

The Board met in due form with the following members present: Rudolph Clay, Frances DuPey, and Gerry Scheub. The Council Members present: Elsie Franklin, Will Smith Jr., Donald Potrebic, Christine Cid, Thomas O'Donnell, Ron Tabacynski, and Larry Blanchard. They passed the following orders, to wit:

There was a moment for the Opening Prayer and the Pledge was given.

Order#1

In the Matter of the L.C. Council Ordinance – Ordinance No. 1268D, Establishing a Processing Fee for the Use of a Credit Card for Payment of Lake County Real Estate and Personal Property Taxes.

Tabacynski made a motion, seconded by O'Donnell, to approve the First Reading of L.C. Council Ordinance No. 1268D. Motion passed 7-0.

Tabacynski made a motion, seconded by O'Donnell, to approve the Suspension of the Rules for L.C. Council Ordinance No. 1268D. Motion passed 7-0.

Tabacynski made a motion, seconded by O'Donnell, to approve the Second Reading of L.C. Council Ordinance No. 1268D. Motion passed 7-0.

DuPey made a motion, seconded by Clay, to approve the L.C. Council Ordinance No. 1268D, Establishing a Processing Fee for the Use of a Credit Card for Payment of Lake County Real Estate and Personal Property Taxes. Motion passed 3-0.

ORDINANCE NO. 1268D

ORDINANCE ESTABLISHING A PROCESSING FEE FOR THE USE OF A CREDIT CARD FOR PAYMENT OF LAKE COUNTY REAL ESTATE AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to I.C. 36-1-3-4(b)(2) Lake County has all powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and
WHEREAS, pursuant to I.C. 36-1-3-6(b)(2) Lake County may adopt an Ordinance for exercise of a power; and
WHEREAS, pursuant to I.C. 36-1-3-8(a)(6) Lake County may impose a service charge or user fee for a service provided by the County which is reasonable related to the cost of the service; and
WHEREAS, pursuant to I.C. 36-1-2-9 and I.C. 36-2-3.5-3, the legislative body of Lake County is the Lake County Council; and
WHEREAS, Lake County has authorized payment of Lake County real estate and personal property taxes by use of a credit card, and desires to establish a processing fee for the use of the credit card to pay real estate and personal property taxes which is reasonably related to the cost of the service.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

- 1. That the Lake County Council establishes a processing fee of zero (0%) percent of the amount charged for the use of a credit card to pay Lake County real estate and personal property tax.
- 2. The fees collected shall be placed in the Web Maintenance Fund to be appropriated by the Lake County Council pursuant to Indiana Law.
- 3. This Ordinance becomes effective upon passage pursuant to I.C. 36-2-8-4.

SO ORDAINED THIS 12TH DAY OF OCTOBER, 2005.

RON TABACZYNSKI
THOMAS O'DONNELL
ELSIE FRANKLIN
WILL A. SMITH JR., President
LARRY BLANCHARD
CHRISTINE CID
DONALD POTREBIC
Members of the Lake County Council

Board of Commissioners
Rudolph Clay
Frances DuPey
Approved this 12th October, 2005

Order#2

In the Matter of L.C. Council Ordinance – Ordinance No. 1268E, Establishing the Credit Card Service Fee and the Credit Card Service Fee Fund, for Payment of Lake County Real Estate and Personal Property Taxes.

Tabacynski made a motion, seconded by O'Donnell, to approve the First Reading of L.C. Council Ordinance No. 1268E. Motion passed 7-0.

Tabacynski made a motion, seconded by O'Donnell, to approve the Suspension of the Rules for L.C. Council Ordinance No. 1268E. Motion passed 7-0.

Tabacynski made a motion, seconded by O'Donnell, to approve the Second Reading of L.C. Council Ordinance No. 1268E. Motion passed 7-0.

Clay made a motion, seconded by DuPey, to approve the L.C. Council Ordinance No. 1268E, Establishing the Credit Card Service Fee and the Credit Card Service Fee Fund, for Payment of Lake County Real Estate and Personal Property Taxes. Motion passed 3-0.

