

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

In the Matter of Minutes of the Lake County Council for November 22, 2011, and December 13, 2011.

There was a moment of silence for Sgt. Brian Leonhardt, of Merrillville, Indiana who was killed while serving in Afghanistan.

Bilski made a motion, seconded by Franklin to defer the minutes of November 22, 2011, and December 13, 2011 to February 14, 2012. All voted "Yes". Motion to defer the minutes carried 7-0.

In the Matter of Reorganization – President

Franklin moved to nominate Councilman Jerome Prince for President for 2012.
Dernulc made a motion, seconded by Niemeyer to close the nominations. All voted "Yes". Motion to close the nominations carried 7-0.
Dernulc made a motion, seconded by Niemeyer to approve Councilman Jerome A. Prince as President of the Lake County Council for the year 2012. All voted "Yes". Motion carried 7-0.

In the Matter of Reorganization – Vice President.

Prince made a motion, seconded by Franklin to nominate Councilman Michael Repay as Vice President of the Lake County Council for the year 2012.
Dernulc made a motion, seconded by Prince to close the nomination. All voted "Yes". Motion to close the nominations carried 7-0.
Dernulc made a motion, seconded by Prince to approve Councilman Michael Repay as Vice-President of the Lake County Council for 2012. All voted "Yes". Motion carried 7-0.

ORDINANCE NO. 1343

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>Court Administrator</u> 3910		
41190 Part-Time	\$ 12,000.00	\$ 12,000.00
<u>Commissioners</u> 2900		
41250 Unemployment Compensation(Reduction) VOCA Grant Fund 280	-\$ 12,000.00	-\$ 12,000.00
<u>Prosecutor</u> 0800		
Create All New Line Items		
41190 Part-Time	\$ 26,565.00	\$ 26,565.00
41220 FICA	\$ 2,035.00	\$ 2,035.00
41260 Workman's Comp	\$ 400.00	\$ 400.00
<u>Sheriff</u> 0500		
43630 Maintenance & Service Contr(CNL) Sheriff's Pension Trust Fund 287	\$ 38,850.00	\$ 38,850.00
<u>Sheriff</u> 0500		
41235 Merit Retirement(CNL) Sheriff's Sale Program and Service Fee Fund 289	\$600,000.00	\$600,000.00
<u>Sheriff</u> 0500		
Create All New Lines		
41140 Protective Service	\$418,500.00	\$418,500.00

41220	FICA	\$ 32,016.00	\$ 32,016.00
41240	Group Insurance Deduction	\$169,000.00	\$169,000.00
41260	Workman's Comp	\$ 3,900.00	\$ 3,900.00
41336	Lateral Pay	\$ 14,000.00	\$
	14,000.00		
41337	Differential Pay	\$ 15,000.00	\$ 15,000.00
41338	Proficiency Specialty	\$ 18,000.00	\$ 18,000.00
41339	Clothing Allowance Pay	\$ 13,000.00	\$ 13,000.00
41370	Holiday Pay	\$ 13,000.00	\$ 13,000.00
	Sheriff's Towing and Franchise Fee Fund 290		
<u>Sheriff 0500</u>			
Create All New Lines			
41140	Protective Services	\$292,950.00	\$292,950.00
41220	FICA	\$ 22,411.00	\$ 22,411.00
41240	Group Ins Deduction	\$118,300.00	\$118,300.00
41260	Workman's Comp	\$ 2,730.00	\$ 2,730.00
41336	Lateral Pay	\$ 10,000.00	\$
	10,000.00		
41337	Differential Pay	\$ 11,000.00	\$ 11,000.00
41338	Proficiency/Specialty	\$ 10,000.00	\$ 10,000.00
41339	Clothing Allowance Pay	\$ 9,100.00	\$ 9,100.00
41370	Holiday Pay	\$ 7,700.00	\$ 7,700.00

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>Calumet Township Assessor 1000</u>		
Reassessment 2005 Fund 237		
From: 237-42110 Office Supplies	\$ 4,400.00	
237-43190 Other Professional Service	\$ 5,500.00	
237-43220 Postage	\$ 880.00	
237-43232 Travel-Meals	\$ 440.00	
237-43233 Travel-Lodging	\$ 440.00	
237-43235 Travel-Mileage	\$ 9,300.00	
237-43310 Printing	\$ 1,650.00	
237-44420 Office Machines	\$ 2,650.00	
237-44490 Other Equipment	\$ 2,000.00	
To: 237-41100 Overtime	\$ 5,500.00	\$ 5,500.00
237-41190 Part-Time	\$ 21,760.00	\$ 21,760.00
 <u>St. John Township Assessor 1800</u>		
Reassessment 2005 Fund 237		
From: 237-41100 Overtime	\$ 12,000.00	
237-41230 PERF	\$ 1,300.00	
237-42110 Other Supplies	\$ 5,300.00	
237-43190 Other Professional Service	\$ 2,500.00	
237-43220 Postage	\$ 275.00	
237-43232 Travel-Meals	\$ 275.00	
237-43233 Travel-Lodging	\$ 275.00	
237-43235 Travel-Mileage	\$ 550.00	
237-43310 Printing	\$ 4,000.00	
237-43910 Dues & Subscriptions	\$ 550.00	
237-44420 Office Machines	\$ 1,650.00	
237-44490 Other Equipment	\$ 500.00	
To: 237-41190 Part-Time	\$ 28,060.00	\$ 28,060.00
237-41220 FICA	\$ 970.00	\$ 970.00
237-41260 Workman's Comp	\$ 145.00	\$ 145.00
 <u>Auditor 0200</u>		
Department Transfers Retro to 2011		
From: 001-2900-41210 Longevity	\$ 1,969.00	
To: 001-2900-41220 FICA	\$ 1,917.00	\$ 1,917.00
001-2900-41230 PERF	\$ 52.00	\$ 52.00

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 10th day of January, 2012

Adopted this 10th day of January, 2012.

NAY

AYE

Jerome A. Prince
Michael C. Repay
Elsie Franklin
Daniel Dernulc
Christine Cid
Ted F. Bilski
Rick Niemeyer
Members of the Lake County Council

Attest:
Peggy Holinga Katona,
Lake County Auditor

Additional

	Made motion	seconded	
<u>General Fund</u>			
Court Admn(\$12,000)	Franklin	Repay	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(-\$12,000)	Franklin	Repay	All voted "Yes" to approve the reduction. Motion carried 7-0.
<u>VOCA Grant Fund 280</u>			
Prosecutor(\$29,000)	Franklin	Bilski	All voted "Yes" to approve. Motion carried 7-0.
(See Footnotes)			
Sheriff(\$38,850)	Cid	Dernulc	All voted "Yes" to create new Line item, and approve appropriation. Motion to approve carried 7-0.
<u>Sheriff Pension Trust Fund 287</u>			
Sheriff(\$600,000)	Cid	Bilski	All voted "Yes" to create new Line item and approve appropriation. Motion to approve carried 7-0.
(See Footnotes)			
<u>Sheriff's Sale Program & Service Fee Fund 289</u>			
Sheriff(\$696,416)	Cid	Dernulc	All voted "Yes" to create new Line item and approve appropriation. Motion to approve carried 7-0.
<u>Sheriff's Towing and Franchise Fee Fund 290</u>			
Sheriff(\$484,191)	Cid	Bilski	All voted "Yes" to create new Line item and approve appropriation. Motion to approve carried 7-0.
(See Footnotes)			

Footnotes

Re: Sheriff(\$600,000) – Cid made a motion, seconded by Bilski to approve out of the Sheriff's Pension Trust Fund 287.

Dernulc asked is this a normal appropriation every year for this?

Cid answered no, this is to cover the merit retirement for all these positions that have merit retirement coverage under this 287 fund.

Franklin asked is this a projection based on fees, then asked how does this work?

Dante said the cost itself is an actuarial that comes from a group in Indianapolis, and it's 43% of every dollar, so the entire cost is going to be about \$3.1 million. We moved the Sheriff' budget down to about to about \$1 million and some odd dollars. What the Sheriff is doing is replenishing the amount that we reduced from the general fund. In September, and December, we reduced the Sheriff' budget twice. It should be in the Merit retirement it still needs \$3.1 and the Sheriff is trying to plug that gap between what's actually in the general fund, and the requirement about \$3 million bucks. He is saying the initial shot here is \$600,000 dollars. He has another million bucks coming somewhere. He will be back, sometime between now and the end of the year for an appropriation out of this fund, to plug the difference between the original general fund appropriation which is about one million and some odd dollars, the \$600,000, and the \$3.1 demand to bridge that gap in this fund. This is a partial appropriation, a partial usage of this money. There is still going to be a gap.

Niemeyer asked the \$600,000 is going in that fund, but the fund is still short, they are going to have to create more money by the end of the year, what if they don't?
Worst case scenario, the merit retirement is going to go under.

