put ourselves into position. If we can settle the cases, that's why I'm trying to pay for part of costs through the settlement. That's what this is about. We're not doing what we did before.

Niemeyer said I like that switch in the law where the burden is back on the Assessor. So many times, a taxpayer would question why they were increased 50%, and why, but the burden was always on the taxpayer to get the appraisers. I absolutely agree with that law changing that the burden being on the Assessor. That makes them do a better job and have to realize what they are doing to not make that mistake.

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

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

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

ORDINANCE NO. 1341A

ORDINANCE ESTABLISHING THE ASSESSOR'S SETTLEMENT FUND, A NON-REVERTING FUND

WHEREAS, the Lake County Assessor periodically settles tax appeals that involve the payment of money to the county by the taxpayer; and

WHEREAS, the resources of the entire Assessor's office are involved in some way or another in these cases and their resolution; and

WHEREAS, the current Lake County property tax freeze restricts the amount of general fund money that the Lake County Council can allocate to the Assessor's budget; and

WHEREAS, the office of the Lake County Attorney is involved in all of these settlements.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Assessor's Settlement Fund, a non-reverting fund, is hereby established.
2. That there is already a fund known as the Self Insurance Fund 541-2900-43420 that Was established by the Council to receive monies that are ultimately transferred to

- Pay for the legal expenses of litigation and settlements.
- 3. That when settling cases, the Assessor shall designate the funds to be received from the taxpayer into the following categories:
 - a. Property taxes
 - b. Settlement costs of the Assessor's Office
 - c. Settlement costs of the Commissioners' Attorney.
- 4. That twenty (20%) percent of the total to be received from the taxpayer shall be Placed into the Assessor's Settlement Fund and five (5%) percent of the total to be Received from the taxpayer shall be placed into the Self Insurance Fund 541-2900-43420.
- 5. That the monies deposited in the respective funds shall be used as follows:
 - a. The monies deposited into the Assessor's Settlement Fund include but are Not limited to the following uses:
 - i. contractual services;
 - ii. part time;
 - iii. any other needed by the Assessor to accomplish assessment tasks.
 - b. The monies deposited into the Self Insurance Fund include but are not Limited to the following uses:
 - i. contractual legal services for Assessor;
 - ii. experts needed for Assessor litigation;
 - iii. appraisers needed for Assessor litigation;
 - iv. any other expense needed by the Assessor to accomplish the litigation goal.
- 6. That the monies deposited into the Assessor's Settlement Fund and the Self Insurance Fund 541-2900-43420 can be expended only after appropriation by the Lake County Council.
- 7. That any money remaining in the Fund at the end of the year shall not revert To any other fund but continues in the Assessor's Settlement Fund.

SO ORDAINED THIS 22nd DAY OF November, 2011.

TED F. BILSKI, President

MICHAEL C. REPAY
JEROME A. PRINCE
ELSIE FRANKLIN

RICK NIEMEYER
CHRISTINE CID
DANIEL E. DERNULC

Members of the Lake County Council

ATTEST:
PEGGY KATONA
LAKE COUNTY AUDITOR

APPROVED() VETOED () BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF
LAKE ON THIS _____ DAY OF _____, 2011.

ROOSEVELT ALLEN GERRY SCHEUB FRANCES DUPEY

ATTEST:

PEGGY KATONA,
LAKE COUNTY AUDITOR

In the Matter of Ordinance Concerning Holiday Schedule for the Calendar Year of 2012.

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

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

Dernulc 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. 1341B

**ORDINANCE CONCERNING HOLIDAY
SCHEDULE FOR THE CALENDAR YEAR OF 2012**

WHEREAS, the Lake County Council pursuant to I.C. 5-10-6-1(b) has authority to establish Legal holidays for employees of Lake County, Indiana, and

WHEREAS, the Lake County Council wishes to establish legal holidays for employees of Lake County.