ORDINANCE NO. 1268E**ORDINANCE ESTABLISHING THE CREDIT CARD SERVICE FEE AND
THE CREDIT CARD SERVICE FEE FUND, FOR PAYMENT OF
LAKE COUNTY REAL ESTATE AND PERSONAL PROPERTY TAXES**

WHEREAS, pursuant to I.C. 36-1-3-4(b)(2) Lake County has all powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, pursuant to I.C. 36-1-3-6(b)(2) Lake County may adopt an Ordinance for exercise of a power; and

WHEREAS, pursuant to I.C. 36-1-2-9 and I.C. 36-2-3.5-3, the legislative body of Lake County is the Lake County Council; and

WHEREAS, Lake County has authorized payment of Lake County real estate and personal property taxes by use of a credit card, it is necessary to establish a credit card service fee to pay the credit card fee charged by a credit card company for the use of the card by a payor, and to establish a credit card service fee fund for the deposit of the service fees charged by credit card companies; and

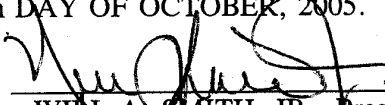
WHEREAS, that the credit card service fee deposited in the credit card service fee fund shall be paid to the respective credit card companies when the respective credit card is used to pay Lake County real estate and personal property tax, and a credit card fee is charged for use of the credit card.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the Lake County Council establishes a credit card service fee not to exceed three (3) percent of the amount charged, in order to pay a credit card company the credit card fee for the use of a credit card to pay Lake County real estate and personal property tax.
2. That the Lake County Council hereby establishes the Credit Card Service Fee Fund for the deposit of the credit card service fees for the use of a credit card to pay Lake County real estate and personal property tax.
3. That the credit card service fee shall be placed in the Credit Card Service Fee Fund and distributed to respective credit card companies to cover their fees for use of their credit card to pay real estate and personal property tax, and shall be appropriated by the Lake County Council pursuant to law.

4. This Ordinance becomes effective on passage pursuant to I.C. 36-2-8-4.

SO ORDAINED THIS 12th DAY OF OCTOBER, 2005.


WILL A. SMITH, JR., President


RON TABACZYNSKI


THOMAS O'DONNELL

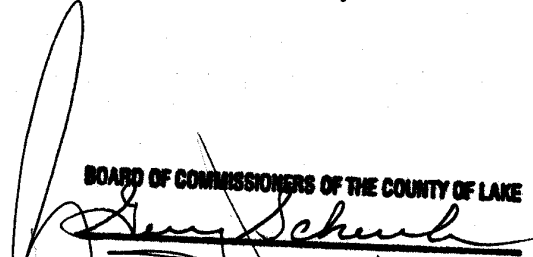
ELSIE FRANKLIN


LARRY BLANCHARD


CHRISTINE CID


DONALD POTREBIC

Members of the Lake County Council


BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

APPROVED THIS 12 DAY OF OCTOBER 20 05

Order #3

In the Matter of L.C. Council Ordinance – Ordinance No. 1268F, Ordinance Creating the HAVA Title III Voting System Fund, a Non-Reverting Fund.

Franklin made a motion, seconded by Cid, to approve the First Reading of L.C. Council Ordinance No. 1268F. Motion passed 7-0.

Franklin made a motion, seconded by O'Donnell, to approve the Suspension of the Rules for L.C. Council Ordinance No. 1268F. Motion passed 7-0.

Franklin made a motion, seconded by O'Donnell, to approve the Second Reading of L.C. Council Ordinance No. 1268F. Motion passed 7-0.

DuPey made a motion, seconded by Clay, to approve the L.C. Council Ordinance No. 1268F, Creating the HAVA Title III Voting System Fund, a Non-Reverting Fund. Motion passed 3-0.

ORDINANCE NO. 1268F**ORDINANCE CREATING THE
HAVA TITLE III VOTING SYSTEM FUND, A NON-REVERTING FUND**

- WHEREAS**, pursuant to I.C. 36-2-3.5-5, the County Council shall adopt ordinances to promote efficient County Government; and
- WHEREAS**, pursuant to I.C. 36-2-5-5(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 Board of Elections and Registration will be receiving money from Title III of the Help American Voters Act (HAVA) as reimbursement from the Federal government through the State of Indiana for purposes set out by HAVA Title III including but not limited to the purchase of ADA compliant voting machines; and
- WHEREAS**, HAVA Title III requires monies and State matching funds received to be used for purposes set out by HAVA Title III to pay any outstanding obligations incurred by Lake County for the purposes, including but not limited to voting systems purchased which are subject reimbursement; and
- WHEREAS**, the Lake County Council desires to create a HAVA Title III Voting System Fund for the deposit of HAVA Title III monies and State matching funds.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the HAVA Title III Voting System Fund, a non-reverting fund, is established for the deposit of monies received from HAVA Title III and State matching funds and to pay any outstanding obligations incurred by the County for purposes set out in HAVA Title III, including voting system purchased subject to the reimbursement.
2. That the Lake County Council pledges that Title III requirement monies and State matching funds received by the County will be used to pay any outstanding obligations incurred by the County for the voting system purchase subject to the reimbursement.
3. That the Lake County Council pledges that if the obligations

incurred by the County to obtain this voting system have been paid in full or in part as of this date, that the remaining HAVA Title III requirement monies and State matching funds will be used to improve the administration of elections for federal office in the County.