It was explained that each and every month the money is appropriated, we put it in, send the payment to the Plan. They make the recommendations, this year it's \$3.1 million dollars. The County right now, instead of funding the whole \$3.1 million, is picking up \$1.4 million, and the rest is coming out of these fees. The fees, according to statute are supposed to go to the Plan. They have not been going to the Plan, as was outlined by the Statute, which I've been trying to point out this whole year. Now we are only adhering to the law, so Councilman, to answer your question, we are going to be paying this, we are going to be paying our fair share, the County' contribution.

Niemeyer said I understand that, my question was what if your fees don't generate, you are competent that your fees are going to generate what you need to get the \$3.1 million dollars, besides what the County has already got the \$1.4, \$1.5.

It was answered that it's based on past performance and service fees. In the Civil Office we generate service in excess of \$65,000, through our Civil Division.

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

Re: Sheriff(\$484,191) – Cid made a motion, seconded by Bilski to approve.

Repay said he the monies in item A are related to Item B, which are the 7 positions. 2 are moving from Rainy Day to this fund, and 5 are of which are being created from nothing.

Repay request that they adjust the appropriation in Item A to reflect only the 2 items that being moved from Rainy Day.

Prince said this request may be a little premature because we have not gotten to item B yet.

Dante said you can do it, but the appropriations are driven by the revised 144.

Repay said I withdraw any...(Dante still talking)

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

Re: Prosecutor(\$29,000) VOCA Grant Fund 280 – Franklin made a motion, seconded by Bilski to create new line items, and approve the appropriation.

Lisa, from the Prosecutor' Office explained that this Grant started on October 1st 2011 and the period on this Grant is from October/2011 thru September 30, 2012.

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

Transfer			
	Made motion	seconded	
Calumet Township Assr(\$27,260)	Repay	Bilski	All voted "Yes" to approve. Motion carried 7-0.
St. John Twp(\$29,175)	Repay	Franklin	All voted "Yes" to approve. Motion carried 7-0.
Auditor – Department Transfers Retro to 2011 – Dept 2900(\$1,969)	Cid	Repay	All voted "Yes" to approve. Motion carried 7-0.

In the Matter of Revised 144's for Juvenile Court, Sheriff(Fund 290), Sheriff,(Fund 001), Sheriff(Fund 289),Jail, and Criminal Court.

Re: Juvenile Court – Bilski made a motion, seconded by Repay to approve.

Bilski explained that this salary increase is due to the employee' achievement of Probation Officer' Step 1 increase.

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

<u>Revised 144 - 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12428-010 Probation Officer	\$51,387	\$56,527	\$5,140

Re: Sheriff – Cid said in this item, which is Item B on the agenda, she would like to make two motions the first motion is to approve the first 2 items, the Revised 144's in B. in Fund 290. Bilski seconded the motion. Cid explained that she understands that a Councilman has a concern about the 5 remaining positions are new positions that were approved on the Police Officer' Addendum, and there are concerns that the revenues may not be generated, so that's her reasoning for separating it. She doesn't want to give the 2 officers that are currently employed to go off, if it's not approved.

Bilski said that he agrees with Repay said, that we did made the appropriation of \$484,191 dollars, the total amount of Item B, and the Revised 144' is \$292,950. The first 2 positions that you are filling are \$83,700 dollars total. We haven't heard any comment back on that regarding whether the money is going to be there for those positions, or not.

Dante said, a cash issue, I said that last week. All I know is that fees are being generated. The Auditor is re-directing them to the new fund, a cash flow issue, the responsibility and the challenge for the Sheriff is for them to earn that money. That was the whole essence of the arrangement, and to allow him to somehow fund the 17 positions that were, at one time we were talking about. Dante said it goes all the way back to 2011 budget, so kind of just summing it, that's where we're at.

Bilski said maybe I need to re-direct my question, and asked the Sheriff what was his comfort level with this, and his anticipation on what Council lady Cid did, as the \$87,700, which seems attainable, but we have the additional 5 positions, but the total was still only \$292,000 out of the \$484,000?

Sheriff Buncich said we have been striving for several months to create these funds, looking for funding mechanisms through one of the funds, the Franchise Fees, in addition to other fees. The Sheriff said we are doing everything we possibly can. To have Police Officers to be laid off is ridiculous. He added that through Union action, through Contract, contractual actions, the Council approved the Addendum in December, to the Contract, which calls for an increase to these numbers to save these positions.

Bilski said he didn't think that was the intent of the motion. He said the first 2 positions are Officers that we are going to make the appropriations, and are Officers that are already on board, and the \$83,000 will be there for those 2 officers. The additional 5 positions have not been filled yet. Are you in the process of filling those positions?

Bilski said we can create the positions, and then when the funding is available, then the appropriations can be done, and then we can fill the positions.

Dante said the appropriations would be there, and hoping the cash would be there.

Attorney Szarmach said you can create those positions, and fund them at one dollar at this point.

Dante said you never want to create the position. Payroll will override the appropriations, you never want to do that.

Repay asked so you want to create a position fully funded, is the only way to do it?

Dante answered absolutely. You never want to create a position without funding. Payroll will override an appropriation, even if it's zero. Dante is suggesting not to do a revised 144 at all on the 5 postions.

All voted "Yes" to approve the first 2 positions. Motion carried 7-0.

<u>Revised 144 – Fund 290</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
14402-001 Police Officer	-0-	\$41,850	\$41,850
14402-002 Police Officer	-0-	\$41,850	\$41,850

Bilski suggested to Cid to defer these 5 positions, and then establish them next month and find out where we are by making the appropriations in those revenues. We could do that in next month' meeting. He said to the Sheriff that would not prohibit you, that it would be on next month' meeting, and Bilski would make that as a suggestion to the Chair.

Cid said she would go along with that, just deferring for one month, then, Cid made a motion, seconded by Bilski to defer the 5 remaining positions in Fund 290 14402-003 thru 14402-007 to 2-14-12.

Dante explained that the appropriations won't come off, they are already in so next month we will just see the revised 144's.

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

Re: Sheriff – Cid made a motion, seconded by Bilski to approve removing the unfunded positions in fund 001, and approve the Revised 144's in Fund 289. All voted "Yes". Motion carried 7-0.

<u>Revised 144-Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
14400-001 Through 010	Remove Unfunded Positions		

<u>Revised 144 – Fund 289</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
14402-001 Police Officer	-0-	\$41,850	\$41,850
14402-002 Police Officer	-0-	\$41,850	\$41,850
14402-003 Police Officer	-0-	\$41,850	\$41,850
14402-004 Police Officer	-0-	\$41,850	\$41,850
14402-005 Police Officer	-0-	\$41,850	\$41,850
14402-006 Police Officer	-0-	\$41,850	\$41,850
14402-007 Police Officer	-0-	\$41,850	\$41,850
14402-008 Police Officer	-0-	\$41,850	\$41,850
14402-009 Police Officer	-0-	\$41,850	\$41,850
14402-010 Police Officer	-0-	\$41,850	\$41,850

Re: Jail – Cid made a motion, seconded by Bilski to approve, in the general fund 001. All voted “Yes”. Motion carried 7-0.

<u>Revised 144 – Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
12615-002 Qualified Mental Health Professional	\$55,120	-0-	-\$55,120
12xxx-001 Qualified Mental Health Supervisor	-0-	\$55,120	\$55,120

Re: Criminal Court – Repay made a motion, seconded by Franklin to approve, and make effective January 12, 2012.

Cid said there was a mis-calculation, and she will be voting for the supplemental pays. All voted “Yes”. Motion carried 7-0.

<u>Revised 144 – Fund 283</u> <u>Effective Jan. 2012</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
39002-008 Through 39002-040 Supplemental Pay	\$1,681	\$1,586	-\$95.00 ea.
39002-041 Supplemental Pay	-0-	\$1,586	\$1,586
39002-042 Supplemental Pay	-0-	\$1,586	\$1,586

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Sheriff.

Cid made a motion, seconded by Bilski to approve filling the vacant positions for 290-0500-14402-001, and 290-0500-14402-002 only. All voted “Yes”. Motion carried 7-0.

No Action was taken on 290-14402-003 thru 14402-007.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Sheriff.

Cid made a motion, seconded by Bilski to approve filling the vacant positions of 289-0500-14402-001 through 010 Police Officer.

Niemeyer commented, for the record, these are funded through this fund, the fund comes up short, then some of these Police Officers can not be funded for the whole year, am I correct? They are not going to try to come back for some money somewhere to try to fund them to get them through the year. If that’s understood, then I’m okay with it coming from that fund, but as long as it’s understood, if it gets to September, or October, and we will not be able to fund all 10 or 12 of these, we are not going to be asking for some money from some other fund.

Franklin said that is a concern of hers as well. She said, looking back, when we dealt with this issue, as related to special use of funds before, we ended up, those funds did not generate the kind of money that we thought it was going to generate, so I have my apprehensions based on that totally, that these Officers don’t end up without a job because we don’t have the funds, and it’s also back into the Council’ lap. Franklin wanted to make it perfectly clear that she is totally not against these Officers working, but she wants to make sure that they are funded through the whole year, then it won’t fall back on the Council.

