

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 budgets for Year 2016, 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, Jamal Washington, Daniel Dernulc, and Christine Cid, County Councilpersons, together with Ray Szarmach, County Council Attorney. Councilwoman Elsie Franklin, and Councilman Eldon Strong were absent.

OPEN: County Council Recommendations, Discussions, and Actions

Bilski said this is the 4<sup>th</sup> run of the 2016 budget.

Dante asked everyone to review the actions from the last budget, just to make sure that he has the actions correct. He said that he has some discussion items there, and hopefully this is the end of it for some discussion topics that he would like to have entered into the minutes. He said there are some that were some that he keeps in the bottom of his reminder pile, and they are presented for discussion elements this morning to start off today's meeting. He said there are about 3 or 4 of them that are really administrative, technical issues, starting with Majestic Star.

Dante said they must have a Policy of Internal Control and Procedures, to eliminate fraud, and/or errors, that has to be done by Council action by next June. Then, it goes into the Schools, yes, Dante said we now have the Schools. They are not binding, they are not non-binding. They are "review". You have to review, and separate the review, somewhere in the process, under Lemuel, or before the Second Reading, you must review the School's levies, and tax rates.

Dante has asked Ajaz to prepare the request, and the current, for the Council, so the Council can review. You do not have to make a binding, or non-binding recommendation, but you must have, somewhere in the minutes, that you reviewed School's Levies, and Tax Rates.

Dernulc asked Attorney Szarmach if the Council has to go through every single budget, as we've done in the past?

Cid said, it says "noted and adopted".

Attorney Szarmach said he hasn't looked at it. He doesn't know what the intention of the Legislature was, he needs to look at it. He said you need a staff of 50 people to review the budgets. Bilski said our Legislators really need to address this issue.

Dernulc said Attorney Szarmach is correct, you need a staff of 50 people, at a minimum, and there is no way to go through each Town and ask questions.

Cid said levy and tax rate, it's not everyone.

Attorney Szarmach said to Dante, that Dante has a history with DLGF, what they wanted 5 years ago, what they wanted 3 years ago.

Dante said they want you to adopt a review of the tax rates and the tax levies of Schools, and it could be, all 10 of them. You must review them.

Attorney Szarmach said he thinks the "key" word legally, is "approve". If you don't see "approve" in there, he thinks you can do anything.

Hamm asked, why do it any different than we did last year, "motion to approve".

Bilski said, because they changed this, it's new.

Attorney Szarmach said he will look into it. Again, the key word is "approve". If there is "approved" in there, that means you study it, discuss it, and you approve it, or you don't.

Hamm said, last year we made a motion to "approve the non-binding, as submitted".

Dante said, that is non-binding, this is new.

Cid said I think all we're going to do is review the numbers they put into gateway.

Dante said, that's all you need to do. We can look at them, no recommendations.

Dante said, correct, that's all you need to do, and it has to be separate from the non-bindings, and your typical actions. It has to be separate.

Bilski said we are going to need Attorney Szarmach to do a statement to verbalize our commitment to the new Legislation, so we will need something like that.

Dante said lastly, this is for the future, and for the Insurance Oversight Committee, but the employer excise tax for health insurance is coming up in the next couple of years. It's going to be significant. Dante said he would highly recommend to the Insurance Oversight Committee, and the Commissioners that they start balancing out that Fund, starting next year. Dante said it's the employer excise tax, not health insurance. Yes, there is an excise tax for all employers coming up. Dante said it's coming for AT&T, and it's coming for us, and he doesn't know what it is, but there's an excise tax. It's all part of the healthcare act that was adopted a couple of years ago.

Dante said that is it for notable items, and he has no more at this point.

### **Discussion for September 15, 2015:**

Discussion Topic – Majestic Star Settlement. Analysis provided to Auditor's office on June 30, 2015

- \$4M 17TC refund Pay 2015. What is County's share(>10% or \$4M)
- \$1.58M tax credit for years Pay 2013, 2014 & 2015 tax bills (C of E?)
- \$1.217M tax credit for years Pay 2016, 2017 & 2018 (future collections)
- \$1.4M accrued interest refund (who is paying for this; when and how?)
- Discussion Topic – Before 6-30-16 the legislative body must adopt a policy on internal control procedures and standards(handout provided)
- Discussion Topic – Effective with the 2016 budgets, the legislative body must "review" the proposed levy and tax rate for schools by October 1. Recommendations are not required. However, the "review" activity should be noted and adopted separately from the non-binding recommendations for non-school units.
- Discussion Topic – Employer health insurance excise tax 2017/2018
- County health insurance program needs to be balanced in 2017
- County needs to increase original appropriation in 2016 or reduce costs.

