

WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in special session at this time, for the purpose of considering, Amending Ordinance No. 1362A 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, David Hamm, Jerome Prince, Daniel Dernulc, and Eldon Strong, County Councilpersons, together with Ray Szarmach, County Council Attorney. Councilwoman Elsie Franklin, and Councilwoman Christine Cid were absent.

In the Matter of Ordinance, Amending Ordinance No. 1362A – Establishing the Lake County Public Safety Communications Commission and Department.

Strong made a motion, seconded by Dernulc to approve the amended Ordinance on First Reading.

Attorney Nicole Baker, who is the Attorney for E911 explained that the purpose of the amendment that is before the Council, is two-fold. One, is to accomplish the expansion of the 911 Commission to include the appointment by the City or Town Council, of a member of their Council, to that Commission.

The second is, by statute, the 911 Commission is supposed to have members to hold 4-year terms, the legislature gave authority to the local municipalities to set forth in their local Ordinance, how if they were staggering those terms, to accomplish 4 staggered 4-year terms.

Nicole explained that the critical part with this comes in, in looking at the deletion section, changes the membership. Two can be appointed, in Sections 3A 1&2, to the insertion to allow also for a member of the City Council, and member of a Town Council.

She said the "IDACS" requirement, the Indiana Data and Communications Systems, which is obviously the controller of all of the police records, and searches and all that within the E911 Dispatch Center. Because the E911 Commission is the Body for that department, by requirement of the Indiana Administrative Act, they must be in compliance with the "IDACS" requirement, which are that 51% of the Commission must be Law Enforcement. That has been part of the Ordinance from the time it was enacted.

Attorney Baker said it comes into play with the issue of the appointments of another individual, the group of what she refers to as non-law enforcement, or non-Police, is that essentially on the 21-body voting membership of the Commission, 51% needs to be law enforcement, and then the remaining 10 members can be any portion of the appointee from the rest of the group, Fire, Emergency Management Director, and then in this situation, if you pass it, you will allow for City or Town Council position.

Nicole said in the insertion section, she set forth, a Group A, and a Group B., meaning if you divide these departments up, in an effort to get that staggered term, where Group A would finish out, or have a 2-year term, and then in 2016, Group B would then be on the 4-year section, ending in 2018, and then thereafter, everyone goes to 4 years, so we need to have 2 staggered groups.

She said in looking at the 21-membership Board, to back into that number, 11 need to be Law Enforcement. The Sheriff is a member by Statute, so the Sheriff would be 1, and then 10 municipalities, to make 11, need to appoint a Police Chief.

She said then we would have 10 other positions in play. One of those is the County Commissioner appointee, one is the County Council appointee, and one is the representative of Unincorporated Lake County, so that takes us from 10, down to 7. She said she has set forth in the Ordinance, under the insertion section, breaking up the 2 groups, in Sections C-1, a & b, and then, trying to establish from there because they are going to be on different rotating terms, on staggered terms, she took the larger group, and gave them 4 members, and the smaller group giving them 3, so that that group will always have 4 appointees or 3 appointees of non-police, to the Board.

Nicole explained further the amendments that were made to the Ordinance.

Strong asked Nicole, if this Ordinance amendment is going to somehow circumvent, or alter anything in the Indiana Code, or Indiana Law that we are following anyway?

Nicole answered, no. It's completely in compliance what....

Strong asked whether we do the amendments to allow the City, or the Town to add a member of their Council to it, it's not going to change anything, other than that right?

Strong said, the whole thing, it's just giving them the opportunity to add a member of their legislative Body, if they choose to, nothing is changing.

Nicole said, no, it would not be a requirement, it would just be the option that they have.

It doesn't change the role of the Commission. The Commission is still the Board, by State Statute, that oversees the 911 Department. They are an advisory position that makes recommendations pursuant to the Statute, pursuant to your Ordinance, that sets forth what authority they have. This otherwise puts another option of a person on there, that may or may not be exercised by any one department.

Strong said that one of the things that he has heard since he has been on this 911 Commission is that some of the Communities have complained that they have not heard everything that has been going on at these meetings, and that was really up to their representative that is on there. He said now they would have the opportunity, with this amendment, to carry that information back directly to their legislative Body, if the Town Council President, or if the Mayor wants to appoint somebody to that Commission. Strong said he thinks the concept is good. Nobody is telling them they have to do anything, they have an option.

Bilski said, as long as it doesn't affect the existing Interlocal Agreement, Bilski also said, he doesn't want to be put in a situation where we are going to negotiate backwards, and bring someone in here, who's intent is not to move this forward in a positive way, but to cause disruption in the rank and file. Bilski said that is something that shouldn't be tolerated by any of us.

Prince agreed with Bilski, but said he is not prepared to support this today. We've come a long way with this thing, and as it stands, there are 15 Communities who are clearly okay with where we are at with this, and from a personal perspective, I say, "let's just move forward, where we're at, and get this done". He said, and I mean that as respectfully as I can, I understand that some of the other communities still have some concerns, and you guys, represent some of those areas, and I get that, and I can appreciate you doing it, but, as it relates to that, that would be my only concern with it, and for those reasons, I wouldn't be prepared to support this today.

