

WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in regular session at this time, for the purpose of considering additional appropriations, a written notice was sent to each member of the Council, and proper advertisement made, and all other acts performed in accordance with the laws governing such matters.

And now in obedience to such call, come Ted Bilski, President, Jerome A. Prince, David Hamm, Elsie Franklin, Daniel Dernulc, Christine Cid, and Eldon Strong, County Councilpersons, together with Ray Szarmach, County Council Attorney.

In the Matter of Minutes of the Lake County Council – July 9, 2013.

Hamm made a motion, seconded by Franklin to approve the minutes of the July 9, 2013 Lake County Council meeting.

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

ORDINANCE NO. 1363

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>Cooperative Extension</u> 2300		
43630 Maintenance & Service Contr	\$ 7,000.00	\$ 7,000.00
<u>Soil & Water Conservation</u> 2650		
43730 Property Rent(Reduction)	-\$ 7,000.00	-\$ 7,000.00
<u>Assessor</u> 0900		
43910 Dues & Subscriptions	\$ 355.50	\$ 355.50
<u>Commissioners</u> 2900		
41250 Unemployment Comp(Reduction)	-\$ 1,400.00	-\$ 1,400.00
<u>Center Township Assessor</u> 1200		
43240 Telephone	\$ 900.00	\$ 900.00
43510 Utilities	\$ 500.00	\$ 500.00
Gambling Adm Tax Fund 196		
<u>Juvenile Court</u> 4100		
44410 Furniture & Fixtures	\$ 3,000.00	No Action Taken
<u>Data Processing</u> 3600		
43240 Telephone	\$ 67,377.81	\$ 67,377.81
43995 Other Services & Charges	\$ 20,236.72	\$ 20,236.72
Cum Cap Dev Fund 651		
<u>Juvenile Court</u> 4100		
44410 Furniture & Fixtures	\$ 3,000.00	\$ 3,000.00
Substance Abuse Testing Fund 388		
<u>Criminal Court</u> 4000		
43190 Other Professional Service(CNL)	\$ 20,000.00	\$ 20,000.00
L.C. Fairgrounds Non-Reverting Fund 131		
<u>Fairgrounds</u> 2920		
42410 Other Supplies	\$ 7,000.00	\$ 7,000.00
Website Maintenance Fund 256		
<u>Clerk</u> 0100		
41190 Part-Time	\$ 28,100.00	Defer to 9-10-13
41220 FICA	\$ 1,900.00	Defer to 9-10-13
L.C. Coroner’s Facility Fee Fund 273		
<u>Coroner</u> 0700		
41190 Part-Time	\$ 5,000.00	\$ 5,000.00
Sheriff’s Towing & Franchise Fee Fund 290		
<u>Sheriff</u> 0500		
41100 Overtime	\$ 15,000.00	\$ 15,000.00
41140 Protective Services	\$135,207.24	\$135,207.24

	Appropriation Requested	Appropriated
L.C. Sheriff Violence Intervention Program Grant Fund 333		
<u>Sheriff</u> 0500		
41160 Office & Clerical	\$ 13,700.00	\$ 13,700.00
41220 FICA	\$ 1,240.00	\$ 1,240.00
41230 PERF	\$ 1,950.00	\$ 1,950.00
41390 Supplemental Pay	\$ 6,000.00	\$ 6,000.00
43190 Other Professional Service	\$ 25,800.00	\$ 25,800.00
Treasurer's Incentive Fund 427		
<u>Treasurer</u> 0300		
43190 Other Professional Service(CNL)	\$ 50,000.00	\$ 50,000.00

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>County Assessor</u> 0900		
From: 001-43620 Equipment Repair	\$ 544.17	
To: 001-43910 Dues & Subscriptions	\$ 544.17	\$ 544.17
<u>CASA</u> 4150		
From: 001-41190 Part-Time	\$ 4,000.00	
001-43630 Maintenance & Serv Contr	\$ 2,000.00	
001-43920 Food & Lodging	\$ 1,000.00	
To: 001-43235 Travel-Mileage	\$ 7,000.00	\$ 7,000.00
<u>Coroner</u> 0700		
From: 001-43130 Toxicology Lab	\$ 6,000.00	
To: 001-43190 Other Professional Serv	\$ 4,000.00	\$ 4,000.00
001-43630 Maint & Svc Contr	\$ 2,000.00	\$ 2,000.00
<u>Commissioners</u> 2900		
From: 001-41250 Unemployment Comp Ded	\$ 4,000.00	
To: 001-43976 Patients & Inmates	\$ 4,000.00	\$ 4,000.00
<u>Parks</u> 5151		
Parks & Recreation Fund 107		
From: 107-41180 Service Maintenance	\$14,706.00	
To: 107-41110 Officials & Admn	\$14,706.00	\$14,706.00
<u>Emergency Management</u> 3500		
From: 001-43910 Dues & Subscriptions	\$ 442.00	
To: 001-42220 Garage & Motors	\$ 442.00	\$ 442.00
<u>Treasurer</u> 0300		
From: 001-41160 Office & Clerical	\$ 2,000.00	
To: 001-41110 Officials & Adm	\$ 2,000.00	\$ 2,000.00
<u>Treasurer</u> 0300		
Treasurer's Incentive Fund 427		
From: 427-41160 Office & Clerical	\$ 3,200.00	
To: 427-41390 Supplemental Pay	\$ 3,200.00	\$ 3,200.00
<u>Sheriff</u> 0500		
From: 001-41140 Protective Services	\$15,000.00	
001-41339 Clothing Allowance Pay	\$20,000.00	
To: 001-41190 Part-Time	\$35,000.00	\$35,000.00
<u>Sheriff</u> 0500		
L.C. Operating Fund 312		
From: 312-41235 Merit Retirement	\$89,114.00	
To: 312-42210 Petroleum(CNL)	\$89,114.00	WITHDRAWN
<u>Sheriff</u> 0500		
Commissary Payroll Pass-Thru Fund 332		
From: 332-41140 Protective Services	\$10,000.00	
To: 332-41100 Overtime	\$10,000.00	\$10,000.00
<u>Prosecutor IV-D</u> 0850		
From: 001-41150 Paraprofessionals	\$19,206.00	
001-41390 Supplemental Pay	\$ 2,295.00	
001-43235 Travel-Mileage	\$ 4,135.62	
001-43630 Maintenance & Serv Contr	\$ 6,700.00	
To: 001-41190 Part-Time	\$28,201.00	\$28,201.00
001-42110 Supplies	\$ 4,135.62	\$ 4,135.62

	Requested	Approved
<u>L.S. Court County Div III 4050</u>		
From: 001-41331 Court Reporter Per Diem	\$ 698.48	
001-43955 Official Bond	\$ 500.00	
To: 001-43190 Other Professional Serv	\$ 1,198.48	\$ 1,198.48

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 13th day of August, 2013.

Adopted this 13th day of August, 2013.

NAY

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Ted F. Bilski
Jerome A. Prince
David A. Hamm
Elsie Franklin
Daniel E. Dernulc
Christine Cid
Eldon Strong

Members of the Lake County Council

	Additional		
	Made motions	seconded	
<u>General fund 001</u>			
Cooperative Extension(\$7,000)	Strong	Prince	All voted "Yes" to approve. Motion carried 7-0.
Soil & Water Conser(-\$7,000)	Strong	Prince	All voted "Yes" to approve the reduction. Motion carried 7-0.
Assessor(\$355.50)	Prince	Franklin	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(-\$1,400)	Franklin	Prince	All voted "Yes" to approve the reduction. Motion carried 7-0.
Center Twp Assr(\$1,400)	Prince	Strong	All voted "Yes" to approve. Motion carried 7-0.
<u>Gambling Adm Tax Fund 196</u>			
Juvenile Court(\$3,000)	NO ACTION TAKEN		
Data Processing(\$87,614.53)	Franklin	Strong	All voted "Yes" to approve. Motion carried 7-0.
<u>Cum Cap Dev Fund 651</u>			
Juvenile Court(\$3,000)	Dernulc	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Substance Abuse Testing Fund 388</u>			
Criminal Court(\$20,000)	Hamm	Cid	All voted "Yes" to create new line item, and approve appropriation. Motion carried 7-0.
<u>L.C. Fairgrounds Non-Reverting Fund 131</u>			
Fairgrounds(\$7,000)	Strong	Prince	All voted "Yes" to approve. Motion carried 7-0.
<u>Website Maintenance Fund 256</u>			
Clerk(\$30,000)	Franklin	Prince	All voted "Yes" to defer to 9-10-13. Motion to defer carried 7-0.

L.C. Coroner's Facility Fee Fund 273

Coroner's(\$5,000)	Cid	Hamm	All voted "Yes" to approve. Motion carried 7-0.
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Sheriff's Towing & Franchise Fee Fund 290

Sheriff(\$150,207.24)	Cid	Franklin	All voted "Yes" to approve. Motion carried 7-0.
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L.C. Sheriff Violence Intervention Program Grant Fund 333

Sheriff(\$48,690)	Cid	Franklin	All voted "Yes" to approve. Motion carried 7-0.
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Treasurer's Incentive Fund 427

Treasurer(\$50,000)	Franklin	Hamm	All voted "Yes" to create new line item, and approve the appropriation, except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.
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Footnotes

Re: Criminal Court(\$20,000) – Hamm made a motion, seconded by Cid to approve the appropriation of \$20,000 dollars in Fund 388 – Substance Abuse Testing Fund, and create new line item, 43190 – Other Professional Service.
Prince said that the Ordinance needed to be done first, before approving the appropriation.
Motions were withdrawn.

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

Transfers

	Made motion	seconded	
County Assessor(\$544.17)	Prince	Franklin	All voted "Yes". Motion carried 7-0.
CASA(\$7,000)	Cid	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Coroner(\$6,000)	Cid	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(\$4,000)	Franklin	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Parks(\$14,706)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Park & Rec Fund 107			
Emergency Mngmt(\$442)	Strong	Prince	All voted "Yes" to approve. Motion carried 7-0.
Treasurer(\$2,000)	Franklin	Prince	All voted "Yes", except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.
Treasurer(\$3,200)			
Treas Incentive Fund 427	Franklin	Prince	All voted "Yes", except Cid, "abstain". Motion to approve carried 6-yes, 1-abstention.
Sheriff(\$35,000)	Cid	Hamm	All voted "Yes", except Hamm, "absent". Motion to approve carried 6-yes, 1-absent
Sheriff(\$89,114)			
LC Operating Fund 312	WITHDRAWN		
Sheriff(\$10,000)			
Commissary Patrol Pass Thru Fund 332	Cid	Franklin	All voted "Yes". Motion to approve carried 7-0.
Prosecutor IV-D(\$32,336.62)	Franklin	Hamm	All voted "Yes" to approve. Motion carried 7-0.
County Court Div III(\$1,198.48)	Hamm	Prince	All voted "Yes" to approve. Motion carried 7-0.