Dante also wanted to make sure that the Council knew what they put into Public Safety.

Bilski said they did have some issues in reference to the Bonds paid out of E911, and Attorney Szarmach was going to get back to the Council. Bilski asked, is everything okay the way it is, or are we going to make some changes?

Attorney Szarmach said, you might, you have time. He asked, do you want to pay, originally we had the bonds paid out of the Public Safety Tax, and Attorney Szarmach asked, what exactly was the purpose moving it to the general fund payable through real estate tax?

Cid answered, because the Public Safety Tax was in the red. It was over-appropriated. It was greater than what the....

Cid said it was greater than the balance.

Bilski said so it left us with \$750,000 in the black, which we zeroed out by doing equal amount of Merit retirement.

Dante said correct. It's balanced completely.

Attorney Szarmach said I will have to get back to you, because it's a "condition" earlier on, of the 2 renegades, that it be paid, as you originally proposed out of the Public Safety Tax. It would appear real close, at this time that intentionally, or probably not intentionally, you've done everything that was in the original Resolution from the 2 renegades, requesting changes to be made inter- local. Attorney Szarmach said, it would make sense to me if the Inter-local, the big one, the only one we have, now would contain all of the conditions of the Resolution from Schererville, and Cedar Lake, that, first of all, what's the problem of signing the one that's there? So you would end up with 2 PSAPS, with 1 Inter-local, which is exactly what State Law requires.

Attorney Szarmach said he doesn't understand why State law put it like that, he said he thinks that not a lot of thought went into it. It says you can have no more than 2 PSAPS. He asked why can't you have an Inter-local for each PSAP?

Cid said, it doesn't say, only one Inter-local.

Dernulc said, that is correct.

Attorney Szarmach said, it says one inter-local

Dernulc said, we won't be able to get that money unless that one Inter-local is signed.

Attorney Szarmach said, that is as of today, but if they would make a change in one sentence, one word, one sentence, just to say you can't have any more than 2 PSAPS, okay, we're fine with that, and you need to have a local, for each PSAP, Attorney Szarmach asked, what's the problem with that? He asked mechanically, down state, what is the problem with that?

Bilski said, who knows that that might have been their intent. It would make sense for that to have been there, it just didn't get written that way.

Attorney Szarmach said, and it doesn't happen a lot, but it's not uncommon.

Dernulc asked Attorney Szarmach if he would put that in "bullet points". I will talk to Senator Ernie Niemeyer, and Representative Aylesworth, and let's see if we can get some support on it.

Attorney Szarmach said you can get that done, even in January, that's a simple change, and Attorney Szarmach said, he thinks it complies with what, bottom-line, what they are looking for.

Bilski added, I think so too.

Dernulc said he needs the "bullet points", because he is going to send it right to them.

Attorney Szarmach said, an option is to, since we have, I think kind of unintentionally complied with what they were requesting earlier, there is no reason for them not to sign the one that's there, as is.

Dernulc said, because they could have their PSAP?

Attorney Szarmach said, yes, of course.

Attorney Szarmach said, I will put together some kind of... Dernulc said, "I will send it, and I will "cc" you.

Attorney Szarmach said, in the meantime, I will speak with Nicole, and John Dull about it.

Attorney Szarmach said that now that the 2 entities have a new Attorney, maybe reference could be made to those 2 entities, that you got what you wanted, sign up, and everybody gets there money.

Bilski asked Dante to refresh his memory about the removal of the \$313,000 from the CEDIT fund for the Trustees?

Dante said, that was last year for the Agreement for the Trustee Offices to take a share of the Income Tax. He said, last year, at this time, we went through the Public Safety Tax, so Dante said, he placed the \$313,000 along with the Council' approval, into CEDIT. He said after we did that, about 2 or 3 months after we did that, the Auditor called us up and said, the Agreement says it has to be paid out of Public Safety, so we promptly this year, switched it, mid-year, switched it out of CEDIT, and into Public Safety, and hence, that's the action. It's now out of CEDIT, and now in Public Safety. Dante said, to me it was immaterial, but the Agreement called for, technically for it to come out of Public Safety, not the CEDIT.

Hamm said he spoke with the Auditor's Office.