NOW, THEREFORE, LET IT BE RESOLVED by the Lake County Council that the following Holidays are established for the employees of Lake County, Indiana:

New Year's Day	January 1 st	Sunday closed
	January 2 nd	Monday/observed/closed
Martin Luther King, Jr.	January 16 th	Monday closed
Good Friday	April 6 th	Friday closed
Memorial Day	May 28 th	Monday closed
Independence Day	July 4 th	Wednesday closed
Labor Day	September 3 rd	Monday closed
Columbus Day	October 8 th	Monday closed
Veterans Dan	November 11 th	Sunday closed
	November 12 th	Monday/observed/closed
Thanksgiving Day	November 22 nd	Thursday closed
	November 23 rd	Friday closed
Christmas Eve	December 24 th	Monday closed
Christmas Day	December 25 th	Tuesday closed
New Year's Eve	December 31 st	Monday closed

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 Ord 1280A the Ordinance Establishing the Sheriff's Sale Program and Service Fee.

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

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

Cid 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. 1280A-1

**ORDINANCE AMENDING ORDINANCE NO. 1280A,
THE ORDINANCE ESTABLISHING
THE SHERIFF'S SALE PROGRAM AND SERVICE FEE**

WHEREAS, on October 10, 2006, the Lake County Council adopted the Ordinance Establishing The Sheriff's Sale Program and Service Fee, Ordinance No 1280A; and

WHEREAS, Ordinance No. 1280A provided in part that the fees collected would be deposited In the Sheriff's Sale Fund; and

WHEREAS, The Lake County Council desires to amend said Ordinance to provide for the Deposit of the fees into the Sheriff's Sale Program and Service Fee Fund, a non-Reverting Fund.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

DELETE:

Section 4. The Sheriff is hereby authorized to charge a fee of Two Hundred and no/100 (\$200.00) Dollars per parcel of property in the Sheriff's Sale Program, (hereinafter "The Closure Costs Fees, and to deposit such Foreclosure Costs Fees collected by or on Behalf of the Sheriff in the Sheriff's Sale Fund.

INSERT:

Section 4. the Sheriff is hereby authorized to charge a fee of Two Hundred and no/100 (\$200.00) Dollars per parcel of property in the Sheriff's Sale Program, (hereinafter "The Closure Costs Fees"), and to deposit such Foreclosure Costs Fees collected by or on behalf Of the Sheriff in the Sheriff's Sale Program and Service Fee Fund.

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 Amending the Lake County Vehicle Towing Ordinance No. 1206E.

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

Niemeyer asked said that it has always been in this Ordinance and read: "The Lake County Sheriff shall determine the companies for the purpose of towing vehicles in accordance with the needs for public safety. The Lake County Board of Commissioners shall negotiate and enter into all contracts for towing services on behalf of the County. Only towing companies selected by the County Sheriff, with contracts approved by the Lake County Board of Commissioners, shall be called by Lake County Sheriff personnel to tow vehicles."

Niemeyer said the only reason that he brings this up is to offer it as an amendment to be added back to this ordinance. With everything that has been going on in the Sheriff' Office, prior to this Sheriff coming on board, it seems like every other thing we do in this County deserves a contract you check the towing companies out to see if they have the right insurance, the right licenses. I think this is a way that we can get a better hold. The Sheriff has the right to bring anybody in that he wants to, but I think it should be a contract, so the County Council knows who those Companies are. They are good companies, and we have an avenue to look and see where this revenue is coming from, and what companies are getting the bids on this.

Niemeyer said we do this for every other vending contract, but in this case, we leave this wide open for somebody to just collect and use who they want to. Niemeyer said and I'm okay with that, except I would like to have a contract with these companies, which was always there in the 80's , but the Commissioners never acted on it.

Attorney Szarmach said in Ordinance 1206E-2, that was adopted on 5-10-11.

Niemeyer asked if that could be added as an amendment to this ordinance?

Attorney Szarmach said you can add it, anytime with 2 readings, but what I did was, 7,8, and 9, a.b.c, that's strictly dealing with changing where the fee gets deposited.

Bilski said what we wanted to do was create a housekeeping, or a way to track those revenues so that we know that when those monies are coming in, how much is generated through these particular fees so that we can use those when we are making a judgment in the Sheriff' budget and we are making these credits, or giving these credits in the Sheriff's budget so it's strictly an accounting purpose is what this was intended for.

Niemeyer said I know what it was intended for, and asked if he could put an amendment to this ordinance to put it back in?

Attorney Szarmach answered, no, you can.

Repay said that he thinks that given the current Sheriff feels like that's what we're doing, Councilman Niemeyer who represents most of the unincorporated areas thinks that that's appropriate, why not put it in writing, or leave it in writing, or put it back in writing.