In the Matter of Revised 144 for Assessor.

Re: Assessor – Prince made a motion, seconded by Franklin to approve.

Cid said that she thinks that this should be a 2014 budget action. One position has been vacant for years, and she isn't sure about the other one, but she would rather see it on the 2014 budget.

Strong asked, for clarification is those 2 positions are being eliminated?

Prince answered, that's correct, and it's a reduction in the amount that's actually going to be dispersed.

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

<u>Rev 144 – 001</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16682-006 Clerk Typist	\$26,441	-0-	-\$26,441
16710-001 Data Clerk	\$36,073	-0-	-\$36,073
16xxx-001 Appeals Investigation Hearing Officer	-0-	\$31,257	\$31,257
16xxx-002 Appeals Investigations Hearing Officer	-0-	\$31,257	\$31,257

In the Matter of Citizen Nominations – Economic Development Commission – Town of Cedar Lake (1)

Strong made a motion, seconded by Prince to defer to 10-8-13. All voted "Yes" to defer. Motion to defer carried 7-0.

In the Matter of Citizen Nominations – Economic Development Commission – City of Lake Station

Prince made a motion to defer. He had a note, from the study session to defer.

Attorney Szarmach said he has the name of Jeff Kincade.

Prince nominated Jeff Kincade to the Economic Development Commission for the Town of Lake Station.

Hamm seconded the nomination. All voted "Yes". Motion carried 7-0.

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

Prince made a motion, seconded by Hamm to appoint Jeff Kincade to the City of Lake Station Economic Development Commission. All voted "Yes". Motion carried 7-0.

In the Matter of Contract/Law office of Ray L. Szarmach, P.C., Consulting Contract.

Hamm made a motion to approve the Contract for the Law Office of Ray L. Szarmach, P.C. Consulting Contract. Prince seconded the motion.

Bilski explained that this is strictly a motion that has to be done to show it's not an individual, but a business, so the change is basically changing it to the Law Office, instead of Attorney Szarmach himself. Bilski said the verbal change is required, but it's nothing new, actually nothing taking place other than correcting the way it's worded.

Attorney Szarmach said it's the exact same Contract for 2013, but the new Healthcare Law is requiring this. It is not an amendment, it's just replacing it. This also rescinds the Contract that was approved 3-12-13.

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

LAW OFFICE OF RAY L. SZARMACH, P.C.
CONSULTING CONTRACT

THIS AGREEMENT, entered into this 13th day of August, 2013, effective from April 1, 2013 to December 31, 2013, by and between LAW OFFICE OF RAY L. SZARMACH, P.C., (hereinafter called "Consultant") and the LAKE COUNTY COUNCIL (hereinafter called "Council").

Under the statutory provisions in I.C. 36-2-3-10(a) and I.C. 36-2-3.5-5(b)(2), the COUNCIL has the authority to determine the compensation and duties of a Consultant Attorney (Consultant). The purpose of this Contract is to spell out the duties of the Consultant and to enumerate compensation that is consistent with the Council's authority.

WITNESSETH THAT:

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Employment of Consultant Attorney.
 - A. In accordance with I.C. 36-2-3-10(a) and I.C. 36-2-3.5-5(b)(2), as the fiscal and legislative body of Lake County hereby employs the consulting services of Law Office of Ray L. Szarmach, P.C.
 - B. The Consultant hereby agrees to perform the services for the compensation indicated in this agreement.
 - C. The Consultant will be responsible for all staff and office expenses associated with representation.

2. Scope of Fixed Fee Service. The Consultant shall do, perform, and carry out in a good and professional manner the following services in paragraph 2 for the fixed fee of Six Thousand (\$6,000.00) Dollars per month or a total of Seventy-Two Thousand (\$72,000.00) Dollars per year.
 - A. Legally advise the Council and/or its departments when requested by the Council of duties and authority.
 - B. Attend all meetings of the Council, and Council committees when requested.
 - C. Prepare opinions, reports and documents for the Council as requested.
 - D. Devote such hours as are necessary for the performance of the obligations of the Consultant as outlined in the fixed fee section of the contract.
 - E. The fixed fee payable to the Consultant under this section is payable

out of the Legal Services line item in the Council's General Fund Budget or such other line items under the control of the Council. The fee shall be paid in the sum of Six Thousand (\$6,000.00) Dollars at the first of the month, the first payment due April 1, 2013.

3. Representation in Litigation.
 - A. The Consultant shall legally represent or designate a representative for the Council as the County fiscal and legislative body in all possible, potential, threatened and actual litigation to include litigation or threats of litigation against the Council as a political subdivision and in any cases filed by the Council as Plaintiff.
 - B. The Consultant shall exercise his discretion after consultation with the Council in determining who shall represent which defendants in all litigation filed against the County and or Lake County Council.
 - C. The Consultant shall keep the Council up-to-date on all proceedings so as to permit the Council to make informed judgments at action stages in any controversy or litigation.
 - D. The Consultant will act as their lead counsel.
 - E. The amount of a fee for representation for in Court litigation shall be determined by the Council on a case by case basis.

4. Bond Counsel.
 - A. The Consultant shall act as local counsel in all proceedings where the Council as the fiscal and legislative body for Lake County are involved in bonding or issuing tax warrants.
 - B. The fees for this service shall be the usual and customary fees applicable to the services rendered by the Consultant in current and bond/warrant fundings undertaken by and/or involving the Council subject to approval of the Council.

5. Time of Performance. The services to be performed hereunder by the Consultant shall be undertaken and completed in such sequence as to assure their expeditious completion and best carry out the purposes of the agreement.

6. Changes. The Council may, from time to time, require changes in the scope of the services of the Consultant to be performed hereunder. Such changes, which are mutually agreed upon by and between the Council and the Consultant, shall be incorporated in a written amendment to this agreement.

7. Termination of Agreement. Either party may terminate this agreement, with or without cause, by giving fourteen (14) days written notice to the other party and specifying the effective date of termination.
8. Accomplishment of Project. The Consultant shall commence, carry on, and complete the project with all practicable dispatch, in a sound economical and efficient manner, in accordance with the provisions thereof and all applicable laws.
9. Provisions Concerning Certain Waivers. Subject to applicable law, any right or remedy which the Council may have under this contract may be waived in writing by the Council by a formal waiver, if, in the judgment of the Council, this contract, as so modified, will still conform to the terms and requirements of pertinent laws.
10. Matters to be Disregarded. The titles of the several sections, subsections, and paragraphs set forth in this contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this contract.
11. Completeness of Contract. This contract and any additional or supplemental document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.
12. Council Not Obligated to Third Parties. The Council shall not be obligated or liable hereunder to any party other than the Consultant.
13. When Rights and Remedies Not Waived. In no event shall the making by the Council of any payment to the Consultant constitute or be construed as a waiver by the Council of any breach of covenant, or any default which may then exist, on the part of the Consultant, and the making of any such payment by the Council while any such breath or default shall exist in no way impair or prejudice any right or remedy available to the Council in respect to such breath or default.
14. Personnel. The Consultant represents that he has, secured at his own expense, all staff, office equipment and facility required in performing the services under this agreement. Such personnel shall not be employees of or have any contractual relationship with the Council. All of the services

required hereunder will be performed by the Consultant or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

15. Equal Opportunity and Affirmative Action. The Consultant agrees by the execution of this contract that in regards to its operations:
- A. No person shall, on the grounds of race, color, national origin or sex, be excluded from participation, be denied the benefits of, or be subject to discrimination.
 - B. The principles of equal opportunity in employment and delivery of services are applicable and commits to a policy and practice of nondiscrimination and affirmative action based upon age, military service, ancestry, color, national origin, physical handicap, political affiliation, race, religion and sex.
 - C. The provisions of the Affirmative Action Program adopted by the Council and Board of Commissioners of the County of Lake on May 31, 1977, as applicable are incorporated by reference as part of this agreement.
 - D. The provisions of all Federal Civil Rights laws and the Indiana Civil Rights Law as applicable are incorporated by reference as part of this agreement.
 - E. Breach of any of the equal opportunity and/or nondiscrimination provisions of the agreement remedy available to the Council in respect to such breach or default.
 - F. Where applicable, nondiscriminatory clauses and affirmative action clauses shall be made a part of any agreement, contract or lease between the Consultant and any organization, corporation, subcontractor or other legal entity that benefits from the funds paid to the Consultant by this agreement.
16. Miscellaneous Provisions.
- A. This agreement represents the entire understanding between the parties, and modifications of this agreement shall not be effective unless reduced to writing and signed by both parties. In the event any portion of portions of this agreement are found to be void and voidable portions; these portions shall be stricken and the remaining portions enforced;
 - B. Consultant may not subcontract any part of the work covered herein without the prior written consent of the Council.
 - C. The Consultant is personally responsible for paying any fines or sanction penalties which any Judge or Administration Board orders

- the Consultant personally to pay because of the actions of the Council Consultant in violating applicable procedural rules, the rules of professional conduct, and/or the rules of the administrative board. These sums will not be reimbursed by the Council, or any of its elected or appointed officials or employees.
- D. The Consultant shall be deemed an independent contractor and not an employee of the Council, and shall not file any claim under Workers Compensation or Occupation Disease against the Council for any injury or disease arising from the performance of this contract.
- E. Any dispute arising under this consulting contract shall be submitted to binding arbitration as the sole and exclusive remedy of either party.
17. Notice. Any notice, bills, invoices, or reports required by this agreement shall be sufficient if sent by the parties in the United States mail, postage paid, to the addresses noted below:
- | | |
|---|--|
| Law Office of Ray L. Szarmach, P.C.
Attorney at Law
260 E. 90 th Dr.
Merrillville, IN 46410 | Lake County Council
2293 N. Main St.
Crown Point, IN 46307 |
|---|--|
18. Conflict of Interest. The following provisions of Lake County Council Ordinance No. 1356C are incorporated as part of this contract.
- A. The Council has the right to prohibit activity it deems in conflict of interest with Council's employment. Activities are to be monitored by the official. (Ord. 1356C, passed 1-8-13).
- B. Neither Council employee whose job description included the provision of legal services nor any person, partnership or corporation of any type, acting as a contract agent to provide legal services for the Council, its elected officials, its appointed officials, employees, departments, agencies or agents shall represent any person, partnership or corporation of any type in any manner in or out of court in a proceeding, claim, or action where the legal services provided for the client seeking in part legal redress against the Council or Lake County Government, its elected officials, its appointed officials, employees, departments, agencies or agents.
- C. The prohibition against legal representation outlined in the paragraph above shall be placed in all Council contracts for legal services. If the restriction on legal representation is violated, the

contract with the Council shall be null and void and any monies paid under the contract after the violation shall be deemed unearned and shall be repaid to the Council with eight (8%) percent interest.