**Hamm made a motion to increase the tax collection rate from 95% to 95.5%. Washington seconded the motion.**

Ajaz, from the Auditor's Office said that he feels that 95.5% is a comfortable rate.

Dernulc asked Ajaz, what is not a comfortable number, 96%?

Ajaz said 96% is not a comfortable number, if you go higher than 95.5%. Next year, it will be looking for 95.5% again, and every year after that.

Dernulc said, 95.5% will give us a half million dollars, more, approximately, correct?

Ajaz said, yes.

Dante said it's actually almost \$600,000 dollars, when you consider Parks' levy, and Health' levy

Dante said you are down to \$233,000, which is balanced, essentially.

Hamm said it will be over 95.5%, but a comfortable number from the Auditor's Office is 95.5%, without us getting into any trouble or problems.

Cid said that's not a guarantee, that's a guess.

Hamm said 95% can be a guess.

Bilski said, it's all a guess, and asked Ajaz, where will we think we're going to be this year?

Ajaz said, 95.5%.

Bilski said we will finish up easily this year, within that mark, if not higher?

Ajaz said, yes.

Dante said, the difficulty here, we are the only ones in the State that have this formula. The State had great difficulty, last year in computing it because we were the only ones, and we have no history on it. We don't have 10 or 15 years on this thing, so the confidence level is really not there, that's why we're ...

Bilski said a safe amount, we probably could have gone 97%, at one point.

Ajaz said, yes, last year.

Dante said, yes, last year.

Bilski said he thinks this is safe, and he has no issue with it. He said unless you can come up with another way to make up \$750,000 dollars.

Cid said, we could freeze appropriations right now, that would give us a half a million dollars for the rest of the year, and Cid said she thinks we are going to spend less in advertising next year also.

Bilski said, so we will balance out with that, i think it's safe.

Hamm said to Cid, I think we can do that, on top of this action.

Bilski said, "I agree with it, I think those are good ideas".

Dernulc asked Ajaz, again, do you feel comfortable?

Dernulc said "I don't feel as comfortable", maybe as you do with 95.5%.

Ajaz said, I am just looking at one year of collections, so....

Hamm said, "I spoke to Dante", and Dante suggested that I approach the Auditor's Office, and Hamm said, I don't mind deferring to Dante also, but your suggestion to me was, Auditor's Office is where I should be asking these questions.

Dante said, all the calculations, and adjustments, all I see is the abstract, and the first half of collections, and if I've seen some negative going on, Dante said, I don't see a negative, I see a positive. There's many, many adjustments that occur. One of them, is, let's go back to the first discussion item, Majestic Star. That's a \$7 or \$8 million dollar deal. We advanced them \$4 million dollars, it's a 4 part arrangement.

The first part is for the County to advance Majestic \$4 million dollars, that comes out of our bank account. If at settlement time, someone, or somebody happens to pick up more than our fair share, it's going to impact our collections, our fair share of the Gary rate is only 7 or 8%, So if State Board says that there is an \$8 million dollar judgment, we're only 7 or 8% of it, a good deal, but if somebody indeed, somewhere along the line, says the County is going to pick up more than their fair share, because of some issue, you are going to be on the "hook" for as much as \$4 million bucks.

Bilski asked, who's paying for it?

Dante answered, County. Dante said, that is extreme, he has never seen it happen like that. He has always seen it go by the per cent of overall tax rates in per cent. He said Gary tax rate, 60 cents, we are. 60 cents is only 10% of it, so 10% of \$4 million bucks is \$400,000 dollars, we're on the "hook" for, that would bring you up at 99.6%, but if somebody makes a decision some place, then indeed, the County is going to absorb the entire \$4 million, you are down at 96% right now, \$4 million bucks.

Bilski said, at 95.5% we're safe. He said that's nothing compared to what we've had to do. He said we also talked, and Bilski said to Dan, I can't remember if you were part of the discussion or not, with the Commissioners about further retirement, as well, and giving up positions. Bilski said, we talked about that as well.

Cid asked Attorney Szarmach did he write that up, the buy out?

Attorney Szarmach said no, you have one from several years ago, and i will see if i can send a copy to everyone.

Cid said, several years ago, I knew it was an early retirement, well, it was a kind of a buy out.

Dernulc said he spoke with Hamm, who said that he spoke with the Auditor, and it's a comfortable rate, so Dernulc said that he feels some comfort in that rate, even if we have this issue with Majestic Star.

Cid asked Dante if he is comfortable with it?