Repay said that he is not sure what we are being asked to insert.

Attorney Szarmach explained that Ordinance 1206E-1, which is the one that was adopted in March/2011 had to do with increasing the towing fee only to \$75.00. 1206E-2 another amendment has a Section 1-E which added the towing franchise fee of \$50.00, and deleted the Selection of Towing Companies in Section 3. Attorney Szarmach said he believes the reason for deleting Section 3, as it was previously adopted, and inserting the new Section 3 on 5-10-11 was because it's a service contract, and under Indiana Law that's not a low bid contract.

Any kind of services the Officeholder, the Commissioners can pick who they want, who they think is the best service. It's a no-bid process.

Dernulc asked what's the harm in putting it in?

Attorney Szarmach answered, nothing.

Dernulc said then I think we should amend it.

Niemeyer said I'm not trying to get an ordinance here so it's a bidding process, I never said that. All I'm asking for is that contracts be signed, whoever he selects. He tells me they are doing it now, why can't we add that to the new ordinance, he's telling me he has no problem with it.

Attorney Szarmach said you just want to put the old Section 3 in there from Ordinance 1206E-2, and delete the paragraph, Section 3 Selection of Towing Companies. Switch it back from what it is now to what it was before.

Bilski asked Niemeyer if he wanted to re-admitting Section 3 – Selection of Towing that's on Ordinance 1206E-2, Section 3 that was deleted, and adding it to the proposed, as a friendly amendment?

Cid said she just wants clarification and asked Niemeyer if he just wants the Contracts to be approved by the Commissioners?

Niemeyer said if the Commissioners are approving the Contracts, I assume they are looking at them to make sure they are correct and within the guidelines that they think they should be.

Cid said there is a difference between negotiating and approving.

Niemeyer said I'm looking at approval by the Commissioners because if the Commissioner is not happy with something, he is not going to approve it.

Attorney Szarmach suggested that it might be simple to add the sentence that "all Contracts shall be approved by the Lake County Board of Commissioners"

Cid made a motion, seconded by Prince to amend Section 3 to add that the Contract shall be approved by the Lake County Commissioners.

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

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

Cid 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. 1206E-3

AMENDMENT TO THE LAKE COUNTY VEHICLE TOWING ORDINANCE, ORDINANCE NO. 1206E

WHEREAS, on August 8, 2000, the Lake County Council adopted the Lake County Vehicle Towing Ordinance, Ordinance No 1206E; and

WHEREAS, Ordinance No. 1206E in part provided that the towing fee and the towing company Franchise fee for each tow be deposited in the Lake County General Fund; and

WHEREAS, the Lake County Council desires to amend said Ordinance to provide for the Deposit of the towing fee and the towing company franchise fee in the Sheriff's Towing Fee and Towing Company Franchise Fee Fund, a non-reverting Fund.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the Lake County Vehicle Towing Ordinance, Ordinance No. 1206E, shall be amended as follows:

DELETE:

Section 1. Towing Company/Rates

D. County Towing Fee.

- 2. The fees shall be deposited in the County General Fund to be appropriated by the Lake County Council.

INSERT:

Section 1. Towing Company/Rates

D. County Towing Fee.

- 2. The fees shall be deposited in the Sheriff's Towing Fee and Towing Company Franchise Fee Fund, a non-reverting Fund, to be appropriated by the Lake County Council, unless otherwise provided by law.

DELETE:

Section 1. Towing Company/Rates

E. County Towing Franchise Fee.

- 4. That the franchise fee shall be paid by the franchise towing company to the Lake County General Fund.

INSERT

Section 1. Towing Company/Rates.

E. County Towing Franchise Fee.

- 4. That the franchise fee shall be paid by the franchise towing company and deposited into the Sheriff's Towing Fee and Towing Company Franchise Fee Fund, a non-reverting fund, to be appropriated by The Lake County Council, unless otherwise Provided by law. That all contracts for towing Services under this Ordinance shall be subject to The approval of the Lake County Board of Commissioners.

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 the Sheriff's Sale Program and Service Fee Fund – a Non-Reverting Fund.