- 4. That no later than thirty (30) days after adoption of this Ordinance, the County will establish a separate non-reverting account in which all HAVA Title III requirement monies and State matching funds will be deposited.
- 5. That Lake County agrees to refund the State of Indiana no later than May 1, 2006, an amount equal to the HAVA Title III requirement monies and State matching funds received by the County if the Secretary of State of Indiana and the Co-directors of the Indiana Election Division determine on April 1, 2006, that the County has not (1) provided at least one (1) voting system in each polling place of the County no later than April 1, 2006 to permit a voter who is blind or visually impaired to vote privately and independently in accordance with I.C. 3-11-15; or (2) honored one or more of the certifications made by the County in this Resolution regarding polling place accessibility or the permitted uses of those funds.
- 6. 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.
- 7. Any money remaining in the fund at the end of the reimbursement period pursuant to HAVA Title III shall revert to the State of Indiana.

SO ORDAINED THIS 12th DAY OF OCTOBER, 2005.

[Signature]
 WILL A. SMITH, JR., President

[Signature]
 RON TABACZYNSKI

[Signature]
 LARRY BLANCHARD

[Signature]
 THOMAS O'DONNELL

[Signature]
 CHRISTINE CID

[Signature]
 DONALD POTREBIC

ELSIIE FRANKLIN

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

Members of the Lake County Council

APPROVED THIS 12 DAY OF October 20 05

Order#4

In the Matter of L.C. Council Ordinance – Ordinance No. 1268G, Ordinance Creating the HAVA Section 101 Voting System Fund, a Non-Reverting Fund.

Franklin made a motion, seconded by O'Donnell, to approve the First Reading of L.C. Council Ordinance No. 1268G. Motion passed 7-0.

Franklin made a motion, seconded by O'Donnell, to approve the Suspension of the Rules for L.C. Council Ordinance No. 1268G. Motion passed 7-0.

Franklin made a motion, seconded by O'Donnell, to approve the Second Reading of L.C. Council Ordinance No. 1268G. Motion passed 7-0.

DuPey made a motion, seconded by Clay, to approve the L.C. Council Ordinance No. 1268G, Creating the HAVA Section 101 Voting System Fund, a Non-Reverting Fund. Motion passed 3-0.

ORDINANCE NO. 1268G

**ORDINANCE CREATING THE
HAVA SECTION 101 VOTING SYSTEM FUND, A NON-REVERTING FUND**

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

WHEREAS, pursuant to I.C. 36-2-5-5(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 Board of Elections and Registration will be receiving money from Section 101 of the Help American Voters Act (HAVA) as reimbursement from the Federal government through the State of Indiana for purposes set out by HAVA Section 101 including but not limited to the upgrading voting equipment; and

WHEREAS, HAVA Section 101 requires monies and State matching funds received to be used for purposes set out by HAVA Section 101 to pay any outstanding obligations incurred by Lake County for the purposes, including but not limited to voting systems purchased which are subject reimbursement; and


WHEREAS, the Lake County Council desires to create a HAVA Section 101 Voting System Fund for the deposit of HAVA Section 101 monies and State matching funds.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

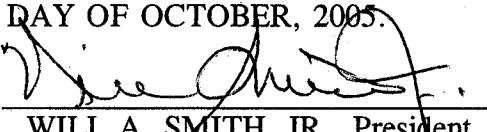
1. That the HAVA Section 101 Voting System Fund, a non-reverting fund, is established for the deposit of monies received from HAVA Section 101 and State matching funds and to pay any outstanding obligations incurred by the County for purposes set out in HAVA Section 101, including voting system purchased subject to the reimbursement.
2. ~~That the Lake County Council pledges that Section 101 requirement monies and State matching funds received by the County will be used to pay any outstanding obligations incurred by the County for the voting system purchase subject to the reimbursement.~~

