

The Board met in due form with the following members present: Frances DuPey, Roosevelt Allen, Jr., and Gerry Scheub. They passed the following orders, to wit:

There was a moment of silent prayer; the Pledge was given and the Emergency Exit Announcement made.

A courtesy copy of the agenda and notice of this meeting was faxed by Brenda Koselke to the Times in Munster and Crown Point, the Post Tribune in Merrillville and Crown Point, WJOB Radio Station, the Star, WLTH Radio Station, Comcast Cable, the Calumet Press, Portage Journal News, Pilcher Publishing and the Gary Law, Channel 21 media on the 17<sup>th</sup> day of August, 2010 at about 9:15 a.m.

A copy of the meeting notice and agenda was posted at the entrance of the Commissioner's courtroom on the 17<sup>th</sup> day of August, 2010 at about 9:15 a.m.

Order #1 Agenda #5A

In the Matter of Notices/Agenda: Permission to open Bids/Proposals.

Scheub made a motion, seconded by Allen, to approve the opening of the Bids and Proposals. Motion carried 3-0.

Order #2 Agenda #5B

In the Matter of Notices/Agenda: Additions, Deletions, and/or Corrections to Agenda for a Regular Meeting.

None.

Order #3 Agenda #5D

In the Matter of Notices/Agenda: Approved Final Agenda made a matter of public record.

Scheub made a motion, seconded by Allen, to approve the Final Agenda and ordered same to make a matter of public record. Motion carried.

Order #4 Consent Agenda

In the Matter of Consent Agenda: Items 14A, 14B, 14C, 14D, 34, 35A, 35B, 35C, 35D, 35E, 35F, 39, 40A.

Allen made a motion, seconded by Scheub, to approve the Items of the Consent Agenda to be made a matter of public record (Items 14A, 14B, 14C, 14D, 34, 35A, 35B, 35C, 35D, 35E, 35F, 39, 40A). Motion carried.

Order #4 Consent Agenda #14 A-D

In the Matter of Consent Agenda – L C Highway: Certificates of Liability Insurance (CET Company, Inc., CET Equipment, Inc.; Catom Trucking, Inc.; Monroe Pest Control Co., Inc.; LGS Plumbing, Inc.).

Allen made a motion, seconded by Scheub, to accept and make a matter of public record the L.C. Highway – Certificates of Liability Insurance (CET Company, Inc., CET Equipment, Inc.; Catom Trucking, Inc.; Monroe Pest Control Co., Inc.; LGS Plumbing, Inc.). Motion carried.

Order #4 Consent Agenda #34

In the Matter of Consent Agenda – Public Record of Amended Meeting Notice of the Lake County 2000 Building Corporation Annual Meeting.

Allen made a motion, seconded by Scheub, to accept and make a matter of public record the Amended Meeting Notice of the Lake County 2000 Building Corporation Annual Meeting. Motion carried.

Order #4 Consent Agenda #35A

In the Matter of Consent Agenda – (IDEM) Indiana Department of Environmental Management.

Allen made a motion, seconded by Scheub, to make a matter of public record the Indiana Department of Environmental Management – Wolf Lake Terminals, Inc.; U.S. Steel – Gary Works; Bulk Petroleum Corporation; Endres Processing, LLC; Beemsterboer Slag Corporation; Gary Material Supply LLC; TransMontaigne Product Services, Inc.; Simborg Development, Inc.; ArcelorMittal USA, Inc.; Gary Sanitary District; Post-Tribune; The Times of NWI; Gary Public Library; Georgia-Pacific Consumer Products, LP; Gary Sanitary District; Conopco, Inc. dba Unilver HOC USA; ArcelorMittal USA, Inc.; City of Hammond; Hanover Community School Corporation. Motion carried.

Order #4 Consent Agenda #35B

In the Matter of Consent Agenda – (IDEM) Indiana Department of Transportation.

Allen made a motion, seconded by Scheub, to make a matter of public record the Indiana Department of Transportation (Re: Des. No. 0501116, Connectivity Restoration for SR 912 (Cline Avenue); City of East Chicago, North Township, Lake County) Motion carried.

Order #4 Consent Agenda #35C

In the Matter of Consent Agenda – (IDEM) Indiana Department of Natural Resources.

Allen made a motion, seconded by Scheub, to make a matter of public record the Indiana Department of Natural Resources (Hammond Sanitary District; Nick DeBello; Weaver Boos Consultants, LLC). Motion carried.

## Order #4 Consent Agenda #35D

In the Matter of Consent Agenda – (IDEM) Certificates of Liability Insurance.

Allen made a motion, seconded by Scheub, to make a matter of public record the (IDEM) Certificates of Liability Insurance (Delta III, Inc.; CET Company, Inc. – CET Equipment, Inc.; LGS Plumbing, Inc.). Motion carried.

## Order #4 Consent Agenda #35E

In the Matter of Consent Agenda – (IDEM) License and Permit Bonds.

Allen made a motion, seconded by Scheub, to make a matter of public record the (IDEM) License and Permit Bonds (Englewood Construction; KCW Environmental Conditioning). Motion carried.

## Order #4 Consent Agenda #35F

In the Matter of Consent Agenda – (IDEM) Cancellation Notices.

Allen made a motion, seconded by Scheub, to make a matter of public record the (IDEM) Cancellation Notices (Conestoga Rovers & Associates; Skelton Carnegie & Hitzeman; Equity Property Management, LLC). Motion carried.

## Order #4 Consent Agenda #39

In the Matter of Standard Items: Vendor Qualification Affidavits.

Allen made a motion, seconded by Scheub, to approve the following Vendor Qualification Affidavits. Motion carried.

FERNANDO RAMOS CONSTRUCTION  
CHEMCO INDUSTRIES, INC.  
GERMAINE SELSOR  
U.S. EEOC  
U.S. DISTRICT COURT IN OKLAHOMA CITY, OKLAHOMA  
KEITH M. RAMSEY MEDICAL CORPORATION  
HISPANIC ORGANIZATION PROMOTING EXCELLENCE  
INTERSTATE INDUSTRIAL SUPPLY  
1<sup>ST</sup> AMERICAN CONSTRUCTION, INC.  
GRANT STREET MONUMENTS

## Order #4 Consent Agenda #40A

In the Matter of Treasurer's Departmental Report for the month of May and June, 2010.

Comes now, John Petalas, Lake County Treasurer, and files with the Board his report of fees taken in and collected in his office for the Month of May and June 2010. Said report is in the following words and figures, to-wit; and the Board having previously duly examined and approved said report, now accepts same and the account of said official duly settled as in report set forth.

Allen made a motion, seconded by Scheub, to accept the above Treasurer's Report of May and June 2010 as submitted. Motion carried.

## Order #5 Agenda #6

In the Matter of L C Building Manager – P & S Construction Change Order No. 1 in the amount of \$26,803.00 for the replacement of two (2) HVAC Rooftop Units at the Lake County Animal Control Center.

Allen made a motion, seconded by Scheub, to approve the P & S Construction Change Order No. 1 in the amount of \$26,803.00 for the replacement of two (2) HVAC Rooftop Units at the Lake County Animal Control Center on behalf of the L C Building Manager. Motion carried.

## Order #6 Agenda #7

In the Matter of L C Building Manager – Service Agreement with Simplex Grinnell for the Lake County Juvenile Center for Fire Alarm System Maintenance for the period of August 1, 2010 to July 31, 2011 in an amount not to exceed \$11,909.00.

Allen made a motion, seconded by Scheub, to approve the Service Agreement with Simplex Grinnell on behalf of the L C Building Manager Department for Fire Alarm System Maintenance for the period of August 1, 2010 to July 31, 2011 in an amount not to exceed \$11,909.00. Motion carried.

## Order #7 Agenda #8

In the Matter of L C Highway – Specifications: Three (3) New Unused 2011 or Newer 4-door 4 x 4 SUV's.

Allen made a motion, seconded by Scheub, to approve the L C Highway Specifications for Three (3) New Unused 2011 or Newer 4-door 4 x 4 SUV's to be advertised for the return of bids by Wednesday, September 15, 2010 prior to 9:30 A.M. in the Lake County Auditor's Office. Motion carried.

## Order #8 Agenda #9

In the Matter of L C Highway – RFP: Emergency Backup Generator for the Crown Point Highway Truck Garage.

Allen made a motion, seconded by Scheub, to approve the Highway Department's request to seek proposals for Emergency Backup Generator for the Crown Point Highway Truck Garage for the return of proposals by Wednesday, September 15, 2010 prior to 9:30 A.M. in the Lake County Auditor's Office. Motion carried.

Credent Quality Electric Co., Inc.  
Meade Electric Company, Inc.

Emcor Hyre Electric Co.  
Sweeney Electric Co., Inc.

\*Mandatory On-Site Meeting to be held at Lake County Highway Department Wednesday, September 1, 2010, at 10:00am.

## Order #9 Agenda #10

In the Matter of L C Highway – Report of Contract Final Inspection and Recommendation for Acceptance between the Indiana Department of Transportation and the Board of Commissioners of the County of Lake.

Allen made a motion, seconded by Scheub, to ratify the L C Highway – Report of Contract Final Inspection and Recommendation for Acceptance between the Indiana Department of Transportation and the Board of Commissioners of the County of Lake. Motion carried.

## Order #10 Agenda #11

In the Matter of L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-10-321045, Des. No. 0400716 for the Replacement of Lake County Bridge #99, Grand Blvd. over Deep River.

Allen made a motion, seconded by Scheub, to approve the L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-10-321045, Des. No. 0400716 for the Replacement of Lake County Bridge #99, Grand Blvd. over Deep River. Motion carried.

## Order #10 Agenda #12

In the Matter of L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-11-320004, Des. No. 0600752 for the Replacement of Lake County Bridge #306, Broad Street over Turkey Creek.

Allen made a motion, seconded by Scheub, to approve the L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-11-320004, Des. No. 0600752 for the Replacement of Lake County Bridge #306, Broad Street over Turkey Creek. Motion carried.

## Order #10 Agenda #13

In the Matter of L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-11-320012, Des. No. 0600751 for the Replacement of Lake County Bridge #255, 68<sup>th</sup> Place over Turkey Creek.

Allen made a motion, seconded by Scheub, to approve the L C Highway – Indiana Department of Transportation- Local Public Agency Project Coordination Contract EDS #A249-11-320012, Des. No. 0600751 for the Replacement of Lake County Bridge #255, 68<sup>th</sup> Place over Turkey Creek. Motion carried.