Dante said he has no issue with it, his biggest issue would be it's not the percentage so much, it's the cadence that you go off, for example, even if you are guaranteed, we know it's coming 100%. Don't do 100% because, not only are you going to spend the 5%, but next year, it's going to be looking for that 5%, as well. Dante said, my issue is, he would like to have limited movement over a period of time. He said, this is an easy "no brainer" for him.

Dernulc said the only think he would caution the Council on is, maybe next year if we go 95.5 %, keep it at 95.5%.

Bilski said, or a reduction.

Dernulc said, or a reduction.

**The majority voted "Yes". Franklin and Strong were "absent". Motion carried 5-yes, 2-absent.**

Dante said, the Council now is essentially balanced. It comes down to \$233,000.

Bilski asked Dante about cancelled Po's?

Dante said we already did that.

Bilski asked, we took that into consideration?

Dante said Line 2's are already in there. Encumbered money, cancelled Po's

Dante said we could squeeze Line 3, those are the additional appropriations. You are at \$990,000 so far. We have \$1.4M, so we have plenty, if we hold the line on Line 3

Bilski asked Dante what do you want to do with Line 3?

Dante said they should hold the line on Line 3, the Sheriff said he doesn't know what he needs, but he is coming back. He said Line 3 is at \$1.4 million

Cid asked what is Line 3, because I don't have my Budget book?

Ajaz and Dante said, Line 3 is additional appropriations, Line 3, which is at \$1.4M in general fund, which is an understatement, just short of \$1M bucks so far.

Bilski asked Dante if he is happy with that number?

Dante said, \$1.4M? Sure.

Cid asked should we reduce Line 3?

Dante said, no, I wouldn't touch it at all.

Dernulc suggested that Bilski send a letter, telling the departments to hold off on new appropriations.

Bilski said we have our October study session coming up, so talk to your committees, and let them know that we are "hunkering down".

Dernulc asked Bilski if it would be wise for him to send a letter out, under the Council ?

Bilski said, we can, sure. We could sign, I can make it official from the County Council, that we're asking that no new appropriations until the end of the year.

Dante said I think you have a lot of work with the Jail, I think you have big challenges ....

Bilski asked Dante about the Legislative body must adopt a policy on internal control procedures and standards(hand out provided).

Dante said, yes, I have it. It's a matrix of, what are they looking for. He said he doesn't think it applies to us. They are looking at fraudulent activities, and big errors. He said there must be lots of problems with counties out there that make big errors, and don't have the systems in place, or there is fraud.

He said the State hands out this matrix. He said the underlying policy is fraud, and control of large systematic errors. We don't have, to my knowledge, either.

We have budget manipulation problems, we have Grant Oversight, not filling out paper-work problems, but nothing that reaches the threshold of this. He said they gave him this matrix and said, this policy has to touch upon the 3 main objectives. They want you to talk about Operations, they want you to talk about Reporting, and they want you to talk about Compliance issues, whatever that is.

Then they say that indeed, underneath those 3, they want you to talk about 5 different components, and the 5 Components are, Control Environment, Risk Assessment, Control Activities, Information & Communication, and Monitoring Activities. They want a Policy that kind of talks about the 3 major areas with the 5 sub-components, and those are the ingredients that they want in a Policy, that's geared towards fraud, and large errors.

Dante said, where does this come from? This comes from the Federal Government, who has been involved with this kind of stuff since 2011, President Obama and his staff, of the group with Medicaid/Medicare, and it's really filtering down from the Feds. They've been after this stuff, on their scale, they must have some large, large errors.

Indiana adopted it, there must be other Counties, with some large, large errors. Dante said I don't see it being applicable to us that we have to have a Policy, and it has to be adopted by June 30<sup>th</sup> of next year, otherwise, you will not receive your 2017 budgets, they will be held back. Everything is going to be held back. That's the penalty. Dante said FYI, that's coming.

Attorney Szarmach asked, is there a form, a sample/policy? Who writes it?

Dante said I read it.

Ajaz said, the State Board of Accounts.

Dante said, the State Board of Accounts will write it, but he isn't sure, he was going to ask you to call them up, because he isn't sure if this is it, or they have something more definitive. They may have something more definitive.

Attorney Szarmach said he would think that something with about 20 pages, he just wants to know who writes it.

Dante said our issues, budget manipulation, I mean, commitments made without a budget, that's just basic government, everyone does that.

Dante reiterated, that the Legislative Body has to approve the Policy, otherwise you don't get an approved 2017 budget.

