

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

And now in obedience to such call, come Presiding Chair Christine Cid, David Hamm, Pete Lindemulder, Ted Bilski, Randy Niemeyer and Clorius Lay, County Councilpersons, together with Tom O'Donnell and Ray Szarmach, County Council Attorneys. President Charlie Brown was absent.

In the Matter of Minutes – August 8, 2023

Hamm made the motion, seconded by Bilski, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes,1-absent.

Acknowledgements:

Bilski – We're going to be putting together a resolution for our Director of Veterans Affairs Jason Goatee. We received an email about his accomplishments on the Operation Combat BikeSaver. It's a non-profit for local veterans and it appears Jason created a self-assessment for veteran suicide watch and prevention. I think its very important to let everyone know the work that Jason is doing and its potential at saving lives.

Cid – Mayor Jerome Prince will be giving Councilman Clorius Lay the key to the City of Gary and he will do that prior to his state of the city address. In addition, Councilman Lay will also receive the Annual Golden Hoosier Award which is the highest reward bestowed upon a senior citizen by the State of Indiana in recognition of helping fellow Hoosiers and bettering their communities.

ORDINANCE #1487

Section 1. Be It Ordained by the County Council of Lake County, IN., that for the expenses of the County Government and its institutions, the following sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein appropriated, and shall be held to include all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

	Appropriation Requested	Appropriated
Gambling Admission Tax Fund 1196		
<u>Data Processing Agency 9301</u> 63995 Other Services & Charges	\$270,000.00	\$270,000.00
Supplemental Public Defender Fund 1405		
<u>Criminal Div. Public Defender 9002</u> 63190 Other Professional Service	\$180,000.00	\$180,000.00
Drainage Improvement Fund 1790		
<u>Drainage Board 1008</u> 64530 Kankakee River Construction	\$216,623.50	\$216,623.50
Shf's Sale Program & Service Fund 4289		
<u>Sheriff 8001</u> 64490 Other Equipment	\$500,000.00	\$500,000.00

Adopted this 12th day of September, 2023.

TRANSFER OF FUNDS CERTIFICATE

I, the proper legal officer of Lake County Council, Lake County, IN., hereby certify to the Auditor of Lake County, that the Lake County Council, approved the following transfers:

	Requested	Approved
<u>Lake Sup. Crt-County Div. Rm 2 4003</u>		
County General Fund 1001		
From: 1001-63190 Other Professional Service	\$1,500.00	\$1,500.00
To: 1001-62230 Clothing	\$1,500.00	\$1,500.00
<u>Juvenile Court 4005</u>		
County General Fund 1001		
From: 1001-63995 Other Services & Charges	\$10,000.00	\$10,000.00
To: 1001-62410 Other Supplies	\$10,000.00	\$10,000.00
<u>Jail 8002 *See Footnotes</u>		
Public Safety CAGIT Non-Revert Fund 4010		
From: 4010-63610 Building and Structures	\$619,881.50	\$619,881.50
To: 4010-64490 Other Equipment	\$619,881.50	\$619,881.50
<u>JAG 2020 Grant 8009</u>		
Justice Assistance Grant Fund 8262		
From: 8262-63995 Other Services & Charges	\$30,234.00	\$30,234.00
To: 8262-62410 Other Supplies	\$7,413.00	\$7,413.00
8262-64490 Other Equipment	\$22,821.00	\$22,821.00

*Footnotes:
Niemeyer – This is for the surveillance upgrade to the jail.

and that such transfer does not necessitate expenditure of more money than was set out in detail in the budget as finally approved by the Department of Local Government Finance.

This transfer was made at a regular public meeting according to proper ordinance, a copy of which is attached to this certificate.

Additional

	Made Motion	Seconded	
<u>Gambling Admission Tax Fund 1196</u>			
Data Processing Agency 9301 (\$270,000)	Niemeyer	Lindemulder	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>Supplemental Public Defender Fund 1405</u>			
Criminal Div. Public Defender 9002 (\$180,000)	Lindemulder	Bilski	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>Drainage Improvement Fund 1790</u>			
Drainage Board 1008 (\$216,623.50)	Niemeyer	Lindemulder	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>Shf's Sale Program & Service Fund 4289</u>			
Sheriff 8001 (\$500,000)	Lay	Hamm	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

Transfers

	Made Motion	Seconded	
<u>Lake Sup. Crt-County Div. Rm 2 4003</u> County General Fund 1001 (\$1,500)	Hamm	Bilski	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>Juvenile Court 4005</u> County General Fund 1001 (\$10,000)	Hamm	Lindemulder	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>Jail 8002</u> Public Safety CAGIT Non-Revert Fund 4010 (\$619,881.50)	Lay	Hamm	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.
<u>JAG 2020 Grant 8009</u> Justice Assistance Grant Fund 8262 (\$30,234)	Lay	Hamm	Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

In the Matter of Lake Sup. Ct. County Div. Rm. 2 4003 – Create New Line Item – County General Fund 1001

Hamm made the motion, seconded by Bilski, to approve the creation of the following new line item:

62230 Clothing

Majority voted yes. Brown was absent. Motion to approve creation of new line item carried 6-yes, 1-absent.

In the Matter of Sheriff 8001 – Create New Line Item – Sheriff's Sale Program & Service Fund 4289

Lay made the motion, seconded by Hamm, to approve the creation of the following new line item:

64490 Other Equipment

Majority voted yes. Brown was absent. Motion to approve creation of new line item carried 6-yes, 1-absent.