3. That the Lake County Council pledges that if the obligations incurred by the County to obtain this voting system have been paid in full or in part as of this date, that the remaining HAVA Section 101 requirement monies and State matching funds will be used to improve the administration of elections for federal office in the County.
4. That no later than thirty (30) days after adoption of this Ordinance, the County will establish a separate non-reverting account in which all HAVA Section 101 requirement monies and State matching funds will be deposited.
5. That Lake County agrees to refund the State of Indiana no later than May 1, 2006, an amount equal to the HAVA Section 101 requirement monies and State matching funds received by the County if the Secretary of State of Indiana and the Co-directors of the Indiana Election Division determine on April 1, 2006, that the County has not (1) provided at least one (1) voting system in each polling place of the County no later than April 1, 2006 to permit a voter who is blind or visually impaired to vote privately and independently in accordance with I.C. 3-11-15; or (2) honored one or more of the certifications made by the County in this Resolution regarding polling place accessibility or the permitted uses of those funds.
6. 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.
7. Any money remaining in the fund at the end of the reimbursement period pursuant to HAVA Section 101 shall revert to the State of Indiana.


SO ORDAINED THIS 12th DAY OF OCTOBER, 2005.



 RON TABACZYNSKI



 WILL A. SMITH, JR., President



 LARRY BLANCHARD





 THOMAS O'DONNELL

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

 CHRISTINE CID

 ELSIE FRANKLIN





 DONALD POTREBIC

Members of the Lake County Council

APPROVED THIS 12 DAY OF October 20 05

Order# 5

Lake County Assessor, Paul Karras, stated that concerning Trending that 9 out of the 11 Local Assessors have not received the proper training and don't comply with the State's Regulations. Paul Karras really doesn't care who does the job as long as it is done correctly. If it is not done correctly, the DLGF will turn this Reassessment over to the State. He admires the Local Assessors that feel they have the capabilities and the research power to do the job themselves, but sometimes pride might get in your way of better judgment and this is no time for pride. This is time for the best judgment and the best company to do the job. The Nexus Group came to the Local Assessors, they put on a program, explained their position, and they explain their experience. They have done 23 Ratio Studies in 23 Counties and their record is 23 and 0. It's up to the Locals on which way to go but he doesn't want to pay a lot of money because of just a few errors that are made. He states that 77 out of the 92 Counties in the State of Indiana are contracting out for Trending.

North Township Chief Deputy Assessor, Marva Miller, states they don't want anybody to do it for them, but they do want the support system in place for them to walk them through it in case they need a hands on intervention. They don't feel the State has properly trained them to do the Trending and they have been to all the training session that has been provided by the State, which have been 3 in the past year and a half. They have been dealing with Nexus.

Calumet Township Assessor, Booker Blumenberg, states that he wants to do the trending in a proper manner. He is opposed to the Nexus Group being awarded the contract to do the Reassessment, primarily because it was the principal of the Nexus Group that started the process that has resulted in a chaotic situation in Lake County with respect to taxes. Blumenberg states that he is not absolutely opposed to the possibility of hiring another vendor.

Brian Popp, says the goal here is that the ratio studies be accurate, complete, and uniformed. He says the Township is not being replaced. The proposal is to provide a resource for the Townships. If they don't want to use it, don't use it. They're charged by the hour, that's a cap. The Lake County Assessor performs a ration study that must be certified reviewing the Townships work and certifies it down state. The intention is that assistance will be provided for Local Assessors, because they have not gotten the proper training. There are approximately 250,000 parcels that have to be assessed. The deadline probably is March 31, because you have to give the County Assessor the opportunity to do the ration study and to make any corrections. The State can withhold the Property Tax Replacement Credit. They can also bring in their own vendor to fix it.

Carol Ann Seaton, PTABOA, There was a class less than two weeks ago given by the Department of Local Government Finance on Trending and it was in Valparaiso. Seaton gave the Commissioners and the Council copies of the information passed out at that meeting. One of the most important information is the proposed legislation as well as the current legislation. This will give you the date that must be met by the Township and the County Assessor. Marty Wheeler, Center Township Assessor, is on the Board of Directors for the IAAO. If there were additional training that needs to be done it would be possible to arrange it. Since October they have also had training regarding math appraisal income approach and residential appraising and there will be another class the end of this month also by that organization.