Bilski asked when will we have this, will we have it in front of us, the first part of 2016?

Cid said we have to have it before June 30<sup>th</sup>, 2016, adopted.

Attorney Szarmach said it becomes effective, probably 7-1-2016.

Dante said it becomes effective 7-1-17, something like that.

Dante said effective in September, 2017 because it will be a whole year to implement it.

Bilski said I think if we have something from State Board, we could get it on the agenda ASAP, and just pass it. Bilski said to Ajaz, whatever they come up with, give it to Dante, who will give it to us to put on the agenda, so we can get it done.

Dante said it almost sounds similar to non-binding. It's basically built for fraud, and large, large errors. Medicaid overpayments to some group, large, large, that kind of scale errors, we don't have that here. We just have to go step by step, to see what it entails. There must be other Counties out there that have big problems.

Dante said, there are supposed to be guidelines, but he doesn't know if these are it.

Dante said these things are swirling around, so just an FYI.

He said he also talked to Dan this morning, about the Jail, there are some real challenges there, and Dante said he thinks we have some real major challenges there.

Dernulc said he will speak with Bilski about that.

Bilski asked Dante, about it having to be kept separate from the non-binding recommendations, you said the 2016 budget, the Legislative Body wants us to review the proposed levy and tax rates for Schools by October 1, 2015, recommendations are not required, however, the "review" activity should be noted and adopted separately from the non-binding recommendations for non-school units.

Dante said they don't want it blended in with the non-binding, they want it..., you can do it on that date, but it has to be separated. Marilyn has to have it on her notes, that this is a separate process.

Attorney Szarmach suggested a list, 1 through probably 20 of School Corporations. It's a list that the Auditor can probably put together. Column 1, the School System, Column 2, would be the levy, and the tax rate, and we would have a motion in the minutes, a motion to review, and we would just read them, and any comments, it would take about 15 minutes. So you would have something in the minutes, and the document in the minutes would be your list.

Cid asked Attorney Szarmach, but you will review the statutes?

Attorney Szarmach said, he assumes that this is in the same statutes of the non-binding recommendations.

Dante said he doesn't know if it's an administrative opinion, or if it's Law.

Attorney Szarmach said it was regulation, based on an actual statute. He said he would assume it's an actual statute.

Dante said, usually they are, but in the conference, they mentioned it as an administrative procedure.

Attorney Szarmach said, I will find it.

Dante said to Attorney Szarmach, if it is law, it's brand new. Again, if we don't do this, you get your budgets held back, you lose your growth quotient, etc, they will revert you back to 2015, that's the penalty.

Attorney Szarmach said I just want it documented.

Bilski said we will have that ready for September 22, 2015 right?

Dernulc said, because we will do it all in one day, the non-binding, and the Schools.

Dante said, they don't want you looking at the budgets, they only want you looking at the levy and tax rates, no budgets.

Bilski said we will separate the two, and we will plan on doing that, and have that ready to be done September 22<sup>nd</sup>, at 10am.

Attorney Szarmach said, that will be fine. Attorney Szarmach asked what would be the purpose behind that?

Why would the County, the fiscal body want to be interested in the School systems proposed levy and tax rate? How would that affect us?

Dante said, because they are part of the tax rate, the tax rates tie into the tax caps, the tax caps are tied into the tax liabilities of which we are mostly out of that business, so it goes down to why are we in the business at all.

Dante said, I have no idea. We are going to make the Schools accountable, maybe?

Dante said, so you're balanced, you've grown a little bit, I think the message is, we've got to do more with the same. It's an obvious underlying message here. "Do more with the same, do more with a little more, a lot more, with a little more"?

Washington said he had been speaking with Dante, who gave them some different options for Economic Development, and what's going on over there right now.

Dante said this is a (inaudible) that is going on, he believes that the departments have some ownership of their budgets, and being creative with their budget, other than coming here and saying "just give me more money", Dante said he believes that. It is a real need to have Departments do that.

Dante said one of the ways that he thinks, for instance, Economic Development is part of the umbrella of the Board of Commissioners, which includes Highway, Plan Commission, Fairgrounds, Economic Development, whether they know it or not, they would go through the Commissioners. There has to be more of a collaboration, we said this 4 or 5 years ago, and in that spirit I thought that maybe, possibly, a couple of those departments can move a position, Fairgrounds to Fairgrounds, non-reverting, a Public Safety, to Highway as long as the Public Safety folks do Highway work, you just can't shove it over to MVH unless they do highway work, and relieve some pressure for growth in Economic Development. Dante said, what he was trying to expose, and challenge the Commissioners, if nothing else, and some of these Boards, why don't you start looking at your non-reverting funds, why don't you start pushing some of the folks from public safety into the MVH, relieve some of the pressure in the general fund, and help somebody out like Economic Development, they may need a position, or two, or a couple of thousand bucks, in their 200, or 300 series, so Dante said, that's the change of where I'm going with the budget, at this point. Work within your major activity groups, and figure it out, work with each other.