19. Information Availability.

- A. Information that is the property of the Lake County Council shall be made available in accordance with the Indiana Open Records Law, I.C. 5-15-5.1-1, et. seq.
- B. The Council members recognize and acknowledge that in the course of performing the services provided hereunder it may have access to certain confidential or proprietary information of Consultant and Consultant's business and computer operations. The Council members hereby agree that it will not, at any time during or after the term of this agreement disclose any such confidential or proprietary information to any person unless required by law or upon obtaining the prior written consent of Consultant.

20. E-Verification.

- A. I.C. 22-5-1.7 Chapter 1.7, Public Contract Services, Business Entities; Unauthorized Aliens.
- B. I.C. 22-5-1.7-2 "Contractor" as used in this chapter, "contractor" means a person that has or is attempting to enter into a public contract for services with a state agency or political subdivision.
- C. I.C. 22-5-1.7-3 "E-Verify program" as used in this chapter, "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV'S 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and Control.
- D. I.C. 22-5-1.7-4 "Person" as used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.
- E. I.C. 22-5-1.7-5 "Political subdivision" as used in this chapter, "political subdivision" has the meaning set forth in I.C. 36-1-2-13.
- F. I.C. 22-5-1.7-6 "Political contract for services" as used in this chapter, "public contract for services" means any type of agreement between a state agency or a political subdivision and a contractor for

- the procurement of services.
- G. I.C. 22-5-1.7-0 "Unauthorized alien" as used in this chapter, "authorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).
- H. I.C. 22-5-1.7-11 Contractors with public contract for services required to use E-Verify program; business entities that receive certain grants required to use E-Verify program Sec. 11. (a) This subsection applies only to a public contract for services entered into re renewed after June 30, 2011. A state agency or political subdivision may not enter into or renew a public contract for services with a contractor unless:
1. The public contract contains:
 - A. A provision requiring the contract to enroll in and verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program; and
 - B. A provision that provides that a contract is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and
 2. The contractor signs and affidavit affirming that the contractor does not knowingly employ an unauthorized alien.
- (b) A state agency or political subdivision may not award a grant of more than One Thousand (\$1,000.00) Dollars to a business entity unless the business entity:
1. Signs a sworn affidavit that affirms that the business entity has enrolled and is participating in the E-Verify program;
 2. Provides documentation to the state agency or political subdivision that the business entity has enrolled and is participating in the E-Verify program; and
 3. Signs an affidavit affirming that the business entity does not knowingly employ an unauthorized alien.
- I. I.C. 22-5-1.7-15 Certification by subcontractor. If a contractor uses a subcontractor to provide services for work the contractor is performing under a public contract for services, the subcontractor shall certify to the contractor in a manner consistent with federal law that the subcontractor, at the time of certification:
1. Does not knowingly employ or contract with an

- 2. unauthorized alien;
Has enrolled and is participating in the E-Verify program.
- J. Affidavit by contractor. By execution of this contract I swear under the penalties of perjury that my company does not knowingly employ an unauthorized alien.

21. I hereby certify that I am not engaged in investment activities in Iran per I.C. 5-22-16.5-13.

IN WITNESS WHEREOF, the Council and the Consultant have executed this Agreement as of the date first written above.

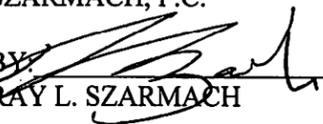
LAKE COUNTY COUNCIL

CONSULTANT ATTORNEY

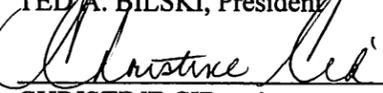
LAW OFFICE OF RAY L. SZARMACH, P.C.



 TED A. BILSKI, President

BY: 

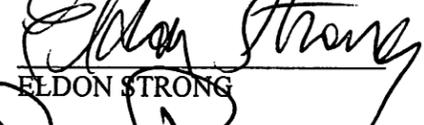
 RAY L. SZARMACH



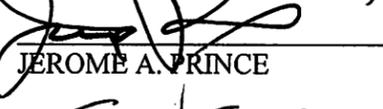
 CHRISTINE CID



 DAVID HAMM



 ELDON STRONG



 JEROME A. PRINCE



 DANIEL E. DERNULC



 ELSIE FRANKLIN

In the Matter of Contract Funding for Second Psychiatric Nurse Practitioner for the Lake County Jail.

Dernulc said, "I still feel that this should be done during the budget cycle, but I'll make a motion to get it out there, unless somebody else would like to do that".

Bilski said this is strictly to discuss the Contract funding, and secondary, this is for discussion purposes. This would have to be approved by the Board of County Commissioners, then returned to the Council for next month's agenda, so this was just discussion. Blski said this is strictly discussion.

Dernulc asked, and this will be part of the budget process?

Bilski said correct, this will be part of the budget process for 2014. It had to be put on the agenda for discussion.

Dante said this is a priority issue for 2014 so as to be in compliance with the DOJ. – NO ACTION TAKEN.

In the Matter of Strategic Planning Committee Report.

Bilski explained that this presentation is the fiscal analysis study.

Strong mentioned that the Strategic Planning Committee has met on several occasions. They are determining recommendations, at this time, for the Council that they are going to make. He has received a draft proposal from IUN for the efficiency study that has been forwarded to you, he said what we are looking at today is the fiscal analysis study, however, it is his belief that the fiscal analysis, and the efficiency study are going to go hand in hand with this, as we go down the road.

Strong said that he would like for the Council to review, and forward and suggestions to him that they may have, so Strong can bring them to the Committee. He said he will be absent from the September Council meeting, but it is his hope that sometime this fall, they will have some solid recommendations for the Council to move forward on, from the Strategic Plan Committee.

Dernulc said that last year, this was one of the items that he had been working on, in starting a Strategic Plan. He said they were able to partner with IUN, and IU Bloomington, and today we have two people present, one from IU Bloomington, and one from IUN here to explain and what we have done. Dernulc said that this is something that we need to look at, it's going to be a living document, something that we will have a baseline to "get the ball rolling", so we know what we need now, six months from now, a year from now, five years , and so on.

Ellen Szarletta, the Director of the Center for Urban and Regional Excellence, at IUN. She said that the mission of their Center is to work with organizations, business, non-profit, and government organizations to identify issues that they are concerned about that effect the quality of life of our citizens, and then to work together with them to build a partnership so that we might be able to combine the knowledge that we have at the University, with the knowledge that exist in the community, because we know that there is a lot of knowledge that resides here, and help the Councilmen, the Communities here in Northwest Indiana advance, and improve their quality of life.

She said, they have performed a fiscal analysis for Lake County, and will share that with the Council this morning. She said they are building on our strengths, that is the knowledge and experience of the County Council, and the Elected Officials that are here in Lake County. We are using a nationally recognized expertise of our Indiana University faculty and specifically, she introduced Dr. Justin Ross, who is from IU Bloomington. She said the goal here, is to come together to plan for the future so that we can emerge really as a leader in the State of Indiana, when it comes to fiscal analysis, and strategic planning.

She said they have an overview of public finance circumstances, Dr. Ross has run some simulations that can help the Council in planning for the future, and in building capacity for planning as well.

Ms Szarletta said that we hope that you will find benefit in our study, and results, and we welcome comments from you as well.

Dr. Justin Ross, said that he is a Professor of Public Finance and Economics, at Indiana University in Bloomington. He said they have met with many people throughout the County Governments, most recently they met with everybody in very different meetings throughout, about two weeks ago. He wanted to give the Council some sense of how the document is changing, and updating, as a result of those meetings, so he is going to give some highlights of what is in the document, and more importantly, focus on how the document is evolving.

He said it is important to highlight the limitations that are involved in any type of planning, or any type of fiscal process, within the States, among it's Midwestern neighbors, Indiana has the most micro-managing State, with respect to it's local governments. So we are going to be adding some of this detail into it.

He said they are also going to provide a little bit clearer explanation of the Circuit Breaker process, and the consequences of that process, and this is something that everybody throughout the entire State is still trying to catch up on. Even the LSA is trying to figure out how planning needs to take place to some extent, within local government, as a result of the Circuit Breaker programs.

Dr. Ross said that the recommendations that are going to be found in the document are going to have much of the same emphasis as in the earlier draft, in particular the results demonstrate that there still remains a strong need for expenditure controls, a stronger need for some transparency, in planning.

Importantly, there needs to be a plan that builds collaboration between the County, and the other Civil Units.

Dr. Ross said that what they are projecting to take place, once those Property Tax Replacement Credits start rolling in will make a substantial difference, in terms of what the County is going to be facing.

He explained that we went from a point of having about \$12-\$13 million dollars in structural deficit, it should be falling down to somewhere in the neighborhood of about \$2 million dollars.

He said, that's a substantial improvement, but it's still not "out of the woods" yet. It is something that is manageable though. One of the things that is going to make this challenging is the interdependence of the Circuit breakers, with the other Civil Units, so Lake County is still losing about 2% of its' levy, to the circuit breaker credits. Hammond, Lake Station, East Chicago, and Gary, are also going to continue to experience some significant circuit breaker losses, ranging from 4 to 50%.

He said most other Cities and Towns now, are going to be falling down to somewhere less than 1%, and the reason for these problems is that the Circuit Breaker credits represent the structural budget deficit, and they work this way because they are only calculated and computed, and realized as revenue shortfalls, after the spending is approved, so it ends up having this point, during the year where there needs to be some way of generating the cash to cover those revenue shortfalls.

He said specifically, within Lake County, there is the issue of having relatively low market values that are concentrated in a few selected areas. In those areas results in somewhat significantly higher property tax rates that come about.