Prince wanted to echo Council lady’ sentiments. He said that within the last three years, this body has been diligent in it’s attempt to keep the County solvent, to the tune of \$30 million dollars, 300 jobs. We are attempting, and we will continue to do a fine balancing act, if you will, between revenues, and providing the proper accommodations. Prince said to the Sheriff, everybody agrees with you and no one wants to see less Officers on the street. But at the end of the day, it also has to be said from a point of accuracy, we’ve done to assist the Sheriff’ Office, and not only the Sheriff’ Office, but every department here, in fact. Prince said the Sheriff’ Department, and it was before your tenure, was probably always regarded as a “sacred cow”, if you will for the lack, or the desire not to create a perception of lack of public safety, so Council lady Franklin makes comments on that regards as it relates to what our position is on it, and she wants to be clear, I’m sure that we don’t want to cut Police Officers, or funding either, but if it’s not there, it’s simply not there.

Sheriff Buncich wanted to assure Councilman Prince that he is not taking shots at the Council, he is just stating a point. He enjoys his working relationship with the Council. The Sheriff Department is a large agency over there. He wants to continue to work together to try to fund these things, and to ease the burden on the taxpayers.

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

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Sheriff.

Cid made a motion, seconded by Bilski to approve filling the vacant positions of 001-0500-14402-004 Police Officer, and 001-0500-14402-051 Police Officer. All voted “Yes”. Motion to approve carried 7-0.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 - Sheriff

Cid made a motion, seconded by Dernulc to approve filling the vacant positions of 001-0500-14402-052 Police Officer, and 001-0500-14402-059 Police Officer. All voted “Yes”. Motion to approve carried 7-0.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Jail

Cid made a motion, seconded by Bilski to approve filling the vacant position of 001-3100-12xxx-001 Qualified Mental Health Supervisor. All voted “Yes”. Motion carried 7-0.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Parks & Recreation

Bilski made a motion, seconded by Franklin to approve filling the vacant positions of 107-5151-18846-001 Groundskeeper III, and 107-5153-18851-001 Groundskeeper I. All voted “Yes”. Motion to approve carried 7-0.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Commissioners.

Franklin made a motion, seconded by Bilski to approve filling the vacant position of 001-2900-12423-001 Special Assistant Board of Commissioners.

Franklin said this position has been vacated. The person who previously held this position is now the Deputy Mayor of Gary. Franklin said we are asking for this position, based on eventually looking at having this person become the Personnel Director for the County, and that would save us on about \$30,000.00.

Bilski said, “Mr. Chairman, I will second that motion”.

Prince said it has been moved and properly seconded to approve Item 13-B, regarding vacant positions.

Mr. Chairman?

Prince: Councilman Bilski

Bilski: Mr. Chair, on the question, I just want to be clear this is a position on the staff of the Board of County Commissioners. It is a position that has been reviewed by all 3 Commissioners and I believe that they came to an agreement that this is the best qualified individual for this position. The only thing I would like to say is that I am kind of a little unclear on the responsibilities and duties of this position. We’ve thrown, over the years, so much on Delvert, when he was here. I’ve lost track of all of his duties and assignments, and exactly what he did. I know that when Danny left, Mr. Ombac retired, that he took on those responsibilities, and I think that that position has just really, in responsibilities, has just kind of mushroomed and I honestly don’t know what all of the duties are, and I sure would appreciate some...

Attorney John Dull said we have on our next meeting, the job description, what we did was removed from that position, the duties that Larry does, so those areas were under Delvert’ report, they are not under the new guy. I moved Larry out of there but is still going to be in charge of the building? Yes.

Franklin asked who, the new person?

Attorney John Dull said I put the resume in your box. Tramell Raggs, that’s the fellow. He has a Bachelor’s and a Master’s, he has 68-90 hours towards Law School. He has experience with Wal-Mart in this area. That’s why he’s here because he quit Wal-Mart because he didn’t like what was happening in the Chicago area.

Prince: Okay, any other questions on item 14-B?

Mr. President?

Prince: Actually Council lady Cid, and then Councilman Dernulc.

Cid: Thank you. Mr. Chairman I cannot approve this position. I think this is the Council’ time to show some fiscal responsibility. I have reviewed the resume, and I’m sorry, the job description, and I have no problem with the person’ resume, though I think it’s premature because the Council hasn’t even approved the position yet, and yet you already have the employee in place. I think that’s the reason you come

before us so that those job openings can be posted so that current employees of government also have a chance for advancement in government.

Actually, I think the Commissioners are more and more giving up their responsibilities, their duties to the people, and the oath that they took. It seems that more and more, they have, I don't know how many Consultants you have for finance, and to do your budget, and then we have a Human Resource, when I look at the new resume, it's about reviewing, supervising the office staff. I mean, each of you have, it talks about financial, helping with budgets, I mean it seems to me like we already have...

Attorney John Dull: I've taken those out that particular resume was reviewed by all 3 Commissioners okay? Supervising the office staff has been removed. The budgetary was removed by Commissioner DuPey, you don't have the current...

Cid: I have the job description that was left in my box this morning that's what I have. I'm just... We don't... This is the time we're talking about insurance. Do you need to do another Contract, and do another.. I mean, is not our Human Resource Consultant not doing his job, I mean are the financial people that we have not doing their job? Then start reviewing your contracts, and this is the time to get one person off of the insurance, and I think that we should not approve another position. This is why you come before us. To me you haven't shown me that there is an emergency to have this person on board, and when I look at the requirements for this job, it seems to me that the person that you've picked is over-qualified, and I think that some of the secretaries, or because that's what this seems that it's more clerical work and I think that others in this government complex should have the chance for this position, so that's my say.

Prince: Thank you Council lady, any other questions, Councilman Dernulc, then Council lady Franklin.

Dernulc: Thank you. When will this gentleman be put on the payroll?

Attorney John Dull: If, and when you approve it.

Dernulc: So it will not be retroactive, correct?

Attorney John Dull: No.

Dernulc: And he will be under the new insurance schedule payment correct?

Attorney John Dull: Yes.

Dernulc: Okay, Thank you.

Prince: Council lady Franklin

Franklin: This position is not a new position. This position is already in place. This entire, the previous Council, along with Council lady Cid, we approved this particular position when Mr. Cole came aboard. He has exited that position, so now what we're doing is re-filling that position with a new person. In having then, the Chairman for the Commissioners, this position does require a lot of work. It's not, this person is not just sitting in the office, he is all over the building. The demand..., this man will be supervising the mail room switchboard. There are a myriad of things, most of us didn't even know that that's what he did, so they do have some additional responsibilities that they want to forward over to the new person that's coming in, recognizing and understanding, I'm about not micro-managing anybody's department, and certainly I will not attempt to micro-manage the Commissioners, and everyone has a right to their own opinion as to how they feel about this.

All I'm doing is asking that we would fill this position, and move on. Thank you.

Prince: Thank you Council lady. Any other questions? Council Niemeyer.

Niemeyer: Mr. Chair, just a couple of concerns. I'm not confident in my mind about the job description, and there's been some talk about eliminating another position, Human Relations, or a contract, but I don't see that and hopefully that will happen. That's part of this, hopefully that this will happen, that this, these other positions can be eliminated, a \$30,000 dollar position will be eliminated, but it's not really what this proposal, right now is saying that's going to happen, I guess my other question is, this job pays how much? How much does this job pay John?

Attorney Dull: \$54,000 dollars, I think. It it's not \$54,000, it's (inaudible).

Niemeyer: My concerns are, not that we need, or don't need this position, and this gentleman has a resume that allows him to do this. It looks like a good resume, but I'm not confident today, with making this appropriation, I would like it deferred for 30 days to look at it more. That's my comment.

Prince: Thank you. Council lady Franklin

Franklin: I don't have a problem if we reduce the salary, and let him work up to that salary. I don't have a problem with that.

Cid: Mr. Chairman?

Prince: Council lady Cid

Cid: Mr. Chairman, I move for a deferment on this item.

Prince: Actually there is a motion on the floor, with a second, already Council lady.

Attorney Szarmach: The motion to defer takes precedence over.

Prince: Point of Order, the Attorney actually just confirmed it, in the Roberts rules, the procedures, the motion to defer always takes precedence over the main motion. The problem is, there is, well I won't say it. But anyway, there's another motion on the floor.

Niemeyer: The motion on the floor is what?

Prince: To defer.

Niemeyer: I'll second that motion.

Prince: It has been moved and properly seconded, to defer item B, regarding vacant position for 2012. Roll call Madam Clerk on the deferral.

Clerk: Niemeyer, "Yes".

Clerk: Bilski, "No".

Clerk: Repay, "No"

Clerk: Franklin, "No"

Clerk: Dernulc, "Yes"

Clerk: Cid: "Yes"

Clerk: Prince: "No"

Prince: Madam Clerk, what's the official count on that?