He said Tim Brown is new, so he can't point at you, but in 5 years, down the line, I would challenge Tim, did you talk to Larry, did you talk to Mike Repay, did you talk to your group? Did you bounce it off of your Board? Don't just come here and ask for whatever....

Bilski said, the same thing, the Auditor's department. The Auditor came to us during 2015 budget, asked for positions, was denied for budget, now Line 8B, he was looking for some transfer to 8B. He asked Ajaz, did he find money?

Ajaz said, yes, he is trying to give \$50,000 to 8B.

Dante said that he challenged the Auditor that he has some user fees, generate more money, if you want.

Bilski asked, does that take action on us?

Dante said, absolutely.

Bilski said he needs to get that to Council lady Cid, because if he found the money to put into 8B, it needs to be put in there, so we can close that out, and the same thing goes for Economic Development, we will have to have that put in front of us, for the next meeting, to take action.

He said, Criminal Justice is the "2,000 pound gorilla" in the room. It takes up all of the revenue, and we've talked about coming up with some comprehensive plans. Bilski said, we've looked at consolidation, and he doesn't know what cooperation we would get from the Judges. They've asked for increases in additional bailiffs. We don't have the means to do that right now, not even remotely. Bilski asked is there a chance of developing and forming a "labor pool" of Bailiffs, which can be shared throughout the Courts.

Joy, a representative from Civil Courts, asked is that in the Criminal Division?

Bilski said I don't know if there is a difference.

Attorney Szarmach said, the Criminal Division, they are in one building. The Civil, they are all over the place.

Bilski said if you had one entire labor pool, and you were able to share, you would get dispatched out accordingly. He asked why couldn't you put it all.... I am asking, this is simply a discussion, we had thought we could put everyone into a group. There was even talk about utilizing Sheriff' Police in high profile, and areas, that are needed. I didn't think there was any opposition from the Sheriff in doing so. That might solve the problem in their short handedness, if there was this larger pool of people to pull from.

Hamm said from my understanding, it was mostly criminal. How is Judge Villalpando in Hammond going to share with....

Attorney Szarmach said, he is the only, and there is a big difference between the duties of a bailiff in Criminal Courts, especially the Felonies versus some Small Claims...

Bilski asked, is their training different?

Attorney Szarmach said, no, I think in Criminal Court it's just a difference atmosphere, it's a different clientele, and Judge Villalpando is the only Criminal Court that's outside the Complex. All of the other Criminal Courts are here.

Washington asked are there different qualifications for criminal?

Attorney Szarmach said, I don't know, written, probably not.

Joy Sinclair, from Civil Courts said the duties are significantly different between Criminal Bailiffs, and Civil Bailiffs, and as Attorney Szarmach pointed out, specifically felony.

Bilski asked could you be more specific?

Joy said in the Felony Division, you are dealing with high profile criminals, that we're not dealing with in the Civil Division, our drama in the Civil Division is divorce cases.

Bilski asked, if it is that high profile, wouldn't we want to use a Police Officer, as well?

Attorney Szarmach said, some Courts do, in a Criminal Court, felony court, you need somebody that knows how to shoot a gun. He said, in eviction, if you have a collection court, no.

Cid asked are they wearing a gun?

Joy answered, for the most part, no. She said she agrees, with them, for the most part, she isn't sure that you want a bailiff handling criminal court, that is accustomed to handling a civil call. Not that they couldn't possibly be trained to do that, but...

Cid said, but it still doesn't mean that you can't have a pool for Criminal, and another pool for Civil.

Attorney Szarmach said, and the only problem that I see with the Civil is you have many, many, there are 4 or 5 Cities. Joy said there are multiple locations.

Washington said the only problem that he can see happening with that is that the Judge has their favorite bailiff, somebody that they feel comfortable and safe with.

Attorney Szarmach said that's a really good point because Lawyers want to set something up, for example, in Room 2, because they know the people on that staff, and they can get it done really fast, usually a Secretary can do it.