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

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

Cid 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. 1341C**ORDINANCE CREATING THE SHERIFF'S SALE
PROGRAM AND SERVICE FEE FUND, A NON-REVERTING FUND**

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

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

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

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

WHEREAS, the Lake County Council desires to create a Sheriff's Sale Program and Service Fee
Fund, a non-reverting fund, for the deposit of all monies received as a result of
Foreclosure costs fees.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Council establishes the Sheriff's Sale Program and Service Fee Fund, a non-reverting fund established for the deposit of all Monies received as a result of foreclosure costs fees
2. That the monies collected pursuant to the foreclosures costs fees shall be Deposited in the Sheriff's Sale Program and Service Fee Fund, a non-reverting Fund.
3. That appropriations from the non-reverting Fund shall be subject to approval By the Lake County Council or as otherwise provided by law.
4. That any money remaining in the Fund at the end of the year shall not revert to the General Fund but continue in the Sheriff's Sale Program and Service Fee Fund, subject to appropriation by the Lake County Council or as otherwise Provided by law.
5. That this Ordinance replaces and rescinds Ordinance No. 1302D, the Ordinance Rescinding the Ordinance Creating the Sheriff's Sale Program and Service Fee Fund, a Non-Reverting Fund, Ordinance No. 1280B

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 Establishing the Sheriff's Towing Fee and Towing Company Franchise Fee Fund, a Non-Reverting Fund.

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

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

Cid 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 1341D**ORDINANCE ESTABLISHING THE SHERIFF'S TOWING
FEE AND TOWING COMPANY
FRANCHISE FEE FUND, A NON-REVERTING FUND**

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

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

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

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

WHEREAS, the Lake County Council desires to create a Sheriff's Towing Fee and Towing
Company Franchise Fee Fund, a non-reverting Fund, for the deposit of all
Towing fees and towing company franchise fees.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Council establishes the Sheriff's Towing Fee and Towing Company Franchise Fee Fund (Fund) a non-reverting Fund for the deposit of all towing fees and towing company franchise fees collected under the County Ordinance Establishing the Towing Fee and Towing Company Franchise Fee.
2. That money collected from the towing fees and towing company franchise fees shall be deposited in the Fund and subject to appropriation by the Lake County Council, except otherwise provided by law.
2. That any remaining money in the Fund at the end of the calendar Year shall not revert to the General Fund but continue In the Sheriff's Towing Fee and Towing Company Franchise Fee Fund.

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 2011.

TED F. BILSKI, President

CHRISTINE CID

MICHAEL C. REPAY

In the Matter of Ordinance Establishing the L.C. Sheriff's Pension Trust Fund, a Non-Reverting Fund, Fund 287.

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

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

Cid 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. 1341E**ORDINANCE ESTABLISHING THE LAKE COUNTY
SHERIFF'S PENSION TRUST FUND, A NON-REVERTING FUND, FUND NO. 287**

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

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

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

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

WHEREAS, Lake County has established a Lake County Sheriff's Pension Trust pursuant to I.C. 36-8-10-12; and

WHEREAS, I.C. 33-37-7-11, Counties with Pension Trust, Claims by Sheriff, Provides in part:

(b) For each service of a writ, an order, a process, a notice, a tax warrant, or other paper completed by the sheriff of a county described in subsection (a) the sheriff shall submit to the county fiscal body a verified claim of service,

(c) From the county share distributed under Section 4 of this chapter and deposited into the county general fund, the county fiscal body shall appropriate thirteen dollars (\$13) for under this subsection shall be deposited by the county auditor into the pension trust established under I.C. 36-8-10-12; and

WHEREAS, I.C. 33-37-5-15, Service of Process Fee provides:

Sec. 15.(a) The sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. A service of process fee collected under this subsection may be collected only one (1) time per case for the duration of the case.

(b) The sheriff shall collect from the person who filed the civil action a service of process fee of sixty dollars (\$60), in addition to any other fee for service of process, if:

(1) a person files a civil action outside Indiana; and

(2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.

(c) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.

(d) The county auditor shall deposit fees collected under this section:

(1) in the pension trust established by the county under I.C. 36-8-10-12; or

(2) if the county has not established a pension trust under I.C. 36-8-10-12, in the county general fund.