## Order #11 Agenda #15

In the Matter of L C Sheriff – Consulting Contract with Northwest Psychological Services, P.C. for the period of August 18, 2010 to August 17, 2011 in an amount not to exceed \$25,000.00 at the rate of \$2,083.33 per month for Employee Assistance Program Services.

Allen made a motion, seconded by Scheub, to approve the Consulting Contract with Northwest Psychological Services, P.C. on behalf of the L C Sheriff for the period of August 18, 2010 to August 17, 2011 in an amount not to exceed \$25,000.00 at the rate of \$2,083.33 per month for Employee Assistance Program Services. Motion carried.  
(SEE FILE "AUGUST 2010" FOR ORIGINAL)

## Order #12 Agenda #16

In the Matter of L C Sheriff – Ratification of Documentation concerning Gas Bids for the month of July, 2010.

Allen made a motion, seconded by Scheub, to ratify the approval of the documentation concerning Gas Bids for the month of July, 2010. Motion carried.

## Order #13 Agenda #17

In the Matter of L C Sheriff – Request for permission to purchase computer hardware and copier in the amount of \$63,995.50 for the final phase of the Electronic Medical Records Project to bring the Lake County Jail into compliance with the Department of Justice findings.

Allen made a motion, seconded by Scheub, to approve the purchase of computer hardware and copier in the amount of \$63,995.50 for the final phase of the Electronic Medical Records Project to bring the Lake County Jail into compliance with the Department of Justice findings. Motion carried.

## Order #14 Agenda #18

In the Matter of L C Juvenile Center – Pharmacy Services Agreement with Care Pharmaceutical Services, LP for the period of August 1, 2010 to July 31, 2011.

Allen made a motion, seconded by Scheub, to approve the Pharmacy Services Agreement with Care Pharmaceutical Services, LP on behalf of L C Juvenile Center for the period of August 1, 2010 to July 31, 2011. Motion carried.  
(SEE FILE "AUGUST 2010" FOR ORIGINAL)

## Order #15 Agenda #19

In the Matter of L C Surveyor – Amendment to the Lease entered into on May 7, 2010 with Allard Rental Corporation to extend the Lease to October 1, 2010 at the current rate.

Scheub made a motion, seconded by Allen, to approve the Amendment to the Lease entered into on May 7, 2010 with Allard Rental Corporation on behalf of L C Surveyor to extend the Lease to October 1, 2010 at the current rate for a 15 passenger Van. Motion carried.

## Order #16 Agenda #20

In the Matter of L C Board of Elections and Registration – Seek Proposals: Moving of the Voting Machines for the November 2, 2010 General Election.

Order #16 Agenda #20 (cont'd)

Scheub made a motion, seconded by Allen, to approve the seeking of proposals for the L C Board of Elections and Registration for the Moving of the Voting Machines for the November 2, 2010 General Election for the return of proposals by Wednesday, September 15, 2010 prior to 9:30 A.M. in the Lake County Auditor's Office. Motion carried.

Feree Movers                      On-Time Distribution

Order #17 Agenda #21

In the Matter of L C Fairgrounds – Proposals for the purchase and installation of one (1) new 30' wide x 6' high cantilever gate to replace the existing 24' entry gate.

This being the day, time and place for the receiving of proposals for purchase and installation of one (1) new 30' wide x 6' high cantilever gate to replace the existing 24' entry gate for the L C Fairgrounds, the following proposals were received:

Northwest Indiana Fence Co.                      \$3,600.00

At this time the Board allowed the L C Fairgrounds Superintendent to review the only proposal received and return with recommendation.

Order #18 Agenda #22

In the Matter of L C Homeland Security/Emergency Management Agency – Vendor Qualification Affidavit – Elijah Cole, Jr.

NAT.

Order #19 Agenda #23

In the Matter of L C Plan Commission – Release of Maintenance Bond for Galleries Unit 2 Phase 2 in the form of an Irrevocable Letter of Credit #2230093103 in the amount of \$123,350.00.

Scheub made a motion, seconded by Allen, to approve the L C Plan Commission – Release of Maintenance Bond for Galleries Unit 2 Phase 2 in the form of an Irrevocable Letter of Credit #2230093103 in the amount of \$123,350.00. Motion carried.

RELEASE

WHEREAS, GALLERIES LLC, has on the 16<sup>th</sup> day of July 2008 filed a MAINTENANCE BOND (ILOC #2230093103) issued by First Financial Bank in the amount of One Hundred Twenty Three Thousand Three Hundred Fifty and 00/100 Dollars (#123,350.00) for required improvements to **Galleries Unit 2 Phase 2**.

The Board of Commissioners of the County of Lake does hereby release the Maintenance Bond Issued by First Financial Bank in the amount of One Hundred Twenty Three Thousand Three Hundred Fifty and 00/100 Dollars (#123,350.00) effective this date.

Dated 18<sup>th</sup> DAY OF August, 2010

BOARD OF COMMISSIONERS , COUNTY OF LAKE  
FRANCES DuPEY, PRESIDENT  
GERRY SCHEUB, COMMISSIONER  
ROOSEVELT ALLEN, COMMISSIONER

RESOLUTION

Before the Board of Commissioners of the County of Lake

Re: FINAL INSPECTION – Galleries Unit 2 Phase 2

WHEREAS, The Lake County Plan Commission, and the Lake County Highway Department, have examined and filed a written report approving subdivision improvements for Galleries Unit 2 Phase 2.

The BOARD OF COMMISSIONERS of the County of Lake does hereby make final acceptance of said improvements as of this date.

ALL OF WHICH IS HEREBY RESOLVED AND ADOPTED THIS 18<sup>TH</sup> DAY of August, 2010

BOARD OF COMMISSIONERS , COUNTY OF LAKE  
FRANCES DuPEY, PRESIDENT  
GERRY SCHEUB, COMMISSIONER  
ROOSEVELT ALLEN, COMMISSIONER

Order #19 Agenda #24

In the Matter of L C Plan Commission – Performance Bond Release and Resolution for Mariam Acres in the form of an Irrevocable Letter of Credit #6572627 in the amount of \$3,758.00.

Scheub made a motion, seconded by Allen, to approve the L C Plan Commission – Performance Bond Release and Resolution for Mariam Acres in the form of an Irrevocable Letter of Credit #6572627 in the amount of \$3,758.00. Motion carried.

## Order #19 Agenda #24 (cont'd)

RELEASE

WHEREAS, MARIAM FARJAH, PHD AND MY PARENT'S VILLA, LLC, has on the 18 day of June 2008 filed a PERFORMANCE BOND (#6572627) issued by Safeco in the amount of Three Thousand Seven Hundred Fifty-Eight and 00/100 Dollars (\$3,758.00) for required improvements to **Mariam Acres**.

The BOARD OF COMMISSIONERS of the County of Lake does hereby release the Performance Bond Issued by Safeco in the amount of Three Thousand Seven Hundred Fifty-Eight and 00/100 Dollars (\$3,758.00) effective this date.

Dated 18<sup>th</sup> DAY OF August, 2010

BOARD OF COMMISSIONERS , COUNTY OF LAKE

FRANCES DuPEY, PRESIDENT

GERRY SCHEUB, COMMISSIONER

ROOSEVELT ALLEN, COMMISSIONER

RESOLUTION

Before the Board of Commissioners of the County of Lake

Re: FINAL INSPECTION – MARIAM ACRES

WHEREAS, The Lake County Plan Commission, and the Lake County Highway Department, have examined and filed a written report approving subdivision improvements for Mariam Acres.

The BOARD OF COMMISSIONERS of the County of Lake does hereby make final acceptance of said improvements as of this date.

ALL OF WHICH IS HEREBY RESOLVED AND ADOPTED THIS 18<sup>TH</sup> DAY of August, 2010

BOARD OF COMMISSIONERS , COUNTY OF LAKE

FRANCES DuPEY, PRESIDENT

GERRY SCHEUB, COMMISSIONER

ROOSEVELT ALLEN, COMMISSIONER

## Order #20 Agenda #25A

In the Matter of Board of Commissioners of the County of Lake: Property Transfers – A. Quit-Claim Deed Key #45-08-34-430-008.000-004.

Scheub made a motion, seconded by Allen, to approve the Quit-Claim Deed of A&W Investment to Lake County, Indiana for Key #45-08-34-430-008.000-004. Motion carried.  
(ORIGINAL DEED GIVEN TO L C AUDITOR TAX SALE DEPT. SUPERVISOR 08/25/10 FOR RECORDING)

## Order #21 Agenda #26

In the Matter of Board of Commissioners of the County of Lake: E-9-1-1

None.

## Order #22 Agenda #27

In the Matter of Board of Commissioners of the County of Lake: Consulting Contract Amendment to the Agreement entered into on November 18, 2009 for the year 2010 with Karas Insurance Services, Inc. to extend to December 31, 2011 at the same rate as 2010.

Scheub made a motion, seconded by Allen, to approve the Consulting Contract Amendment to the Agreement entered into on November 18, 2009 for the year 2010 between Board of Commissioners of the County of Lake and Karas Insurance Services, Inc. to extend to December 31, 2011 at the same rate as 2010. Motion carried.

## Order #23 Agenda #28

In the Matter of Board of Commissioners of the County of Lake: Resolution concerning Sally LaSota, Director, Lake County Board of Election and Registration.

Scheub made a motion, seconded by Allen, to approve the Board of Commissioners Resolution, Numbered as 2010-13, concerning Sally LaSota, Director, Lake County Board of Election and Registration, authorization to apply for money for new voting machines. Motion carried.

## Order #24 Agenda #29

In the Matter of Board of Commissioners of the County of Lake: Proclamation of Recommitment to Full Implementation of the ADA – 20<sup>th</sup> Anniversary of the Americans with Disabilities Act.

Allen made a motion, seconded by Scheub, to approve the Board of Commissioners of the County of Lake Proclamation of Recommitment to Full Implementation of the ADA – 20<sup>th</sup> Anniversary of the Americans with Disabilities Act. Motion carried.

## Order #25 RE-VISIT Agenda #21

In the Matter of L C Fairgrounds – Proposals for the purchase and installation of one (1) new 30' wide x 6' high cantilever gate to replace the existing 24' entry gate.