He also said on top of that, in these areas, you have some of the highest valued properties that have relatively few deductions, and particularly the integrated mills that appear, BP Amico, and US Steel, and others, so even at relatively low rates, they very quickly reach their property tax caps, and on top of this, their market values are relatively low. So they are not doing as much as they arguably could, in terms of reducing property tax rates. He said if you look back historically at the assessment data, back in 2002, or so, the market value of assessment was roughly about twice, as after the State took over the assessment process. So if you were to take those intergrated mills, double what their market value would be, you'd be looking at about 6% reduction, so these are the Towns that are being confronted, and just need to be worked around.

Dr. Ross said that one of the issues that they've identified, and he believes that there is strong support for is, updating the budget process, in terms of the kind of documentation that you have before you. He said right now, the budget that you work with looks much more like a checkbook, and it's been very difficult to follow, and it's not very easy to use as a policy tool. He said budgets should be constructed in such a way, that it provides information to be used as a tool of policy. He said something that can be done very quickly is :

1. Updating the green bar departmental forms to include 3 years of historical data.

This way, when there is a one-time increase in appropriations to an area, it doesn't become the new baseline in which things are judged.

2. Produce a budget document by 2016.

He said an example comes from Montgomery County in Ohio. It shows you what these things look like. It provides a great deal of context to the numbers, what's being done with the money, where that money is coming from, and it also lends itself very nicely. We are just in the process of writing these documents. It lends itself very nicely to strategic planning. He said once this is set up in place, it's not as much significant work, they just update it on an annual basis.

These things are produced on an annual basis in the areas that have them. He said he doesn't know of any County Government, in Indiana, that currently does this, but it's something that needs to start being put into practice. He said over a longer term, it may be worthwhile to take it another step up, once the spending controls are in place, and the deficits are less of a problem. Actually notch it up, and go to a comprehensive annual financial report.

3. Create a Circuit Breaker models

He thinks internally they should build a circuit breaker credit model, and make it available to all local governments, in Lake County, as well as all of the departments, and use that to help facilitate some of the planning.

4. Encourage Creation of Expenditure Control Committee.

Creation of a citizen-based expenditure control committee, preferably it models somewhat after the revenue forecast technical committee, that the State uses for it's forecasting processing, which would be a benefit. Something to help monitor, and make sure that the spending commitments that are made, match the appropriations that were approved, and this is something that can be done without any special legislation.

5. Consolidate Property Assessment to the County Level

He would encourage this, even if this doesn't result in any type of reduced cost savings at all. Dr. Ross said he believes that there are some issues, in terms of how property assessments take place, particularly in the politics of property assessment, that in the future this can be a real significant problem. He is laying that out in the report, as well.

6. Seek State Legislation that enables greater Authority for binding recommendations

Dr. Ross also said that when you've built a very collaborative effort among the Circuit Breaker losing areas between yourselves, and those units, and perhaps even seeking some additional State Authority in issuing binding recommendations, or lowering the maximum levies that they can set.

7. Discourage TIF/Property Tax Abatements

Dr. Ross said he would encourage the Council to discourage the creation of further tax abatement programs or tax incremental financing areas in those areas with high circuit breaker losses. The tax incremental financing is canalbalizing a lot of the property tax base, pushing it into special projects rather than core functions, and it limits the flexibility of what can be accomplished with that money. He also said the Property Tax Abatements roll back the gross assessed value, back to zero, and then gradually come back on line for the entire area. So the sponsoring districts that make this need to, at the very least, take into account how it affects everybody else, because when they make those commitments to property tax abatements and tax incremental financing, it results in circuit breaker losses for everybody else. So at the very least, there needs to be some collaboration between those units on this.

8. Generate Hierarchy for Prioritized Spending.

Furthermore, I think there needs to be a general Hierarchy for prioritized spending categories and that this is made available to all County Departments. Dernulc mentioned this to some extent earlier.

9. Prioritized Spending Controls on Public Safety and Criminal Justice.

There needs to be prioritization towards spending controls on Public Safety and Criminal Justice due to their size, and their potential for growth. Dr. Ross said, he believes it is in the First House Committee now. It's the Senate Joint Resolution Bill #2, which is an amendment that seeks to restrain the ability of Judges to mandate spending from the County. Dr. Ross suggested that the Council look into that, and perhaps supporting that.

10. Commit against future Property Tax Amnesty.

Dr. Ross said there was recently a property tax amnesty program, these are often times good Policies, if they are done once, and one-time only. He would suggest that there be a commitment to not engage in any further types of these Programs, which is a mistake that other local governments, elsewhere that have done these programs have made.

Bilski said that he agrees with a lot that Dr. Ross had to say, and he thinks that there are some really positive things there, some of the things he questions, but he thinks that everyone on this Board have been having quite a few conversations with our Local Government about the TIF districts, and Dante has been preaching about that for the last 6 years.

That's something that we have to stay on top of with the TIF districts.

Bilski said, moving the Assessors back, he think that when Dr. Ross mentioned about taking the assessment rights away from the local Township Assessors, Bilski said he believes that was House Bill 1901, and then House Bill 1858, at that time created the taxing obsolescence, and Bilski said he thinks those are two crucial things where you have, and it's a shame, like you said, with US Steel being where it is, City of Gary, logistically the largest City in Lake County, 80,000 residents respectively, but yet an integrated steel mill, in it's back yard, it has the same assessed value as the Town of Schererville, with 30,000 residents. So, Bilski said he thinks that there is a mechanism in there, and he knows that Dante is here, that can increase that threshold, there is a percentage that's in there. Our Legislators put that in there, they can adjust that 1858, that Taxing Obsolescence Bill. There is a mechanism in there, he just doesn't know why they won't look at it. It's like you mention 1858, which I think we all supported because the Steel industry, is what it is, but no one downstate will look into that and say, "okay, look, we have to, the pendulum is swinging, everyone knows that one time they were paying excessive amount of taxes, now it swung all the way over here, where they are not truly paying their fair share", yet eating up 8 miles, 9 miles of our most prestigious lake front, fresh water lake in this country. It's a shame.

Bilski said a resident in Miller probably pays more per square foot, than an integrated steel mill in property taxes. That's pretty fair isn't it?

Dr. Ross said even if you can get a deal where they start increasing the gross assessed value, but maybe still continue to "cut some slack", on the net assessed value, that would help, because right now, they reach that property tax cap very fast.

Bilski said he wasn't quite aware of a lot of folks that were ever doing that tax amnesty program. He said this Amnesty Bill was a great thing, and he gives a lot of credit to our Auditor, Peggy Katona, and our Treasurer, John Petalas, who really worked hard to really develop this. There were a group of people who really carried that forward, Senator Rogers, Mr. Randolph, and a few others. He thinks the Program has been pretty successful. Bilski said Treasurer Petalas is probably in agreement with you, it's not something that we can do forever, but there might be a time where we need to re-implement it, hopefully not right now.

Dr. Ross said that's the issue that we've seen, is that in other areas that have done property tax amnesties, later basically the next wave of elected officials come in, and then they view what was done before as a precedent for doing it again, and it starts to replace the regular property tax delinquency process, and that only encourages property tax delinquency.

Franklin said this amnesty, what it did do for us, it brought some additional dollars, plus it also helped a lot of families keep their homes, and that in itself, was a wonderful thing for Lake County.

Strong thanked Dr. Ross for the fine work that you are doing, Strong said that he wants the Council, and the audience to be clear on some of the things that the Strategic Planning Committee is doing. Whereas, this is fiscal, and we are looking at some of the things on the Strategic Planning Committee for fiscal analysis, what we need to spend our money on, what we don't need to spend our money on, but we are also looking at the efficiency side of it. I'm looking to IU to maybe help us with an operational efficiency audit, where we can save some money doing some inter-departmental training, where we can maybe do some job classifications to help set pay rates. These kinds of things are going to help us save money, in the end, and I think it's very important, and I hope to continue to be able to work with IUN on the efficiency audit, on part of our Strategic Plan.

Dernulc said they have to talk about how they will be implementing this, and moving ahead on this.

Prince said that although you are doing wonderful work, and we expect more great things to come, from an academic perspective, I think it's important to note the work that this Body has done, within the last 5 years, to get us to the point that we're at, so it's not to say that we are in a position that we don't think that we can handle the task that's before us, but I think that we are bright enough to know that we need some other, more professional, or expertise, if you will, on certain areas to help us plan for what's to come in the future. One of the things that Prince was pleased with is that your Study clearly pointed out the need for additional revenue, and even though it still remains, as a sore spot for some around the County, what's more importantly, this Body is ready to, or continue to be ready to make sure that the revenues received from such a tax, (Income Tax), are used prudently, and not as just an opportunity to increase spending. Prince said he looks forward to see what our final product is.

Hamm asked, in reference to the tax abatements, does that also hold true for your housing income program? He said sometimes that's the only way you can get additional residential housing, is to offer that.

Dr. Ross said, the commercial is the bigger issue. It's hard to speak in generalities on those things, and it is one of the things, if you are able to build an in-house circuit breaker, you can kind of evaluate those things on a case by case basis.

Franklin said she has always had a concern about residential tax abatement, without perceiving it being overly used, and what it does to tax abatements itself. Franklin said, she thought that the intent for tax abatement was commercial use, where we could entice businesses to come into the community. Franklin said that she has always felt that if I go out and buy the lot, and I made a decision to build this house, I shouldn't have to ask for tax abatement, but it seems to her that in Northwest Indiana, it is used so frivolously, for residential, rather than commercial.

Bilski said that's a good point, but I think when you deal with residential abatement, my idea is that the intent is to finish off a neighborhood. You have 2 or 3 lots left, in that neighborhood, your garbage pick-up, your street paving, and plowing, and all of your infra-structure needs are already there, they are already doing yet 1, or 2 or 3 lots, left in an older, established neighborhood, to offer an abatement there, is not as great of an impact on you because you are already providing those services as well, so sometimes an older neighborhood will be stymied, there is no one who is going to be willing to move into there to close that neighborhood off, where there is less impact to implement an abatement along those lines.

Cid said abatements are more of a problem where there is great circuit breaker loss, when you have a very small circuit breaker loss, it's not going to have the same effect. She said she agreed with many things in the report, she thinks our budget process needs to be updated, and we definitely need to control our expenditures. We do have a problem with salaries here, some

departments are able to give pay raises, and some aren't because they have these non-reverting, or fee funds that other departments don't have.

Cid said she likes the idea of a financial report, and she thinks the assessment process is not fair, we seem to have too many appeals, and I don't know who's benefiting from that, the taxpayer, or whoever is doing the assessment, the Contractor. Cid said she likes what Dr. Ross reported, and her hope is that this Council takes it seriously, and takes it further, and takes some action.

