

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 April 10, 2012.

Franklin made a motion, seconded by Repay to approve the minutes of April 10, 2012 L.C. Council meeting. All voted "Yes". Motion carried 7-0.

ORDINANCE NO. 1347

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 other wise expressly stipulated and provided by law.

	Appropriation Requested	Appropriated
General Fund 001		
<u>Auditor</u> 0200		
41290 Carryover Payroll(Reduction)	-\$ 18,000.00	-\$ 18,000.00
<u>Court Administrator</u> 3910		
41331 Court Reporter Per Diem(CNL)	\$ 5,200.00	\$ 5,200.00
41xxx Public Defender Per Diem(CNL)	\$ 5,200.00	\$ 5,200.00
<u>Superior Court Civil</u> 3900		
43920 Food & Lodging	\$ 7,600.00	\$ 7,600.00
<u>Commissioners</u> 2900		
43810 TAW Interest(Reduction)	-\$ 20,000.00	-\$ 20,000.00
<u>Clerk</u> 0100		
42110 Office Supplies	\$ 20,000.00	\$ 20,000.00
<u>Jail</u> 3100		
41140 Protective Services(Reduction)	-\$ 130,000.00	No Action Taken
Gambling Adm Tax Fund 196		
<u>Public Defender</u> 4002		
43190 Other Professional Service(Reduction)	-\$ 90,000.00	-\$ 90,000.00
<u>Coroner</u> 0700		
43120 Medical & Hospital Service(CNL)	\$ 90,000.00	\$ 90,000.00
<u>Commissioners</u> 2900		
44500 Construction & Reconstruction	\$ 41,500.00	\$ 41,500.00
<u>Jail</u> 3100		
42110 Office Supplies(CNL)	\$ 70,000.00	\$ 70,000.00
42250 Health Care & Lab Supplies(CNL)	\$ 80,000.00	\$ 80,000.00
42260 Inmate Clothing Allowance(CNL)	\$ 40,000.00	\$ 40,000.00
43610 Building & Structure(CNL)	\$ 150,000.00	\$ 150,000.00
43620 Equipment Repair(CNL)	\$ 75,000.00	\$ 75,000.00
43630 Maintenance & Serv Contr	\$1,705,000.00	\$1,575,000.00
Cum Cap Dev Fund 651		
<u>Clerk</u> 0100		
44410 Furniture & Fixtures(CNL)	\$ 15,000.00	\$ 15,000.00
44420 Office Machines(CNL)	\$ 10,000.00	\$ 15,000.00
44490 Other Equipment(CNL)	\$ 5,000.00	\$ 5,000.00
Non-Reverting L.C. Fairgrounds Fund 131		
<u>Fairgrounds</u> 2920		
42410 Other Supplies	\$ 5,000.00	\$ 5,000.00
44505 Covered Bridge Maintenance	\$ 1,850.00	\$ 1,850.00

Misdemeanant Co. Jail Fund 152

Jail 3100

41160	Office & Clerical	\$ 3,500.00	\$ 3,500.00
41180	Service/Maintenance	\$ 18,520.00	\$ 18,520.00
41220	FICA	\$ 2,430.00	\$ 2,430.00
41230	PERF	\$ 2,370.00	\$ 2,370.00
42250	Health Care & Lab Supplies	\$ 480,000.00	\$ 480,000.00

Website Maintenance Fund 256

Clerk 0100

41190	Part-Time	\$ 42,300.00	\$ 42,300.00
41220	FICA	\$ 3,800.00	\$ 3,800.00
43995	Other Service	\$ 1,000.00	\$ 1,000.00

Sex & Violent Offender Fee Fund 275

Sheriff 0500

41190	Part-Time	\$ 18,000.00	\$ 18,000.00
41220	FICA	\$ 1,417.00	\$ 1,417.00

Reassessment 2015 Fund 337

Calumet Township Assessor 1000

Create All New Line Items

41100	Overtime	\$ 15,000.00	\$ 15,000.00
41190	Part-Time	\$ 40,000.00	\$ 40,000.00
41220	FICA	\$ 4,000.00	\$ 4,000.00
41230	PERF	\$ 1,500.00	\$ 1,500.00
41260	Workmen's Comp	\$ 1,500.00	\$ 1,500.00

Ross Township Assessor 1700

41100	Overtime	\$ 10,000.00	\$ 10,000.00
41190	Part-Time	\$ 30,000.00	\$ 30,000.00
41220	FICA	\$ 3,060.00	\$ 3,060.00
41230	PERF	\$ 925.00	\$ 925.00
41260	Workmen's Comp	\$ 1,015.00	\$ 1,015.00
43235	Travel-Mileage	\$ 5,000.00	\$ 5,000.00

St. John Township Assessor 1800

41100	Overtime	\$ 32,000.00	\$ 32,000.00
41190	Part-Time	\$ 20,000.00	\$ 20,000.00
41220	FICA	\$ 3,980.00	\$ 3,980.00
41230	PERF	\$ 3,450.00	\$ 3,450.00
41260	Workmen's Comp	\$ 570.00	\$ 570.00

Non-Reverting Property Seizure Fund 145

Sheriff 0582

41100	Overtime	\$ 10,000.00	\$ 10,000.00
41190	Part-Time(CNL)	\$ 15,000.00	\$ 15,000.00
41220	FICA	\$ 2,000.00	\$ 2,000.00
41260	Workmen's Comp Ded(CNL)	\$ 400.00	\$ 400.00
42410	Other Supplies	\$ 200,000.00	\$ 200,000.00
43231	Travel-Registration	\$ 10,000.00	\$ 10,000.00
43232	Travel-Meals	\$ 8,000.00	\$ 8,000.00
43233	Travel-Lodging	\$ 15,000.00	\$ 15,000.00
44490	Other Equipment	\$ 300,000.00	\$ 300,000.00

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>Commissioners</u> 2900		
From: 001-43810 TAW Interest	\$100,000.00	
To: 001-43995 Other Service & Charges	\$100,000.00	\$100,000.00
<u>Data</u> 3600		
From: 001-43715 Equipment Lease	\$ 16,344.88	
001-43995 Other Services	\$ 3,877.63	
To: 001-43190 Other Professional Service	\$ 20,222.51	\$ 20,222.51
<u>Highway</u> 5020		
Cum Bridge Fund 350		
From: 350-43650 Cum Bridge Project	\$ 24,000.00	
To: 350-42390 Other Repair & Maint	\$ 24,000.00	\$ 24,000.00
<u>Work Release</u> 3150		
From: 001-43920 Food & Lodging	\$ 25,000.00	
To: 001-41190 Part-Time	\$ 25,000.00	\$ 25,000.00

Jail 3100

From: 001-41140 Protective Services	\$ 80,000.00	
001-43630 Maintenance & Serv Contr	\$125,000.00	
To: 001-41100 Overtime	\$125,000.00	\$125,000.00
001-41190 Part-Time	\$ 80,000.00	\$ 80,000.00

Ross Township Assessor 1700

2005 Reassessment Fund 237		
From: 237-41220 FICA	\$ 700.00	
To: 237-41260 Workman's Comp	\$ 700.00	\$ 700.00

Emergency Management 3500

From: 001-43145 Legal Services	\$ 700.00	\$ 700.00
To: 001-43910 Dues & Subscriptions	\$ 700.00	\$ 700.00

Highway 5011 & 5013

From: 5013-41170 Skilled Craft Workers	\$ 33,890.00	Defer to 6-12-12
To: 5011-41160 Office & Clerical	\$ 18,847.00	Defer to 6-12-12
5011-41220 FICA	\$ 1,442.00	Defer to 6-12-12
5011-41230 PERF	\$ 2,026.00	Defer to 6-12-12
5011-41260 Workmen's Comp	\$ 525.00	Defer to 6-12-12
5011-41270 Group Insurance	\$ 11,505.00	Defer to 6-12-12

Calumet Township Assessor 1000

2005 Reassessment Fund 237		
From: 237-41190 Part-Time	\$ 5,800.00	
To: 237-41220 FICA	\$ 3,000.00	\$ 3,000.00
237-41230 PERF	\$ 200.00	\$ 200.00
237-41260 Workmen's Comp	\$ 600.00	\$ 600.00
237-41351 Assessor's Per Diem	\$ 2,000.00	\$ 2,000.00

Plan Commission 2400

From: 001-41120 Professionals	\$ 6,700.00	
To: 001-41160 Office & Clerical	\$ 6,700.00	\$ 6,700.00

Sheriff 0500

Sheriff's Law Continuing Education Fund 148		
From: 148-44440 Motor Vehicles	\$ 4,500.00	
To: 148-43190 Other Professional Serv(CNL)	\$ 4,500.00	\$ 4,500.00

Juvenile Detention Center 4200

Detention Enhancement Project Fund 365		
From: 365-41260 Workmen's Comp	\$ 780.00	
To: 365-43231 Travel-Registration	\$ 780.00	\$ 780.00

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 15th day of May, 2012.

Adopted this 15th day of May, 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 001</u> Auditor(-\$18,000)	Cid	Bilski	All voted "Yes" to approve the reduction. Motion Carried 7-0.