Clerk: 4-no, 3-yes.

Prince: with a vote of 4-no, 3-yes, the motion to defer has been defeated. So the original motion, we revert back, was there another motion on this particular item. Council lady would you like to make another motion?

Attorney Szarmach: No, no, you don't have to go back.

Prince: We don't have to go back. There is an original motion that is actually on, for approval. Any other questions on the original motion? Hear, and seeing none, roll call Madame Clerk.

Bilski: There is a question, I'm sorry. I did have one question. I'm unclear on the proposed salary for the position, John, and that's what...

Attorney John Dull: Okay, it's either \$54,000 or \$56,000. It comes out of two "pots". One pot is the general fund, and I think the other one is out of the Incentive Fund.

Prince: Council lady Cid.

Cid: I think, you know, you hear, and I would have liked to see the Commissioners here, actually. This is where we're getting away from the purpose of them coming before us to show that this position is absolutely necessary, and I don't see documentation that shows that, yet, why don't you just tear it up, and throw away the hiring freeze ordinance because this is the time to show that this is a position that's not needed okay? And when someone leaves a position, this is the best time not to fill it, when it's empty. It's now empty, because of our attrition, this is the time. This is the time, I'm sure that these duties here can be handled by the current Commissioners, and I'll have to disagree with Mr. John Dull, not all three Commissioners were in agreement.

Prince: Councilman Bilski, and then we will have the roll call.

Bilski: Just a brief statement, first off, I don't like referring to our Ordinance as a freeze. It's never been a freeze, it's never was the intention of it to be a freeze. We've already discussed that in previous meetings. What this merely is, is to put us in a position to make sure the position is unfunded, I mean, correction, is funded, that there is no lingering defined benefits that have to be paid out on that position, so the purpose of that Ordinance, to me, and I speak strictly for myself, is to make sure that the position has been properly vacated, and the funding is available, and when that person is going to be available to start work.

Dante has explained earlier on, previously 5 years ago, when we slowed that down, yes, there was a huge amount of revenue there that was saved by waiting for that position to open up. I believe that the position being vacated, that there has been revenue saved in there, so the Ordinance does still serve that purpose, to a certain extent. I agree with certain statements that Council lady Cid said. I think that the job should have been posted, and properly (inaudible), but it wasn't. I want to continue on, and continue to work with the Commissioners inevitably, they would have made that decision. If they are satisfied with that position, and they feel the need for it, I have to, and can't question, they are Elected Officials, I think if there is anyone here that does, then they need to question the three County Commissioners on why they feel that position is necessary. I want to say that through my short tenure here of five years, that I have seen the Board of County Commissioners cut their budget. I have seen them reduce their staffs, just as we have, and every other department that's sitting out here, and I don't think they've been excluded from that, and if we have to rely on their better judgment that this is a needed position and has to be there. That's all I have to say. Thank you.

Prince: Thank you Councilman. Is there any new information? Cid?

Cid: Yes, Mr. Chair. The new information that I have is that, once we approve this, the job still has to be posted, I believe that's according to the Ordinance that this job still has to be posted, and the payroll department actually asks for proof of it.

Prince: Thank you Council lady. Council lady Franklin

Franklin: Mr. Chairman, I'd like to honor what the Commish..., this is the Commissioner's call, and this is what they've provided. We can not be hypocritical and say in one breath, we are hiring people in one department, and turn around and say you can't hire somebody in another department, come on now. I'm asking for approval, Mr. Chairman on this, and let's move on. Thank you.

Prince: Any other questions? Hearing and seeing none, roll call Madam Clerk.

Clerk: Bilski, "Yes"

Clerk: Repay, "Yes"

Clerk: Franklin, "Yes"

Clerk: Dernulc, "No"

Clerk: Cid, "No"

Clerk: Niemeyer, "No"

Clerk: Prince, "Yes"

Prince: With a vote of 4-3, Item 14-B, regarding vacant position Special Assistant Board of Commissioners has been approved, and so ordered.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Circuit Court Clerk.

Franklin made a motion, seconded by Repay to approve filling the vacant position of 001-0100-16723-008 Deputy I. All voted "Yes", except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Public Defender.

Cid made a motion, seconded by Bilski to approve filling the vacant position of 001-4002-12536-004 Public Defender.

Cid explained that this vacancy is due to retirement, and will be effective January 31st, and this will allow this department to remain in compliance with the State Public Defender Commission's caseload. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ordinance 1342B – Regarding Vacant Positions for 2012 – Government Center.

Bilski made a motion, seconded by Franklin to approve filling the vacant position of 001-3030-18111-004 Maintenance Technician. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Councilmanic Appointments – Common Construction Wage Committee –

City of Lake Station
Town of Merrillville
Town of New Chicago
Town of St. John

Bilski made a motion to defer to 2-14-12, seconded by Dernulc. All voted "Yes". Motion to defer to 2-14-12 carried 7-0.

Repay made a motion, seconded by Bilski to reconsider. All voted "Yes" to reconsider. Motion carried 7-0. Repay made a motion, seconded by Bilski to appoint Larry Blanchard to the Common Construction Wage Committee for the City of Lake Station, Town of Merrillville, Town of New Chicago, and the Town of St. John.

All voted "Yes" to appoint Larry Blanchard. Motion carried 7-0.

In the Matter of Councilmanic Posts – Northwestern Indiana Regional Plan Commission. (1)

Bilski nominated Christine Cid. Repay seconded the nomination.

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

Bilski made a motion, seconded by Repay to re-appoint Christine Cid to the Northwestern Indiana Regional Plan Commission. All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Posts – Contractors Licensing Board (1).

Dernulc nominated Daniel Dernulc. Bilski seconded the nomination.

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

Dernulc made a motion, seconded by Bilski to appoint Rick Niemeyer to the Contractors Licensing Board. All voted "Yes". Motion carried 7-0.

In the Matter of Councilmanic Posts – Lake County Study Commission on Veterans Affairs (7).

Repay made a motion, seconded by Franklin to nominate Jerome Prince, Ted Bilski, Larry Blanchard, Gerry Scheub, Ernie Dillon, Harvey Bolds, and Don Shults.

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

Repay made a motion, seconded by Bilski to approve those names listed. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointments – Property Tax Assessment Board of Appeals.

Repay nominates Marty Wachel. Cid seconded the nomination.

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

Repay made a motion, seconded by Bilski to approve Marty Wachel to the Property Tax Assessment Board of Appeals.

Mr. Hank Adams urged the Council not to make this appointment because they should search and see if they can find a retired Appraiser, or an Appraiser that is semi-retired who would sit on the Board.

Mr. Adams said they are trying to move thousands of appeals through there, and he has no problem with this gentleman who was nominated, but he hasn't kept up his Level II certification, which is not necessary anyway because this is a citizen' appointment, but he thinks the Council should wait to get a little diversity on that Board, and hopefully make it continue to work like it has for the last nine months.

Bilski said this appointment is a citizen' appointment, and he takes everything that Mr. Adams said into consideration wholeheartedly, Bilski said he believes that any one of the appointments that come off of the Lake County Council, Ned has been on it for a year, and asking the Council every month, for a year to take him off of there. Bilski said out of respect to Ned, and his volunteer, he would make this appointment, but Bilski did say that if any one of the Council' appointments, are not able, or performing satisfactorily, to please let the Council know. Bilski said he would have no issue removing someone from an appointment who is not perform at the level that they are required, or available.

Bilski said he didn't want to put Ned through any more, the last time we had a hard time, we couldn't find anybody who was willing or was available. We are really between a rock and a hard place, but he agreed with Mr. Adams, and said if we could get a more qualified person in there. Bilski said he doesn't know Marty, but he will base his vote on the suggestion from the Council, but if this person, and any one of our personnel are not performing at a satisfactory level, Bilski said he would request that it be brought back to

that committee, and that committee will make a suggestion to this Council, and Bilski would support that Committee' actions.

Franklin asked the Council Attorney that once this person is placed on the Board. Is there some rule that says you can vote him out?

Attorney Szarmach answered, you can not vote him out. If you put him on there, except for cause, cause is something serious.

Mr. Adams said he didn't know about the vacancy until the study session.

Niemeyer said that PTBOA has done an outstanding job this first year that Mr. Adams has been in office. Niemeyer said Mr. Adams is asking for a 30 day deferral, which Niemeyer said he doesn't think will be a big thing to the Committee.

Cid said this is a Council appointment, and she respects what Mr. Adams said. The statute clearly states that this person does not have to have their levels, although, Mr. Wachel does have many years, 33 years of working in the Assessor' Office. She said he is very well qualified, and he is in the process of re-establishing those levels. She said it sounds like we are judging him before he does the job, and she thinks this Council should give him a chance. She said it's the Council' appointment, and she would like to see some representation from the North side of the County. Cid said she really hopes this Council will move forward with this position. We have put this off long enough. Ned was kind enough to sit and take on the duties, but he has expressed that he no longer has the time, and this gentleman is voluntarily giving up his time to come and represent. Cid said I think we ought to give him a chance.