Comes now, L C Fairgrounds Superintendent with recommendation of award to accept the only proposal submitted of Northwest Indiana Fence Co. in the amount of \$3,600.00, having met all guidelines within the specifications.

Allen made a motion, seconded by Scheub, to accept the recommendation to approve Northwest Indiana Fence Co. with \$3,600.00 for the purchase and installation of one (1) new 30' wide x 6' high cantilever gate to replace the existing 24' entry gate for the Lake County Fairgrounds. Motion carried.

## Order #26 Agenda #31

In the Matter of Board of Commissioners of the County of Lake: MEP Findings Report concerning DOE site visit on August 10, 2010.

Scheub made a motion, seconded by Allen, to accept the MEP Findings Report concerning DOE site visit on August 10, 2010. Mark Purevich present to give the report. Motion carried.

## Order #27 Agenda #32

In the Matter of Board of Commissioners of the County of Lake: CDM – Lake County EECBG “Decision Report”.

Scheub made a motion, seconded by Allen, to approve the CDM – Lake County EECBG “Decision Report” and ordered same to make it a matter of public record. Motion carried.

## Order #28 Agenda #30

In the Matter of Board of Commissioners of the County of Lake: Specification for Energy Grant for Calumet Township Trustee, North Township Trustee and Hanover Township Trustee; A. Set Bid Date, B. Grant authority to approve specification and ratify at the September meeting, C. Grant authority to utilize special purchasing techniques to negotiate price for equipment.

Scheub made a motion, seconded by Allen, to set the bid date for the returned of bids by October 20, 2010 and ordered same to advertise. Motion carried.

Scheub made a motion, seconded by Allen, to approve B. Grant authority to approve specification and ratify at the September meeting and C. Grant authority to utilize special purchasing techniques to negotiate price for equipment, minorities included and American made. Motion carried.

## Order #29 Agenda #41

In the Matter of Board of Commissioners of the County of Lake: L C Council Ordinances and Resolutions.

At this time the Board started a discussion in regard to the L C Council Ordinances and Resolution starting with Ordinance No. 1326B, Larry Blanchard present in discussion to explain reason for this Ordinance to pass.

Scheub made a motion, seconded by Allen, to approve all Ordinances and Resolutions submitted by the Lake County excluding Ordinance No. 1326B, Ordinance Establishing Per Diem for County Assessor Pursuant to I.C. 36-2-7-13. Motion carried. Cont'd.

Order #29 Agenda #41 (cont'd)

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*Thomas O'Donnell*

*Ernie Dillon*

*Elsie Franklin*

APPROVED THIS 10th DAY OF August 2010

ORDINANCE NO. 1318A-3

ORDINANCE AMENDING THE LAKE COUNTY PART-TIME EMPLOYEES PAY RATE ORDINANCE FOR 2010, ORDINANCE NO. 1318A

WHEREAS, on December 8, 2009, the Lake County Council adopted the Lake County Part-Time Employees Pay Rate Ordinance for 2010, Ordinance No. 1318A; and

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

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

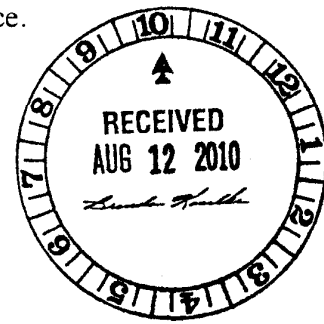
That the following section be amended as follows:

DELETE:

SECTION III.

28. Lake County Emergency Management Coordinator/Project Impact Grant

\$10.00/hr.



INSERT:

SECTION III.

SECTION III.

28. Lake County Emergency Management Coordinator/Project Impact Grant

\$12.00-15.00/hr.

SO ORDAINED THIS 10th DAY OF AUGUST, 2010.

*Thomas O'Donnell*  
THOMAS O'DONNELL, President

*Christine CID*  
CHRISTINE CID  
*Larry Blanchard*  
LARRY BLANCHARD  
*Ped F. Bilski*  
PED F. BILSKI

*Ernie Dillon*  
ERNIE DILLON  
*Elsie Franklin*  
ELSIE FRANKLIN  
*Jerome A. Prince*  
JEROME A. PRINCE

Members of the Lake County Council

Order #29 Agenda #41 (cont'd)

**ORDINANCE NO. 1322C-1**

**ORDINANCE AMENDING THE ORDINANCE ESTABLISHING  
A MERIT SYSTEM BOARD FOR THE  
LAKE COUNTY CORRECTION DIVISION, ORDINANCE NO. 1322C**

**WHEREAS**, the Lake County Council adopted Ordinance No. 1322C, the Ordinance Establishing A Merit System Board for the Lake County Correction Division, Ordinance No. 1322C, on April 13, 2010; and

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

**NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:**

**DELETE:**

**II. COMPOSITION OF BOARD**

C. As compensation for service, each member of the Board is entitled to receive from the County, Fifteen (\$15.00) Dollars per day for each day or fraction of a day, that he is engaged in transacting the business of the Board. As soon after the members of the Board have been appointed, they shall meet upon the call of the Sheriff and organize by electing a President and a Secretary and organize by their membership. Three (3) members of the Board constitute quorum for the transaction of business. The board shall hold regular monthly meetings throughout the year as is necessary to transact the business of the Sheriff's Correction Division.

**INSERT:**

**II. COMPOSITION OF BOARD**

C. As compensation for service, each member of the Board is entitled to receive from the County, Fifty (\$50.00) Dollars per day for each day or fraction of a day, that he is engaged in transacting the business of the Board. Within 30 days after the members of the Board have been appointed, they shall meet upon the call of the Sheriff and organize by electing a President and a Secretary and organize by their membership. Three (3) members of the Board constitute quorum for the transaction of business. The board shall hold regular monthly meetings throughout the year as is necessary to transact the business of the Sheriff's Correction Division.

D. This Ordinance does not effect the current appointments to the Board in existence at the time of the adoption of this Ordinance.



## Order #29 Agenda #41 (cont'd)

**DELETE:****VI. DISCIPLINARY PROCEEDINGS-POLITICAL ACTIVITIES OF CORRECTION OFFICERS-SUBPOENA POWERS OF SHERIFF'S CORRECTION BOARD-APPEALS**

D. The Sheriff may dismiss, demote or temporarily suspend a County Correction Officer for cause after preferring charges in writing and after a fair public hearing before the Board, which is reviewable in the Circuit Court. A Notice of the charges and hearing must be delivered by certified mail to the Officer to be disciplined. The Officer may be represented by Counsel. The Board shall make specific findings of fact in writing to support its decision.

**INSERT:****VI. DISCIPLINARY PROCEEDINGS-POLITICAL ACTIVITIES OF CORRECTION OFFICERS-SUBPOENA POWERS OF SHERIFF'S CORRECTION BOARD-APPEALS**

D. The Sheriff may dismiss, demote or temporarily suspend a County Correction Officer for cause after preferring charges in writing and after a fair public hearing before the Board, which is reviewable in the Circuit Court. A Notice of the charges and hearing must be delivered by certified mail to the Officer to be disciplined. The Officer may be represented by Counsel. The Board shall make specific findings of fact in writing to support its decision.

1. Relief from Duties: When formal charges are pending with the Merit Board, the Sheriff may, without the approval of the Board relieve the corrections officer from active duty with the Department pending the hearing, before any decision by the Board. This action may be taken when retention of the corrections officer on active duty, would "not be in the best interests of the Department", based upon the nature of the violation in question.
    - a. With Pay: When a corrections officer is relieved from active duty by the Sheriff under this section, the corrections officer shall receive his pay and benefits as if on active duty with the Department.
    - b. Without Pay/Upon Conviction of Felony: When a corrections officer is relieved from active duty by the Sheriff, under this section, and has been convicted of a felony by a court of competent jurisdiction, the corrections officer shall be relieved of duty and/or suspended, without pay and benefits, effective the date of said conviction.
    - c. Without Pay/Pending Criminal Felony Charges: When a corrections officer is relieved from active duty, by the Sheriff, under this section, for the reason that said Corrections Officer has been charged with the commission of a felony, then, and in that event, the Corrections Officer may be relieved of duty and/or suspended, without pay and benefits, effective the date of the filing of the criminal information or indictment,
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Order #29 Agenda #41 (cont'd)

or at any date subsequent, thereto, as determined by the Sheriff with approval of the Merit Board at its next meeting.

SO ORDAINED THIS 10th DAY OF AUGUST, 2010.



Thomas O'Donnell  
THOMAS O'DONNELL, President

Christine CID  
CHRISTINE CID

Ernie Dillon  
ERNIE DILLON

Larry Blanchard  
LARRY BLANCHARD

Elsie Franklin  
ELSIE FRANKLIN

Fed F. Bilski  
FED F. BILSKI

Jerome A. Prince  
JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

Francis S. ...  
...  
...  
APPROVED THIS 10th DAY OF AUGUST, 2010

Order #29 Agenda #41 (cont'd)

ORDINANCE NO. 1222A-1

ORDINANCE AMENDING THE ORDINANCE ESTABLISHING THE LAKE COUNTY REGIONAL TRANSPORTATION AUTHORITY, ORDINANCE NO. 1222A, RENAMING THE LAKE COUNTY REGIONAL TRANSPORTATION AUTHORITY TO LAKE COUNTY REGIONAL BUS AUTHORITY

WHEREAS, on December 11, 2001, the Lake County Council adopted Ordinance No. 1222A, the Ordinance Establishing the Lake County Regional Transportation Authority; and

WHEREAS, the Lake County Council now desires to amend said Ordinance to change the name, only, from Regional Transportation Authority to Regional Bus Authority.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

- 1. That the Lake County Regional Transportation Authority shall now be known as the Lake County Regional Bus Authority.
2. That all references to the Regional Transportation Authority in Ordinance No. 1222A shall be changed to Regional Bus Authority.

SO ORDAINED THIS 10th DAY OF AUGUST, 2010.