Bilski said he thinks everybody had a lot of positive things to say, this is something that we have always thought about, within the last 8 years, developing a true H/R department, developing some type civil service exam, within that group, standardizing the pay, an entry level of pay. He thinks these are some of the things that they can start working on, as early as this budget time right here, 2014.

Bilski said he was very glad that tough decisions made over the last 7 years, he thinks they could see what Lake County was faced with, since 2006, had not taken the steps that we made, very difficult decisions, and the cuts and layoffs that we had to, especially for me, I'm a labor person. One of the things that bothers me the most is when someone has to lose their job, it's a hardship that I wish on no one, and we had to make those tough decisions, over 150 jobs cut here, and millions of dollars that we had to reduce from the budget, but the implementation of the PTRC credit, and the full 1% truly is a mechanism, and a tool that's going to help out all business, small business included, because they will be entitled to a share of that 1%, as long as you are a property taxpayer, so the Chamber of Commerce, I'm hoping will definitely support those actions, and then the new revenue that you spoke of.

Ellen Szarletta said that IU, and the Center for Urban and Regional Excellence, at the Northwest Campus, and the Bloomington campus, has enjoyed working with the Council, over the last 7 months, and we recognize that there is a large body of knowledge that resides in the Council, and we are facing, all of us, Universities, and citizens, and the Council, complex policy issues, and they have to be addressed in a couple of different levels, on a regular basis, which is what your job is, and you have to make those difficult policy decisions, on a regular basis, budgets have to be created, but that is also part of a larger policy process, and I hope that's where we are valuable, where we can step back and say, we have this opportunity, we have this time to be able to put things in context, and help you improve the efficiency and the operations of County Government. We are committed to taking the next step, helping you decide which recommendations you think are the best, recommendations to move forward with, and then helping you with that implementation.

In the Matter of Resolution Honoring Crown Point 13 year old Babe Ruth.

Strong made a motion, seconded by Dernulc to defer to 10-8-13. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Honoring Crown Point 15 year old Babe Ruth

Strong made a motion, seconded by Dernulc to defer to 10-8-13. All voted "Yes". Motion to defer Carried 7-0.

In the Matter of Resolution Establishing a Lake County School Safety Commission

Cid made a motion, seconded by Hamm to defer to 10-8-13. All voted "Yes". Motion to defer carried 7-0.

In the Matter of Resolution Proclaiming September as Childhood Cancer Awareness Month in Lake County, Indiana.

Cid asked Donna Criner, Director of the NICK Foundation to come forward.

Donna Criner said that Lake County will be the only County in the Country that has 100% participation from every one of our Cities and Towns. She said their goal is to make some noise here, in Lake County. She said that they will have their first Awareness Walk on September 14, 2013, at the Lake County Fairgrounds, at 4:00 P.M.. Council Lady Cid will be present to hand out some medals.

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

RESOLUTION NO. 13-66

**RESOLUTION PROCLAIMING
SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH**

- WHEREAS,** an estimated 13,500 children are diagnosed with cancer every year in the United States alone; and
- WHEREAS,** childhood cancer occurs regularly, randomly and spares no ethnic group, socioeconomic class, or geographic region; and
- WHEREAS,** research and development for new drugs from pharmaceutical companies comprises 60% of funding for adult cancer drugs and close to zero for childhood cancers; and
- WHEREAS,** the National Cancer Institute spends 96% of its budget on adult cancers and only 4% of its budget on children’s cancers; and
- WHEREAS,** at least 13 children have been diagnosed with cancer in Lake and Porter County since January of this year and at least seven children from Lake and Porter County have died from cancer since May of 2012; and
- WHEREAS,** cancer is the number one killer of our children by disease; many children with rare and aggressive cancers are already Stage IV at diagnosis and three out of five childhood cancer survivors experience long term/late effects from treatment including secondary cancers; and
- WHEREAS,** despite these facts, childhood cancer research is vastly and consistently underfunded; in 20 years the FDA has initially approved only two drugs for any childhood cancer and one-half of all chemotherapies used for children’s cancers are over 25 years old; and
- WHEREAS,** in order to help the Northwest Indiana Cancer Kids Foundation (NICK) implement county wide activities to create awareness and raise funds, the Lake County Council desires to proclaim September as Childhood Cancer Awareness Month .

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council declares September as Childhood Cancer Awareness Month in Lake County.

SO RESOLVED THIS 13th day of August, 2013.

 <hr/> CHRISTINE CID	 <hr/> TED F. BILSKI, President	 <hr/> ELSIE FRANKLIN
 <hr/> DANIEL E. DERNULC	 <hr/> ELDON STRONG	 <hr/> DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Approving Issuance of Lake County Public Library General Obligation Refunding Bonds of 2013.

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

RESOLUTION NO. 13-67

**RESOLUTION
APPROVING ISSUANCE OF
LAKE COUNTY PUBLIC LIBRARY
GENERAL OBLIGATION REFUNDING BONDS OF 2013**

WHEREAS, this County Council of Lake has been informed that the Board of Trustees of the Lake County Public Library (the "Library") has adopted a resolution authorizing the issuance of General Obligation Refunding Bonds of 2013 in order to refund the outstanding General Obligation Bonds of 2003 and to pay the costs of issuance of such refunding; and

WHEREAS, the resolution adopted by the Library Board of Trustees (the "Library Board") has been provided to this County Council; and

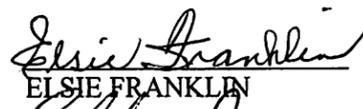
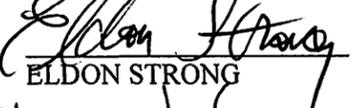
WHEREAS, the Library Board published notice pursuant to Indiana Code 5-3-1 notifying taxpayers that the Library Board would conduct a public hearing concerning the appropriation of the proceed of the General Obligation Refunding Bonds of 2013 and \$2,500,000 of available funds to complete the refunding; and

WHEREAS, at the conclusion of the public hearing, the Library Board approved the additional appropriation of the proceeds of the General Obligation Refunding Bonds of 2013 and \$2,500,000 of available funds to complete the refunding; and

WHEREAS, Indiana Code 6-1.1-17-20.5 requires this County Council to approve the issuance of any bonds by the Library and any additional appropriation approved by the Library Board,

NOW, THEREFORE, BE IT RESOLVED, that this County Council hereby approves the Lake County Public Library issuing its General Obligation Refunding Bonds of 2013 and approves the additional appropriation of the proceeds of the General Obligation Refunding Bonds of 2013 and of \$2,500,000 of available funds in order to refunding the outstanding Library General Obligation Bonds of 2003.

SO RESOLVED this 13th day of August, 2013

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

In the Matter of Resolution Permitting the Lake County Sheriff to pay 2012 Jail invoices with 2013 funds in the amount of \$7,587.23 – 001-3100-43120 Medical & Hospital Services.

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

RESOLUTION NO. 13-68

**RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY
OUTSTANDING 2012 JAIL INVOICES/DEBTS FROM THE 2013 BUDGET**

WHEREAS, the Sheriff's Department of Lake County is currently operating in the 2013 Budget; and

WHEREAS, the following invoices/debts were incurred in the Budget year of 2012 have not been paid:

<u>001-3100-43120</u>	<u>Medical & Hospital</u>
Methodist Hospital	\$ 7,587.23

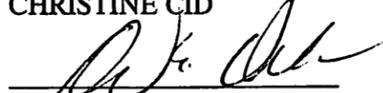
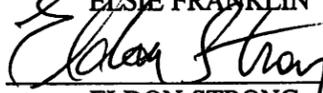
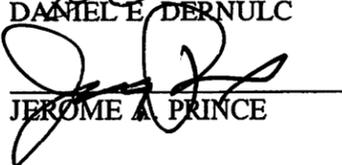
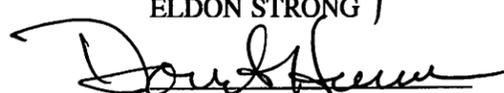
WHEREAS, the Sheriff's Department desires to pay the above jail invoices/debts due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Sheriff's Department shall pay from its 2013 Jail Budget the following jail invoices/debts incurred in the calendar year 2012 as follows:

<u>001-3100-43120</u>	<u>Medical & Hospital</u>
Methodist Hospital	\$ 7,587.23

SO RESOLVED THIS 13th DAY OF AUGUST, 2013.

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Approving a Temporary Loan from the Sheriff's Pension Trust Fund No. 287 to the Sheriff's Commissary Payroll Pass Thru Fund 332 in the amount of \$280,210.00.

Cid made a motion, seconded by Franklin to approve.

Prince said that he was made aware, this morning that the Fund doesn't have the necessary funding in there.

Dante said that he knows that it's a cash, plus, surplus, and he doesn't know if it's \$280,000.00, but he just heard it through the Auditor, and the bookkeepers of the Sheriff Department on that.

Cid said there has been a phone call made downstate to approve, and they have no issues with the transfer, and there are available funds, and the Sheriff has agreed to pay this in fact, by the end of the year, with a payment plan of \$56,000 starting this month of August, through the end of the year.

Prince said, he wants to make it clear, he doesn't have an issue with it, it's a legal transaction, but he heard from the Auditor's Office, and Cid verified that it was there, but he hadn't heard anything back today.

Cid said she spoke to the Auditor yesterday.

Dante said there is a fundamental, but important issue here. A misnomer came up, one of the Grant Administrators, Chris Dilts called him and says, "I hear you are taking money away from the Pension Merit Retirement obligation"?

Dante told him no, that obligation has already been signed and approved by appropriations. You are not messing with the appropriations, nor the contributions that are going downstate, which are through the appropriations. This is underlying the cash, which is going to be replenished. The appropriation is the driver for the contribution for 13, and we are not messing with that whatsoever.

We are making our contribution of \$3.4 million, and some change, this year, and not messing with the appropriation. We are not borrowing from that appropriation, we are not taking it away, we are not shorting the fund, but there is a slight misnomer here, and it's going wild.

Councilman Strong said, I'm not clear Sheriff, and asked the Sheriff, "how do you plan on paying this back"?

Sheriff Buncich answered, "through the Commissary, an additional \$56,000 dollars a month".

Councilman Strong asked "is the Commissary going to run short, or do you have sufficient funds in the Commissary for that"?

Sheriff Buncich answered, "there will be sufficient funds".

Councilman Strong said, "I brought this up at the study session, as soon as I hear loans from a pension fund, all kind of red flags go up for me". Councilman Strong said, I'm not quite sure that I am getting... I heard what Dante said".