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

In the Matter of Matter of Approval of Data Board Nominees.

Repay nominated all the names listed, as well as including the Treasurer, the President of the Commissioners, nominate our Finance Director, the Chief Judge. Repay also nominated Councilman Repay, and Council lady Franklin on the Data Board.

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

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

County Clerk	Michael A. Brown
County Auditor	Peggy Holinga Katona
County Treasurer	John Petalas
County Recorder	Michelle R. Fajman
County Sheriff	John Buncich
County Surveyor	George Van Til
County Coroner	Dr. Thomas R. Philpot
County Prosecutor	Bernard A. Carter
County Assessor	Hank Adams
County Commissioner	Gerry Scheub
County Council	Michael Repay
County Council	Elsie Franklin
County Council Finance Director	Dante Rondelli
County Judges	John Pera

In the Matter of Hobart Family YMCA – Dale Polomchak – Pool Permit Fees.

Councilman Bilski explained that this discussion is based on a not for profit entity having to pay an inspection fee to have the pool inspected.

Bilski said this is the YMCA located on Wisconsin Street, in Hobart, Indiana, which is his district. Bilski said they have never had to pay these fees in the past, now are subject to paying the fees.

Dale Polomchak, who is the Executive Director at the Hobart YMCA for 21 years, and he is representing not only Hobart YMCA, but the Hammond, and the Southlake YMCA, in Crown Point, and also the YWCA, located in Gary, Indiana.

He said those are 4 not-for-profit agencies within the Lake Area, United Way family. It's called 501D-3, Not-for-Profit statuses. He said for 21 years they have never had to pay the swimming pool permit fees, on an annual basis. He said when they submitted the applications; it was always, that they were exempt from those fees, being a tax-exempt organization. He said upon sending his applications to the County this year, he was informed by the Director of the Health Department that legislation had been passed regarding the payment of the fees by the Not-for-Profit, who had been exempt in the past.

He said he contacted Councilman Bilski, it was with the understanding that he had a chance to address the County Council. He said he is not sure who establishes those fees on behalf of the Health Department, but again on behalf of the four agencies that he is representing in Lake County, and the United Ways agencies who have also given them an across the board cut in their allocations again this year from the United Way, and this has been going on for the last several years. He said they too are facing a budget crisis, and any kind of additional fees would severely impact our ability to provide services to our Communities.

He asked the Council to re-consider this and grant an exemption for the four Not-for-Profit Agencies in Lake County.

Bilski said our concern is we no longer have the resources to provide a lot of services. We are in the same boat that you are. We are an entity that's cutting our budgets, and it's going to get harder and harder to provide services to our communities.

Bilski said we do have an opportunity to make an exemption, and Bilski asked that it come on our next month's agenda, because we couldn't do it now, however; Bilski asked Attorney Szarmach if the liability we face, as a County, if someone was to utilize the pool, and we gave it a clean bill of health, and there was an issue, would that put the liability back on us, are we subject to lawsuits because we did the inspection?

Attorney Szarmach said, if he was representing a party that was injured, he would sue everyone. You may be dismissed out of the suit, but you sue everyone.

Bilski asked how many times do they come out to inspect the pool? What is the dollar amount?

Mr. Polomchak answered they come out to inspect the pool weekly. This is where I'm a little unclear. We're not calling this an inspection fee, we're calling it a permit fee.

Dernulc asked what is the fee?

Mr. Polomchak answered \$2,180 annual.

Repay said maybe the best solution may be for the sponsor of the Ordinance to possibly discussing (inaudible).

Dernulc said that he will talk to Nick, and have him come to our next meeting, and he also asked Mr. Polomchak if he would come back again

Bilski asked that the Council would consider next month to waive the fees for those four Agencies.

No Action Taken.

In the Matter of DRAFT County Ordinance for the Transfer of H/M tax responsibilities to the SSCVA.

NO ACTION TAKEN.

In the Matter of Committee Structuring

There was discussion on changing the structure of the Committees, but after further discussion, Cid suggested that a copy of the amalgamated groups, along with suggestions be given to each Councilman, and if there are any concerns or comments, that they be given to the President. President Prince suggested to Councilman Repay to continue discussions and if they come up with something structured, to offer it, and at that point, everyone could see it all at the same time. Repay said that he didn't want to talk about it anymore, he will give the paperwork to President Prince.

NO ACTION WAS TAKEN.

In the Matter of Resolution Permitting the Public Defender to pay 2011 invoices with 2012 funds – 405-4002-42130 Law Books in the amount of \$453.00.

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

RESOLUTION NO. 12-01

RESOLUTION PERMITTING THE OFFICE OF THE PUBLIC DEFENDER TO PAY OUTSTANDING 2011 INVOICES/DEBTS FROM THE 2012 BUDGET

WHEREAS, the Office of the Public Defender, is currently operating in the 2012 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget year of 2011 have not been paid:

<u>405-4002-42130</u>	<u>Law Books</u>
West Publishing Payment Center	\$ 453.00

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2011 expenses shall be paid from the Office of the Public Defender's 2012 Budget:

<u>405-4002-42130</u>	<u>Law Books</u>
West Publishing Payment Center	\$ 453.00

SO RESOLVED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

n the Matter of Resolution Permitting the Public Defender to pay 2011 invoices with 2012 funds – 001-4002-43190 Other Professional Services in the amount of \$22,592.65.

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

Dante said, once again this is going to send the fund into an under-appropriated status. He will not have the riverboat money because he is going to prioritize the Jail, or the Jail/bailout, he will not have the money for this department, he said to pick your priorities, Jail, general fund, or Public Defender.

RESOLUTION NO. 12-02

**RESOLUTION PERMITTING THE OFFICE OF
THE PUBLIC DEFENDER TO PAY
OUTSTANDING 2011 INVOICES/DEBTS FROM THE 2012 BUDGET**

WHEREAS, the Office of the Public Defender, is currently operating in the 2012 Budget; and

WHEREAS, the following invoices/debts incurred in the Budget year of 2011 have not been paid:

<u>001-4002-43190</u>	<u>Other Professional Services</u>
Hertert I. Shaps	\$ 5,103.90
Luli Buxton	\$ 5,523.82
Arlington J. Foley	\$ 2,013.00
Adrian Guzman	\$ 615.00
Fissinger & Associates, Ltd.	\$ 229.40
Docu-Tech	\$ 1,168.99
Casey J. McCloskey	\$ 5,945.54
Marc Laterzo	<u>\$ 1,992.00</u>
	\$22,591.65

WHEREAS, the Lake County Council desires to transfer funds and pay the above Invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2011 expenses shall be paid from the Office of the Public Defender's 2012 Budget:

<u>001-4002-43190</u>	<u>Other Professional Services</u>
Herbert I. Shaps	\$ 5,103.90
Luli Buxton	\$ 5,523.82
Arlington J. Foley	\$ 2,013.00
Adrian Guzman	\$ 615.00
Fissinger & Associates, Ltd.	\$ 229.40
Docu-Tech	\$ 1,168.99
Casey J. McCloskey	\$ 5,945.54
Marc Laterzo	<u>\$ 1,992.00</u>
	\$22,591.65

SO RESOLVED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

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DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

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.

NO ACTION TAKEN.

In the Matter of Ordinance Establishing Eligibility for Health Benefits Effective January 1, 2013.

Niemeyer made a motion, seconded by Bilski to approve on First Reading.

Niemeyer said that this Ordinance doesn't take effect until January 1, 2013. He said he is not asking for Second Reading today, in order to get 30 days of dialogue, as far as what others' think of this ordinance.

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

In the Matter of Ordinance Creating the Petty Cash Fund for Lake County Health Department – Second Reading.

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

ORDINANCE NO. 1343A

ORDINANCE CREATING THE PETTY CASH FUND FOR LAKE COUNTY HEALTH DEPARTMENT

WHEREAS, occasionally there is a need to purchase small but necessary items or emergency items for the Lake County Health Department; and

WHEREAS, the most efficient way to purchase these items is through petty cash; and

WHEREAS, that pursuant to I.C. 36-1-8-3, the Lake County Council desires to create a petty cash fund for the Lake County Health Department.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That there is hereby established a petty cash fund for the Lake County Health Department known as the Lake County Health Department Petty Cash Fund, which shall contain no more than Two Thousand (\$2,000.00) Dollars cash at any one time.
2. That the funds to open the account and replenish it shall come from Fund 105, Lake County Health Department Non-Reverting Fund.
3. That the Lake County Health Department Deputy Administrator shall be the custodian of the Fund and be responsible for the account which shall be opened at a bank which is an approved depository.
4. That the Lake County Health Department Deputy Administrator shall manage the Fund and account pursuant to I.C. 36-1-8-3(b) and I.C. 36-1-8-3(c).