Court Administrator(\$10,400)	Franklin	Dernulc	All voted "Yes" to create 2 new line items and approve. Motion carried 7-0.
Superior Court Civil(\$7,600)	Franklin	Dernulc	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(-\$20,000)	Franklin	Niemeyer	All voted "Yes" to approve the reduction. Motion carried 7-0.
Clerk(\$20,000)	Franklin	Dernulc	All voted "Yes" to approve, Except Cid, "abstain". Motion carried 6-yes, 1-abstention..
Jail(-\$130,000)	NO ACTION TAKEN		
<u>Gambling Adm Tax Fund 196</u>			
Public Defender(-\$90,000) (See Footnotes)	Cid	Franklin	All voted "Yes" to approve the reduction. Motion carried 7-0.
Coroner(\$90,000)	Cid	Bilski	All voted "Yes" to create New line item and approve. Motion carried 7-0.
Commissioners(\$41,500)	Franklin	Dernulc	All voted "Yes" to approve. Motion carried 7-0.
Jail(\$2,080,000)	Niemeyer	Dernulc	All voted "Yes" to approve & Create 5 new line items, except Repay, "No". Motion carried 6-yes, 1-no.
<u>Cum Cap Dev Fund 651</u>			
Clerk(\$30,000)	Franklin	Bilski	All voted "Yes" to approve, Except Cid, "abstain". Motion to Approve carried 6-yes, 1-abstention.
Non-Reverting L.C. Fairgrounds Fund 131 Fairgrounds(\$6,850)	Niemeyer	Bilski	All voted "Yes" to approve. Motion carried 7-0.
<u>Misdemeanant Co. Jail Fund 152</u>			
Jail(\$506,820)	Niemeyer	Bilski	All voted "Yes" to approve. Motion carried 7-0.
<u>Website Maintenance Fund 256</u>			
Clerk(\$47,100)	Franklin	Bilski	All voted "Yes", except Cid, "abstain". Motion to approve Carried 6-yes, 1-abstention.
<u>Sex & Violent Offender Fee Fund 275</u>			
Sheriff(\$19,417)	Cid	Franklin	All voted "Yes". Motion To approve carried 7-0.
<u>Reassessment 2015 Fund 337</u>			
Calumet Twp Assr(\$62,000) (See Footnotes)	Repay	Franklin	All voted "Yes" to approve And create new line item, except Dernulc, and Niemeyer, "No". Motion Carried 5-yes, 2-no.
Ross Twp Assr(\$50,000)	Repay	Franklin	All voted "Yes" to approve and Create new line item, except Niemeyer, "No". Motion to approve Carried 6-yes, 1-no.
St. John Twp Assr(\$60,000)	Repay	Franklin	All voted "Yes" to approve and Create new line items, except Niemeyer, "No". Motion to approve Carried 6-yes, 1-no.
<u>Non-Reverting Property Seizure Fund 145</u>			
Sheriff(\$560,400)	Cid	Franklin	All voted "Yes" to approve, and Create 2 new line items. Motion carried 7-0.

Footnotes

Re: Calumet Twp(\$62,000) – Repay made a motion, seconded by Franklin to approve item number 5A, appropriation in the Reassessment Fund 337, and create all new line items. Niemeyer asked Attorney Szarmach for a determination on whether they can use the 2015 funds.

Attorney Szarmach explained that under statute I.C. 6-1.1-4-28.5(d), which states that "after recommendation from the Assessor, County Council can appropriate the funds". He said there is a case that decided in 2005, "Walters , the Grant County Council, in short, the Assessor there, Walters recommended certain appropriations for reassessment, the Grant County Council rejected those and did what they wanted to do. The Appellate Court said, " that the County Council has authority to do what they want to do."

Attorney Szarmach said that a quote from the State from the Courts said "here we can not say that I.C. 6- etc, etc, clearly shows the intention by the Legislature to eliminate the County Council' historic discretion in County fiscal matters".

Attorney Szarmach said, it would be my opinion that the Assessor should have an opportunity to review the recommendations from the Township Assessors. He should then, make his own recommendations which the Council can follow, or not follow. If he does not make a recommendation, or refuses to make a recommendation, that refusal, or failure to make a recommendation does trigger the Council' authority to go ahead and make the appropriation.

Cid asked Attorney Szarmach, would that be a written recommendation, or verbal recommendation?

Attorney Szarmach answered, it would be nice to have it in writing, or at the public hearing have the Assessor say he is either not going to make a recommendation at all, which would trigger your authority, or that he needs a week or two, or the next meeting, to review the recommendation before he makes one. But to imply that he can hold up the whole process, by not making a recommendation at all, is certainly not the law that's not going to be supported by the Court of Appeals.

Cid asked if DLGF has approved using funds out of this Fund. Can we now start using these funds, and I think that was the question, that was one of the arguments that Hank had that the fund was not open for appropriation..

Attorney Szarmach answered, "I don't know". Whatever you do with an appropriation today, or not, whatever you do, is going to be immediately reviewed by State Board, and you will find out.

Prince said, to answer your question, the answer is yes, and don't take my word for it everything I do up here I check with DLGF, and obviously Dante, and Ray. Dante is aware of it, and he will concur that the DLGF has suggested that the fund is open, and can be accessed contingent an appropriation by this Body.

Niemeyer said this puts the Council in a tough position because we have Assessors asking for this money, and they absolutely, by law have to get the Reassessment done. They are responsible for their Townships, they are duly elected officials. Then we have the information with the County Assessor superceding and trying to do the function of the reassessment, and now we don't have that happening as strongly as we need it. Somebody asked for \$62,000, they asked for \$50,000, and what they asked for, the comfort level is not very good for me as a Councilman, until I hear from that local Assessor, and the Assessor, if they are on the same wavelength. If they are not, then we have to make a decision, what we think is the best to get the reassessment done. Niemeyer said, I haven't heard a lot, one way or another, I just talked to St. John this morning. They explained to me why they absolutely need the funds, and what they need to do, with the trending and the new reassessment, to make sure theirs' is correct. Niemeyer said I have not had the chance to speak with Calumet Township, and Hank has spoken with Ross Township, so I think that puts us in a real tough position. We are wanting to okay this money to get this reassessment done. I'm not confident right now, and doing this.

Prince said all of the Township Assessors were at one of the Study Sessions, and they were asked to articulate why they needed the funds, and they did so. Every last one of them, including Calumet Township.

Franklin said we need to look at this as a whole, all of them have a request in to try to complete the work that they are doing, and said to Councilman Prince that he has done the research, and has made it perfectly clear that this is something that can be done, and we need to move on so that they can get their work done.

Dernulc asked that the County Assessor, along with the Township Assessors go back and talk.

Prince said there is a motion on the floor, and there has been a second.

Prince said the only question for me, and he asked Assessor Hank Adams, are you going to make a recommendation?

Hank Adams answered, yes he is going to make a recommendation.

Prince asked are you going to make it now?

Mr. Adams answered, no, it's got to be in writing.

Prince asked, you are not going to make it now?

Mr. Adams answered, it's got to be in writing.

Prince answered, no sir.

Bilski said I think we need to get back to our semi-annual meetings with all of the Assessors. Bilski said he may ask the Council to start that back up again, so we can kind of get our hands around this issue. Ray made a great statement when he said that if the Assessor so needs time to review to make a recommendation that this Body could grant that.

Mr. Adams said I can't make a recommendation without sitting down with the Assessors, one on one.

Bilski said and we have a list of Assessors out here, we have the Calumet Township Assessor, we have the Ross Township Assessor, which I think Councilman Niemeyer said that you already have met with the Ross Township Assessor, we have St. John here, and I don't know if you have sat down with St. John yet.

Prince said I absolutely want to operate in the spirit of cooperation, but that has to go both ways, and to be real honest with you, I just don't see a whole lot of cooperation coming from the other side.

Prince said this has been on the agenda since last month, so there's a public meeting, there's certainly been 2 study sessions, I've been in public meetings with Assessors, which you've been requested to do so, and in some instances, you've just flat out refused to do it, based on what, I don't know, only he could articulate that.

Prince asked Mr. Adams, for Calumet Township Assessor, we've got Overtime appropriation for \$15,000 dollars, do you have an issue with that?

Mr. Adams responded, I've got an issue with all of it. I've even got a problem with the one that I recommended.

Prince said, so that's an unfavorable recommendation.

Repay said all of these things have been deferred from April. The reason we deferred them from April is because of the statements that were made by the County Assessor. It was brought to my attention that these things needed to be discussed, and the rest of the Council also agreed.

From that standpoint they are all members of our Government, and they all should be respected as such. We've given you all the opportunity to discuss this and make a recommendation. Now we are looking to you to make recommendations.

Prince asked Mr. Adams, if it is safe to say that now you've thrown Ross into the loop, did you have an unfavorable recommendation for all the requests right now?

Mr. Adams answered, yes. Under the Law, Indiana Code, the new reassessment fund can only be used for the coming reassessment. It can't be used to finish up a reassessment, or anything. He said that happens to be in the Post-Tribune today.

Prince said that we are aware of that, and we've addressed it with the Assessors, and we absolutely wouldn't make an appropriation that isn't in line with DLGF. He said the point is, because of the new reassessment process, namely the cyclical reassessments that they are all inter-related.

Prince asked Mr. Adams if your recommendations today for all of the requests, is an unfavorable recommendation?

Mr. Adams answered, yes.