Thomas O'Donnell
THOMAS O'DONNELL, President

Christine CID
CHRISTINE CID

Larry Blanchard
LARRY BLANCHARD

Ted F. Bilski
TED F. BILSKI

Ernie Dillon
ERNIE DILLON

Elsie Franklin
ELSIE FRANKLIN

Jerome A. Prince
JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE
Francis McPey
Approved this 13th day of August 2010

Order #29 Agenda #41 (cont'd)

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*Francis DePaol*

*Boonell*

*James Schuch*

APPROVED THIS 10<sup>th</sup> DAY OF August 20 10

RESOLUTION NO. 10-76

**RESOLUTION HONORING JOSEPH C. BARAN**

WHEREAS, the late JOSEPH C. BARAN served the people of Lake County with distinction as a Lake County Councilman for two terms, from 1967 to 1974; and

WHEREAS, JOSEPH C. BARAN commanded the respect of all who knew him for his dedication, integrity, and hard-work; and

WHEREAS, JOSEPH C. BARAN was an outstanding civic and community leader, and a veteran of World War II, he was a U.S. Marine stationed at Pearl Harbor after the bombing to serve and protect; and

WHEREAS, in spite of being a member of the "Marine Corps League Howling Mad Detachment", JOSEPH C. BARAN was a gentle man very devoted to his family, who demonstrated in his life and his relations with fellow human beings the highest of ideals and personal commitment to his God and to the betterment of all mankind.

NOW, THEREFORE, LET IT BE RESOLVED THAT:

The Lake County Council hereby recognizes and memorializes the passing of JOSEPH C. BARAN.

A copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the family of JOSEPH C. BARAN.

DULY ADOPTED by the Lake County Council, this 10th day of August, 2010

*Thomas O'Donnell*  
THOMAS O'DONNELL, President



*Christine CID*  
CHRISTINE CID

*Ernie Dillon*  
ERNIE DILLON

*Larry Blanchard*  
LARRY BLANCHARD

*Elsie Franklin*  
ELSIE FRANKLIN

*Ted F. Bilski*  
TED F. BILSKI

*Jerome A. Prince*  
JEROME A. PRINCE

Members of the Lake County Council

Order #29 Agenda #41 (cont'd)

RESOLUTION NO. 10-77

**RESOLUTION HONORING HAMMOND VICTORY POST NO. 168-1ST DISTRICT,  
RECIPIENT OF THE GAYLORD N. SHELINE AWARD - POST OF DISTINCTION  
FROM THE AMERICAN LEGION DEPARTMENT OF INDIANA**

**WHEREAS,** Hammond Victory Post No. 168 of the Department of Indiana was granted its charter by The American Legion in 1931 and was originally created to accommodate the increasing number of World War I veterans in the City of Hammond; and

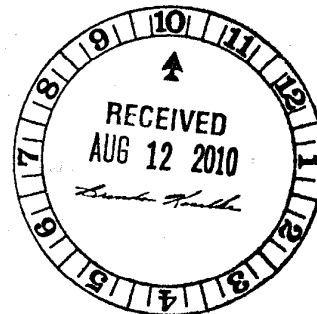
**WHEREAS,** the Post is active in the Hammond community and is at the forefront of teaching patriotism and American values to a diverse and multi-cultural population; and

**WHEREAS,** a roster of dedicated officers and members has made Post No. 168 a notable presence in District, State and National Legion activities; and

**WHEREAS,** Hammond Victory Post No. 168-1st District is the recipient of the Gaylord N. Sheline Award - Post of Distinction from the American Legion Department of Indiana, in recognition of their commitment to department programs, social events, Americanism activities and community service.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, recognizes Hammond Victory Post 168-1st District as the recipient of the Gaylord N. Sheline Award - Post of Distinction from the American Legion Department of Indiana; and that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the Hammond Victory Post No. 168-1st District.

DATED THIS 10th day of August, 2010.



*Thomas O'Donnell*  
THOMAS O'DONNELL, President

*Christine Lid*  
CHRISTINE CID

*Larry Blanchard*  
LARRY BLANCHARD

*Ted F. Bilski*  
TED F. BILSKI

*Ernie Dillon*  
ERNIE DILLON

*Elsie Franklin*  
ELSIE FRANKLIN

*Jerome A. Prince*  
JEROME A. PRINCE

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

Members of the Lake County Council

*Francis Kelly*  
*Robert Kelly*  
*James Scheuch*  
APPROVED THIS 11th DAY OF AUGUST 2010

Order #29 Agenda #41 (cont'd)

**RESOLUTION NO. 10-78**

**RESOLUTION PERMITTING THE OFFICE OF  
THE PUBLIC DEFENDER TO PAY  
OUTSTANDING 2004 INVOICE/DEBT FROM THE 2010 BUDGET**

**WHEREAS**, the Office of the Public Defender, is currently operating in the 2010 Budget; and

**WHEREAS**, the following invoice/debt incurred in the Budget year of 2004 has not been paid:

<u>001-4002-43190</u>	<u>Other Professional Service</u>
Jeri Morris, Ph.D.	\$ 3,675.00

**WHEREAS**, the Lake County Council desires to transfer funds and pay the above invoice/debt due.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the following 2004 expenses shall be paid from the Office of the Public Defender's 2010 Budget:

<u>001-4002-43190</u>	<u>Other Professional Service</u>
Jeri Morris, Ph.D.	\$ 3,675.00

SO RESOLVED THIS 10th day of August, 2010.



*Thomas O'Donnell*  
 THOMAS O'DONNELL, President

*Christine CID*  
 CHRISTINE CID  
*Larry Blanchard*  
 LARRY BLANCHARD  
*Ted F. Bilski*  
 TED F. BILSKI

*Ernie Dillon*  
 ERNIE DILLON  
*Elsie Franklin*  
 ELSIE FRANKLIN  
*Jerome A. Prince*  
 JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*Frances DuRoi*  
*Ronald L. ...*  
*James S. ...*  
 APPROVED THIS 10th DAY OF AUGUST 20 10

Order #29 Agenda #41 (cont'd)

**RESOLUTION NO. 10-79****RESOLUTION APPROVING THE PHASE III ENERGY SERVICES AGREEMENT, AND AUTHORIZING THE PRESIDENT OF THE LAKE COUNTY COUNCIL TO EXECUTE THE PHASE III ENERGY SERVICES AGREEMENT BETWEEN LAKE COUNTY, INDIANA AND AMERESCO, INC.**

**WHEREAS**, pursuant to I.C. 36-1-12.5, Guaranteed Energy Savings Contracts and Energy Efficiency Programs, the legislative body of Lake County, Indiana, the Lake County Council, has selected Ameresco, Inc. to develop a Comprehensive Facility Renewal Program for several county owned buildings within Lake County, Indiana; and

**WHEREAS**, pursuant to I.C. 36-1-12.5, Ameresco, Inc. has prepared and provided Lake County with a Comprehensive Facility Renewal Program (Program), which has been approved by Lake County per Resolution No.10-79 adopted by the Lake County Council on August 10, 2010, and an Energy Services Agreement (Exhibit "A") to implement the program for the sum One Hundred Fifty Thousand (\$150,000.00) Dollars; and

**WHEREAS**, Lake County intends to secure financing through bonding pending approval by the Indiana Department of Local Government Finance; and

**WHEREAS**, pursuant to I.C. 36-1-12.5, the parties wish to enter into the Phase III Energy Services Agreement (Exhibit "A"), to implement the program for the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars.

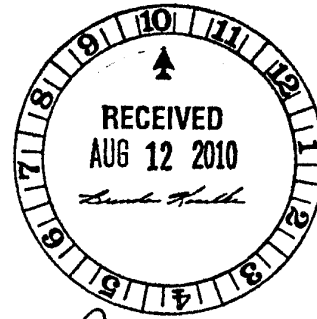
NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

1. That the Phase III Energy Services Agreement between Lake County, Indiana and Ameresco, Inc. (Exhibit "A") prepared and provided by Ameresco pursuant to I.C. 36-1-12.5 for the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars is hereby approved, and the President of the Lake County Council is authorized to execute the Agreement on behalf of Lake County pursuant to I.C. 36-1-12.5.

Order #29 Agenda #41 (cont'd)

- 2. The project will meet the County's Equal Employment Opportunity goals, will be covered by a Project Labor Agreement, and vendors will pay the area prevailing wage rates.

SO RESOLVED THIS 10th DAY OF AUGUST, 2010.



*Thomas O'Donnell*

THOMAS O'DONNELL, President

*Christine CID*  
CHRISTINE CID

*Ernie Dillon*  
ERNIE DILLON

*Larry Blanchard*  
LARRY BLANCHARD

*Elsie Franklin*  
ELSIE FRANKLIN

*Ted F. Bilski*  
TED F. BILSKI

~~Absent~~  
JEROME A. PRINCE

Members of the Lake County Council

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*Francis Dabey*

*Barney Cole*

*Greg Schenk*

APPROVED THIS 10th DAY OF AUGUST, 2010



Order #29 Agenda #41 (cont'd)

EXHIBIT A

Energy Rank	Needs Rank	Lake Potential Phase III Energy and Facility Improvement Projects
1	10	Lighting Controls - motion sensors, improved / enhanced scheduling
2	6	Upgrade DDC & zone controls in A-building SEE Energy Rank # 16 some ACM needed for this item
3	12	Parking Lot Lighting - LED? - controls
4	16	"C" Building ERV (energy recovery ventilator) - capture heat/cool from constant ventilation air
5	13	Connect B-Bldg DHW to C-Bldg DHW (allows summer off cycle for campus boilers)
6	3	Jail combination units - all at old & new jail + other plumbing repairs & upgrades (showers, etc)
7	8	HW system pumps (B-Bldg)
8	19	Wind turbine (small?) (roof mounted?)
9	15	Main campus cooling tower recondition
10	2	JDC - 3 remaining wings minor remodel (A-wing completed in phase II)
11	18	Highway Garage HVAC & overhead door controls
12	11	Main Campus Cooling tower receiver tank replacement (leaking)
13	1	Elevators & Escallators in Main Admin Building (A-BLDG) (replace, recondition, or upgrade)
14	9	A-B roof repairs
15	5	Phase I Electrical ECM's 3-6 (remaining after cutting from phase II)
16	7	Bldg A fireproofing abatement & respray (Asbestos Containing Materials) (ACM)
17	17	Bldg B fireproofing abatement & respray (Asbestos Containing Materials) (ACM)
18	4	Tuck Pointing - Gary CH
19	14	Tuck Pointing - Parramore
13	1	Elevators & Escallators in Main Admin Building (A-BLDG) (replace, recondition, or upgrade)
10	2	JDC - 3 remaining wings minor remodel (A-wing completed in phase II)
6	3	Jail combination units - all at old & new jail + other plumbing repairs & upgrades (showers, etc)
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19	14	Tuck Pointing - Parramore
9	15	Main campus cooling tower recondition
4	16	"C" Building ERV (energy recovery ventilator) - capture heat/cool from constant ventilation air
17	17	Bldg B fireproofing abatement & respray (Asbestos Containing Materials) (ACM)
11	18	Highway Garage HVAC & overhead door controls
8	19	Wind turbine (small?) (roof mounted?)