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

TED F. BILSKI
ELSIE FRANKLIN
RICK NIEMEYER

CHRISTINE CID
DANIEL E. DERNULC
MICHAEL C. REPAY

Members of the Lake County Council

In the Matter of Ordinance Amending Ord No 1317E, The Vehicle Inspection Fee Fund, a Non-Reverting Fund, to Rename the Fund The Special Vehicle Inspection Fund and Change the Use of the Fund to Law Enforcement Purposes.

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

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

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

ORDINANCE NO. 1317E-1

ORDINANCE AMENDING ORDINANCE NO. 1317E, THE VEHICLE INSPECTION FEE FUND, A NON-REVERTING FUND, TO RENAME THE FUND THE SPECIAL VEHICLE INSPECTION FUND AND CHANGE THE USE OF THE FUND TO LAW ENFORCEMENT PURPOSES

WHEREAS, Ordinance No. 1317D adopted on November 10, 2009 established a Vehicle Inspection Fee of Five Dollars (\$5.00) for vehicle inspections made pursuant to I.C. 9-17-2-12 by members of the Lake County Sheriff's Department for the purpose of obtaining a certificate of title; and

WHEREAS, Ordinance No. 1317E adopted on November 10, 2009 established the Vehicle Inspection Fee Fund, a non-reverting fund, for the deposit of Vehicle Inspection Fees collected by the Lake County Sheriff's Department pursuant to Ordinance 1317D; and

WHEREAS, Ordinance No. 1317E specifies that pursuant to I.C. 9-29-4-2(3)(B) the Vehicle Inspection Fees shall be used for continuing education for law enforcement; and

WHEREAS, I.C. 9-29-4-2(3)(A) specifies that the Vehicle Inspection Fees shall be deposited in a Special Vehicle Inspection Fund if the inspections are made by a member of the County Sheriff's Department and the fees shall be appropriated and used for law enforcement purposes.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. The Vehicle Inspection Fee Fund, a non-reverting fund established by Ordinance No. 1317E (Fund 186-0500), shall be renamed the Special Vehicle Inspection Fund.
2. The Vehicle Inspection Fees deposited in the Special Vehicle Inspection Fund shall be appropriated as provided by law, and used for law enforcement purposes pursuant to I.C. 9-29-4-2.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

In the Matter of Ordinance Establishing a Lake County Salvage Vehicle Inspection Fee.

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

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

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

ORDINANCE NO. 1343B

**ORDINANCE ESTABLISHING A LAKE COUNTY
SALVAGE VEHICLE INSPECTION FEE**

WHEREAS, I.C. 36-2-3.5-3 and I.C. 36-2-3.5-5 provide that the Lake County Council is the fiscal and legislative body for Lake County, Indiana and the Lake County Council may pass ordinances for the government of Lake County; and

WHEREAS, I.C. 36-1-3-8(a)(8) provides that the Lake County Council may establish reasonable fees for certain County services; and

WHEREAS, pursuant to I.C. 9-22-3-15(1), a person who wishes to have a Certificate of Salvage Title issued by the Bureau of Motor Vehicles must have the salvage vehicle inspected by a police officer; and

WHEREAS, Indiana statutes do not specify a fee amount for salvage vehicle inspections conducted by police officers; and

WHEREAS, the Lake County Sheriff's Department Auto Detail employs specially trained personnel and operates special equipment to conduct salvage vehicle inspections each of which require expenditure of substantial time and resources to complete; and

WHEREAS, the Lake County Council desires to establish a Salvage Vehicle Inspection Fee of Sixty (\$60.00) Dollars for salvage vehicle inspections made pursuant to I.C. 9-22-3-15(1) by members of the Lake County Sheriffs Department; and

WHEREAS, the Lake County Council desires to establish the Salvage Vehicle Inspection Fees collected by the Lake County Sheriff to be used for law enforcement purposes.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. A Salvage Vehicle Inspection Fee of Sixty (\$60.00) Dollars is hereby established to be paid for a salvage vehicle inspection made pursuant to I.C. 9-22-3-15(1) by members of the Lake County Sheriffs Department.
2. Salvage Vehicle Inspection Fees shall be deposited into the Salvage Vehicle Inspection Fee Fund, and shall be appropriated by law, and used for law enforcement purposes.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

Councilman Bilski wanted to make a statement, because he said he notices a lot of looks on the faces of people in the audience about these fees, these user based fees. Bilski said he thinks important to make a brief statement saying that with our levy being frozen and over the last 6 years the savings to the taxpayers of Lake County, the property tax fees, property taxes, Mr. Blanchard was at \$60,000, Bilski said he thinks we have new numbers showing that this is saving taxpayers in excess of \$60 million dollars, is that correct? He was told closer to \$90 million dollars.

Bilski said, these are fees, and Bilski said I do support them, and I be on the record of supporting user-based fees that people have to pay. If you are utilizing these services, then yes, you will have to pay for those, they won't be shared across the board by every taxpayer in Lake County. Bilski then added, these fees are not limited to Lake County residents.

Niemeyer said he is okay with some of these fees, but he isn't across the board saying these fees are okay, especially when it comes to small businesses, and licenses

In the Matter of Ordinance Establishing the Lake County Salvage Vehicle Inspection Fee Fund, a Non-Reverting Fund.

Cid made a motion, seconded by Bilski to approve on First Reading. Motion to approve on First Reading carried 7-0.

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

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

ORDINANCE NO. 1343C

**ORDINANCE ESTABLISHING THE LAKE COUNTY
SALVAGE VEHICLE INSPECTION FEE FUND, A NON-REVERTING FUND**

WHEREAS, I.C. 36-2-3.5-3 and I.C. 36-2-3.5-5 provide that the Lake County Council is the fiscal and legislative body for Lake County, Indiana and the Lake County Council may pass ordinances for the government of Lake County; and

WHEREAS, I.C. 36-1-3-8(a)(8) provides that the Lake County Council may establish reasonable fees for certain County services; and

WHEREAS, pursuant to I.C. 9-22-3-15(1), a person who wishes to have a Certificate of Salvage Title issued by the Bureau of Motor Vehicles must have the salvage vehicle inspected by a police officer; and

WHEREAS, Indiana statutes do not specify a fee amount for salvage vehicle inspections conducted by police officers; and

WHEREAS, the Lake County Sheriffs Department Auto Detail employs specially trained personnel and operates special equipment to conduct salvage vehicle inspections each of which require expenditure of substantial time and resources to complete; and

WHEREAS, the Lake County Council desires to establish the Salvage Vehicle Inspection Fee Fund, a Non-Reverting Fund, for deposit of Salvage Vehicle Inspection Fees collected by the Lake County Sheriff to be used for law enforcement purposes.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Salvage Vehicle Inspection Fee Fund, a non-reverting fund, is hereby established for the deposit of Salvage Vehicle Inspection Fees collected by the Lake County Sheriff.
2. The Salvage Inspection Fees deposited in the Salvage Vehicle Inspection Fund shall be appropriated and used for law enforcement purposes.
3. The appropriations from the Salvage Vehicle Inspection Fee fund shall be subject to approval by the Lake County Council, or as otherwise provided by law.
4. Any money remaining in the Salvage Vehicle Inspection Fee fund at the end of the Year shall not revert to the General Fund but shall continue in the Salvage Vehicle Inspection Fee Fund, subject to appropriation by the Lake County Council, or as Otherwise provided by law.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

In the Matter of Ordinance Amending Ord. No 1342D the Lake County Part-Time Employees Pay Rate Ordinance for 2012 for the Court Administrator.

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

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

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

ORDINANCE NO. 1342D-1

ORDINANCE AMENDING THE LAKE COUNTY PART-TIME EMPLOYEES PAY RATE ORDINANCE FOR 2012, ORDINANCE NO. 1342D

WHEREAS, on December 13, 2011, the Lake County Council adopted the Lake County Part-Time Employees Pay Rate Ordinance for 2012, Ordinance No. 1342D; and

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

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

INSERT:

SECTION III.

- 37. Court Administrator
- a. Bond Court Judge \$ 90.00/hr.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

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

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

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

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

ORDINANCE NO. 1343D

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 Day	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
New Year's Day	January 1 st (2013)	Tuesday closed

This Ordinance rescinds and repeals Ordinance No. 1341B, the Ordinance Concerning Holiday Schedule for the Calendar year 2012 adopted on November 22, 2011.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

In the Matter of Ordinance Establishing the Lake County Violation Deferral Program Ordinance.

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

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

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

ORDINANCE NO. 1343E

**THE LAKE COUNTY ORDINANCE
VIOLATION DEFERRAL PROGRAM**

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

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

WHEREAS, pursuant to I.C. 36-2-3.5-5(b)(6), the Lake County Council shall establish by ordinance new County departments, divisions, agencies, wherever necessary to promote effective County Government; and

WHEREAS, pursuant to I.C. 34-28-5-1, et. seq., the Lake County Council desires to establish a Lake County Ordinance Violation Deferral Program.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

LAKE COUNTY ORDINANCE VIOLATION DEFERRAL PROGRAM

A. ESTABLISHMENT.

The Lake County Council hereby establishes a Lake County Ordinance Violation Deferral Program pursuant to I.C. 34-28-5-1, as amended from time to time, to be known as the Lake County Deferral Program.