Bilski said he has always relied on Councilman Strong on this because he is our appointment on here, and he has to take what Strong sees, and move forward but Bilski said he doesn't understand the urgency on making these changes, and this emergency meeting, and asked if we are doing something for a handful, or are we doing it for the greater of all, because Councilman Strong, you are there, so Bilski asked, who is asking for this? Is it the "lion's portion, or the squeaky wheel" that's asking for this.

Councilman Strong answered, it's for the greater of all. We are not changing anything, it's up to the appointing authority to appoint whomever they want. Strong said that he was not going to be available for the May Council meeting, and the Council Attorney suggested having a special meeting, before the May meeting. Strong said he wasn't going to ask for both Readings today, he was going to ask for just one Reading, but again, we are not changing the appointing authority of anything, it's their option.

Dernulc said that he has had discussions with the group that's coming in, as well as discussions with Attorney Szarmach and Attorney Nicole on a Resolution that they have. Dernulc said that he has put it on the May agenda. He said the group said that they didn't want the Council to take this matter up today, and asked that the Council not take action until June. He said, they want that Resolution to be looked at, by the Council.

Dernulc said, if this is going to be for First Reading today, he might be for it now, but if something comes up between now, and the Second Reading, I could be against it.

Dernulc asked, it's not going to change the Interlocal Agreement, correct? Nicole answered, the Interlocal is signed, and moving forward. He said, if the group wanted to add a legislator on this, from their Town or City, they can do that.

Dernulc said we could table this today, and take this up in June, but it's up to this Body.

Bilski said we are also against the clock here, because they only have a short period of time, and Bilski said he doesn't know their motivation, and he asked, is that group considering opening up their own site?

Bilski said that he read in the newspaper that that group is considering opening up their own dark site, and he thinks that's awesome, if they decide to move forward with opening their own dark site, that would be great for us. Bilski said he thinks they need to move forward expediently, if that's their choice.

Nicole said she doesn't have any information specifically, regarding where they are at, or what their status is, quite frankly, other than what I read in the newspapers, or what she gets from the few people within the communities that are talking. Nicole said, it is my understanding that they are not signing unless the Joint Resolution, that Councilman Dernulc has referenced, is signed, but what the Plan is then, Nicole said, she has not heard.

Nicole said that her great concern is, there is an entirely new phone system that is being purchased by the County, there is an entirely new computer system, radio system that's going to be, and they are not going to communicate to the highest level of protection for the public, if they come together into one location, without purchasing these things.

Bilski said, they have a considerable amount of work to do.

Strong said that one of the members from one of the groups, that has not signed on yet, was very much in support of this, then over the weekend, something went "haywire", and so Strong said, he doesn't know. Strong said that he thinks that this is a good thing, we are not changing anything, the City, Mayor, or the Town Board President has that opportunity to appoint, if they don't want to, they don't have to, it's just that simple.

Attorney Szarmach said, everyone has good points. He said the 4 units have said they are not in favor of the Interlocal Agreement, they've made that clear. He said, in the long run, this is not a bad idea, but you are almost there, 1/1/15. He said, if he were one of the four, and you were one of the four, and 1/1/15 is coming up real quick, and the other 15, the majority, don't seem to be welcoming my ideas, I'd be a little worried. So, I assume they are worried about what are they going to do in December, do they need to raise \$10 million dollars real quick, to build their own? Szarmach said, I don't know, but this is what you need to start thinking about, you need to start taking action.

Dernulc said, they are in favor of the Interlocal Agreement, but they wanted to make sure that everything is memorialized that they heard at today's meeting.

Attorney Szarmach said, he doesn't vote, and he is trying to be neutral, it's a huge red flag coming up, at this point.

Nicole said she thinks the whole issue is, this amendment is obviously part of...(inaudible, others talking at the same time), conditioned upon this Council having that Resolution, so it's kind of throwing the responsibility back on this Body to say, we are/are not, who is the one to blame here for not getting this done? And at the end of the day, they still not signed.

Attorney Szarmach said, she should repeat that because here is what I see, Attorney Szarmach said, I don't like to see my clients set up, and this whole thing with this Resolution, that's not a Resolution, it's not an amendment. This is probably a good idea, but you want to do it at this time? Szarmach said, we are almost there, I don't know, that's not for me to decide.

Bilski said, it wouldn't be effective until 1/1/15 right? Nicole answered, correct.

Bilski also said we need more discussion, and it seems like everyone has a lot of questions on this. We can defer until the June meeting.

Strong withdrew his motion. Dernulc withdrew his second.

Strong made a motion, seconded by Dernulc to defer to the 6-10-14 Council meeting. The majority voted "Yes" to defer. Franklin and Cid were "absent". Motion to defer carried 5-yes, 2-absent.

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.

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President, Lake County Council

ATTEST:

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Peggy Holinga Katona,  
Lake County Auditor