Mr. Doug Henley said annually 25% of all properties within Lake County, and within their individual classifications have to be reassessed and along with that there will be new cost tables, and depreciation tables. So we're requesting this money for is going to establish an outline of how other future reassessments can be completed in a most timely manner, so you won't have to reinvent the wheel each and every year. This will set the matrix of how it's done, all the new reassessments have to do is plug in the new numbers.

Mr. Adams said the new reassessment that Doug is speaking of doesn't start until July 1st of 2014, July 1st of 2013. It doesn't give Mr. Hensley the authority to start the reassessment by July 1st of 2013, which is next year. The County Assessor must present a plan for the reassessment to start, in 2013. The reassessment has not started. I haven't presented a plan for next year for January 1st.

Niemeyer said I'm not comfortable tapping into 2015 funds, we can give them 30 days worth of money to get something started, and then have some dialogue.

Bilski said there is nothing criminal, it's simply, if we make these appropriations, we submit it downstate, they can simply deny it.

Prince said, they can approve, or deny it.

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

Public Defender(-\$90,000) – Cid made a motion, seconded by Franklin to approve the reduction.

Cid said that she just wanted it noticed that we appropriated these funds to the Public Defender’s Office for the current death penalty case, and that case was declared a mistrial, but the trial will be started anew. The Public Defender’s Office has agreed to take this money from that appropriation to be used for the Coroner’s Office who is need of a Pathologist. This does not mean that the Public Defender will not need these funds in the future, but this is a remedy to help the Coroner’s Office at this time.

All voted “Yes”. Motion carried 7-0.

Transfer			
	Made motion	seconded	
Commissioners(\$100,000)	Franklin	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Data(\$20,222.51)	Franklin	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Highway – Cum Bridge Fund 350(\$24,000)	Franklin	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Work Release(\$25,000)	Dernulc	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Jail(\$205,000)	Niemeyer	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Ross Twp Assr(\$700) (Reassessment 2005 Fund 237)	Repay	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Emergency Mngmt(\$700)	Niemeyer	Dernulc	All voted “Yes” to approve. Motion carried 7-0.
Highway(\$33,890)	Bilski	Cid	All voted “Yes” to defer to 6-12-12. Motion carried 7-0.
Calumet Twp Assr(\$5,800) (Reassessment 2005 Fund 237)	Repay	Bilski	All voted “Yes” to approve. Motion carried 7-0.
Plan Commission(\$6,700)	Niemeyer	Dernulc	All voted “Yes” to approve. Motion carried 7-0.
Sheriff(\$4,500) (Sheriff’s Law Continuing Ed Fund 148)	Cid	Franklin	All voted “Yes” to approve, and create new line item. Motion carried 7-0
Juvenile Detention Center(\$780) Detention Enhancement Fund 365	Bilski	Dernulc	All voted “Yes” to approve Motion carried 7-0.

In the Matter of Revised 144’s for Sheriff, Highway, Jail, and Plan Commission.

Re: Sheriff – Cid made a motion, seconded by Franklin to defer to 6-12-12. All voted “Yes”. Motion to defer carried 7-0.

Re: Highway – Bilski made a motion, seconded by Cid to defer to 6-12-12. All voted “Yes”. Motion to defer carried 7-0.

Re: Jail – Cid made a motion, seconded by Bilski to approve.

Niemeyer said that this is moving some people around, it’s creating an extra \$10,000 dollars in salary for these 2 positions. Niemeyer said he believes this should be a 2013 budget discussion on adding these 2 positions, the increase in salaries, and Niemeyer said he doesn’t support this for that reason.

Cid said this is not coming from the general fund, it will be funded from Fund152.

Niemeyer said that it is a raise during mid-year for an employee.

Franklin said what they are doing is taking from one position, and adding to both of these position, so it’s not like they don’t have the money, or that it’s new money, because the money is already in the budget.

Repay said these are new positions; therefore, new money. The money is derived from the Misdemeanant Fund 152, and what Cid said is correct, in saying it’s not general fund money, these individuals will require insurance, which is general fund money, so we should consider that. He said they are removing one, and adding two, so you’ve got an additional one, so there is one extra person that’s getting health insurance from the County, and that money coming from the general fund, and that’s why Repay said, he will be voting against this.

Cid said that she spoke with the Sheriff, and the insurance for these positions will also be funded through Fund 152

All voted “Yes”, except Repay, Dernulc, and Niemeyer, “No”. Motion to approve carried 4-yes, 3-no.

<u>Revised 144 – Fund 152</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16033-005 Pre-Trial Info Clerk	\$24,813	-0-	-\$24,813
16xxx-001 Bookkeeper Supvsor	-0-	\$29,813	\$29,813
188xxx-001 Cook Supervisor	-0-	\$25,748	\$25,748

Re: Plan Commission – Repay made a motion, seconded by Franklin to approve. All voted “Yes”, except Repay, “absent”.

Dante suggested to Ned that there was an unfunded clerical assistant that needed to be cleaned up.

Ned said he thought that would happen automatically.

Dante said no, if it stays around, and one day you fill it, you won’t have the money. Ned asked if he needed an official request, and Dante answered, yes, to eliminate a position, it’s a technical clean-up.

Ned said he thought it was gone.

All voted “Yes” to approve, except Repay, “absent”. Motion carried 6-yes, 1-absent.

Bilski made a motion, seconded by Cid to eliminate position #16939-001 – Clerical Assistant @ \$25,251. All voted “Yes”. Motion to eliminate the position carried 7-0.

Motion carried 6-yes, 1-absent.

<u>Rev. 144 – Fund 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16402-001 Admin Asst	\$32,863	-0-	-\$32,863
16xxx-001 Admin Asst/Plan Comm/BZA Secretary	-0-	\$31,513	\$31,513
16677-001 Plan Comm BZA Secy	\$28,404	-0-	-\$28404
16xxx-001 Admin. Asst/ Accounting Clerk	-0-	\$28,513	\$28,513
16911-001 Accounting Clerk	\$26,158	-0-	-\$26,158
16xxx-001 Admin. Asst./ Clerical/.Licensing Secretary	-0-	\$28,513	\$28,513
16934-001 Clerical Assistant	\$25,251	\$24,137	-\$ 1,114

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

Cid made a motion, seconded by Franklin to approve filling the vacant position of 001-0500-11506-001 Asst Chief Civilian. 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 Franklin to approve filling the vacant position of 001-0500-14408-012 – Court Security. All voted “Yes”. Motion carried 7-0.

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

Cid made a motion, seconded by Franklin to approve filling the vacant positions of
001-0500-14555-002 Corporal
001-0500-14402-020 Police Officer.

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

In the Matter of Ordinance # 1342B – Regarding Vacant Positions for 2012 – St. John Township Assessor.

Repay made a motion, seconded by Bilski to approve filling the vacant position of 001-1800-13458-001 Personal Property Deputy. All voted “Yes”. Motion carried 7-0.

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

Franklin made a motion, seconded by Repay to approve filling the vacant positions of
001-0100-16724-011 Deputy II
001-0100-16723-006 Deputy I

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

In the Matter of Ord#1342B – Regarding Vacant Positions for 2012 – Work Release.

Dernulc made a motion, seconded by Bilski to approve filling the vacant position of 001-3150-12715-007 Custody Officer. All voted “Yes”. Motion carried 7-0.

In the Matter of Ord#1342B – Regarding Vacant Positions for 2012 – Work Release.

Dernulc made a motion, seconded by Bilski to approve filling the vacant position of 001-3150-12715-001 Custody Officer. All voted "Yes". Motion to approve carried 7-0.

In the Matter of Ord# 1342B – Regarding Vacant Positions for 2012 – Jail.

Niemeyer made a motion, seconded by Bilski to approve filling the vacant position of 001-3100-14404-004 Correction Officer. All voted "Yes". Motion carried 7-0.

In the Matter of Ord# 1342B – Regarding Vacant Positions for 2012 – Jail.

Niemeyer made a motion, seconded by Cid to approve filling the vacant position of 001-3100-14404-115 Correction Officer. All voted "Yes". Motion carried 7-0.

In the Matter of Ord#1342B – Regarding Vacant Positions for 2012 – Jail.

Niemeyer made a motion, seconded by Bilski to approve filling the vacant positions of :

152-3100-188xx-001 Cook Supervisor
152-3100-16xxx-001 Bookkeeper Supervisor

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

In the Matter of Ord# 1342B – Regarding Vacant Positons for 2012 – Jail.

Niemeyer made a motion, seconded by Bilski to approve filling the vacant position of 001-3100-16611-004 Records Clerk. All voted "Yes". Motion carried 7-0.

In the Matter of Ord# 1342B- Regarding Vacant Positions for 2012 – Criminal Court.

Repay made a motion, seconded by Bilski to approve filling the vacant positions of:

001-4000-16680-004 Secretary Office Manager
143-4000-39002-005 Supplemental Pay

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

In the Matter of Ord#1342B – Regarding Vacant Positions for 2012 – Prosecutor.

Franklin made a motion, seconded by Repay to approve filling the vacant position of 001-0800-16995-026 Support Staff. All voted "Yes". Motion carried 7-0.