Councilman Strong also asked, "this money does go towards retirement for Officers, right sir"?

Sheriff Buncich asked, "what funds are you talking about"?

Councilman Strong answered, "your Sheriff Pension Trust Fund 287"?

Sheriff Buncich answered, "it goes towards funds for a portion of it, yes".

Councilman Strong said, "okay, and I know just a couple of months ago, we approved borrowing some money to go towards Merit Retirement".

Cid said that was Merit Retirement.

Strong asked, how is this different? I guess I'm not getting it, Pension, Merit Retirement, how is this different?

Strong asked Dante, "what is the difference"?

Cid answered, Merit Retirement is our contribution, from the way I understand it.

Dante said the cash in this one goes to support the appropriation for the contribution in merit retirement. There are, at times that a fund can run into a cash-plus surplus operating balance, which obviously was certified by the Auditor, and it's permissible for us, or the County to use those surplus moments to pay for another obligation outside it temporarily. It's the difference between cash, and appropriation. You are not messing with the appropriation, the appropriation is the "gateway" for the contribution this year.

If you didn't have an operating balance, and you didn't have the cash surplus that Chris said that she checked with the Auditor, you'd be encumbering and putting at risk an appropriation, so the answer is no, you are not putting the appropriation at risk, short-term.

Sheriff Buncich said, for the record, I was Plan Administrator for Lake County Police Pension Plan for 32 years, and as Dante will attest to, we paid very close attention to that Plan, and the last thing that we will do is jeopardize the Plan.

Dante said to Strong, there is one other facet, and this is a different level. Could you have used the surplus for what we borrowed for? Dante said, yes you could have. So, since we didn't do that, you can certainly borrow against it. We certainly could have offset the borrowing contribution last month with this too, as well.

Strong asked Sheriff Buncich “are you going to have any other issues in your Commissary Fund, that you will not be able to pay this back”? “You were going to pay this through your Commissary Fund right”?

Sheriff Buncich answered, “right”. “We will have to cut back on expenditures, other expenditures through the month, it will be done through proper budget management”.

Strong asked, “so, will you have any other issues then to pay this back, you are saying you won’t?”

Sheriff Buncich answered, “unfortunately, I have nothing committing to that today”.

Strong asked, “you are not committing to that today”?

Sheriff Buncich said, “I am committing to that today”?

Strong said, “oh you’re committing to that today, okay”. Well, again, I still have an issue as soon as I see a loan from a Pension Trust Fund, but I’m done Mr. President.”

All voted “Yes”, except Strong, “No”. Motion to approve carried 6-yes, 1-no.

RESOLUTION NO. 13-69

**RESOLUTION TO APPROVE TEMPORARY LOAN FROM
THE SHERIFF'S PENSION TRUST FUND, FUND NO. 287
TO THE COMMISSARY PAYROLL PASS THRU FUND, FUND NO. 332**

WHEREAS, I.C. 36-1-8-4(a) provides that the Lake County Council may by resolution approve temporary loans from one fund in the County to another fund in the County in need of money for cash flow purposes; and

WHEREAS, the Commissary Payroll Pass Thru Fund, Fund No. 332 is in need of \$280,210.00 to have sufficient cash in said Fund; and

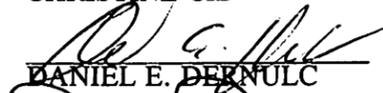
WHEREAS, there is sufficient money on deposit in the Sheriff's Pension Trust Fund, Fund No. 287, to loan \$280,210.00 to the Commissary Payroll Pass Thru Fund, Fund No. 332.

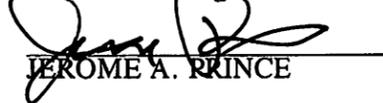
NOW, THEREFORE, LET IT BE RESOLVED BY THE LAKE COUNTY COUNCIL AS FOLLOWS:

That the Lake County Council approves the loan of \$280,210.00 from the Sheriff's Pension Trust Fund, Fund No. 287, to the Commissary Payroll Pass Thru Fund, Fund No. 332. That the loan shall bear no interest and shall be repaid to the Sheriff's Pension Trust Fund, Fund No. 287, on or before December 31, 2013 pursuant to I.C. 36-1-8-4(a)(3).

SO RESOLVED THIS 13th DAY OF AUGUST, 2013.


CHRISTINE CID


DANIEL E. DERNULC


JEROME A. PRINCE


TED F. BILSKI, President


ELSIE FRANKLIN


ELDON STRONG


DAVID HAMM

Members of the Lake County Council

In the Matter of Ordinance Amending Ord. 1356C – Lake County Employee Handbook, 2013 Edition

NO ACTION TAKEN.

In the Matter of Ordinance Establishing the Substance Abuse Testing Grant Fund for Lake County Superior Court – Criminal Division, Probation Department.

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

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

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

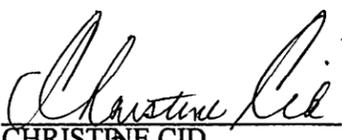
ORDINANCE NO. 1363A**ORDINANCE ESTABLISHING THE SUBSTANCE ABUSE TESTING GRANT FUND
FOR THE LAKE COUNTY SUPERIOR COURT,
CRIMINAL DIVISION, PROBATION DEPARTMENT**

- WHEREAS,** pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and
- WHEREAS,** pursuant to I.C. 36-2-5-2(b), the County Council shall appropriate money to be paid out of the County Treasury, and money may be paid from the County Treasury only under appropriation made by the County Council, except as otherwise provided as law; and
- WHEREAS,** the Lake County Council desires to establish by ordinance all funds within the County Treasury, from which appropriations and transfers require County Council approval; and
- WHEREAS,** the Lake County Superior Court, Criminal Division, Probation Department has been awarded a grant from the Lake County Substance Abuse Council in the sum of Twenty Thousand (\$20,000.00) Dollars for serving 2,100 probationers with home visits, field visits, and conduct random drug testing to monitor compliance of court orders and probation rules and conditions; and
- WHEREAS,** the Lake County Council desires to create a Substance Abuse Testing Grant Fund for the Lake County Superior Court, Criminal Division, Probation Department, for the deposit of Twenty Thousand (\$20,000.00) Dollars from the Lake County Substance Abuse Council.

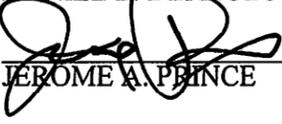
NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Substance Abuse Testing Grant Fund, a non-reverting fund, is established for the deposit of Twenty Thousand (\$20,000.00) Dollars from the Lake County Substance Abuse Council to the Lake County Superior Court, Criminal Division, Probation Department for serving 2,100 probationers with home visits, field visits, and conduct random drug testing to monitor compliance of court orders and probation rules and conditions.
2. 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.
3. Any money remaining in the fund at the end of the year shall not revert to any other fund but continues in the Substance Abuse Testing Grant Fund for the Lake County Superior Court, Criminal Division, Probation Department.

SO ORDAINED THIS 13th DAY OF AUGUST, 2013.

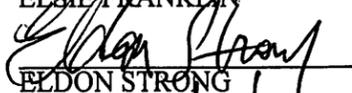

CHRISTINE CID

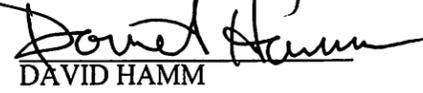

DANIEL E. DERNULC


JEROME A. PRINCE


TED F. BILSKI, President


ELSIE FRANKLIN


ELDON STRONG


DAVID HAMM

Members of the Lake County Council

In the Matter of Ordinance Amending Ordinance # 1355H – Lake County Part-Time Employees Pay Rate Ordinance for 2013 for the Lake County Sheriff.

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

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

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

ORDINANCE NO. 1355H-2

**ORDINANCE AMENDING THE LAKE COUNTY PART-TIME
EMPLOYEES PAY RATE ORDINANCE FOR 2013, ORDINANCE NO. 1355H**

WHEREAS, on December 11, 2012, the Lake County Council adopted the Lake County Part-Time Employees Pay Rate Ordinance for 2013, Ordinance No. 1355H; and

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

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the following section be amended and adopted as follows:

DELETE:

Section III.

- 29. Lake County Sheriff's Department
 - a. Bookkeeper \$12.00-15.00/hr.
 - b. Radio Dispatcher 12.00-15.00/hr.
 - c. EMT 12.00-15.00/hr.
 - d. Corrections Qualified Mental Health Professional (QMHP) 24.00/hr.
 - e. Corrections Qualified Mental Health Professional Candidate (QMHP-C) 17.00/hr.
 - f. Corrections Qualified Mental Health Staff (QMHS) 10.50/hr.
 - g. Clerks 10.00/hr.
 - h. Maintenance 10.00/hr.

INSERT:

Section III.

- 29. Lake County Sheriff's Department
 - a. Bookkeeper \$12.00-15.00/hr.
 - b. Radio Dispatcher 12.00-15.00/hr.
 - c. EMT 12.00-15.00/hr.
 - d. Corrections Qualified Mental Health Professional (QMHP) 24.00/hr.
 - e. Corrections Qualified Mental Health Professional Candidate (QMHP-C) 17.00/hr.
 - f. Corrections Qualified Mental Health Staff (QMHS) 10.50/hr.
 - g. Clerks 10.00/hr.
 - h. Maintenance 10.00/hr.
 - i. Investigator 12.00-15.00/hr.

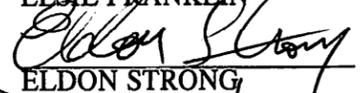
SO ORDAINED THIS 13th DAY OF AUGUST, 2013.


CHRISTINE CID


TED F. BILSKI, President


ELSIE FRANKLIN

DANIEL E. DERNULC


ELDON STRONG


JEROME A. PRINCE


DAVID HAMM

Members of the Lake County Council

In the Matter of Plan Commission Ordinances # 2401, 2402, 2403, 2404, 2405, 2406, 2407, and 2408.

Strong made a motion to approve, Plan Commission Ordinance # 2401, with the condition that the trailer be moved to the south end of the property. Strong also said that this Ordinance is a Variance of Use, not a Zone Change. Dernulc seconded the motion.

Cid asked Strong does his motion include all of the conditions, or just one?

Ned from the Planning Commission said there were 3. The first one was that the mobile home to be moved to the south area of the property, #2 - occupancy for Mr. Daniel Martin only, and #3 - mobile home to be removed when no longer needed by Mr. Martin.

Strong amended his motion to include the other two conditions as well. Dernulc seconded the amendment.