Joy said she also thinks the Judge, regardless of whether it's Criminal or Civil is going to say that they would prefer a bailiff where their security would be someone that they have a confidence level in, to feel comfortable for security in their court.

Bilski said we need to get beyond that, we need to train them to make sure that they are professional and can be anywhere, just like a Police Officer should be able to perform any of his duties, and I think we need to get to that point, where the Judges would have confidence in this group of people, that they are all trained properly.

Washington said they have Security meetings for the Courts, and he would encourage that, because the idea, to have a pool is great. He would encourage that maybe some Councilmembers go to that Security meeting, and make them aware that this is our thought process.

Bilski said we probably need to arrange something with Attorney Szarmach, and before we go to a forum, maybe ask to meet with the Senior Judges, and start a conversation about this issue.

Bilski asked Attorney Szarmach is he would set something up, for himself, and whoever is available, and would like to join in, for a total of 3 Councilmembers, Bilski said he would make it a point to attend the meeting. Bilski said, just include himself, and Councilman Washington, and one other Councilman.

Dante said he wanted the Council to suggest to the Commissioners, to place a position out of Public Works, if they could, and the MVH, and give some lead way for additions in Economic Development, in the general fund. Dante said, it's a matter of collaboration.

Dante said he doesn't know how to resolve the Jail situation. He said when you give them a budget, the budget is broken the next day.

Bilski said we need Legislative help, we need help, and I think Attorney Szarmach is constantly pointing out the City Judges that are sending people into our Jail, and holding them without bail, because they have someone with special needs, or whatever, failure to appear. They get picked up on some incidental charge, locked up in our facility, and held without bail.

Attorney Szarmach said, held in our Jail for failure to pay a fine of \$166.50.

Dernulc asked, how much does it cost a day?

Attorney Szarmach said, \$100 dollars a day.

Bilski said we need some way of when these Cities and Town Judges sentence somebody like that, and they send them to our Jail, that we have a way of billing back.

Attorney Szarmach said, for failure to pay, or failure to appear, which happens sometimes intentional, sometimes by, they just don't care. Anybody that's picked up for failure to appear, or failure to pay a fine, always, always, always sets a bail, so they can make bail and get out. That's really common sense, it's fair.

Attorney Szarmach wanted to remind the Council that there is a Federal lawsuit filed in Florida, about 3 weeks ago, and the gist of it is that County Courts who hold, house people, pre-trial, under that situation, it is unconstitutional to hold anybody under that situation. So there must be a lot of problems in Florida with it. Attorney Szarmach said so there is going to be a decision in six months, down the line, nine months down the line, and that decision will go to Circuit Court for an appeal, and that decision will fight all these County Judges, all these County Jails, that it's unconstitutional, and Attorney Szarmach said, "I think it is". It's unconstitutional to hold somebody in the County Jail without a Bond, for not paying...

Bilski interjected, so how can we be pro-active and correct that? What can we do?

Hamm said he spoke to Judge Harkin, and explained his concern. Judge Harkin said, "I would love if you can talk to the County Prosecutor and have him quit stating that we are being too lenient, and I will "OR" these people". Hamm said, Judge Harkin said he gets criticized, Hamm said maybe we need an ad hoc committee to talk to the Prosecutor, and some of the City Judges together.

Attorney Szarmach said that he, Bilski, and Strong met with Pete Villarreal a couple of times on that issue, and out of our meetings, that's where we got the Resolution that we adopted about 6 months ago, asking the Legislature to draft a statute which would allow us to charge \$100 dollars a day fee, for anybody in the County Jail, Pre-trial misdemeanor held without a bond.

Cid said, charge the City.

Attorney Szarmach said, charge the City, and of course that didn't "fly" downstate, but you could tell from the statistics that immediately after that Resolution was adopted, and it hit the newspapers, that the incarcerations from City and Town of course dropped.

Bilski said, I think we do "hold the ball", with exactly what you just said, and I believe that both the Public Defender, and the Prosecuting Attorney's Offices should be working together to reduce that Jail because in fact, when you reduce that number, we reduce the amount of overtime, and they both came to us with compelling, "we need more money", "we need more staff". We said we don't have any money because we're sending everything to the Jail. Bilski said, together, if they would reduce that, we could simply move that money from the Jail, to the Public Defender, and the Prosecutor Office, so they could do what they want.

Bilski said, so there's their incentive right?

Attorney Szarmach said right, except Public Defender, the Criminal Courts here, are not the problem. The Criminal Courts here, are wonderful in lowering bonds, all of the 4 Judges, and the 3 in the Court. It was the 3 Cities, and Merrillville.