WHEREAS, Indiana Code 6-8.1-8-3(b), Judgment Arising from Tax Warrants:

Collection, provides in part:

That the Sheriff shall sell property within the County to satisfy County tax warrants on the property; and

WHEREAS, Indiana Code 6-8.1-8-3(c), Judgment Arising from Tax Warrants: Collection, provides in part:

That the Sheriff shall deposit all amounts that the Sheriff collects from the sale of property under I.C. 6-8.1-8-3 into a Special Trust Account and on or before the 5th day of each month, shall distribute the money in the tax warrant judgment lien trust account per statute; and

WHEREAS, Indiana Code 6-8.1-8-3(f), Judgment Arising from Tax Warrants: Collection, provides in part:

That a portion of the dollars deposited in the Special Trust Account be used to reduce the liability of the Sheriffs Pension Trust Plan; and

WHEREAS, the Lake County Council desires to establish a non-reverting fund, the Lake County Sheriffs Pension Trust Fund, Fund No. 287, for the deposit of process fees collected under I.C. 33-37-5-15 and the deposit of money for each verified claim under I.C. 33-37-7-11, and for the deposit of money collected pursuant to I.C. 6-8.1-8-3, to be deposited by the Auditor in the Sheriff's Pension Trust Fund pursuant to statute.

NOW, THEREFORE LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Sheriffs Pension Trust Fund, Fund No. 287, a non-reverting Fund is hereby established.
2. That the Fund shall be used for the deposit of process fees collected Under I.C. 33-37-5-15 and for the deposit of money for each verified Claim under I.C. 33-37-7-11, and for the deposit of money collected Pursuant to I.C. 6-8.1-8-3, to be deposited by the Auditor in the Sheriff's Pension Trust Fund pursuant to statute.
3. That any remaining money in the Fund at the end of the calendar Year shall not revert to the General Fund but continue in the Sheriff's Pension Trust Fund, Fund No. 287, a non-reverting fund.

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 Establishing the VOCA Grant Fund for the Lake County Prosecutor – a Non-Reverting Fund.

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

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

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

ORDINANCE NO. 1341F

ORDINANCE ESTABLISHING THE VOCA GRANT FUND FOR THE LAKE COUNTY PROSECUTOR, A NON-REVERTING FUND

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

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

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

WHEREAS, the Lake County Prosecutor's Office has been awarded a grant from the Indiana Criminal Justice Institute titled "VOCA" Grant" in the sum of Twenty-Nine Thousand (\$29,000) Dollars to provide funding to reimburse Lake County for payment of direct services to crime victims; and

WHEREAS, the Lake County Council desires to create a VOCA Grant Fund for the Lake County Prosecutor's Office for the deposit of Twenty-Nine Thousand (\$29,000.00) Dollars

From the Indiana Criminal Justice Institute.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the VOCA Grant Fund, a non-reverting fund, is established for the deposit of Twenty-Nine Thousand (\$29,000.00) Dollars from the Indiana Criminal Justice Institute for funding for direct services to crime victims.
2. That the direct services to crime victims are defined as efforts that respond to the emotional and physical needs of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security.
3. That pursuant to I.C. 36-2-5-2(b), the Lake County Fiscal body shall appropriate all money to be paid out of the fund, except as otherwise provided by law.
4. Any money remaining in the fund at the end of the year Shall not revert to any other fund but continues in the VOCA Grant Fund for the Lake County Prosecutor’s Office.

SO ORDAINED THIS 22ND DAY OF NOVEMBER, 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 Establishing Lake County’s Payroll Pay Codes.

Cid made a motion, seconded by Repay to approve on First Reading.
Cid explained that this is re-establishing the codes, and maybe adding in new ones that they may have.

Attorney Szarmach said this is something that State Board wants you to do.

Dante said there are certain departments who are challenging these codes.

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

Cid made a motion, seconded by Prince to Suspend Rules. All voted “Yes”. Motion to Suspend Rules carried 7-0.

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

ORDINANCE NO. 1341G

**ORDINANCE ESTABLISHING
LAKE COUNTY’S PAYROLL PAY CODES**

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

WHEREAS, the purpose of the pay codes is to validate time records for retirement calculations requested by PERF, to comply with other government entities reporting requests, and to assist audit accuracy of termination pay calculations at the department levels; and

WHEREAS, the Lake County Council desires that all Lake County Departments of Government Use pay codes attached in Exhibit “A” for payroll purposes in order to accurately Reflect the employee time record.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That Lake County establishes the pay codes listed in

ELSIE FRANKLIN
CHRISTINE CID
JEROME A. PRINCE

DANIEL DERNULC
RICK NIEMEYER
MIKE REPAY

*******Written commitments for Variance of Use attached to Ordinance and on file in
Lake County Auditor’s Office*******

Niemeyer made a motion, seconded by Dernulc to approve Plan Commission Ordinance # 2351 on First Reading.