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

*James D. Dyer*  
 \_\_\_\_\_  
*Bonnie A. Allen*  
 \_\_\_\_\_  
*George Scherich*  
 \_\_\_\_\_  
 APPROVED THIS 12 DAY OF August 20 10



## Order #29 Agenda #41 (cont'd)

## Letter of Intent

This Letter of Intent ("**LOI**") is entered into as of August 10, 2010 by and between the Lake County, Indiana ("**Customer**") and AMERESCO, INC. ("**Ameresco**"), a Delaware corporation. Customer and Ameresco may be referred to herein individually as a "**Party**" and collectively as the "**Parties**".

1. **Intent.** This LOI expresses both Parties' intent, subject to the terms and conditions of this LOI, to enter into a Energy Services Agreement ("**ESA**") pursuant to which Ameresco shall provide an integrated package of services, equipment, devices, and design to Customer to achieve energy and operational cost reductions and increased efficiencies (collectively, the "**Services**") that may include, but not limited to, the energy conservation measures and facility improvement measures identified in Exhibit A. Pursuant to the terms of a mutually acceptable form of standard ESA containing reasonable and customary provisions and conditions for construction of this type and in this geographic area, recognizing the scheduling needs, the necessity for subcontractor selection and the possibility of change orders and unforeseen conditions, the costs incurred by Ameresco associated with the implementation of the Services including, but not limited to, site surveys, data collection, analysis, engineering, design, procurement, project management, and installation will be included in the fixed price cost.
2. **Documentation.** Ameresco will complete an infrastructure audit, analysis and pre-construction design (collectively, the "**Documentation**"), resulting in the development of the ESA. The preliminary ESA will be delivered to Customer within one hundred twenty (120) days after Ameresco's receipt of a fully-executed copy of this LOI. Ameresco's receipt of a fully-executed copy of this LOI shall be evidence of Customer's agreement to the terms and conditions of this LOI and its authorization of and notification to Ameresco to proceed with work on the Documentation and development of the ESA.
3. **Cooperation and Information.** Customer will cooperate with Ameresco in its preparation and performance of work necessary to complete the ESA.

Customer will furnish, upon Ameresco's request, all data concerning energy usage and operational expenditures for the Facilities, including, without limitation, the following data for the most recent three (3) years:

- (i) Actual energy consumption invoices issued by existing energy providers and other relevant utility records;
- (ii) A summary of expenditures by Customer, either by itself or through a third party, on maintenance, repairs and replacements;
- (iii) Full access to all building equipment, accurate occupancy levels, building operating schedules;
- (iv) Prior energy audits or studies, if any; and
- (v) All other reasonable information necessary to complete the ESA.

4. **Services Incorporated into ESA.** Ameresco agrees to provide, and Customer agrees to accept, the Services identified in the Documentation that meet the following criteria:
  - (i) The simple payback term (i.e., the number of years it would take for Energy Savings, Operational Savings and Additional Revenues and Avoided Costs Savings (as each such term may be defined in the ESA) derived from the Services to equal the installed costs of the Services together with all accrued interest thereon) of the Services shall not exceed ten (10) years from the date that the installation is completed.

## Order #29 Agenda #41 (cont'd)

- (ii) The Parties agree to execute an ESA incorporating the Services within thirty (30) days after the delivery of the Documentation to Customer. Customer hereby agrees that if it chooses not to proceed with implementation of the Services within thirty (30) days of submission of the ESA, then Customer shall compensate Ameresco for the Development of the ESA by paying a project development fee in the amount of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) (the "**Project Development Fee**") to Ameresco. The Project Development Fee shall be fully-earned, due and payable by Customer to Ameresco no later than forty-five (45) days after the date that Ameresco submits the preliminary ESA to Customer; provided, however, that should Customer proceed with the implementation of the Services, Customer will not be billed the Project Development Fee due under this LOI as such Project Development Fee shall be included in the contract cost set forth in the ESA.
5. **Indemnification and Limitation of Liability.** Each Party agrees to indemnify, defend and hold harmless the other party and its agents against loss, damage, expense and liability for injury to or death of persons or for damage to property which arise from the indemnifying Party's negligence or misconduct in connection with activities related to this LOI, except to the extent such damage, expense, liability, injury or death of persons, or damage arises from such Party's gross negligence or willful misconduct. IN NO EVENT WILL EITHER PARTY BE LIABLE FOR ANY LOST PROFITS, LOST SAVINGS, LOST REVENUES, LOSS OF USE OF THE FACILITIES OR OTHER PROPERTY, BUSINESS INTERRUPTION, OR INCIDENTAL, SPECIAL, INDIRECT, PUNITIVE, EXEMPLARY OR CONSEQUENTIAL DAMAGES ARISING FROM OR RELATED TO THIS LOI, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED IN CONTRACT, TORT, STRICT LIABILITY OR OTHERWISE.
6. **Governing Law.** This LOI shall be governed by the laws of the State of Indiana.
7. **Entire Agreement; Severability.** This LOI and exhibits hereto shall (a) constitute the entire agreement between the Parties relating to the subject matter hereof, (b) supersede all previous agreements, discussions, communications and correspondences with respect to the subject matter hereof and (c) only be amended, supplemented or modified by a written instrument executed by both Parties. If any provision of this LOI is held by a court of competent jurisdiction to be unenforceable, no other provision shall be affected thereby, and the remainder of this LOI shall be interpreted as if it did not contain such unenforceable provision.
8. **Representations and Warranties.** Ameresco and Customer represent and warrant to each other that (a) the execution, delivery and performance of this LOI have been duly authorized and approved by all necessary organizational action on the part of such Party, (b) the signatories hereto have been duly authorized by all necessary organizational action of such Party to sign and deliver this LOI and (c) upon execution, this LOI will constitute a legal, valid and binding obligation of such Party.

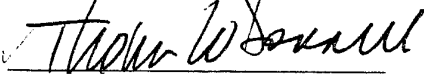
*[Signature page follows]*

Order #29 Agenda #41 (cont'd)

IN WITNESS WHEREOF, the duly authorized officers or representatives of the Parties have set their hands on the date first written above with the intent to be legally bound.

CUSTOMER

Lake County  
2293 North Main Street  
Crown Point, Indiana 46307

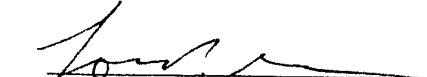
  
Authorized Signature

Thomas C. O'Donnell  
Name

President  
Title

AMERESCO, INC.

111 Speen Street, Suite 410  
Framingham, Massachusetts 01701

  
Authorized Signature

Louis P. Malfezo  
Name

Executive V.P. / C.M. Central U.S.  
Title

[Signature page to the LO]

Lake County Letter of Intent / GESC 1/23/05

Order #30 Agenda #41

In the Matter of Board of Commissioners of the County of Lake: L C Council Ordinances and Resolutions.

Continuing from Order #29. Scheub made a motion, seconded by Allen, to veto L C Council Ordinance No. 1326B, Ordinance Establishing Per Diem for County Assessor Pursuant to I.C. 36-2-7-13. Motion carried.

Order #30 Agenda #41 (cont'd)

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE  
*Francis DuPuy*  
 \_\_\_\_\_  
*Boonin G. G. G.*  
 \_\_\_\_\_  
*James Scheub*  
 \_\_\_\_\_  
 APPROVED THIS 10 DAY OF August, 2010 ORDINANCE NO. 1326B

~~BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE~~  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 APPROVED THIS 10 DAY OF August, 2010

**ORDINANCE ESTABLISHING PER DIEM FOR  
 COUNTY ASSESSOR PURSUANT TO I.C. 36-2-7-13**

- WHEREAS, I.C. 36-2-3.5-3 provides that the Lake County Council is the fiscal and legislative body for Lake County, Indiana; and
- WHEREAS, I.C. 36-2-3.5-5 provides that the Lake County Council shall pass all ordinances, orders, resolutions and motions for the government of the County in the manner prescribed by I.C. 36-2-4, et. seq.; and
- WHEREAS, I.C. 36-2-7-13, provides that a County Assessor, when performing reassessment duties prescribed by I.C. 6-1.1-4, may receive per diem compensation in addition to a salary, at a rate fixed by the County fiscal body for each day that the Assessor is engaged in the reassessment activities; and
- WHEREAS, pursuant to I.C. 36-2-3.5-1, et. seq., the County fiscal body shall fix the appropriate money to pay the per diem established under I.C. 36-2-7-13; and
- WHEREAS, the Lake County Council desires to establish the amount of Fifty (\$50.00) Dollars per day as per diem compensation pursuant to I.C. 36-2-7-13.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That when performing real property reassessment duties prescribed by I.C. 6-1.1-4, a County Assessor shall receive per diem compensation in addition to a salary, at the rate of Fifty (\$50.00) Dollars per day.

SO ORDAINED THIS 10TH DAY OF AUGUST, 2010.

*Thomas O'Donnell*  
 \_\_\_\_\_  
 THOMAS O'DONNELL, President



<sup>NO</sup>  
 CHRISTINE CID  
 \_\_\_\_\_  
*Larry Blanchard*  
 \_\_\_\_\_  
 LARRY BLANCHARD  
 \_\_\_\_\_  
*Ted F. Bilski*  
 \_\_\_\_\_  
 TED F. BILSKI

*Ernie Dillon*  
 \_\_\_\_\_  
 ERNIE DILLON  
*Elsie Franklin*  
 \_\_\_\_\_  
 ELSIE FRANKLIN  
*Jerome A. Prince*  
 \_\_\_\_\_  
 JEROME A. PRINCE

Members of the Lake County Council

Order #31 Agenda #33A

In the Matter of Board of Commissioners of the County of Lake: Judgment bond Ordinance: A. Approve ordinance enacted by County Council.

Allen made motion, seconded by Scheub, to approve Ordinance No. 1326A – An Ordinance of Lake County, Indiana, authorizing the issuance and sale of bonds of the County for the purpose of procuring funds to pay judgments taken against the County, together with the incidental expenses in connection therewith and on account of the issuance of the bonds therefore and appropriating the proceeds of the bonds to each purpose. Motion carried.