There were no remonstrators present.

All voted "Yes", except Prince, "absent". Motion to approve Plan Commission Ordinance # 2401 carried 6-yes, 1-absent.

ORDINANCE #2401
OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended in favor 07/17/2013).

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

VARIANCE OF USE owned by DANNY MARTIN and petitioned by ERIC GOETZ MASTER BUILDER, INC., to allow an existing mobile home for new occupant in an A-1 (Agricultural Zone) on the following described property:

General Location: Located at the southeast quadrant at the intersection at 205th Avenue and Chase Street, a/k/a 20525 Chase in Cedar Creek Township.

Legal: The North 331.13 feet of the Northwest Quarter of the Northwest Quarter of Section 8, Township 32 North, Range 8 West of the 2nd P.M., in Lake County Indiana, containing 10.00 acres more or less.

Conditions:

- Mobile home to be moved to south area of property.
- Occupancy for Mr. Danny Martin only.
- Mobile home to be removed when no longer needed by Mr. Martin

HEREBY x BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 13th DAY OF AUGUST , 2013.

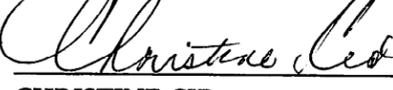
MEMBERS OF THE LAKE COUNTY COUNCIL



TED BILSKI, PRESIDENT



ELSIE FRANKLIN



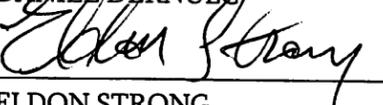
CHRISTINE CID

 Absent

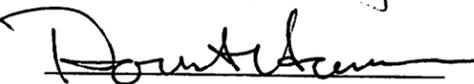
JEROME A. PRINCE



DANIEL DERNULG



ELDON STRONG



DAVID HAMM

Strong made a motion to approve Plan Commission Ordinance # 2402, with conditions, the condition being that it be used as an animal crematory. Dernulg seconded the motion.

There were no remonstrators present.

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

ORDINANCE #2402
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 in favor 07/17/2013).

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

SPECIAL EXCEPTION – THOMAS D. KRYGSHELD, Owner and KENNETH VANDERWAL, Petitioner to allow a pet cemetery/pet crematory in a B-3 (General Business Zone) on the following described property:

General Location: Located approximately 1/2 mile north of 117th Avenue on the east side of Wicker Avenue, a/k/a 11401 Wicker Avenue in Hanover Township.

Legal: Lot 2 in Illiana Acres, an addition to Lake County, Indiana, as per plat thereof, recorded in Plat Book 105 Page 50, in the Office of the Recorder of Lake County, Indiana.

Condition: Business approved for pet crematory only.

HEREBY X _____ BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 13th DAY OF AUGUST , 2013.

MEMBERS OF THE LAKE COUNTY COUNCIL

TED BILSKI, PRESIDENT

ELSIE FRANKLIN

CHRISTINE CID

JEROME A. PRINCE

DANIEL DERNULO

ELDON STRONG

DAVID HAMM

Dernulc made a motion, seconded by Strong to approve Plan Commission Ordinance # 2403.

There were no remonstrators present.

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

He also said that the Conditions are in Ordinance #2404, "Current Business may continue to operate until such time the owner sells the property or the business ceases to operate then the zoning will revert back to R-3(One to Four Family Zone)".
Attorney Szarmach said, selling the business is what everyone understands, if he sells the business, it goes back to R-2.

There were no remonstrators present.

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

**ORDINANCE #2404
OF THE COUNTY OF LAKE**

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended in favor 7/17/2013).

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

ZONE CHANGE from R-3 (One to Four-Family Zone) to B-2 (Rural Business Zone) owned and petitioned by EMIL POPPA for the purpose of contractor equipment and material storage on the following described property:

General Location: General Location: Located approximately 2/10 of a mile west of Whitcomb on the north side of 45th Avenue, a/k/a 4200 W. 45th Avenue in Calumet Township.

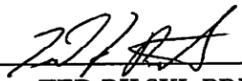
Legal: Part of the East Half of the Southwest Quarter of Section 30, Township 36 North, Range 8 West of the Second Principal Meridian, described as: Commencing at the Southwest corner thereof; thence East 5 chains; thence North 20 chains; thence West 5 chains; thence South 20 chains to the Place of Beginning, in Lake County, Indiana.

Conditions: Current business may continue to operate until such time the owner sells the property or the business ceases to operate then the zoning will revert back to R-3 (One to Four Family Zone).

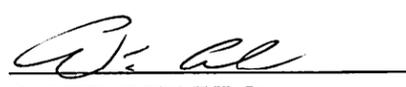
IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS 13th DAY OF august , 2013.

MEMBERS OF THE LAKE COUNTY COUNCIL

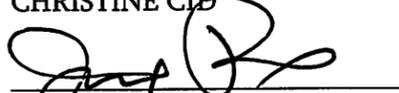

TED BILSKI, PRESIDENT

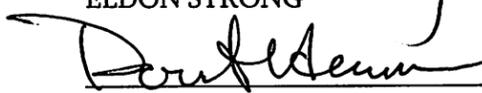

ELSIE FRANKLIN


DANIEL DERNULE

 No
CHRISTINE CID


ELDON STRONG


JEROME A. PRINCE


DAVID HAMM

Franklin made a motion, seconded by Prince to approve Plan Commission Ordinance # 2405.

There were no remonstrators present.

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

ORDINANCE #2405
OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended in favor 7/17/2013).

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

ZONE CHANGE from R-3 (One to Four-Family Zone) to B-3 (General Business Zone) owned and petitioned by MIRKO KLJAJIC for the purpose of utilizing all property for business purposes on the following described property:

General Location: General Location: Located approximately 3/10 of a mile west of Chase Street on the south side of Ridge Road, a/k/a 3635 W. Ridge Road in Calumet Township.

Legal: Parcel 3: The West 30 feet of the East 231.38 feet of the North ½ of the North ½ of the Southwest ¼ of the Northeast ¼ of Section 30, Township 36 North, Range 8 West of the Second Principal Meridian, in Lake County, Indiana; and

Parcel 5: Part of the Northeast Quarter of Section 30, Township 36 North, Range 8 West of the Second Principal Meridian, described as follows: Beginning at the Northwest corner of Lohman Oaks Second Addition; thence East along the North line of said subdivision, a distance of 261.37 feet to a point 30 feet East of the West line of the Southeast Quarter of the Northeast Quarter of said Section 30; thence South parallel to the West line of the Southeast Quarter of the Northeast Quarter of said Section 30 a distance of 50 feet; thence East parallel to the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 30 a distance of 95.9 feet; more or less, to a point 1,201.4 feet West of the East line of said Section 30; thence North parallel to the East line of said Section 30 a distance of 149.31 feet, more or less, to the North line of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 30; thence West along the North line of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter and the South Half of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 30 a distance of 327.38 feet, more or less, to a point 201.37 feet West of the East line of the Southwest Quarter of the Northeast Quarter of said Section 30; thence North parallel to the East line of the Southwest Quarter of the Northeast Quarter of said Section 30 a

ORDINANCE #2406
OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended in favor 7/17/2013).

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

ZONE CHANGE from A-1 (Agricultural Zone) to RR (Rural Business Zone) owned and petitioned by DONALD & MARY TERPSTRA for the purpose of residential development on the following described property:

General Location: Located approximately 4/10 of a mile south of 117th Avneue on the west side of Hawthorne Place in Hanover Township.

Legal: The Southwesterly 80 feet by perpendicular measurement of said Lot 1 in Arrowhead Heights Addition, as per plat thereof, together with that part of the North Half of Section 17, Township 34 North, Range 9 West of the Second Principal Meridian, more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 17; thence North 00 degrees 55 minutes 37 seconds West, a distance of 50.00 feet to the true point of beginning; thence South 89 degrees 36 minutes 18 seconds West along a line parallel with the South line of said Northwest Quarter, a distance of 210.00 feet; thence North 73 degrees 24 minutes 45 seconds West, a distance of 109.56 feet; thence South 89 degrees 36 minutes 18 seconds West along a line parallel with the South line of said Northwest Quarter, a distance of 252.98 feet; thence North 41 degrees 12 minutes 18 seconds West, a distance of 714.54 feet; thence South 89 degrees 36 minutes 18 seconds West along a line parallel with the South line of said Northwest Quarter, a distance of 449.77 feet, more or less, to the center of West Creek; thence North 17 degrees 27 minutes 20 seconds East along the center of West Creek, a distance of 57.92 fee; thence continuing Northerly along said West Creek North 21 degrees 35 minutes 46 seconds East, a distance of 380.00 feet; thence South 64 degrees 36 minutes 20 seconds East, a distance of 855.24 feet; thence South 00 degrees 55 minutes 37 seconds East, a distance of 180.00 feet; thence South 50 degrees 00

Strong made a motion, seconded by Dernulc to approve Plan Commission Ordinance # 2407.

There were no remonstrators present.

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

ORDINANCE #2407
OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a ZONE CHANGE (Lake County Plan Commission recommended in favor 7/17/2013).

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

ZONE CHANGE from A-1 (Agricultural Zone) to PUD (Planned Unit Development) owned and petitioned by PETER J. & LINDA KOZLOWSKI for the purpose of residential development on the following described property:

General Location: Located approximately 3/10 of a mile west of US 41 (Wicker Avenue) on the south side of 133rd Avenue, a/k/a 11651 W. 133rd Avenue, a/k/a 11651 W. 133rd Avenue in Hanover Township.

Legal: The Southwest Quarter of the Northeast Quarter of Section 29, Township 34 North, Range 9 West of the 2nd P.M. in Hanover Township, Lake County, Indiana, except a three acre parcel in a square form out of the Northeast corner thereof, containing 37.20 acres, more or less.

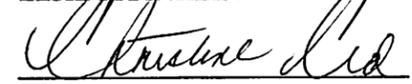
IS HEREBY X BY THE COUNTY COUNCIL
APPROVED DENIED REMANDED

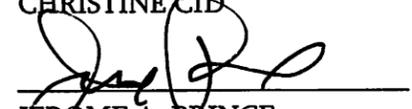
OF LAKE COUNTY, INDIANA, THIS 13th DAY OF AUGUST, 2013.