Niemeyer explained that this gives them more “teeth” in here to actually make monetary fines for violations, instead of “red tagging” them, and waiting for the procedure to get to Court eventually. This gives them the ability to go out and actually fine them.

We said they also discussed them not getting “carried away” with this new ordinance, and they are not going to just go out and start fining people. We are going to give them the same due process we had before for a certain time.

Ned said some of their fines and penalties aren’t in accordance with Indiana Law. Ours are a little bit more archaic, at this point, so this is to try to bring everything in accordance with the Statutes, it will allow us to do what we need to do.

There were no remonstrators present.

All voted “Yes”. Motion to approve on First Reading 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 Franklin to approve Plan Commission Ordinance # 2351 on Second Reading. All voted “Yes”. Motion to approve Plan Commission Ordinance # 2351 on Second Reading carried 7-0.

**ORDINANCE # 2351
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Unincorporated Lake County Zoning Ordinance No. II, County Of Lake, State of Indiana, more specifically, Section 10.5, Penalties, to make provisions for an Updated section regarding violations and penalties of the Unincorporated Lake County Zoning Ordinance No. II.

BE IT ORDAINED by the County Council of the County of Lake, State of Indiana that the Unincorporated Lake County Zoning Ordinance be amended as follows:

DELETE: Section 10.5. Penalties.

- A. Any person or corporation, whether as principal, agent, employee, or Otherwise, who violates any of the provisions of this Ordinance shall be Guilty of a misdemeanor and upon conviction, shall be fined not less that Ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for Each offense, such fine to inure to the County, Each day of the existence of Any violation shall be deemed a separate offense.
- B. The erection, construction, enlargement, conversion, moving, or maintenance Of any building or structure, and use of any land or building which is continued, Operated, or maintained, contrary to any of the provisions of this Ordinance is Hereby declared to be a violation of this ordinance and unlawful. The County Attorney shall, immediately upon any such violation having been called to his Attention, institute an injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this Ordinance.

Insert: Section 10.5 Penalties

- A. Enforcement and Remedies

Statement of purpose.

This section is remedial and shall be construed in such a manner as to effectuate

Its purpose of promoting the public health, safety, comfort, morals, convenience And general welfare by enforcement of all zoning ordinances for all lands within Unincorporated Lake County, Indiana.

B. Jurisdiction.

- (a) The Lake County Plan Commission of Lake County, Indiana may Institute a suit for Injunctive or Monetary relief in the Circuit or Superior courts of Lake County; such suit is to be brought in the Name of and captioned as "The Lake County Plan Commission of Lake County, Indiana," versus the person, persons or entity Charged with violating the provisions of any zoning ordinance or Land use regulations of unincorporated Lake County, Indiana.
- (b) The Lake County Plan Commission may also institute a suit for Mandatory injunction directing a person, persons or entity to Remove any structure erected in violation of any zoning ordinances Or land use regulations of unincorporated Lake County, Indiana.
- (c) Any structure erected, raised, or converted, or land or premises Used in violation of any zoning and land use ordinance of Unincorporated Lake County, Indiana, shall and hereby is declared To be a common nuisance and the owner or possessor of the Structure, land, or premises shall be liable for maintaining a Common nuisance pursuant to IC 36-7-4-1012.
- (d) In addition to the above remedies, the Lake County Plan Commission may pursue prosecution of any common nuisance Violation in accordance with IC 36-7-4-1013, IC 36-7-4-1014, IC 36-7-4-1015, or IC 36-7-4-1018.