Bilski said and the Prosecutor's Office. When Mr. Carter was here, he said he needed all of these things, he had all these issues, he can't get good qualified attorneys, they are coming out of school with \$200,000 dollars in debt, and we need to help him. Bilski said well, he needs to help us then. If he wants that money to do that, he has to reduce the population in that Jail, he has to help us save some money, and we can simply transfer it over, and give him the bodies he wants.

Washington asked when we set up that Security meeting, can we set us one with the Prosecutor as well?

Attorney Szarmach said, we have a Committee, which includes Strong, myself, and Pete Villarreal, who is 3<sup>rd</sup> in command, in the Prosecutor's Office.

Bilski said we could always put a 3<sup>rd</sup> person on there.

Attorney Szarmach asked, why don't I try to get a meeting set up? This will be the 3<sup>rd</sup>, or 4<sup>th</sup> time we've met with the Prosecutor's Office on this.

Washington said he would still like to have a meeting.

Bilski said he thinks, what Dante said, if we don't get this cooperation, then coming into 2017, I think we may have to zero out every department here completely, and start over from the beginning.

Dante said the Jail isn't only consumes a high percentage of your growth quotient, from year to year. He said the original budget, we've reverted back, and we always added on, but millions that are consumed mid-year is a hidden expense that just creeps up on you, so it's not only asking for the original to go up, it comes in here mid-year and asks for millions. Then the Sheriff stands there and says, in the September meeting, "I'll be back". "I don't know how much, but I'll be back".

Washington asked, some of the problems that we have, at least the Sheriff, in the Jail, is really the mandates, so how much did he go over the budget last year?

Dante said, well number one, we gave him everything that he requested for this year, everything, and so far this year, I believe, in the Jail alone, it's \$900,000 dollars so far this year, with hundreds of thousands of dollars coming for more, overtime, that he testified. He needs more money for bracelets, and I think some medical too.

Bilski said, which we tried to heal up some of those accounts, so what we did in the Commissary Fund, so he needs to go to that resource in his Commissary Fund, because we've cleared every demand that we've had out of that Fund, we reduced towing, and foreclosures.

Dante said you took 4 positions out this year, and relieved well over \$400,000 ...

Bilski said, both of those should be, unless there is a healing process, because they were so far in the red, that they've got to build themselves back up, but hopefully by 2016, they will be back to where they need to be. Bilski said, I don't know what they will be able to support, or generate, but he is going to have to go to those, once they balance out, he is going to have to go to that for some of this revenue.

Bilski asked State Law is pretty restrictive on Commissary correct?

Dante said, yes.

Bilski said, but it's limited, but some of these clerical positions, and anything else that he has, he could fund out of that. He can't keep coming, we just can't afford another million dollar "hit".

Hamm said, we cleared the Merit Officers out for him.

Washington said, you brought up ankle bracelets; ankle bracelets pretty much pay for itself. He said he is a full supporter of ankle bracelets, and would like to see if they could actually maximize that to get people out of there.

He said you can have someone incarcerated, who has cancer, or some illness, and they have this health insurance, but they would be taken care of at the hospital, better than I would be. He said we want to utilize the ankle bracelets as much as possible.

Dante said, the Jail is a real challenge, that's the bottom line.

Hamm said going back to the Prosecutor's meeting, and asked have we ever had the Judges, especially the 3 Judges up North invited? Hamm said, there are some concerns there, like I said when I spoke with Judge Harkin, like I say, he said he doesn't mind, but then he gets criticized by Bernie, and everybody is "pointing fingers in a big circle".

Attorney Szarmach said, to answer your question, no we have not had the 3, or the 4, Merrillville is not a huge volume.

Hamm said we might have her(Merrillville), to get their input.

Attorney Szarmach said, I will talk to Pete.

Dante said you have covered a lot so far.

Bilski suggested that the Council cancel the meeting scheduled for Wednesday, September 16, 2015 @ 4PM, and the meeting scheduled for Thursday, September 17, 2015 @ 4PM, and meet again on September 21, 2015 @ 10AM.

**Dernulc made a motion, seconded by Washington to cancel the budget workshops scheduled for Wednesday, September 16, 2015, and Thursday, September 17, 2015 and reconvene on Monday, September 21, 2015. The majority voted "Yes". Franklin and Strong were "absent". Motion 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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John Petalas,  
Lake County Auditor