B. ELIGIBILITY.

1. Moving Violation.

An individual who has been issued a citation for a County Ordinance moving traffic violation in the County shall be eligible to participate in the Lake County Deferral Program if the individual:

- a. Has not been charged with a moving traffic violation that is associated with property damage, personal injury, or other related criminal charges;
- b. Has not been charged with any other moving violation in any state within the last year; and
- c. Has not been charged with an offense of speeding in excess of 30 miles per hour over the posted speed limit.

2. Building Code Violation.

An individual or entity who has been issued a citation for a County Ordinance building code violation shall be eligible to participate in the Lake County Deferral Program only if the individual or entity and the Lake County Attorney, with input from the Lake County Plan Commission, can within 30 days, reach an agreement to timely correct the violation.

C. APPLICATION.

An individual or entity who is eligible and seeks to participate in the Lake County Deferral Program (hereinafter applicant) shall complete the Lake County Deferral Program Application Agreement. The Lake County Police Department shall verify that the applicant is eligible for the Lake County Deferral Program for traffic offenses.

D. FEES.

1. At the time of the application submission, the applicant shall pay the following:

- A. Current court costs and related fees, pursuant to the provisions of the Indiana Code, as amended from time to time.
- B. An initial user fee of \$52.00, and
- C. Monthly user fee of \$10.00 per month for each of the six months the applicant is in the Lake County Deferral Program.

2. The total amount of the court costs and fees identified above shall be made payable to the Clerk, Lake Superior Court, in the form of a certified check, money order, or cashier's check. The fees paid by the applicant are non-refundable and shall not be applied to the fine in the event that the applicant fails to properly and successfully follow and complete the requirements of the Lake County Deferral Program. The court costs shall be distributed as required for traffic violations. Pursuant to I.C. 33-37-8-5(b)(6) the initial user fee and monthly user fees shall be deposited in the Lake County User Fee Fund, established pursuant to I.C. 33-37-8-5(a). The fees deposited shall be appropriated by the Lake County Council pursuant to I.C. 33-37-8-6, and used only for purposes listed in I.C. 33-37-8-6(b).

E. PROCEDURE. 1. Traffic.

The Police Department shall file the applicant's citation with the Lake County Court. After assignment of a cause number and at the next regularly scheduled Court date, the County Attorney shall file the executed Deferral Program Application Agreement in the Lake County

Court together with the court costs and fees. The Police Department shall review the applicant's driving record six months after the filing of said Agreement (hereinafter Review Period). In the event that no new moving traffic violations have been issued to the applicant, the County Attorney shall dismiss the original moving traffic violation citation. In the event that the applicant has been issued a moving traffic violation citation within the review period, or otherwise does not comply with terms of the Lake County Deferral Program, the County Attorney shall institute further proceedings against the applicant based upon the original citation.

2. Building Code.

The Lake County Attorney and the Lake County Plan Commission Director shall review the applicant's efforts to correct the violation during the period allotted to correct it in the Agreement. If the violation is corrected, the Lake County Attorney shall dismiss the citation. In the event the violation is not corrected, the Lake County Attorney shall proceed with prosecution.

F. IMPLEMENTATION.

The Lake County Attorney, Police Department, and Clerk are hereby authorized to develop the appropriate forms and related materials necessary to facilitate the County Deferral Program.

SO ORDAINED THIS 10th DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

In the Matter of Ordinance Establishing the Lake County Violation Deferral Program Ordinance.

Bilski made a motion, seconded by Franklin to approve on First Reading. All voted "Yes", except Cid, "absent". Motion to approve on First Reading carried 6-yes, 1-absent.

Bilski made a motion, seconded by Repay to Suspend Rules. All voted "Yes", except Cid, "absent". Motion to Suspend Rules carried 6-yes, 1-absent.

Bilski made a motion, seconded by Repay to approve on Second Reading. All voted "Yes", except Cid, "absent". Motion to approve on Second Reading carried 6-yes, 1-absent.

ORDINANCE NO. 1343F

**SCHEDULE OF FINES FOR LAKE
COUNTY CODE AND ORDINANCE VIOLATIONS**

WHEREAS, pursuant to I.C.36-1-3-8(10), Lake County can establish a schedule of fines for Code and ordinance violations; and

WHEREAS, Lake County desires to establish a schedule of fines for violation of its traffic Code and building code.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

The Lake County Council hereby establishes the following schedule of Fines for violations of Lake County traffic code and building code:

1. **Traffic Violations.**

- A. Moving violations \$100.00-\$2,500.00
- B. For Non-Moving violations \$ 50.00-\$2,500.00

2. **Building Code Violations.**

- A. Building Code Violations(General) \$500.00-\$2,500.00
- B. Permit Violations \$500.00-\$2,500.00
- C. Stop Work Order Violations \$750.00-\$2,500.00
- D. Electric Permit & Swimming Pool Violations \$500.00-\$2,500.00
- E. Plumbing Permit Violations \$500.00-\$2,500.00
- F. Contractor License Violations \$500.00-\$2,500.00
- G. Unsafe Building Violations \$750.00-\$2,500.00

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

DANIEL E. DERNULC
RICK NIEMEYER

Members of the Lake County Council

In the Matter of Ordinance Authorizing Tax Anticipation Warrants for 2012 for General Fund and Parks and Recreation Funds.

Franklin made a motion, seconded by Repay.

Attorney Dull said that they didn't have the numbers that need to be inserted, at the study session.

Mr. Blanchard said \$50 million for the County, and \$2 million for the Parks.

Repay asked, why?

Mr. Blanchard explained to operate County Government, to make payroll, to pay bills.

Repay asked is that because we didn't get the tax funds that we need..

Mr. Blanchard answered, no, this is the annual, from the cost (inaudible) (someone else is talking at the same time).

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

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

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

ORDINANCE NO. 1343G

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

WHEREAS, the County Council (the "Council") of the County of Lake, Indiana (the "County"), has determined that there will be an insufficient amount of money in the General Fund and Parks and Recreation Fund (the "Funds") to meet the respective current running expenses of the County or department thereof payable from such Funds during the fiscal year ending on the last day of December 2012, and prior to the respective June and December settlement and distribution of taxes levied for such Funds; and

WHEREAS, the Council now finds that an emergency exists to borrow money with which to pay current expenses from those Funds before the receipt of taxes levied for such Funds for the year 2011 and in the course of collection in 2012, and the Board desires to authorize the issuance of warrants in anticipation of the receipt of such revenues; and

WHEREAS, the County is authorized by Indiana Code 36-2-6-18 and all laws amendatory thereof and supplemental thereto (as amended, the "Act"), to borrow money to current running expenses by making temporary loans to procure the necessary fund and to evidence such temporary loans by issuing tax anticipation warrants in anticipation of and not in excess of county revenues for the current fiscal year; and

WHEREAS, the levies proposed for collection for each of the Funds for 2012 are estimated to produce in the aggregate, with respect to each respective Fund, an amount in excess of the principal of and interest on the tax anticipation warrants for each of the Funds; and

WHEREAS, the Council seeks to authorize the issuance of such tax anticipation warrants with respect to the Funds and the sale of such tax anticipation warrants pursuant to the provisions of the Act;

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

Section 1. It is hereby found and declared that an emergency exists for the borrowing of money with which to pay current running expenses from the General Fund and the Parks and Recreation Operating Fund prior to the receipt of anticipated revenues of the County for the remainder of 2012 for each of the Funds. For the purpose of paying the current running expenses of the County payable from each of the funds, there shall be issued temporary loan tax anticipation warrants of the County designated "County of Lake, Indiana, Tax Anticipation Warrants, Series 2012 _____ Fund)" (with the name of the Fund to reflect the series of such warrants (the "Warrants"). A separate Warrant or Warrants shall be issued for each Fund and for each maturity of each Fund, and all Warrants shall be dated as of the date of delivery thereof to the purchaser. The County is authorized to issue Warrants for the Funds in principal amounts not to exceed 80% of the anticipated collection of property taxes for each distribution date allocated to the maturity of the Warrants.

Section 2. The Warrants shall bear interest prior to maturity at a rate or rates per annum not to exceed a maximum of 6.0%, the exact rate or rates are to be determined by public sale through competitive bidding. Interest shall be calculated on the basis of a 366 day year and the actual number of days elapsed.

Section 3. The Warrants shall mature not later than December 31, 2012. Payments will be due within three days of the date of receipt of any 2011 payable in 2012 tax distributions after September 1, 2012, without penalty, with the remaining balance due on December 31, 2012. The final maturity date and final aggregate principal amount of the Warrants shall be set forth in a certificate executed by the Treasurer of the County prior to the sale of the Warrants.