In the Matter of Ord#1342B – Regarding Vacant Positions for 2012 – Plan Commission
Niemeyer made a motion, seconded by Cid to approve filling the vacant positions of:

001-2400-16xxx-001 Admin Asst/Plan Comm/BZA Secretary
001-2400-16xxx-001 Admin Asst/Accounting Clerk
001-2400-16xxx-001 Admin Asst/Clerical/Licensing Secretary
001-2400-16934-001 Clerical Assistant

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

In the Matter of Public Hearing – Notice to Taxpayers of Additional Appropriation in the amount of \$5,000,000.00 to provide funds for the cost of improvements to roads and highways throughout County all related improvements, equipment and necessary appurtenances, and incidental expenses in connection therewith, including the incidental expenses necessary to be incurred in connection with the issuance of bonds. The funds to meet such additional appropriation are to be provided by the issuance and sale of bonds by the County.

Bilski made a motion, seconded by Cid to open up the Public Hearing.

There were no remonstrators present, for or against this project.

Dernulc made a motion, seconded by Bilski to close the Public Hearing.

Franklin made a motion, seconded by Bilski to approve the appropriation in the amount of \$5,000,000.00 dollars. All voted "Yes". Motion to approve the appropriation in the amount of \$5,000,000.00 carried 7-0.

In the Matter of Public Hearing – Notice to the Public on 2012 Justice Assistance Grant (JAG) for \$185,645.00 to be shared by the East Chicago, Gary, Hammond Police Departments and Lake County Sheriff's Department.

Cid made a motion, seconded by Franklin to open the Public Hearing for the 2012 Justice Assistance Grant for \$185,645.00 to be shared by the East Chicago, Gary, Hammond Police Departments, and Lake County Sheriff's Department.

There were no remonstrators present, for or against this matter, and no one signed up to speak, during the Public portion.

Sheriff Buncich explained that this is an on-going Grant that every year, they submit for renewal, and are very fortunate to have it approved by the Justice Department. He said it's shared between the 4 agencies, based upon population and crime in that area, and it's utilized by the Departments for various types of equipment, radios, firearms, safety equipment for the Officers.

Prince closed the Public Hearing.

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

In the Matter of Citizen Appointment – Gary Library Board.

Franklin made a motion, seconded by Repay to defer to 6-12-12. All voted "Yes", except Dernulc, "absent". Motion to defer carried 6-yes, 1-absent.

In the Matter of Interlocal Agreement for the Shared Ethics Advisory Commission.

Repay made a motion, seconded by Bilski to defer to 6-12-12. All voted "Yes", except Dernulc, "absent". Motion to defer carried 6-yes, 1-absent.

In the Matter of Interlocal Cooperation Agreement – Between and Among the Lake County Convention and Visitors Bureau and Lake County, Indiana, on behalf of the Lake County Treasurer and the Lake County Auditor.

Attorney Szarmach explained that the Convention and Visitor's Bureau negotiated an agreement with the Attorney General. They approve it, the Commissioners approve it, and once that happens, by statute, this does not come here. So Attorney Szarmach said you can remove this from the agenda.

NO ACTION TAKEN.

In the Matter of Resolution Honoring Annie Ostojic - Fourth Grade Frank Hammond Elementary School – Two Time Indiana State Science Fair Champion.

Dernulc made a motion, seconded by Repay to defer to 6-12-12. All voted "Yes". Motion to defer Carried 7-0.

In the Matter of Resolution Honoring Kaylyn Risse – Sophomore Lake Central High School – Indiana State Science Fair Champion.

Dernulc made a motion, seconded by Repay to defer to 6-12-12. All voted "Yes". Motion to defer Carried 7-0.

In the Matter of Resolution honoring Munster High School's Varsity Large Ensemble Dance Team – Indiana High School Dance Team Association State Champion

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

RESOLUTION NO. 12-53

RESOLUTION HONORING THE MUNSTER HIGH SCHOOL VARSITY DANCE TEAM

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, Munster High School Varsity Dance Team won its third straight State Title Capturing the Large Ensemble Championship at the Indiana High School Dance Team Association State Finals on March 25, 2012 in New Castle, Indiana, capping its third straight undefeated season.

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 Munster High School Varsity Dance Team, for their capture of first place in the Large Ensemble Category At the Indiana State Championship Dance Team Competition; 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 MUNSTER HIGH SCHOOL VARSITY TEAM.

DATED THIS 15TH DAY OF MAY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
DANIEL E. DERNULC
RICH NIEMEYER

MICHAEL C. REPAY
ELSIE FRANKLIN
TED F. BILSKI

Members of the Lake County Council

In the Matter of Resolution Honoring Lake Central High School's Varsity Centralettes – Indiana High School Dance Team Association State Champion Jazz & Hip-Hop Divisions.

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

RESOLUTION NO. 12-54

**RESOLUTION HONORING THE LAKE CENTRAL
HIGH SCHOOL VARSITY CENTRALETES DANCE TEAM,
INDIANA HIGH SCHOOL DANCE TEAM ASSOCIATION
STATE CHAMPION JAZZ & HIP-HOP DIVISIONS**

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 all 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, Lake Central High School Varsity Centralettes Dance Team won their 18th Consecutive State Championship by capturing the Indiana High School Dance Team Association Championship in Jazz and Hip Hop Divisions in New Castle, Indiana On March 25, 2012.

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 Lake Central High School Varsity Centralettes Dance Team, for their capture of first place in the Jazz and Hip Hop Division at the Indiana State Championship Dance Team Competition; 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 LAKE CENTRAL HIGH SCHOOL VARISTY CENTRALETES DANCE TEAM.

DATED THIS 15TH DAY OF MAY, 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 Resolution Honoring Lake Central High School's Varsity Centralettes – National Dance Association Champions – Jazz Division.

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

RESOLUTION NO. 12-55

**RESOLUTION HONORING THE LAKE CENTRAL
HIGH SCHOOL CENTRALETES VARSITY DANCE TEAM
NATIONAL DANCE ASSOCIATION CHAMPIONS – JAZZ DIVISION**

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, Lake Central High School Centralettes Varsity Dance Team won their eighth National Dance Association Championship-Jazz Division in Orlando, Florida on March 4, 2012.

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 Lake Central High School Varsity Centralettes Dance Team, for their capture of first place in the Jazz Division at the National Dance Association Competition in Orlando, Florida; 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 LAKE CENTRAL HIGH SCHOOL VARSITY CENTRALETES DANCE TEAM.

DATED THIS 15TH DAY OF MAY, 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 Resolution Honoring Lake Central High School's Junior Varsity Centralettes – Indiana High School Dance Team Association State Champion Jazz & Hip-Hop Divisions.

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

RESOLUTION NO. 12-56

**RESOLUTION HONORING THE LAKE CENTRAL
HIGH SCHOOL JUNIOR VARSITY CENTALETES DANCE TEAM,
INDIANA HIGH SCHOOL DANCE TEAM ASSOCIATION
STATE CHAMPIONS JAZZ AND HIP HOP DIVISIONS**

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, Lake Central High School Junior Varsity Centralettes Dance Team captured the Indiana High School Dance Team Association Championship in Junior Varsity Hip Hop and Junior Varsity Jazz Divisions in New Castle, Indiana on March 25,

2012.

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 Lake Central High School Junior Varsity Centralettes Dance Team, for their capture of first place in the Junior Varsity Hip Hop And Junior Varsity Jazz Divisions at the Indiana State Championship Dance Team Competition; 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 LAKE CENTRAL HIGH SCHOOL JUNIOR VARSITY CENTRALETES DANCE TEAM.

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 Resolution Permitting the Board of Commissioners to pay a 2011 invoice with 2012 funds – 199-2900-43995 Other Services & Charges in the amount of \$2,268.85.

Franklin made a motion, seconded by Bilski to approve. All voted “Yes”, except Dernulc, “absent”. Motion carried 6-yes, 1-absent.

RESOLUTION NO. 12-57

**RESOLUTION PERMITTING THE LAKE COUNTY
COMMISSIONERS TO PAY
OUTSTANDING 2011 INVOICES/DEBTS FROM THE 2012 BUDGET**

WHEREAS, the Lake County Commissioners are currently operating in the 2012 Budget; and

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

<u>199-2900-43995</u>	<u>Other Services & Charges</u>
Shared Resource Solutions	\$ 2,268.75

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

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2011 expenses shall be paid from the Lake County Commissioners’ 2012 Budget:

<u>199-2900-43995</u>	<u>Other Services & Charges</u>
-----------------------	-------------------------------------

SO RESOLVED THIS 15TH DAY OF MAY, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
ELSIE FRANKLIN
TED F. BILSKI

MICHAEL C. REPAY
RICK NIEMEYER

Members of the Lake County Council

In the Matter of Resolution Authorizing Lake County to Enter into and Execute Cooperation Agreements with those Units of General Local Government in Lake County (Excluding East Chicago, Hammond and Gary) for which Agreements are Required for the Purpose of Qualifying for the Urban County Entitlement Program Under the Housing and Community Development Act of 1974, as Amended.

Franklin made a motion, seconded by Bilski to approve. All voted “Yes”, except Dernulc, “absent”. Motion carried 6-yes, 1-absent.