## Order #31 Agenda #33A (cont'd)

ORDINANCE NO. 1326A

An Ordinance of Lake County, Indiana, authorizing the issuance and sale of bonds of the County for the purpose of procuring funds to pay judgments taken against the County, together with the incidental expenses in connection therewith and on account of the issuance of the bonds therefore and appropriating the proceeds of the bonds to such purpose.

2010 JUN 15 AM 11:48  
RECEIVED  
LAKE COUNTY AUDITOR

WHEREAS, Lake County, Indiana (the "County") is authorized by IC 5-1-8 and all laws amendatory thereof and supplemental thereto to issue bonds to procure funds to pay judgments taken against the County; and

WHEREAS, the Lake County Council ("Council") now determines that it is necessary and a proper exercise of the powers of the County to provide funds to pay judgments taken against the County plus interest thereon (the "Judgments"); and

WHEREAS, the Council has determined that the estimated cost of the Judgments plus interest on the bonds through January 15, 2011 and the incidental expenses necessary to be incurred in connection with the issuance of the bonds to finance the Judgments will be in an amount not to exceed Three Million Nine Hundred Thousand Dollars (\$3,900,000); and

WHEREAS, the Council finds that it is necessary to authorize the issuance of bonds in an amount not to exceed Three Million Nine Hundred Thousand Dollars (\$3,900,000) for the purpose of providing funds to be applied to the Judgments, and that the bonds in such amount should now be authorized;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF LAKE COUNTY, INDIANA, THAT:

Section 1. Determination to Proceed; Authorization and Details of Bonds.

(a) The County shall proceed to fund the Judgments.

(b) In order to procure funds with which to pay the costs of the Judgments, including interest on the bonds through January 15, 2011 and the costs of issuance of the bonds on account of the Judgments, the Auditor is authorized and directed to have prepared and to issue and sell the bonds of the County, to be designated as "Judgment Funding General Obligation Bonds of 2010," in an aggregate principal amount not to exceed Three Million Nine Hundred Thousand Dollars (\$3,900,000) ("Bonds").

(c) The Bonds shall be sold at a price of not less than 98.5% of the par value thereof, and issued in fully registered form in denominations of \$5,000 or integral multiples thereof, numbered consecutively from 1 upward, dated as of the issue date and shall bear interest at a rate or rates not to exceed six percent (6%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semiannually on January 15 and July 15 of each year, commencing on January 15, 2011. Interest on the Bonds shall be calculated according to a 360-day year containing twelve 30-day months. The Bonds shall mature semiannually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on January 15 and July 15 of each year with a final maturity no later than January 15, 2020 and in such amounts as determined by an Order of the Board of Commissioners of Lake County (the "Board"). Following the sale of the Bonds, the Board is hereby authorized and directed to negotiate with the successful purchaser to modify the amortization schedule based upon the rates bid so as to comply with the level debt service requirements contained in Indiana law.

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the successful bidder. Such term bonds shall have a stated maturity or maturities as determined by the successful bidder or by negotiation with the purchaser, but in no event later than the last serial date

## Order #31 Agenda #33A (cont'd)

of the Bonds as determined in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on dates and in the amounts hereinafter determined by the Board.

(d) The Board and the Auditor are authorized and directed to appoint a qualified banking institution to serve as Registrar and Paying Agent ("Registrar" or "Paying Agent") for the Bonds, which shall be charged with the responsibility of authenticating the Bonds. The Auditor is hereby authorized to enter into such agreements or understandings with such bank as will enable the bank to perform the services required of a Registrar and Paying Agent. The Auditor is further authorized to pay such fees as the bank may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the bond fund established to pay the principal of and interest on the Bonds. Upon agreement between the County and the successful bidder for the Bonds, the Auditor may be designated as the Registrar and Paying Agent, and, in that case, shall be charged with all responsibilities of a Registrar and Paying Agent.

(e) The principal of the Bonds shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Bonds shall be paid by check mailed by first class mail one business day prior to the interest payment date to the registered owner, as of the fifteenth day immediately preceding the interest payment date ("Record Date"), to the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made

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on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds shall be made in any lawful money of the United States of America, which on the date of such payment shall be legal tender for the payment of public and private debts.

(f) Each Bond shall be transferable or exchangeable only upon the books of the County kept for that purpose at the principal corporate trust office of the Registrar by the registered owner or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The County and the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(g) The Bonds shall bear an original date which shall be their issue date, and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the Record Date immediately preceding the first interest payment date shall be paid interest from the original date. Bonds authenticated thereafter shall be paid interest from the interest payment date to which interest has been paid next preceding the date of authentication of such Bonds unless the Bonds are authenticated after the Record Date and on or before the corresponding interest payment date, in

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## Order #31 Agenda #33A (cont'd)

which case interest thereon shall be paid from such interest payment date. If at the time of authentication of any Bond interest is in default thereon, that Bond shall bear interest from the date to which interest has been paid in full.

(h) The Bonds shall be signed in the name of the County by the manual or facsimile signature of the Board, and the seal of the County shall be affixed, imprinted, engraved or otherwise reproduced thereon and attested by the manual or facsimile signature of the Auditor. The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon shall have been so executed. Subject to registration provisions, the Bonds shall be negotiable under the laws of the State of Indiana.

(i) The County has determined that it may be beneficial to the County to have the Bonds held by a central depository system pursuant to an agreement between the County and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Bonds may be initially issued in the form of a single authenticated fully registered Bond for the aggregate principal amount of the Bonds. In such case, upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the County and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Bonds with respect to (i) the accuracy of the records of the Depository

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Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the County to make payments of the principal of and interest on the Bonds pursuant to this ordinance. The County and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the County's and the Paying Agent's obligations with respect to principal of and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the County of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any

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## Order #31 Agenda #33A (cont'd)

other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the County to the Depository Trust Company.

Upon receipt by the County of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the County kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the County determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the County may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the County and the Registrar to do so, the Registrar and the County will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the

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fully registered Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause the Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the County indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the County or the Registrar with respect to any consent or other action to be taken by bondholders, the County or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the County and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the County and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders.

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## Order #31 Agenda #33A (cont'd)

Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

Section 2. Redemption of Bonds. The Bonds are not subject to optional redemption prior to maturity.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the County, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date as stated above.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate Bond for purposes of redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar.

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Notice of redemption shall be mailed to the address of the registered owner as shown on the registration records of the Registrar, as of the date which is forty-five (45) days prior to the date fixed for redemption, not less than thirty (30) days prior to such redemption date, unless notice is waived by the owner of the Bond or Bonds redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the County. Interest on the Bonds so called for redemption shall cease and the Bonds will no longer be deemed outstanding under this ordinance on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price, including accrued interest to the redemption date, on the date so named. Failure to give such notice by mailing, or any defect in such notice, with respect to any Bond shall not affect the validity of any proceedings for redemption of other Bonds.

If the Bonds are not presented for payment or redemption on the date fixed therefor, the County may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price, as the case may be, including accrued interest to the date of such payment or redemption, and thereafter the registered owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the County shall have no further obligation or liability in respect thereto.

Section 3. Sale of Bonds. (a) Prior to the sale of the Bonds, the Auditor shall cause to be published a notice of such sale two (2) times at least one (1) week apart in *The Post-Tribune* and *The Times* or *Crown Point Star*, newspapers published and having general circulation in the County, with the first publication occurring at least fifteen (15) days prior to the sale date and the second publication occurring at least three (3) days prior to the sale date in accordance with IC 5-1-11 and

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## Order #31 Agenda #33A (cont'd)

Notice of redemption shall be mailed to the address of the registered owner as shown on the registration records of the Registrar, as of the date which is forty-five (45) days prior to the date fixed for redemption, not less than thirty (30) days prior to such redemption date, unless notice is waived by the owner of the Bond or Bonds redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the County. Interest on the Bonds so called for redemption shall cease and the Bonds will no longer be deemed outstanding under this ordinance on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price, including accrued interest to the redemption date, on the date so named. Failure to give such notice by mailing, or any defect in such notice, with respect to any Bond shall not affect the validity of any proceedings for redemption of other Bonds.

If the Bonds are not presented for payment or redemption on the date fixed therefor, the County may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price, as the case may be, including accrued interest to the date of such payment or redemption, and thereafter the registered owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the County shall have no further obligation or liability in respect thereto.

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maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. The Auditor shall award the Bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the County, computing the total interest on all of the Bonds to the maturities and adding thereto the discount bid, if any, and deducting therefrom the premium bid, if any. The Auditor shall have full right to reject any and all bids. If no acceptable bid is received at the time fixed in the notice for sale of the Bonds, the Auditor shall be authorized to continue to receive bids from day to day thereafter for a period not to exceed thirty (30) days, without re-advertising, but during such continuation, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for such sale in the notice. No conditional bid or bid for less than all of the Bonds will be considered.

Prior to the delivery of the Bonds, the Auditor shall obtain a legal opinion as to the validity of the Bonds from Shanahan & Shanahan, as bond counsel, and shall furnish this opinion to the purchaser of the Bonds. The cost of this opinion, the services of the County Attorney and the services of the County's financial advisor shall be considered as part of the costs incidental to these proceedings and may be paid out of proceeds of the Bonds.

(b) Distribution of an Official Statement (preliminary and final) for the bonds prepared by the County's financial advisor, on behalf of the County, is hereby authorized and approved and the Board or the Auditor are authorized and directed to execute the Official Statement on behalf of the County in a form consistent with this ordinance. The Board or the Auditor is hereby authorized to designate the Official Statement as nearly final for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

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Order #31 Agenda #33A (cont'd)

(c) If the County's financial advisor certifies to the County that it would be economically advantageous for the County to obtain a municipal bond insurance policy for the Bonds, the County hereby authorizes and directs the Board and the Auditor to obtain such an insurance policy. The acquisition of a municipal bond insurance policy is hereby deemed economically advantageous if the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance and (b) the total debt service on the Bonds if issued with municipal bond insurance, is greater than the cost of the premium on the municipal bond insurance policy.

Section 4. Preparation of Bonds. The Auditor is hereby authorized and directed to have the Bonds prepared, and the Board and the Auditor are hereby authorized and directed to execute the Bonds in the form and manner provided in this ordinance.