St. John Township Assessor, Hank Adams, states that I.C. 6-1.1-31-1 Section 1 states on or before March 1 of each assessing year the County Assessor must submit to the Department Local Government Control the Sales Disclosures. Trending is a fancy name for Reassessment. He has been to each session where Nexus has shown what they are going to do for the County with their contract. Their system works fine. There is no problem with it. The problem is you are going to spend \$480,000.00 for them to come in and tell you, you have a problem, go fix it. He is hoping the Commissioners would not sign a contract for someone to hand them a sheet of paper when he knows there's a problem and tell him to fix because it doesn't make sense. Hank is not interested in any outside help. As far as the trending save your money. He would hope the Commissioners vote against it.

Center Township Assessor, Marty Wheeler, states she has gone to every continuing education class and she is at every instructional process that they had. She said she is qualified to do what they used to do. But today she says she doesn't know it all. She says she can't do it. She needs some assistance. She does not have the staff or the expertise to do this. Her end result has always been correct and she wants it to be that way again and she cannot do it by herself.

Attorney John Dull, states that when they tried the BP Amoco case it saved this county 80 million dollars from North Township. The reason that they won was because there was an assessment study done in the correct fashion and a ratio study. We called Nexus as witnesses and we blew their socks off. When you talk about what the County Assessor needs, it has to be someone with the credentials that can do it and their 23 and 0. If Marty Wheeler needs some help, give her some help. The people that want to do it themselves, they do it themselves and the people who feel like they need some assistance, they ought to have someone to help them.

Cedar Creek Township Assessor, Cynthia Vick, she agrees that if they need support they can have it, if they don't need it they don't need it. At this point she isn't sure if she can do it by herself.

Eagle Creek Township Assessor, Jim Morrow, When someone's house doubles who gets the blame? They have to be the one to correct it. The problem is the Local Assessors are going to have to correct the problem. If this is not perfect they're going to get a lot of heartaches. His position is they can work with them.

Hanover Township Assessor, Carl Speichert, He took the training and thought it was adequate. He thinks he can do the job. He would like to have the opportunity to try. When the ratio study is generated by Paul's people he would like them to tell him where he made his mistakes and have it corrected. How he present the data might not be consistent with everybody but he talked to the people who gave him the training and they said present it in this fashion so it is consistent and maybe Paul will have to tell us what we have to do to meet this January deadline. He is worried about how wrong can he be. He wants to know what mistakes can he make.

Hobart Township Assessor Chief Deputy, Edie Chudzicki, They agree with what North Township has said and what Marty has said. They are a large township with a small office. They need the help too. They will appreciate it if an outside vendor come in and help them.

Ross Township Assessor, Randy Guernsey, He feels he can do it by himself. He doesn't have a problem if Paul wants to hire somebody to oversee what they do to follow the guidelines that he is in charge of, that he has to overlook. The State keeps telling him that there are different indexes on the Internet that he can go to, to help him with trending but when they go there, there isn't anything there. The State did give some type of guarantee that there will be some type of information in the future. He feels they don't have the right sales on Commercial Property to do the right trending. He have no problem with combined assistance if necessary.

Order#5 (Cont'd)

West Creek Township Assessor, Rick Niemeyer, He feels ironic talking about the DLGF and worrying about the stuff they have to worry about. We're sitting waiting on 04's tax money and sending in appeals the last year and a half with that governmental agency defending CLT's assessment and they don't even know where the properties is located on a map. He feels he can do most of this trending himself. Other bigger townships have other interest and when they feel they need assistance they ought to be able to get that assistance and the County ought to back them up with whatever they need. If he needs some assistance he would like to have it available to him. He's going ask for help whether it be Nexus or not. It would be nice if they had somebody there they could ask. His vote is when we need some help and it's there that's fine but if we don't need any help they are left alone.

Winfield Township Assessor, John Curley, He faxed a letter stating he can do it in house.

Order#6

In the Matter of Public Comments.

Jessie Smith
Ted Prittyman
Wayne Wietbrock
Frank Kelly

The following officials were Present:
Attorney John Dull

The next Board of Commissioners Meeting will be held on Wednesday, January 19, 2005 at 10:00 A.M.

There being no further business before the Board at this time, Clay made a motion, seconded by DuPey, to adjourn.

GERRY SCHEUB , PRESIDENT

FRANCES DUPEY

RUDOLPH CLAY

ATTEST:

PEGGY HOLINGA KATONA, LAKE COUNTY AUDITOR