Section 4. The Warrants shall be issued in denominations of One Hundred Thousand Dollars (\$100,000) or integral multiples of One Thousand Dollars (\$1,000) in excess thereof. The Warrants shall be numbered from R-1 upwards. The Warrants shall be payable in lawful money of the United States of America at the principal office of the County Treasurer or at such other place as agreed to by the purchaser and the County. The County is authorized to make payments of principal

and interest on the Warrants by paying the amount due from such funds that are available for immediate transfer or investment on or before 12:00 noon on the due date to the purchaser of the Warrants.

Section 5. The principal of and interest on the Warrants shall be payable from tax revenues to be received in the respective Fund upon which such Warrant is issued. There is hereby appropriated and pledged to the payment of the principal of and interest on the Warrants issued with respect to each Fund, a sufficient amount of the taxes levied for 2011 and payable in 2012 for such Fund, and in anticipation of which the Warrants are issued. The principal amount of all Warrants maturing on any date shall be based on the 2012 annual budget levy for the Fund as estimated or certified by the Indiana Department of Local Government Finance or the Lake County Auditor, and in anticipation of which the Warrants are issued. For purposes of this Ordinance, fifty percent (50%) of the annual budget levy shall be deemed to equal the amount of taxes estimated by the County Auditor to be collected for and distributed to such Fund at each of the June 2012 and December 2012 settlement and distribution of such revenues.

Section 6. The Warrants issued hereunder with respect to the Funds shall be executed in the name of the County by the manual or facsimile signature of the County Commissioners and attested by the County Auditor, provided at least one of such signatures is manually affixed.

Section 7. The Warrants with respect to each Fund shall be issued in substantially the following form (with all blanks, changes, additions and deletions, including the appropriate amounts, dates and other information to be properly completed prior to the execution and delivery thereof, as conclusively evidenced by the signatures of the officers of the County affixed thereon):

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF LAKE

COUNTY OF LAKE, INDIANA

TAX ANTICIPATION WARRANT, SERIES 2012
(_____ FUND)

Warrant Fund: _____ Fund

Dated Date: _____, 2012

Due Date: _____, 2012

Principal Sum: \$ _____

Interest Rate: _____% per annum

FOR VALUE RECEIVED, on or before the Due Date set forth above (the "Due Date"), the County of Lake, Indiana (the "County"), shall pay to ____ (the "Owner") the Principal Sum set forth above plus interest at the Interest Rate per annum set forth above, with such interest to be computed on the basis of a 366-day year and the actual number of days elapsed.

This Warrant is one of a series of tax anticipation warrants aggregating \$ _____ in principal amount, and evidences a temporary loan to provide funds to meet current expenses of the

Fund set forth above (the "Fund") and has been authorized by a Ordinance passed and adopted by the County Council, in accordance with Indiana Code 36-2-6-18 and all other acts amendatory thereof or supplemental thereto.

This Warrant is issued in anticipation of the tax levy which has been made for the Fund in the year 2011 payable in 2012, which tax levy is now in the course of collection. There has been irrevocably appropriated and pledged to the payment in full of the principal of and interest on this Warrant a sufficient amount of the revenues to be derived from the Fund tax levy distributions to be received in the Fund. The principal of and interest on this Warrant shall be payable in lawful money of the United States of America at the principal office of the Treasurer of Lake County, Indiana.

It is further hereby certified, recited, and declared that all acts, conditions, and things required by law precedent to the issuance and execution of this Warrant have been properly done, have happened, and have been performed in the manner required by the constitution and statues of the State of Indiana relating thereto; that the Fund tax levy from which this Warrant is payable is a valid and legal levy; and that the County will reserve a sufficient amount of the proceeds of the Fund tax levy currently in the course of collection for the timely payment of the principal of and interest on, this Warrant in accordance with its terms.

IN WITNESS WHEREOF, the County of Lake, Indiana, has caused this Warrant to be executed in its corporate name by the County Commissioners and attested by the County Auditor, all as of the Dated Date set forth above.

COUNTY OF LAKE, INDIANA

Commissioner

Commissioner

Commissioner

Attest:

Auditor

[End of Form of Warrant]

Section 8. The County Auditor is hereby authorized and directed to have the Warrants prepared, and the County Commissioners and County Auditor are hereby authorized and directed to execute the Warrants in the manner and substantially the form provided in this Ordinance, as conclusively evidenced by their execution thereof.

Section 9. The County Auditor, on behalf of the County, is authorized to advertise and sell the Warrants at a competitive sale. Notice of the sale shall be published once each week for two consecutive weeks in accordance with the provisions and requirements of Indiana law. Upon the award of the Warrants to the bidder who has submitted the lowest rate of interest, the proper officers of the County are hereby authorized and directed to execute and deliver the Warrants to the purchaser upon payment of the purchase price for the Warrants. The Warrants shall be accompanied by an approving opinion of Shanahan & Shanahan LLP, bond counsel, and a certification as to no litigation pending as of the date of delivery of the Warrants challenging the validity or issuance of the Warrants.

Section 10. Each of the officers of the County or such other officers as may be permitted by law are hereby authorized and directed to make such filings and requests, deliver such certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby.

Section 11. This Ordinance shall be in full force and effect from and after the time it has been adopted and approved by the Council. All Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. In order to preserve the exclusion of interest on any tax exempt series of Warrants from gross income for Federal income tax purposes, and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that the County will not take any action nor fail to take any action with respect to the proceeds of the Warrants or the investment earnings on the proceeds of the Warrants that would result in constituting any of the Warrants as "arbitrage bonds" under the Internal Revenue Code of 1986, as amended (the "Code"), or would result in the loss of exclusion from gross income for federal income tax purposes of interest on the tax exempt Warrants pursuant to Section 103 of the Code, as existing on the date of issuance of the Warrants, nor will the County act in any other manner which would adversely affect such exclusion.

Section 13. This Ordinance shall be in full force and effect from and after the time it has been adopted by the Board. All Ordinances and ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Adopted this 10th day of January, 2012.

LAKE COUNTY COUNCIL

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

ATTEST:
Peggy Holinga Katona,
Auditor

In the Matter of Amending the Assessor's Settlement Fund Ordinance No. 1341A, a Non-Reverting Fund.

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

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

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

ORDINANCE NO. 1341A-1

**ORDINANCE AMENDING THE ORDINANCE ESTABLISHING
THE ASSESSOR'S SETTLEMENT FUND,
A NON-REVERTING FUND, ORDINANCE NO. 1341A**

WHEREAS, on November 22, 2011, the Lake County Council adopted the Ordinance Establishing the Assessor's Settlement Fund; and

WHEREAS, the Lake County Council now desires to amend the Ordinance Establishing the Assessor's Settlement Fund, Ordinance No. 1341A.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

DELETE:

- 3. That twenty (20%) percent of the total to be received from the Taxpayer shall be placed in the Assessor's Settlement Fund and Five (5%) percent of the total to be received from the taxpayer Shall be placed in the Self Insurance Fund 541-2900-43420.

INSERT:

- 4. That twenty-five (25%) percent of the total to be received from the Taxpayer shall be placed in the Assessor's Settlement Fund and Twenty-five (25%) percent of the total to be received from the taxpayer Shall be placed in the Self Insurance Fund 541-2900-43420.

SO ORDAINED THIS 10TH DAY OF JANUARY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICK NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

In the Matter of Plan Commission Ordinance No. 2353.

Bilski made a motion, seconded by Repay to approve Plan Commission Ordinance # 2353. All voted "Yes". Motion to approve carried 7-0.

**ORDINANCE # 2353
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to Make provisions for a **SPECIAL EXCEPTION**. (Board of Zoning Appeals recommended favorably 12/21/11).

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

SPECIAL EXCEPTION – ROSS REFORMED CHURCH, Owner and Petitioner to modify an existing Sign on the following described property:

General Location: Located at the northwest quadrant at the intersection at 41st Avenue and Whitcomb Street, a/k/a 3900 W 41st Avenue in Calumet Township.

Legal: Part of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 30, Township 36 North, Range 8 West of the 2nd P.M., described as commencing at the Southeast Corner of said Northwest Quarter of said Section 30, thence West along the South line of said Northwest Quarter of said Section a distance of 331.10 feet to the West line of the East Half of the

Bilski said that Hobart does have their own Code Enforcement, but we do not have our own Health Department, but under Code Enforcement what Attorney Dull said, that even within your own Code Enforcement, there should be some type of paraphrase, or clause in there that says, "health and welfare". It should be somewhere within Code Enforcement, and I think through Attorney Debonis who is very astute, would be able to find that, and we would be able to send Hobart Code Enforcement there. As a result for today, Attorney Dull said that he will contact Dr. Best to discuss with her and opportunity, and share your personal information, if you have a card, please give it to Attorney Dull.

Wayne Weitbrock, a citizen from Lowell gave comments.

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.

Jerome A. Prince
President, Lake County Council

ATTEST:

Peggy Holinga Katona,
Lake County Auditor