C. Inspection of property; right of entry.

- (a) The Commission, their duly authorized planning staff, or law Enforcement officers are authorized to make inspections of all Lands located within unincorporated Lake County in order to Enforce all zoning ordinances and land use regulations of Unincorporated Lake County, Indiana.
- (b) In order to execute inspections, the Commission, their duly Authorized planning staff, or law enforcement officers shall have The right to enter upon any premises at any reasonable time for the Purpose of carrying out his/their duties in the enforcement of Zoning ordinances and land use regulations of unincorporated Lake County, Indiana, unless the owner or occupant of the premises Refuses to permit entry to the Commission, their duly authorized Planning staff, or law enforcement officers when such entry is Sought pursuant to this section. In the event of such refusal, the Commission, their duly authorized planning staff, or law Enforcement officers may make application to any judge of the Circuit or Superior courts of Lake County, Indiana, for the Issuance of an administrative search warrant. Such application Shall identify the premises upon which entry is sought and the Purposes for which entry is desired. The application shall state the Facts giving rise to the belief that a condition which is a violation Of a zoning ordinance or land use regulation of unincorporated Lake County, Indiana, exists on such premises, or that a violation In fact exists and must be abated and that the condition or violation Is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such Owner or occupant to permit entry to the Commission, their duly Authorized planning staff, or law enforcement officers for the purposes Stated therein. In no event shall the Commission, their duly authorized Planning staff, or law enforcement officers have the right to enter a Residential structure or other structures not open to the public Without the permission of the owner or occupant and/or an administrative Search warrant first obtained. Prior to entering such residential structure or Other structure not open to the public, the Commission, their duly authorized Planning staff, or law enforcement officers shall advise the owner or occupant That such owner or occupant is not required to grant entry without the Presentation of an administrative search warrant.

D. Stop-work order.

- (a) The Commission or their duly authorized planning staff is empowered to

Issue an order requiring the suspension of land improvement of any kind when Any of the following circumstances exists:

1. Site improvement is occurring without a Building and Zoning Permit or any other permit required by the zoning Ordinance having first been obtained;
 2. Site improvement is occurring in violation of the terms or Conditions of any zone change, special exception, or Variance granted under the advisory planning law as Contemplated by IC36-7-4; in violation of covenants made In connection with the platting of a subdivision that is Approved by the Commission; in violation of commitments Made in accordance with IC 36-7-7-600 et seq. or IC 36-7-4-900 et seq; or in violation of the terms, conditions or provisions of any provision of the Lake County Zoning Ordinance; and
- (b) The stop-work order shall be posted on the property in a Conspicuous place, or personally delivered to the owner, possessor, Person in charge, or person causing the violation and state the Conditions under which construction or other activity may be Resumed. The Commission or their duly authorized planning staff Or their duly authorized designee shall attempt to meet with the Recipient of a stop-work order upon request to explain the Conditions under which construction or other activity may be resumed.
- (c) The designated enforcement entity may pursue all remedies Allowed by this ordinance to enforce any stop-work order.
- (d) Enforcement activity may be pursued against owner, possessor, Person in charge, person causing the violation, or combination Thereof.

E. Violations of Zoning Ordinance.

- (a) It shall be unlawful for any person who is the owner or contract Vendee of, or who has a possessory interest in, real property Located in unincorporated Lake County to cause, suffer or allow Any of the following civil zoning violations to occur on such Property:
1. The location, erection, or maintenance of any sign not specifically permitted by Chapter 9.5 of this Code;
 2. The failure to obtain a Building and Zoning Permit when one is required by the terms and provisions of this Ordinance;
 3. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
 4. The storage of inoperable or abandoned vehicles or vehicle parts in any zoning district, the provisions of which do not Specifically permit such a use;
 5. The parking or storage in any zoning district, the provisions of which do not specifically permit such a use, of any vehicle used or designated (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods. This provision shall include but not be limited to school buses, buses used for public transportation, stake body trucks, dump trucks, trucks or tractors having dual real wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet;
 6. The storage or display of merchandise or goods in any Zoning district, the provisions of which do not specifically Permit such a use or are in violation of zoning district, the Provisions of which do not specifically permit such a use;
 7. The conduct of any activity in a residential zoning district, Not specifically enumerated as a permitted primary or Accessory use in that zoning district, and which activity has Not been legally established by a currently valid variance, Special exception or other approval;
 8. Failure to comply with zoning district development

Standards, including but not limited to landscaping, paving
Or striping of parking areas, minimum parking space
Requirements, certain enclosures, fencing or screening
Requirements;

- 9. The failure to comply with the terms, provisions, conditions
Or commitments of a variance, special exception, rezoning
Ordinance, or any other approval or provision of this
Ordinance;
- 10. Violation of any other provision of the Unincorporated
Lake County Zoning Ordinance.