Section 5. Form of the Bonds. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

UNITED STATES OF AMERICA  
STATE OF INDIANA  
LAKE COUNTY

No. R- \_\_\_\_\_ \$ \_\_\_\_\_

JUDGMENT FUNDING GENERAL OBLIGATION BONDS OF 2010

<u>Interest Rate</u> %	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication</u> <u>Date</u>	<u>CUSIP</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT:

Lake County, Indiana (the "County"), for value received hereby acknowledges itself indebted and promises to pay, to the Registered Owner (named above) or registered assigns, the Principal Amount set forth above on the Maturity Date set forth above, and to pay interest on such Principal Amount to the registered owner of this Bond (as defined below) until the County's obligation with respect to the payment of such Principal Amount shall be discharged, at the rate per annum specified above from the interest payment date immediately preceding the date of authentication of this Bond unless this Bond is authenticated on or before December 31, 2010, in which case interest shall be paid from the Original Date, or unless this Bond is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on January 15 and July 15 of each year, commencing January 15, 2011. Interest shall be calculated on the basis of twelve 30-day months for a 360-day year.

The principal on this Bond is payable in lawful money of the United States of America upon presentation of this Bond at the principal corporate trust office of \_\_\_\_\_, as Registrar and Paying Agent (the "Registrar" or "Paying Agent"), in the City of \_\_\_\_\_ or at the principal corporate trust office of any successor paying agent appointed under the Bond Ordinance defined below. Interest on this Bond shall be paid by check mailed one business day prior to the interest payment date to the registered owner of this Bond at the address as it appears on the registration books kept by the Registrar as of the fifteenth day of the month immediately preceding the interest payment date or at such other address as is provided to the Registrar in writing by the registered owner. All payments on the Bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

This Bond is one of an authorized issue of bonds of the County with an aggregate principal amount of \$3,900,000 (the "Bonds") designated "Judgment Funding General Obligation Bonds of 2010." The Bonds are numbered consecutively from R-1 upwards, and are issued pursuant to an ordinance adopted by the Lake County Council ("County Council"), on \_\_\_\_\_, 2010, as Ordinance No. \_\_\_\_-2010 (the "Bond Ordinance") and in strict compliance with the Indiana Code and all related and supplemental acts as in effect on the issue date of the Bonds, including, without limitation, IC 5-1-8, IC 5-1-14, IC 36-2-6-18, IC 36-2-6-19 and IC 36-2-6-20 (collectively the "Act"), for the purpose of procuring funds to pay judgments taken against the County and paying incidental expenses incurred in connection with the issuance of the Bonds. The Bonds and any bonds issued on a parity with the Bonds under the Bond Ordinance are referred to collectively as the "Bonds."

Reference is hereby made to the Bond Ordinance for a description of the rights, duties and obligations of the County, and the owners of the Bonds, the terms and conditions upon which the Bonds are or may be issued and the terms and conditions upon which the Bonds will be paid at or prior to maturity, or will be deemed to be paid and discharged upon the making of provisions for payment therefor. Copies of the Bond Ordinance are on file at the principal corporate trust office of \_\_\_\_\_

Order #31 Agenda #33A (cont'd)

the Registrar. THE OWNER OF THIS BOND, BY ACCEPTANCE OF THIS BOND, HEREBY AGREES TO ALL OF THE TERMS AND PROVISIONS IN THE BOND ORDINANCE.

The Bonds are not redeemable prior to maturity.

The Bonds are subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to the principal amount plus accrued interest to the date of redemption on the dates and in the amounts set forth on Exhibit A.

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration records of the County and the Registrar at least thirty (30) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this Bond. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption shall be the principal corporate trust office of the Registrar and Paying Agent unless the County selects another place. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date. Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of mandatory redemption.

This Bond is transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, therefor. The County and the Registrar for this Bond may treat and consider the person in whose name this Bond is registered as the absolute owner for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon. The Registrar shall not be required to register, transfer or exchange any Bond after the fifteenth day of the month immediately preceding an interest payment date on the Bonds until such interest payment date. The Registrar will not be required to (i) register, transfer or exchange any Bond during the period fifteen days next preceding mailing of a notice of redemption on any Bonds, or (ii) to register, transfer or exchange any Bonds selected, called or being called for redemption in whole or in part after mailing notice of such call.

The Bonds are issuable only in fully registered form in the denomination of \$5,000 principal amount or any integral multiples thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

The County has designated the Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended and in effect on the issue date of the Bonds.

If this Bond shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call this Bond or a portion thereof for redemption shall have been given, and the whole amount of the principal of and interest so due and payable on this Bond or portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) noncallable, direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) obligations of any state of the United States of America or any political subdivision thereof, the full payment of principal of and interest on which (a) are unconditionally guaranteed or insured by the United States of America, or (b) are provided for by an irrevocable deposit of securities described in clause (ii) and are not subject to call or redemption by the issuer thereof prior to maturity or for which irrevocable instructions to redeem have been given, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this Bond shall no longer be deemed outstanding or an indebtedness of the County.

It is hereby certified, recited and declared that all acts, conditions and things required to be done precedent to and in the execution, issuance, sale and delivery of this Bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the total indebtedness of Lake County, including the Bonds, does not exceed any constitutional, statutory or local ordinance or ordinance code limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication shall have been duly executed by the authorized representative of the Registrar.

IN WITNESS WHEREOF, The Board of Commissioners of Lake County have caused this Bond to be executed by the manual or facsimile signatures of the Commissioners, and attested by the manual or facsimile signature of the Auditor of the County, who has caused the seal of Lake County to be impressed or a facsimile to be printed on this Bond.

COUNTY OF LAKE, INDIANA

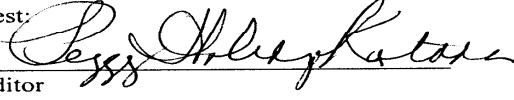
By: Francis DuPuy  
Commissioner

By: Donna Cole  
Commissioner

By: Greg Schulz  
Commissioner

(SEAL)

## Order #31 Agenda #33A (cont'd)

Attest:   
Auditor

## REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within mentioned Bond Ordinance.

\_\_\_\_\_, as Registrar  
Authorized Representative

(end of bond form)

Section 6. Defeasance. If, when the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest so due and payable upon all of the Bonds then outstanding or any portion thereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of taxes to be levied upon all property in the County.

Section 7. Deposit and Application of Bond Proceeds; Surplus to Bond Fund. The Lake County Bond Fund is created hereby ("Bond Fund"). The Auditor is hereby authorized and directed

to deposit proceeds of the Bonds in an amount equal to interest on the Bonds through January 15, 2011 into the Bond Fund. The Auditor is hereby authorized and direct to deposit the balance of the proceeds of the Bonds in a separate fund ("Judgment Fund") to pay for: (1) the cost of the Judgments and interest accrued on the Judgments; and (2) costs of issuance of the Bonds. Except as described in this Section, the Judgment Fund may not be used for any other purpose. The Judgment Fund shall, in accordance with IC 5-13, be deposited, at interest, with the depository or depositories of other public funds of the County, and all interest collected on it belongs to the fund. Any surplus remaining from the proceeds of the Bonds after all costs and expenses of the Judgments are fully paid shall, in accordance with IC 5-1-13, either be paid into and become a part of the County's Bond Fund for the Bonds, or, at the direction of the Board be used by the County to pay debt service on any other outstanding obligations of the County.

Section 8. Appropriation of Proceeds. The proceeds of the Bonds and the interest earnings thereon are hereby appropriated to the cost of the Judgments and costs of issuance.

Section 9. Tax Pledge. The full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and the interest on the Bonds according to their terms. The Bonds shall be payable from the gaming revenues as described in the Report. To the extent the gaming revenues are insufficient, the County covenants that it will cause a property tax for the payment of the principal of and interest on the Bonds to be levied, collected, appropriated and applied for that purpose as set forth in IC 6-1.1-18.5-8. In such a case, there shall be levied in each year upon all taxable property in the County, real and personal, and collected a tax in an amount and in such manner sufficient to meet and pay the principal of and interest on the Bonds as they become due beginning July 15, 2010, and the proceeds of this tax are hereby pledged solely to the payment of

## Order #31 Agenda #33A (cont'd)

the Bonds. Such gaming revenues, subject to any prior pledge thereof, and the tax proceeds shall be deposited into the Bond Fund and used to pay the principal of and interest on the Bonds, when due, together with any fiscal agency charges.

Section 10. Tax Covenants and Representations. In order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds and the Regulations in effect and applicable to the Bonds on the date of issuance of the Bonds (collectively, "Code") and as an inducement to purchasers of the Bonds, the Council represents, covenants and agrees that:

(a) The County reasonably expects, as of the date hereof, that the Bonds will not meet either the private business use test or the private loan test during the entire term of the Bonds.

(b) No more than 5% of the proceeds of the Bonds will be attributable to private business use as described in (a) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any governmental use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(c) The County will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion. The County covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds to be treated as private activity bonds under Section 141 of the Code.

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(d) It shall be not an event of default under this ordinance if the interest on any Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds.

(e) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds.

(f) Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that compliance with any Tax Section is unnecessary to preserve the Tax Exemption.

Section 11. Continuing Disclosure. The Board and the Auditor are hereby authorized and directed to complete, execute and attest on behalf of the County a Continuing Disclosure Agreement ("Agreement") that complies with the requirements of SEC Rule 15c2-12. Notwithstanding any other provisions of this ordinance, failure of the County to comply with the Agreement shall not be considered an event of default under the Bonds or this ordinance.

Section 12. Debt Limit Not Exceeded. The County represents and covenants that the Bonds herein authorized, when combined with other outstanding indebtedness of the County at the time of issuance of the Bonds, will not exceed any applicable constitutional or statutory limitation on the County's indebtedness.

Section 13. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

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Order #31 Agenda #33A (cont'd)

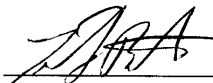
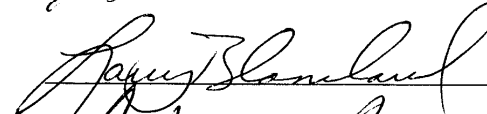
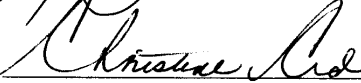
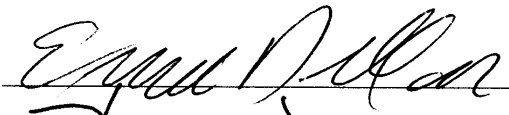
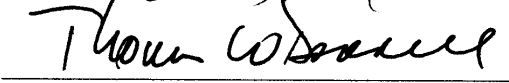
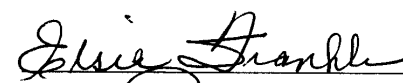
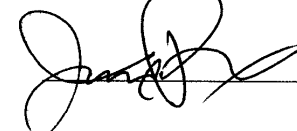
Section 14. Repeal of Conflicting Provisions. All ordinances, or parts thereof, in conflict with the provisions of this ordinance, are, to the extent of such conflict, hereby repealed or amended.