RESOLUTION NO. 12-58

RESOLUTION AUTHORIZING LAKE COUNTY TO ENTER INTO AND EXECUTE COOPERATION AGREEMENTS WITH THOSE UNITS OF GENERAL LOCAL GOVERNMENT IN LAKE COUNTY (EXCLUDING EAST CHICAGO, HAMMOND AND GARY) FOR WHICH AGREEMENTS ARE REQUIRED FOR THE PURPOSE OF QUALIFYING FOR THE URBAN COUNTY ENTITLEMENT PROGRAM UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

WHEREAS, Lake County, Indiana is seeking to re-qualify as an Urban County in order To participate in the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development (HUD) under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, HUD had determined that Lake County, Indiana has the powers to carry out Essential Community Development and housing assistance activities; and

WHEREAS, the qualification process requires Lake County to enter into cooperation Agreements with certain units of general local government in order for such Units to be considered part of the Urban County; and

WHEREAS, said cooperation agreements must be included in the qualification of Documentation submitted to HUD no later than July 1, 2012.

NOW, THEREFORE, LET IT BE RESOLVED as follows:

That the Board of Commissioners of the County of Lake is hereby Authorized to enter into and execute cooperation agreements with those Units of general local government in Lake County (excluding East Chicago, Hammond, and Gary) for which agreements are required for the purpose Of qualifying for the Urban County Entitlement Program under the Housing And Community Development Act of 1974, as amended.

DATED THIS 15TH DAY OF May, 2012.

JEROME A. PRINCE, President

CHRISTINE CID
ELSIE FRANKLIN
TED F. BILSKI

MICHAEL C. REPAY
RICK NIEMEYER

Members of the Lake County Council

In the Matter of Permitting the Lake County Sheriff to pay 2010 and 2011 Jail invoices with 2012 funds – 001-3100-43120 Medical & Hospital in the amount of \$49,277.01.

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

RESOLUTION NO. 12-59

RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY OUTSTANDING 2010 AND 2011 JAIL INVOICES/DEBTS FROM THE 2012 BUDGET

WHEREAS, the Sheriff’s Department of Lake County is currently operating in the 2012 Budget; and

WHEREAS, the following Jail invoices/debts were incurred in the Budget years of 2010 and 2011 Have not been paid:

<u>001-3100-43120</u>	<u>Medical & Hospital Services</u>
20/20 Eye Specialist	\$ 901.43
Cardiovascular Clinics	\$ 928.00
City of Crown Point	\$ 1,258.00
Crawford Avenue Anesthesia	\$ 4,950.00
Heart Clinics Professional	\$ 304.79
Hung Dang	\$ 9,690.00

Indiana Surgical Associates	\$ 1,705.52
Internal Medicine Assoc.	\$ 78.86
Jones Ent	\$ 1,936.84
Laboratory Corporation	\$ 64.08
Methodist Hospital Southlake	\$17,541.41
Methodist Pathology	\$ 265.76
Mridula Prasad, M.D.	\$ 173.45
Neurological & Spinal	\$ 1,657.24
Northshore Health Center	\$ 302.02
Northwest Emergency	\$ 194.50
Nephrology Associates	\$ 422.00
Oral Surgery	\$ 4,794.86
Perkink Stang	\$ 94.31
Portage Heart Care	\$ 140.42
Portage County Anesthesia	\$ 1,716.00
Professional Health Ser	\$ 10.86
Uro Surgery Associates	\$ 146.66
	<u>\$49,277.01</u>

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 2012 Budget
The following jail invoices/debts incurred in the calendar year 2010 and 2011
As follows:

<u>001-3100-43120</u>	<u>Medical & Hospital Services</u>
20/20 Eye Specialist	\$ 901.43
Cardiovascular Clinics	\$ 928.00
City of Crown Point	\$ 1,258.00
Crawford Avenue Anesthesia	\$ 4,950.00
Heart Clinics Professional	\$ 304.79
Hung Dang	\$ 9,690.00
Indiana Surgical Associates	\$ 1,705.52
Internal Medicine Assoc.	\$ 78.86
Jones Ent	\$ 1,936.84
Laboratory Corporation	\$ 64.08
Methodist Hospital Southlake	\$17,541.41
Methodist Pathology	\$ 265.76
Mridula Prasad, M.D.	\$ 173.45
Neurological & Spinal	\$ 1,657.24
Northshore Health Center	\$ 302.02
Northwest Emergency	\$ 194.50
Nephrology Associates	\$ 422.00
Oral Surgery	\$ 4,794.86
Perkink Stang	\$ 94.31
Portage Heart Care	\$ 140.42
Porter County Anesthesia	\$ 1,716.00
Professional Health Ser	\$ 10.86
Uro Surgery Associates	\$ 146.66
	<u>\$49,277.01</u>

SO RESOLVED THIS 15TH DAY OF MAY, 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 Eligibility for Health Benefits Effective January 1, 2013.

Dernulc made a motion, seconded by Niemeyer to defer to 6-12-12. All voted “Yes”. Motion to defer Carried 7-0.

In the Matter of Ordinance Amending Ord # 1336A – Lake County Health Department Fees for Services Schedule. – Second Reading.

Dernulc 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. 1336A-1

**ORDINANCE AMENDING THE ORDINANCE
ESTABLISHING THE LAKE COUNTY HEALTH DEPARTMENT FEES**

WHEREAS, the Lake County Council adopted the Ordinance Establishing the Lake County Health Department Fees, Ordinance No. 1336A on June 14, 2011; and

WHEREAS, the Lake County Council desires to amend the Ordinance Establishing the Lake County Health Department Fees.

NOW, THEREFORE, LET IT BE RESOLVE AS FOLLOWS:

That the Ordinance Establishing the Lake County Health Department Fees shall be amended
As follows:

1. That the Lake County Council hereby establishes the Lake County Health Department Fee Schedule as follows:

DELETE:

<u>Food Safety</u>	<u>Fee</u>
Annual Food Service Permit, 1-4 employees	\$150.00
Annual Food Service Permit, 4-9 employees	\$210.00
Annual Food Service Permit, 10-14 employees	\$240.00
Annual Food Service Permit, 15-19 employees	\$270.00
Annual Food Service Permit, 20-24 employees	\$300.00
Annual Food Service Permit, 25-29 employees	\$320.00
Annual Food Service Permit, 30-34 employees	\$350.00
Annual Food Service Permit, 35-39 employees	\$380.00
Annual Food Service Permit, 40-44 employees	\$400.00
Annual Food Service Permit, 45-49 employees	\$430.00
Annual Food Service Permit 50 + employees	\$460.00
Annual Food Market Permit	\$110.00
Temporary Permit	\$10.00/day (maximum \$30.00 per event)
Mobile Unit Permit	\$ 70.00

Partial Year Operation Permits-If such application for a new establishment is made Between the first day of July and the thirty-first day of December of any year, the Applicant shall pay to the Lake County Health Department a fee equal to fifty (50%) Of the respective fee on the foregoing scale.

Such existing food service establishments which operate four or less consecutive Months during any one calendar year shall pay a fee equal to one-third of the regular Annual license fee. Such food service establishments which operate more than four But less than six consecutive months during any one calendar year shall pay a License fee equal to one-half of the regular annual license fee.

Renewal Fees-Every person operating an Annual Food Service or Annual Food Market With a permanent location shall pay annually to the Lake County Health Department a renewal Fee in accordance with the foregoing scale between the first day of January and the first day Of March of each year.

If said renewal fee is not paid on or before the first day of March of each year then the permit is void. Such establishment may resume operation only after securing a permit from the Lake County Health Department and paying a fee in the amount double that of the regular fee for renewal of The license.

Food Service Violation Re-Inspection \$ 80.00

Environmental

Residential-new on-site wastewater disposal permit-trench type	\$ 125.00
Residential-repair on-site wastewater disposal permit-trench type	\$ 110.00
Residential-new on-site wastewater disposal permit-mound type	\$ 200.00
Residential-repair on-site wastewater disposal permit-mound type	\$ 35,00
Commercial-new on-site wastewater disposal permit-trench type	\$ 135.00

Commercial-new on-site wastewater disposal permit-mound type	\$ 250.00
Commercial-repair on-site wastewater disposal permit-mount type	\$ 35.00

Well water sample collection fee	\$ 20.00
----------------------------------	----------

Public Swimming Pools

Annual Non-Tax Supported Swimming Pool Permit	\$2,180.00
Seasonal Non-Tax Supported Swimming Pool Permit	\$ 670.00

Public Health Nursing

Adult (travel) immunizations-administration fee	\$ 10.00
Copy of immunization record	\$ 2.00

Vital Records

Certified Birth Certificate	\$ 10.00
Certified Death Certificate	\$ 10.00
Paternity Affidavit	\$ 15.00
Birth Certificate Name Change	\$ 15.00

INSERT:**Food Safety**

	Fee
Annual Food Service Permit, 1-4 employees	\$ 150.00
Annual Food Service Permit, 4-9 employees	\$ 210.00
Annual Food Service Permit, 10-14 employees	\$ 240.00
Annual Food Service Permit, 15-19 employees	\$ 270.00
Annual Food Service Permit, 20-24 employees	\$ 300.00
Annual Food Service Permit, 25-29 employees	\$ 320.00
Annual Food Service Permit, 30-34 employees	\$ 350.00
Annual Food Service Permit, 35-39 employees	\$ 380.00
Annual Food Service Permit, 40-44 employees	\$ 400.00
Annual Food Service Permit, 45-49 employees	\$ 430.00
Annual Food Service Permit, 50+ employees	\$ 460.00
Annual Food Market Permit	\$ 110.00
Temporary Permit	\$10,00/day(maximum \$30.00 per event)
Mobile Unit Permit	\$ 70.00
Assisted Living Facility	Same as Annual Food Service rates

Partial Year Operation Permits- If such application for a new establishment is made between The first day of July and the thirty-first day of December of any year, the applicant shall pay to the Lake County Health Department, a fee equal to fifty (50%) percent of the respective fee on the foregoing scale. Such existing food service establishments which operate four or less consecutive months during any one calendar year shall pay a fee equal to one-third of the regular annual license fee. Such food service establishments which operate more than four but less than six consecutive months during any one calendar year shall pay a license fee equal to one-half of the regular annual license fee.