- (b) Each day of the existence of any violation shall be deemed a
Separate offense. If the violation remains uncorrected each
Offense may be prosecuted at the discretion of the enforcement
Authority.

F. Civil zoning violations; enforcement.

- (a) If an injunction is sought, the violator shall be responsible for all
Costs of prosecution as well as all penalties;
- (b) If prosecuted as a common nuisance, the penalty shall not be more
Than two thousand five hundred dollars (\$2,500) for a first
violation of the ordinance, nor more than seven thousand five
Hundred dollars (\$7,500) for a second or subsequent
violation of the ordinance, as directed under IC 36-1-3-8;
- (c) In addition to the procedures listed herein, a person who has been
cited for a violation of this Code may elect to file a land use
petition. The filing of a land use petition, or subsequent issuance
of a variance, special exception, rezoning or other approval of the
land use petition, shall not constitute a defense of any zoning
violation which occurs prior to the issuance of the variance, special
exception, rezoning or other approval.

DELETE: Section 14. Separability.

The provisions of this Ordinance shall be deemed separable and
The invalidity of any portion of this Ordinance shall not affect the
Validity of the remainder.

INSERT: Section 14. Conflict of Ordinance, severability, partial invalidity.

- (a) If this article is in conflict with any existing ordinance, or any
Amendment thereof, the one which establishes a higher standard for
Promotion and protection of public health, safety, comfort, morals,
Convenience, and general public welfare overrides the other.
- (b) If for any reason any article, division, section, subsection,
Sentence, clause, phrase, or word of this article should be declared
Unconstitutional or invalid for any reason whatsoever, such
Decision shall not affect the remaining portions of this article
Which shall remain in full force and effect; therefore, the
Provisions of this article are hereby declared severable.

IS HEREBY X BY THE
 APPROVED DENIED NO ACTION

COUNTY COUNCIL OR LAKE COUNTY, INDIANA, THIS 22ND DAY OF
NOVEMBER, 2011.

MEMBERS OF THE LAKE COUNTY COUNCIL

TED F. BILSKI, PRESIDENT

JEROME A. PRINCE
CHRISTINE CID
MICHAEL C. REPAY

ELSIE FRANKLIN
RICK NIEMEYER
DAN E. DERNULC

Public Comments

Wayne Weitbrock, a citizen from Lowell said there was discussion during the work study session about Ethics, and asked what happened to it?

Bilski said the committee is taking it under advisement. He said it has taken and moved down, the only ones that can sign that and approve that, we started it, and it now goes to the Commissioners, to their meeting, and the persons that would have to approve that type of administrative and training and personnel issue comes from the Commissioners.

Mr. Weitbrock was speaking about ethics, but it was inaudible and he was not at the microphone.

Repay said he did want to make one comment. He went to the Indiana Election Commission meeting, and one of the issues that he raised, and I think was raised by quite a few people is, our lack of authority, our being the County Council body, really having a lack of authority to make our own district. The Commission had given me or the audience, at least the indication that they would be interested in hearing what the Council, or the individual Council members had to say, with regard to their district, and I have taken it upon myself, and I will communicate with you all and hopefully come up with some, even if it's not binding, even if it's not official, even if this is more of a political discussion than a governmental one, I think that that's something that we should try and do, and I want to make that part of the record, at least that they offered it to us, and I think that if we don't take advantage of that offer, then it would be a little bit shameful.

Repay said that Commissioner Allen, and Commissioner Scheub were there, as well as Councilman Niemeyer, and Councilman Dernulc.

Cid said maybe we do need to have the law changed, down the road where we're treated the same way, and that where the whole Council sits down and actually as a whole and come to some kind of agreement, that all of us have a say in the redistricting, just as we see other counties do. I think that would be more fair. Cid said I think that it would be good if we could sit down and come to some agreement among ourselves here. I think that would be great.

Niemeyer said on the Republican side, we would have loved to have those conversations the last two times of redistricting also, but we never had them, and I think you are absolutely right, both of you. But we never had those conversations in 2000, or 1990, but it's never too late.

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