Section 15. Amendments to Ordinance. This ordinance may, from time to time hereafter, be amended without the consent of the owners of the Bonds, if in the sole discretion of the County Council, such amendment shall not adversely affect the rights of the owners of any of the Bonds.

Section 16. Effective Date. This ordinance shall be in full force and effect immediately upon its passage.

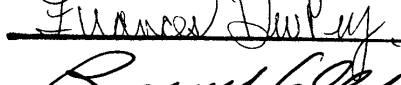
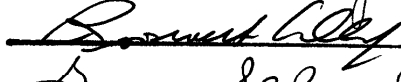

Adopted this 10th day of August 2010.

LAKE COUNTY COUNCIL

  
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Attest:  
  
Auditor

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

  
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 APPROVED THIS 10th DAY OF August 2010

Order #32 Agenda #33B

In the Matter of Board of Commissioners of the County of Lake: Judgment bond Ordinance: B. Approve documents required for action by Commissioners.

Allen made a motion, seconded by Scheub, to approve an Order of the Board of Commissioners of the County of Lake authorizing the issuance of the bonds and the sale by the County Auditor to the best authorizing Wells Fargo to the registrar. Motion carried.



## Order #32 Agenda #33B (cont'd)

ORDER OF THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAKE

WHEREAS, the Lake County Council (the "County Council") has approved the issuance of bonds of Lake County, Indiana (the "County") for the purpose of providing funds to pay claims against the County; and

WHEREAS, the County Council has forwarded to the Board of Commissioners of the County of Lake (the "Board") a copy of the report prepared by London Witte Group (the "Report") that demonstrates that revenues to be received by the County from sources other than property taxes that are exempt from the levy limitations contained in the Indiana Code are reasonably expected to equal or exceed the debt service on the bonds authorized by the County Council; and

WHEREAS, the Board has reviewed the Report and hereby accepts the findings set forth in the Report; and

WHEREAS, before the bonds can be sold, it is necessary for the Board to approve certain details relating to the bonds;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE as follows:

Section 1. The Board hereby approves the issuance of the bonds and the sale thereof by the County Auditor to the best bidder.

Section 2. The Board approves the Report and accepts the findings set forth therein.

Section 3. Wells Fargo Bank, N.A. is hereby designated as registrar and paying agent for the bonds.

Section 4. On behalf of the County, the Board represents that:

- (i) The bonds are not private activity bonds as defined in Section 141 of the Internal Revenue Code (the "Code");
- (ii) The Board hereby designates the bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;
- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including tax-exempt leases) which will be issued by the County and all entities subordinate to the County in 2010 does not exceed \$30,000,000; and
- (iv) The County, any body acting in the name of the County, and any entities subordinate to the County have not designated and will not designate more than \$30,000,000 of qualified tax-exempt obligations during 2010.

Therefore, the County expects the bonds to qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

Section 5. The Board hereby approves the use of the book entry only system for the bonds.

Section 6. The Board hereby approves the Official Statement for the bonds prepared by London Witte Group and designates the Official Statement as nearly final for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Section 7. The Board hereby approves the Continuing Disclosure Undertaking Agreement.

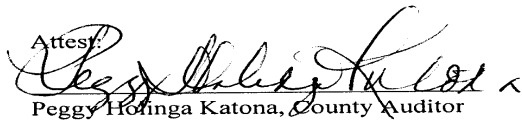
Section 8. The Board has determined, based upon the advice of London Witte Group, that it is not economically advantageous for the County to obtain a municipal bond insurance policy for the bonds.

IN WITNESS WHEREOF, the Board of Commissioners of the County of Lake have hereunto set their hands, this 18<sup>th</sup> day of August, 2010.

  
Frances DuPey, Commissioner

  
Gerry Scheub, Commissioner

  
Roosevelt Allen Jr., Commissioner

Attest:  
  
Peggy Hovinga Katona, County Auditor

## Order #33 Agenda #36

In the Matter of Lake County Expense Claims to be Allowed on Wednesday, August 18, 2010.

The Board hereby orders Commissioners Allowance of Lake County Expense Claims of Wednesday, August 18, 2010. to be paid out of the County Treasury upon the Warrant of the County Auditor according to the Lake County Claim Docket on file in the Auditor's Office.

Allen made a motion, seconded by Scheub, to approve and make a matter of public record the Claims and Docket. Motion carried.

## Order #33 Agenda #37

In the Matter of Service Agreements

Allen made a motion, seconded by Scheub, to approve the following Service Agreements. Motion carried 3-0.

**L C SURVEYOR**

W/ Clifford-Wald & Co.

## Order #34 Agenda #38

In the Matter of Poor Relief Decisions

Allen made a motion, seconded by Scheub, to approve the Poor Relief Decisions. Motion carried 3-0.

Vanual Williams	Approved
April Nash	Approved
Reginald Delk	Approved
Johnny Johnson	Approved
Felicia Johnson	Approved on condition
Taccarra Anderson	Approved
Leroy Hunter	Approved
Betty Kelly	Approved
Jean Davis	Approved
Birdie Bailey	Approved
Andrew Claborn	Approved on condition
Wendy Colbert	Approved on condition
Ruth Martinez	Approved
Latoya Beamon	Approved
Victoria Mobley	Approved
Shauna Haynes	Approved
Abe Franklin	Approved
Sharonda Greer	Approved
Erica Robinson	Approved on condition
Cursitta Moore	Approved/Approved on condition
Gloria Lewis	Approved
Alice Escamilla	Approved
Alice Jordan	Approved
Herbert Robinson	Approved partially
Janet Triplett	Approved
Paray Fullilove	Approved
Danielle Walker	Approved
Cynthia Bonner	Approved
Joanna Stewart	Approved
Leonard Smith	Approved
Zoraida Pellot	Approved
Walter Smith	Approved on condition
Vernell Hamilton	Approved/Approved on condition for water
Joann Hooker	Approved
Shmecka Murphy	Approved on condition
Margaret Walker	Approved on condition
Zoraida Pellot	Approved
Leonard Montgomery	Approved
Patricia Johnson	Approved on condition
Abraham Barker	Approved
Adreana Taylor	Approved on condition
Charles Williams	Approved
Shanece Hopkins	Approved
Terri Pearson	Denied
Alan Gray	Remanded to township for further consideration and review
Jimmie Dates	Denied
Wanda Morgan	Denied for appellant's failure to appear
Thelma Mooris	Denied for appellant's failure to appear
Glenda Johnson	Denied for appellant's failure to appear
Terri Jordan	Denied for appellant's failure to appear
James Weathersby	Denied for appellant's failure to appear
Helene Servin	Denied
Thomas Bullock	Denied
Paray Fullilove	Denied
Kristen Kokoska	Denied
Vanessa Jones	Denied for appellant's failure to appear
Coardes Buckner	Denied
Carol Cuross	Remanded to township for further consideration and review
Michael Kaamar	Denied for appellant's failure to appear
Cheryl High	Denied
Milan Washington	Denied
Ophelia Holmes	Denied

## Order #34 Agenda #38 (cont'd)

Ivy Moonly	Denied
Renee Edmonds	Remanded to township for further consideration and review
William Porter	Denied
Andre Dawson	Denied for appellant's failure to appear
Martin Miller	Denied for appellant's failure to appear
Kathy Winbush	Denied for appellant's failure to appear
Charles Johnson	Denied for appellant's failure to appear
Grace Darling	Denied for appellant's failure to appear
Betty Kelly	Denied for appellant's failure to appear
Takeya Sangster	Denied for appellant's failure to appear
Rebecca Coddington	Denied for appellant's failure to appear
Frank Hooks	Approved
Phyllis Foster	Denied
Deonna Pace	Denied
Gail Brewster	Denied
Antoinette Green	Denied
Renee Edmonds	Denied
Kisha Swims	Denied for appellant's failure to appear
Danielle McKinney	Denied

## NORTH TOWNSHIP TRUSTEE

Cynthia Bautista	Approval
Cesar Johnson	Denial
P.B. Jr.	Approval
Marinah Castillo	Denial
Steven Doffin	No Help Needed/Received his SSI
Orlando Lopez	Denial
Jennifer Tustison	No Decision
Edwin Riveria	Approval
JoAnn Johnson	Approval
Monica Gonzalez	Denial
Lisa Michnik	Approval
Vera Rainez	Denial
Andrew Wheeler	Approval
Francine Gibson	Denied for appellant's failure to appear
Shalonda Wade	Denied for appellant's failure to appear
Sylvanna Castellano	Denial
Mandy Ruiz	Denied for appellant's failure to appear

## Order #35 Agenda #43

In the Matter of Staff Reports

Ordinance No. 1326B – Clarification. Scheub made a motion to rescind his original motion to veto said Ordinance, Allen made a seconded. Motion carried.

## Order #36

Scheub made a motion, seconded by Allen, to approve Ordinance No. 1326B, Ordinance Establishing Per Diem for County Assessor Pursuant to I.C. 36-2-7-13. Vetoed in Order #29 Agenda #41. Motion carried.

## Order #37

In the Matter of Commentary

Mr. Fletcher spoke commending Commissioner Allen for doing a great job after expressing his major concerns at a previous meeting before the Board of Commissioners and continued on about other issues.

Commissioner Allen then spoke.

Mr. Ortiz spoke regarding room for improvement in the L C Jail.

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

The next Board of Commissioners Meeting will be held on Wednesday, September 15, 2010 at 10:00 A.M.

The following officials were Present:

Attorney John Dull  
 Dan Ombac  
 Brenda Koselke  
 Jim Bennett  
 Delvert Cole  
 Marcus Malczewski

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FRANCES DuPEY, PRESIDENT

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ROOSEVELT ALLEN JR., COMMISSIONER

\_\_\_\_\_  
GERRY SCHEUB, COMMISSIONER

ATTEST:

\_\_\_\_\_  
PEGGY HOLINGA KATONA, LAKE COUNTY AUDITOR