Renewal Fees-Every person operating an Annual Food Service or Annual Food Market with a Permanent location shall pay annually to the Lake County Health Department a renewal fee in accordance with the foregoing scale between the first day of January and the first day of March of each year. If said renewal fee is not paid on or before the first day of March of each year then the permit is void. Such establishment may resume operation only after securing a permit from the Lake County Health Department And paying a fee in the amount double that of the regular fee for the renewal of the license.

Operation without a valid permit-Any owner of a Food Service Establishment who begins operation of said Food Service Establishment before obtaining the necessary permit(s) shall be required to pay a double regular fee after the owner complies with all requirements specified within Food Service Establishment Ordinance No. 23 and 410IAC 7-24

Food Service Violation Re-Inspection	\$ 80.00
--------------------------------------	----------

Environmental

Residential-new on-site wastewater disposal permit-trench type	\$ 125.00
Residential-repair on-site wastewater disposal permit-trench type	\$ 110.00
Residential-new on-site wastewater disposal permit-mound type	\$ 200.00
Residential-repair on-site wastewater disposal permit-mound type	\$ 185.00
Commercial-new on-site wastewater disposal permit-trench type	\$ 135.00
Commercial-repair on-site wastewater disposal permit-trench type	\$ 120.00
Commercial-new on-site wastewater disposal permit-mound type	\$ 250.00
Commercial-repair on-site wastewater disposal permit-mount type	\$ 235.00

Well water sample collection fee	\$ 20.00
<u>Public Swimming Pools</u>	
Annual Non-Tax Supported Swimming Pool Permit	\$2,180.00
Seasonal Non-Tax Supported Swimming Pool Permit	\$ 670.00

Seasonal Public Swimming Pool-A public swimming pool that is only operational between May 15th and September 15th of the year.

Renewal Fees-Every person operating an annual Non-Tax Supported Public Swimming Pool Shall pay annually to the Lake County Health Department a renewal fee in accordance with the Foregoing scale between the first day of January and the first day of March every year. If said renewal Fee is not paid on or before the first day of March of each year then the permit is void. Such Public Swimming Pool may resume operation only after securing a permit from the Lake County Health Department and paying a penalty of up to One Thousand (\$1,000.00) Dollars for renewal Of license.

Operation without a valid permit-Any owner of an Annual Non-Tax Supported Public Swimming Pool who begins operation of said Public Swimming Pool before obtaining the necessary permit(s) shall be Required to pay a double regular fee.

Public Health Nursing

Adult (travel) immunizations-administration fee	\$ 10.00
	\$ 2.00

Vital Records

Certified Birth Certificate	\$ 10.00
Certified Death Certificate	\$ 10.00
Paternity Affidavit	\$ 15.00
Birth Certificate Name Change	\$ 15.00

SO ORDAINED THIS 15TH DAY OF MAY, 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 the Lake County Government Computer Usage Policy Ordinance, No. 1204I.

Repay 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 Cid 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. 1204I-3

**AMENDMENT TO LAKE COUNTY GOVERNMENT
COMPUTER USAGE POLICY ORDINANCE, ORDINANCE NO. 1204I**

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

WHEREAS, the Lake County Council desires to insure the proper use of the computer and Telecommunication resources and services of Lake County by its employees, Independent contractors and other computer users; and

WHEREAS, on June 27, 2000, the Lake County Council adopted Lake County Government Computer Usage Ordinance No. 1204I; and

WHEREAS, on September 12, 2000 and February 20, 2007, the Lake County Council amended The Lake County Government Usage Ordinance No. 1204I; and

WHEREAS, the Lake County Council now desires to amend the Lake County Government

Computer Usage Ordinance No. 1204I.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the Lake County Council wishes to amend the Lake County Government Computer Usage Policy Ordinance, Ordinance No. 1204I as follows:

Section IV.B. RULES AND REGULATIONS.

DELETE:

- 6.(c). Using passwords or encryption keys that are unknown to their supervisors;
- 6.(e). placing any material, whether downloaded from the internet, other computers or networks, or installed from magnetic or optical media, into Lake County's computer system, which has not been scanned by Lake County Data Processing for viruses or other destructive programs;
- 6.(g) accessing internet sites not submitted to Lake County Data Processing in writing by the elected official or department head responsible for the supervision of the user;
- 11. Users shall observe and comply with all other policies and guidelines Of Lake County in addition to the policies set forth herein;
- 12. Lake County is not responsible for the actions of individual users in Using the equipment and resources that are subject of this policy;
- 13. Lake County is not responsible for material viewed or downloaded by users from the Internet. Users are cautioned that the Internet is a worldwide network of computers that contains millions of pages of information. Many of these pages include offensive, sexually explicit and inappropriate material. Users accessing the Internet do so at their own risk.

INSERT:

- 6.(c) using passwords (other than network log in) or encryption keys that are unknown to their supervisors;
- 6.(e) placing any material, whether downloaded from the internet, other computers or networks, or installed from magnetic or optical media, into Lake County's computer system, which has not been scanned for viruses or other destructive programs by Lake County Data Processing or by IT personnel within the office or department who have been approved by Lake County Data Processing or the Lake County Data Board:
- 6.(g) accessing internet sites not submitted to Lake County Data Processing in writing by the elected official or department head responsible for the supervision of the user (provided however, that because of the unique nature of their responsibilities, prior disclosure and approval shall not be required of the Lake County Prosecuting Attorney or his staff, and compliance with Section 6(f) will be monitored within this office);
- 11. Prosecuting Attorney and Public Defender. Notwithstanding Sections 6(g) or 9 above, nothing contained in this ordinance shall be construed to require the disclosure by the attorneys or support staff of the Prosecuting Attorney or the Public Defender, of any information deemed Confidential under state or federal law, any rule of the Indiana Supreme Court, or Order of any court of record, or to constitute or require waiver Of attorney-client privilege or attempting work product privilege or to Require disclosure of information in violation thereof.
- 12. Users shall observe and comply with all other policies and guidelines Of Lake County in addition to the policies set forth herein;
- 13. Lake County is not responsible for the actions of individual users in Using the equipment and resources that are subject of this policy;
- 14. Lake County is not responsible for material viewed or downloaded

By users from the Internet. Users are cautioned that the Internet is a Worldwide network of computers that contains millions of pages of Information. Many of these pages include offensive, sexually explicit and inappropriate material. Users accessing the Internet do so At their own risk.

SO ORDAINED THIS 15TH DAY OF MAY, 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 the Ordinance Establishing the Distribution of Monies from the Lake County Commissioners Tax Certificate Sales, Ordinance No 1333A

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

Dernulc 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 1333A-2

ORDINANCE AMENDING THE ORDINANCE ESTABLISHING THE DISTRIBUTION OF MONIES FROM THE LAKE COUNTY COMMISSIONERS TAX CERTIFICATE SALES, ORDINANCE NO. 1333A

WHEREAS, on March 30, 2011, the Lake County Council adopted the Ordinance Establishing The Distribution of Monies from the Lake County Commissioners Tax Certificate Sales, Ordinance No. 1333A; and

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

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the Ordinance Establishing the Distribution of Monies From the Lake County Commissioners Tax Certificate Sales, Ordinance No. 1333A, shall be amended as follows:

DELETE:

8. That from the monies annually deposited in the Commissioner's Tax Sale Fund No. 385, the following maximums shall be transferred each Calendar year to the indicated fund:
 - a. Up to \$236,000.00 to the Auditor's Incentive Fund.
 - b. Up to \$240,000.00 to the Treasurer's Incentive Fund
 - c. Up to \$100,000.00 to the Recorder's Incentive Fund.
 - d. Up to \$250,000.00 to the Commissioners' Incentive Fund.
9. That after the transfers to the respective funds of the monies as Required by paragraph 8, the Lake County Council shall appropriate The following sums of money to the indicated funds:
 - a. Up to \$236,000.00 to the Auditor's Incentive Fund.
 - b. Up to \$240,000.00 to the Treasurer's Incentive Fund
 - c. Up to \$100,000.00 to the Recorder's Incentive Fund
 - d. Up to \$250,000.00 to the Commissioners' Incentive Fund.
10. That the balance of the monies in Commissioners' Tax Sale Fund No. 385 at any time after the annual transfer of the initial \$826,000.00 shall not be transferred or used for any purpose

other than by action of the Lake County Council through Transfer and/or appropriation

INSERT:

8. That from the monies annually deposited in the Commissioners' Tax Sale Fund No 385, the following maximums shall be transferred each Calendar year to the indicated fund:
 - a. Up to \$236,000.00 to the Auditor's Incentive Fund.
 - b. Up to \$240,000.00 to the Treasurer's Incentive Fund.
 - c. Up to \$100,000.00 to the Recorder's Incentive Fund.
 - d. Up to \$300,000.00 to the Commissioners' Incentive Fund.