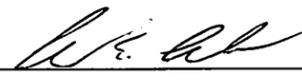
MEMBERS OF THE LAKE COUNTY COUNCIL


TED BILSKI, PRESIDENT


ELSIE FRANKLIN


CHRISTINE CID


JEROME A. PRINCE


DANIEL DERNULC


ELDON STRONG


DAVID HAMM

Dernulc said this is an Ordinance to amend the Unincorporated L.C. Zoning Ordinance No. II, adopted 4-15-57, as amended to revise provisions for Penalties regarding Ordinance Violations and procedures prescribing remedies for violations of the Unincorporated Lake County Zoning Ordinances No 2, on First Reading. Strong seconded the motion .All voted "Yes". Motion to approve on First Reading carried 7-0.

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

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

ORDINANCE # 2408
OF THE COUNTY OF LAKE

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

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

DELETE: Section 10.5. Penalties.

(In its entirety)

INSERT: Section 10.5 Penalties.

A. Enforcement and Remedies

Statement of purpose.

This section is remedial and shall be construed in such a manner as to effectuate its purpose of promoting the public health, safety, comfort, morals, convenience and general welfare by enforcement of all zoning ordinances for all lands within unincorporated Lake County, Indiana.

B. Jurisdiction.

- (a) The Lake County Plan Commission of Lake County, Indiana may institute a suit for Injunctive or Monetary relief in the Circuit or Superior courts of Lake County; such suit is to be brought in the name of and captioned as "The Lake County Plan Commission of Lake County, Indiana," versus the person, persons or entity charged with violating the provisions of any zoning ordinance or land use regulations of unincorporated Lake County, Indiana.
- (b) The Lake County Plan Commission may also institute a suit for mandatory injunction directing a person, persons or entity to remove any structure erected in violation of any zoning ordinances or land use regulations of unincorporated Lake County, Indiana.
- (c) Any structure erected, raised, or converted, or land or premises used in violation of any zoning and land use ordinance of unincorporated Lake County, Indiana, shall and hereby is declared

to be a common nuisance and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to IC 36-7-4-1012.

- (d) In addition to the above remedies, the Lake County Plan Commission may pursue prosecution of any common nuisance violation in accordance with IC 36-7-4-1013, IC 36-7-4-1014, IC 36-7-4-1015, or IC 36-7-4-1018.

C. Inspection of property; right of entry.

- (a) The Commission, their duly authorized planning staff, or law enforcement officers are authorized to make inspections of all lands located within unincorporated Lake County in order to enforce all zoning ordinances and land use regulations of unincorporated Lake County, Indiana.
- (b) In order to execute inspections, the Commission, their duly authorized planning staff, or law enforcement officers shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of unincorporated Lake County, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Commission, their duly authorized planning staff, or law enforcement officers when such entry is sought pursuant to this section. In the event of such refusal, the Commission, their duly authorized planning staff, or law enforcement officers may make application to any judge of the Circuit or Superior courts of Lake County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is a violation of a zoning ordinance or land use regulation of unincorporated Lake County, Indiana, exists on such premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Commission, their duly authorized planning staff, or law enforcement officers for the purposes stated therein. In no event shall the Commission, their duly authorized planning staff, or law enforcement officers have the right to enter a residential structure or other structures not open to the public without the permission of the owner or occupant and/or an administrative search warrant first obtained. Prior to entering such residential structure or other structure not open to the public, the Commission, their duly authorized planning staff, or law enforcement officers shall advise

the owner or occupant that such owner or occupant is not required to grant entry without the presentation of an administrative search warrant.

- D. Stop-work order.
- (a) The Commission or their duly authorized planning staff is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 - 1. Site improvement is occurring without a Building and Zoning Permit or any other permit required by the zoning ordinance having first been obtained;
 - 2. Site improvement is occurring in violation of the terms or conditions of any zone change, special exception, or variance granted under the advisory planning law as contemplated by IC 36-7-4; in violation of covenants made in connection with the platting of a subdivision that is approved by the Commission; in violation of commitments made in accordance with IC 36-7-4-600 et seq. or IC 36-7-4-900 et seq; or in violation of the terms, conditions or provisions of any provision of the Lake County Zoning Ordinance; and
 - (b) The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, person in charge, or person causing the violation and state the conditions under which construction or other activity may be resumed. The Commission or their duly authorized planning staff or their duly authorized designee shall attempt to meet with the recipient of a stop-work order upon request to explain the conditions under which construction or other activity may be resumed.
 - (c) The designated enforcement entity may pursue all remedies allowed by this ordinance to enforce any stop-work order.
 - (d) Enforcement activity may be pursued against owner, possessor, person in charge, person causing the violation, or combination thereof.
- E. Violations of Zoning Ordinance.
- (a) It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in unincorporated Lake County to cause, suffer or allow any of the following civil zoning violations to occur on such property:

1. The location, erection, or maintenance of any sign not specifically permitted by Chapter 9.5 of this Code;
2. The failure to obtain a Building and Zoning Permit when one is required by the terms and provisions of this Ordinance;
3. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
4. The storage of inoperable or abandoned vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use;
5. The parking or storage in any zoning district, the provisions of which do not specifically permit such a use, of any vehicle used or designed (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods. This provision shall include but not be limited to school buses, buses used for public transportation, stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet;
6. The storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such a use or are in violation of zoning district, the provisions of which do not specifically permit such a use;
7. Lawns in subdivisions shall be manicured to a height no taller than eight inches (8") and shall be free from excessive litter or excreta;
8. Bushes, trees, shrubs, and the like located in subdivisions shall be maintained and cut so as not to grow into or obstruct any public way or place, including sidewalks, alleys, or parkways;
9. Swimming pools shall be maintained and be free from stagnant water to avoid any possible insect or rodent manifestation;
10. Vehicles in subdivisions shall not be parked in front yards except for areas that have been properly designated by the Lake County Plan Commission as an approved driveway;

11. All garbage, trash, and refuse shall be properly stored and contained and shall only be placed in a County right-of-way within forty-eight (48) hours of the time of collection;
 12. Gutters on residential structures in subdivisions, including accessory buildings, shall be maintained so that they are properly attached to the structure and remain functioning free from weeds and debris;
 13. Residential structures in subdivisions shall be maintained to prevent unsightly appearance of chipping or peeling paint or brick or siding which is in disrepair;
 14. The conduct of any activity in a residential zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval;
 15. Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, certain enclosures, fencing or screening requirements;
 16. Failure to comply with the terms, provisions, conditions or commitments of a variance, special exception, rezoning ordinance, or any other approval or provision of this ordinance;
 17. Violation of any other provision of the Unincorporated Lake County Zoning Ordinance.
- (b) Each day of the existence of any violation shall be deemed a separate offense. If the violation remains uncorrected each offense may be prosecuted at the discretion of the enforcement authority.
- (c) The provisions of this ordinance may be enforced by any and all duly authorized employees of the Lake County Plan Commission.
- (d) Enforcement may be accompanied by the issuance of a letter to the owner, contract purchaser or vendee, tenant, or anyone having a possessory interest in the real property where the violations occurred allowing a maximum of fifteen (15) days to correct the stated violations and bring the property into compliance.
- (e) If the violation remains after fifteen (15) days notice as provided in Paragraph (d), enforcement may be accompanied by the issuance

of a citation to the owner, contract purchaser or vendee, tenant, or anyone having a possessory interest in the real property where the violation occurred. Said citation shall be written on documents approved by the Lake County Plan Commission and contain:

1. Name of the department and official writing the citation;
2. Name and address of the owner or anyone having a possessory interest in the property in question;
3. Address, including apartment or unit number, if applicable, of property for which citation is being issued;
4. List of alleged violations of zoning ordinance;
5. Notice advising that if stipulated violations are resolved at least five (5) days prior to court date and compliance is confirmed by the official responsible for the citation, the Lake County Plan Commission will move for dismissal of said violation. Dismissal of said violation does not constitute a dismissal of any fines, penalties, or court costs which may have accrued;
6. Notice of any deferral programs available to property owner or anyone having a possessory interest to assist in bringing the property where said violation has occurred into compliance.
7. Nothing contained in this Section shall prevent enforcement by injunction at the sole discretion of the Lake County Plan Commission of Lake County, Indiana.

F. Civil zoning violations; citations; enforcement.

- (a) If an injunction is sought, the violator shall be responsible for all costs of prosecution as well as all penalties;
- (b) If prosecuted as a common nuisance or citation, the penalty shall not be more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance, nor more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance, as directed under IC 36-1-3-8;
- (c) If a second or subsequent citation is issued for the same property, the citation shall not be dismissed as allowed under Section E., (e), 5 of this paragraph. Citations may be served by leaving a copy of said citation posted on the property where the alleged violation has occurred or by mailing a copy of the violation via Regular First Class Mail to the owner, contract purchaser, vendee, tenant, anyone having a possessory interest in the real property, or anyone deemed responsible by Lake County at the address according to the Real Estate Master File maintained by the Lake County Auditor or as listed on the property record card of the Lake County Assessor.

- (d) In addition to the procedures listed herein, a person who has been cited for a violation of this Ordinance may elect to file a land use petition. The filing of a land use petition, or subsequent issuance of a variance, special exception, rezoning or other approval of the land use petition, shall not constitute a defense of any zoning violation which occurs prior to the issuance of the variance, special exception, rezoning or other approval.

IS HEREBY X BY THE
 APPROVED DENIED NO ACTION

COUNTY COUNCIL OR LAKE COUNTY, INDIANA, THIS 13th DAY OF

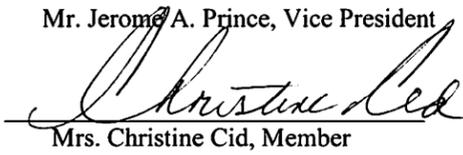
AUGUST, 2013.

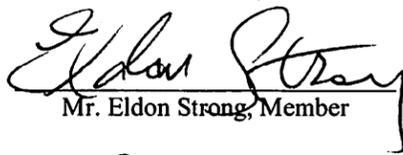
MEMBERS OF THE LAKE COUNTY COUNCIL


 Mr. Ted Bilski, President

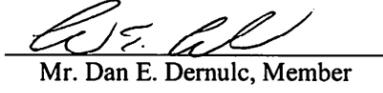

 Mr. Jerome A. Prince, Vice President


 Mrs. Elsie Franklin, Member


 Mrs. Christine Cid, Member


 Mr. Eldon Strong, Member


 Mr. David Hamm, Member


 Mr. Dan E. Dernulc, Member

Public Portion

Wayne Weitbrock, a citizen of Lowell, IN spoke.

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

President, Lake County Council

ATTEST:

Peggy Holinga Katona,
Lake County Auditor