9. That after the transfers to the respective funds of the monies as Required by paragraph 8, the Lake County Council shall appropriate The following sums of money to the indicated funds:
 - a. Up to \$236,000.00 to the Auditor's Incentive Fund.
 - b. Up to \$240,000.00 to the Treasurer's Incentive Fund.
 - c. Up to \$100,000.00 to the Recorder's Incentive Fund.
 - d. Up to \$300,000.00 to the Commissioners' Incentive Fund.

10. That the balance of the monies in Commissioners' Tax Sale Fund No. 385 at any time after the annual transfer of the initial \$876,000.00 shall not be transferred or used for any purpose other than by action of the Lake County Council through transfer and/or appropriation.

SO ORDAINED THIS 15TH DAY OF MAY, 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 Creating a Statewide 911 Fund, a Non-Reverting Fund.

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

Bilski made a motion, seconded by Cid to Suspend Rules. All voted "Yes". Motion to Suspend Rules 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. 1347A

**ORDINANCE CREATING THE STATEWIDE 911 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, 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, I.C. 36-8-16.7-38(f) provides that the funds that remain on June 30, 2012 in the

County's wireless emergency telephone system fund established by I.C. 36-8-16.5-43 Shall be transferred on July 1, 2012, by the County Treasurer to the County's 911 Fund; and

WHEREAS, the Lake County Council desires to create the Statewide 911 Fund for the deposit and Disbursement of statewide 911 system funds.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Statewide 911 Fund, a non-reverting fund, Is established for he deposit and disbursement of Statewide 911 Funds.
2. That disbursements shall be made for the purposes set out in Senate Enrolled Act 345, I.C. 36-8-16.7, et. seq.
- 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 Statewide 911 Fund.

SO ORDAINED THIS 15TH DAY OF MAY, 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 Minimum bid Policy on Real Property Subject to a Sale for Delinquent Taxes Pursuant to I.C. 6-1.1-24-15, Commonly Known as HEA 1090.

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

Cid made a motion, seconded by 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. 1347B

**ORDINANCE TO ESTABLISH A MINIMUM BID
POLICY ON REAL PROPERTY SUBJECT TO A
SALE FOR DELINQUENT TAXES PURSUANT TO
I.C.6-1.1-24-15, COMMONLY KNOWN AS HEA 1090**

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

WHEREAS, pursuant to I.C. 36-2-3.5-5, the Lake County Council may pass all ordinances, Orders, resolutions, and motions for the government of the County; and

WHEREAS, pursuant to I.C. 6-1.1-24-15, the Lake County Council may adopt an Ordinance To Establish a Minimum Bid on Real Property Subject to a Sale for Delinquent Taxes; and

WHEREAS, the Lake County Council desires to establish a minimum bid policy on real Property subject to a sale for delinquent taxes in accordance with the provisions Outlines in I.C. 6-1.1-24-15, commonly known as HEA 1090.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Minimum Bid Policy is hereby established in accordance with the provisions contained in I.C. 6-1.1-24-15, commonly known as HEA 1090 as follows:
 2. The Lake County Treasurer may accept a bid on a tract or An item of real property offered for sale under I.C. 6-1.1-24-1, et. seq., that is greater than or equal to the lesser of:
 - (1) the amount determined under I.C. 6-1.1-24-5(f) for the tract or item of real property; or
 - (2) seventy-five (75%) percent of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.
2. That the Lake County Council shall deliver a copy of this Ordinance To the Lake County Treasurer and Lake County Auditor upon passage.

SO ORDAINED THIS 15TH DAY OF MAY, 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 Property Tax Amnesty Program Pursuant to I.C. 6-1.1-37-10.1, Commonly Known as HEA 1090.

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 carried 7-0.

Cid 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. 1347C

**ORDINANCE ESTABLISHING THE LAKE COUNTY
PROPERTY TAX AMNESTY PROGRAM
PURSUANT TO I.C. 6-1.1-37-10.1,
COMMONLY KNOWN AS HEA 1090**

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

WHEREAS, pursuant to I.C. 36-2-3.5-5. the Lake County Council may pass all ordinances, Orders, resolutions, and motions for the government of the County; and

WHEREAS, pursuant to I.C. 6-1.1-37-10.1, the Lake County Council may, before July 1, 2012, Adopt an Ordinance to Establish a Property Tax Amnesty Program; and

WHEREAS, the Lake County Council desires to establish a Tax Amnesty Program in Accordance with the provisions outlined in I.C. 6-1.1-37-10.1, commonly known As HEA 1090.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Property Tax Amnesty Program is hereby Established in accordance with the provisions contained in I.C. 6-1.1-37-10.1, commonly known as HEA 1090 as follows:
 - A. The Lake County Treasurer shall waive all interest And penalties added before January 1, 2012, to a Delinquent property tax installment or special Assessment on a tract or an item of real property if:
 - (1) all of the delinquent taxes and special assessment on the tract or item of real property were first due and payable before January 1, 2012; and

- (2) before July 1, 2013, the taxpayer has paid:
 - (a) all of the delinquent taxes and special assessments described in subdivision (1); and
 - (b) all of the taxes and special assessments that are first due and payable on the tract or item of real property after December 31, 2011, and before July 1, 2013 (and any interest and penalties on These taxes and special assessments).
 - B. The Lake County Treasurer shall waive interest and Penalties as provided in subsection A. if the conditions In subsection A. are satisfied, notwithstanding any past Agreement entered into by the County Treasurer and The taxpayer under I.C. 6-1.1-24-1.2, or any other law.
 - C. The waiver of interest and penalties in this Ordinance Shall apply after July 1, 2012 until July 1, 2013.
2. Upon passage, the Lake County Council shall deliver a cop of The Ordinance to the Lake County Treasurer and Lake County Auditor.

SO ORDAINED THIS 15TH DAY OF MAY, 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 the Lake County Human Resource Manual, Ordinance 1285B to Establish a Nepotism Policy Pursuant to I.C. 36-1-20.2 and a Contracting Policy Pursuant to I.C. 36-1-21, as Required by HEA 1005

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 Niemeyer 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. 1285B-16

ORDINANCE AMENDING THE LAKE COUNTY HUMAN RESOURCES MANUAL, ORDINANCE NO. 1285B TO ESTABLISH A NEPOTISM POLICY PURSUANT TO I.C. 36-1-20.2 AND A CONTRACTING POLICY PURSUANT TO I.C. 36-1-21, AS REQUIRED BY HEA 1005

WHEREAS, on March 13, 2007, the Lake County Council adopted the Lake County Human Resources Manual, Ordinance No. 1285B, establishing the Lake County Personnel Policy; and

WHEREAS, HEA 1005, effective July 1, 2012, requires all units of government in the State of Indiana to include in their personnel policy new rules regarding a nepotism policy (I.C. 36-1-20.2) and new rules regarding contracting with a unit of government (I.C. 36-1-21); and

WHEREAS, the Lake County Council desires to establish new rules regarding nepotism and contracting by amending its personnel policy, the Lake County Human Resources Manual, Ordinance No. 1285B.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

The Lake County Human Resources Manual, Ordinance No. 1285B, shall be amended to include the nepotism policy required by HEA 1005, (I.C. 36-1-20.2), and be amended to include the policy for contracting with Lake County (I.C. 36-1-21) as follows:

I. NEPOTISM.

Section 1. This Ordinance applies to all offices and departments of Lake County Government.

Section 2. An individual who is employed by Lake County on July 1, 2012, is not subject to this Ordinance unless the individual has a break in employment with Lake County. The following are not considered a break in employment with Lake County:

- A. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
- B. The individual's employment with Lake County is terminated followed by immediate re-employment by Lake County, without loss of payroll time.

Section 3. For purposes of this Ordinance, the performance of the duties of:

- A. a precinct election officer (as defined in I.C. 3-5-2-40.1) that are imposed by I.C.3; or
- B. a volunteer firefighter;

is not considered employment by Lake County.

Section 4. As used in this Ordinance, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of Lake County, as provided by law, to make decisions regarding salary ordinance, budgets or personnel policies of Lake County.

Section 5. As used in this Ordinance, "employed" means an individual who is employed by Lake County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with Lake County.

Section 6. As used in this Ordinance, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Section 7. As used in this Ordinance, "member of the police department" means the sheriff, a police chief or a police officer appointed to the department.

Section 8. A. As used in this Ordinance, "relative" means any of the following:

1. A spouse.
2. A parent or step-parent.
3. A child or step-child.
4. A brother, sister, step-brother, or step-sister.
5. A niece or nephew.
6. An aunt or uncle.
7. A daughter-in-law or son-in-law.

B. For purposes of this Section, an adopted child of an individual is treated as a natural child of the individual.

C. For purposes of this Section, the terms "brother" and "sister" include a brother or sister by the half blood.

Section 9. A. This Ordinance establishes a minimum requirement regarding employment

of relatives. The County Council body of Lake County hereby adopts a policy that includes, at a minimum, the requirements set forth in this Ordinance. However, the policy may:

1. include requirements that are more stringent or detailed than any provision in this chapter; and

2. apply to individuals who are exempted or excluded from the application of this chapter. Lake County may prohibit the employment of a relative that is not otherwise prohibited by this Ordinance.

B. The annual report filed by Lake County with the State Board of Accounts under I.C. 5-11-131 must include a statement by the Board of Commissioners of Lake County stating whether Lake County has implemented a policy under this Ordinance.

Section 10. Individuals who are relatives may not be employed by Lake County in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Section 11. A. This section applies to an individual who:

1. is employed by Lake County on the date the individual's relative begins serving a term of an elected office of Lake County; and
2. is not exempt from the application of this Ordinance under Section 2 of this Ordinance.

B. Unless a policy adopted under Section 9 of this Ordinance provides otherwise, an individual may remain employed by Lake County and maintain the individual's position or rank even if the individual's employment would violated Section 10 of this Ordinance.

- C. Unless a policy adopted under Section 9 of this Ordinance provides otherwise, an individual described in subsection B. may not:

1. be promoted to a position; or
2. be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate Section 10 of this Ordinance.

Section 12. This Ordinance does not abrogate or affect an employment contract with Lake County that:

- A. an individual is a party to; and

B. is in effect on the date the individual's relative begins serving a term of an elected office of Lake County.

Section 13. Unless the policy adopted under Section 9 of this Ordinance provides otherwise, a sheriffs spouse may be employed as prison matron for the County under I.C. 36-8-10-5 and the spouse may be in the sheriffs direct line of supervision.

Section 14. Unless the policy adopted under Section 9 of this Ordinance provides otherwise, an individual:

- A. who served as coroner;

B. who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;

- C. who, as coroner, received certification under I.C. 36-2-14-22.3; and

- D. whose successor in the office of coroner is a relative of the individual; may be hired

in the position of deputy coroner and be in the coroner's direct line of supervision.

Section 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under Section 9 of this Ordinance provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- A. may be hired to work only in the township trustee's office;

- B. may be in the township trustee's direct line of supervision; and

C. may not receive total salary, benefits, and compensation that exceed Five Thousand (\$5,000.00) Dollars per year.

Section 16. Each elected officer of Lake County shall annually certify in writing, subject to the penalties for perjury, that the County official has not violated this Ordinance. A County official shall submit the certification to the Board of Commissioners of Lake County not later than December 31 of each year.

Section 17. If the State Board of Accounts finds that Lake County has not implemented a policy under this Ordinance, the State Board of Accounts shall forward the information to the Department of Local Government Finance.

Section 18. If Lake County has not implemented a policy under this Ordinance, the Department of Local Government Finance may not approve:

- A. Lake County's budget; or
- B. any additional appropriations for Lake County;

for the ensuing calendar year until the State Board of Accounts certifies to the Department of Local Government Finance that Lake County is in compliance with this Ordinance.

II. CONTRACTING WITH LAKE COUNTY.

Section 1. This Ordinance applies to Lake County, Indiana.

Section 2. As used in this Ordinance "elected official" means:

- A. a member of the Board of Commissioners of Lake County;
- B. a member of the County Council of Lake County.

Section 3. A. As used in this ordinance, "relative" means any of the following:

- 1. A spouse.
- 2. A parent or step-parent.
- 3. A child or step-child.
- 4. A brother, sister, step-brother or step-sister.
- 5. A niece or nephew.
- 6. An aunt or uncle.
- 7. A daughter-in-law or son-in-law.

B. For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

C. For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Section 4. A. This Ordinance establishes minimum requirements regarding contracting with Lake County. The County Council of Lake County hereby adopts a policy that includes, at a minimum, the requirements set forth in this Ordinance. However, the policy may:

- 1. include requirements that are more stringent or detailed than any provision in this Ordinance; and
- 2. apply to individuals who are exempted or excluded from the application of this Ordinance.

The County may prohibit or restrict an individual from entering into a contract with Lake County that is not otherwise prohibited or restricted by this Ordinance.

B. The annual report filed by Lake County with the State Board of Accounts under I.C. 5-11-13-1 must include a statement by the Board of Commissioners of Lake County stating whether the County has implemented a policy under this chapter.

Section 5. A. Lake County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

1. an individual who is a relative of an elected official; or
2. a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this Section are satisfied and the elected official does not violate I.C. 35-44-1-3.

B. Lake County may enter into a contract or renew a contract with an individual or business entity described in Subsection A. if:

1. the elected official files with Lake County a full disclosure, which must:
 - a. be in writing;
 - b. describe the contract or purchase to be made by Lake County;
 - c. describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - d. be affirmed under penalty of perjury;
 - e. be submitted to the legislative body of Lake County and be accepted by the legislative body in a public meeting prior to the final action on the contract or purchase; and
 - f. be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
 - i. the State Board of Accounts; and
 - ii. the Clerk of the Circuit Court of Lake County, Indiana; and
2. the appropriate agency of Lake County:
 - a. makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - b. makes a certified statement of the reasons why the vendor or contractor was elected; and
3. Lake County satisfies any other requirements under I.C. 5-22 or I.C. 36-1-12.

C. An elected official shall also comply with the disclosure provisions of I.C. 35-44-1-3, if applicable.

D. This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the County begins.

Section 6. Each elected official of Lake County shall annually certify in writing, subject to the penalties for perjury, that the official is in compliance with this chapter. An official shall submit the certification to the Board of Commissioners of Lake County not later than December 31 of each year.

Section 7. If the State Board of Accounts finds that Lake County has not implemented a policy under this Chapter, the State Board of Accounts shall forward the information to the Department of Local Government Finance.

Section 8. If Lake County has not implemented a policy under this Chapter, the Department of Local Government Finance may not approve:

- A. Lake County's Budget; or
 - B. any additional appropriations for Lake County;
- for the ensuing calendar year until the State Board of Accounts certifies to the Department for Local Government Finance that Lake County has adopted a policy under this Chapter.

SO ORDAINED THIS 15TH DAY OF MAY, 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 the RBA.

Bilski made a motion, seconded by Cid to suspend the regular portion of the meeting. All voted "Yes". Motion carried 7-0.

Bilski made a motion, seconded by Dernulc to allow the RBA to address the Council. All voted "Yes". Motion carried 7-0.

Prince commented that everyone who is in attendance is aware of the dilemma of public transportation. He acknowledged the various groups who were present such as, the RBA, Everybody Counts group, and members who work for the RBA, GPTC members, and members of the public at large.

Prince also said that this Body, for the last 60 days, has entertained every opinion possible, starting with the RBA. Prince explained that there was a presentation by the RBA before the Council' Study session, as to their operations, and their plight.

Prince also said that last Thursday, members of the GPTC arrived with a similar presentation.

He said there are varying reasons why this Body is not prepared to take any action today.

Prince said that what's most important is that everyone gets a look at the faces that are here and listen to some of the comments that are going to be expressed.

Prince asked that with each presentation, that it be limited to 1 or 2 comments per group. He said this is an issue that the Council has dealt with for the last 2 months, and there is no action that can be taken today, and he wanted to make that perfectly clear that RBA, GPTC, or anyone was not on the agenda, simply because we've covered this issue and we've listened very attentively.

Prince said, what we are attempting to do is to acknowledge your presence, acknowledge your voice, and provide an opportunity for, at least a couple of brief comments as it relates to this, and as we move forward.

Tim Brown, Executive Director of Regional Bus Authority spoke. He said that they brought 50 riders to the Council meeting today. He said that everyone that came to the meeting on their transit system today is dependent on the system. They require it to get to their jobs, to the grocery store, to the medical facilities. It's the only transportation that they have. They don't own vehicles.

Mr. Brown said the system is closing down June 30, 2012. All notices have been sent to contractors, to the employees, and to the unions. He also said that we need a global solution, we need something that is county-wide.

He said the three Mayors recently signed a MOU for cooperation and collaboration, in trying to get something to work on a regional basis. He said that that is a first good step that the 3 Mayors have agreed that there needs to be some type of cooperation and collaboration in a regional type of system.

Teresa Torres, from Everybody Counts said that for nearly 20 years her Agency has been a strong advocate for regional transportation.

She said that while they support regional transportation, they can not support the RBA, as it is currently constituted, and that has not changed.

A gentleman named Rudy spoke as well.

Prince reminded everyone that there is no vote to be taken today, and asked the speakers to express how they feel about transportation, and not one organization versus the other.

Emmanuel John, a Minister spoke and asked the Council that any consideration that you are giving, he asks that you consider eliminating a personal interest in the matter, but to look at the public interest for our community, the people that you are interested in helping so that our community can be better, so that our economy can get better, and that the services that you are rendering can work.

Marvin Jackson, from the Teamsters who represent the drivers spoke, and stated that we need to come up with a solution to fund this.

Clay Cates, from GPTC, who said that GPTC wanted to go on record with the Council as being an advocate of regional transportation.

Mrs Nancy Ebert of Hammond, IN spoke and said that it makes no sense to fight amongst one another, but they need to find a solution collectively, because there needs to be county-wide service.

Bilski made a motion, seconded by Dernulc for a 2 minute recess to allow anyone who would like to leave, the opportunity to do so.

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