In the Matter of Grant Applications & Grant Approval – Grant Oversight Committee – U.S. Department of Justice – Office of Justice Programs – Bureau of Justice Assistance – FY 2022 State Criminal Alien Assistance Program (SCAAP)

Lay made the motion, seconded by Hamm, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

In the Matter of Grant Applications & Grant Approval – Grant Oversight Committee – Indiana Department of Transportation (INDOT) – FY 2023 Community Crossing Matching Grant Program – 2nd Call

Niemeyer made the motion, seconded by Lindemulder, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

In the Matter of Grant Applications & Grant Approval – Grant Oversight Committee – Indiana Family and Social Services Administration (FSSA) – Division of Aging – FY 2024-2025 Adult Protective Services (APS) Contract

Lindemulder made the motion, seconded by Hamm, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

In the Matter of Citizen Appointments – County Domestic Violence Fatality Review Team – Protective Service Employee (1) (Shall)

Lindemulder made the motion, seconded by Hamm, to open nominations. Majority voted yes. Brown was absent. Motion to open nominations carried 6-yes, 1-absent.

Lindemulder made the motion, seconded by Lay, to nominate Twan Stokes.

Bilski made the motion, seconded by Hamm, to close nominations. Majority voted yes. Brown was absent. Motion to close nominations carried 6-yes, 1-absent.

Lindemulder made the motion, seconded by Hamm, to seat Twan Stokes. Majority voted yes. Brown was absent. Motion to seat Twan Stokes carried 6-yes, 1-absent.

In the Matter of Citizen Appointments – County Domestic Violence Fatality Review Team – Survivor of Domestic Violence (1) (Shall)

Lindemulder made the motion, seconded by Hamm, to open nominations. Majority voted yes. Brown was absent. Motion to open nominations carried 6-yes, 1-absent.

Lindemulder made the motion to nominate Shanda Hanft.

Hamm made the motion, seconded by Bilski, to close nominations. Majority voted yes. Brown was absent. Motion to close nominations carried 6-yes, 1-absent.

Lindemulder made the motion, seconded by Lay, to seat Shanda Hanft. Majority voted yes. Brown was absent. Motion to seat Shanda Hanft carried 6-yes, 1-absent.

In the Matter of Vertical Garden Presentation

NO ACTION

In the Matter of Resolution Honoring John Dull

Bilski made the motion, seconded by Lay, to approve.

Multiple council members discussed memories and gave condolences to John's family who were in attendance.

Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

RESOLUTION NO. 23-51

RESOLUTION HONORING JOHN DULL

WHEREAS, John Dull served as attorney for the Lake County Board of Commissioners, from 1982 until his passing; his contributions to the people of Lake County and Lake County Government are immeasurable;

WHEREAS, John also served as a member of the Northwest Indiana Regional Development Authority, tasked with monitoring on behalf of the Governor, the implementation of transit development districts near current and future South Shore Line stations in Lake County; and

WHEREAS, John Dull commanded the respect of all who knew him for his dedication, integrity, and hard-work; he was an outstanding civic and community leader, recognized as such by all who worked with him; and

WHEREAS, John Dull 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; and

WHEREAS, the citizens of Lake County have been deeply saddened by the death of John Dull.

NOW, THEREFORE, LET IT BE RESOLVED THAT:

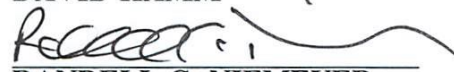
The Lake County Council hereby recognizes and memorializes the passing of our very dear friend, John Dull.

A copy of this Resolution shall be spread on the official records of the Lake County Council, and an official copy be delivered to the family of John Dull.

DULY ADOPTED by the Lake County Council, this 12th day of September, 2023.

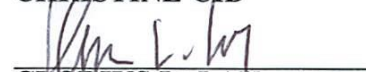
ABSENT
CHARLIE BROWN, President


DAVID HAMM


RANDELL C. NIEMEYER


PETE LINDEMULDER


CHRISTINE CID


CLORIUS L. LAY


TED F. BILSKI

Members of the Lake County Council

In the Matter of Resolution in Support of October as Breast Cancer Awareness Month

Bilski made the motion, seconded by Hamm, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

RESOLUTION NO.23-52

RESOLUTION IN SUPPORT OF
OCTOBER AS BREAST CANCER AWARENESS MONTH

WHEREAS, breast cancer affects millions of women and men and their families; and
WHEREAS, public awareness and education enhance a community's understanding of the issues affecting those with breast cancer; and
WHEREAS, the Lake County Council supports October as Breast Cancer Awareness Month in an effort to increase public awareness and education of breast cancer.

NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:

That the Lake County Council supports October as Breast Cancer Awareness Month in Lake County, Indiana.

SO RESOLVED THIS 12th day of September, 2023.

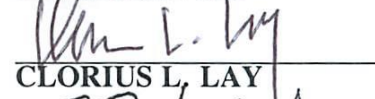
ABSENT
CHARLIE BROWN, President


DAVID HAMM


RANDELL C. NIEMEYER


PETE LINDEMULDER


CHRISTINE CID


CLORIUS L. LAY


TED F. BILSKI

Members of the Lake County Council

In the Matter of Amendment to the 2023 Consulting Services Agreement with Jeanann Georgas Ficker

Hamm made the motion, seconded by Bilski, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

AMENDMENT

1. This Amendment (the "Amendment") to the Consulting Services Agreement (the "Agreement") dated October 11, 2022, is made by and between JEANANN GEORGAS FICKER (hereinafter called "**Consultant**") and the BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE on behalf of the LAKE COUNTY COUNCIL (hereinafter called the "**County**").
2. The parties agree to amend Section 4 of the Agreement by the following additions (indicated by underlining) and deletions (indicated by strikethroughs):
 4. **Compensation** The County agrees to pay the Consultant a sum not to exceed ~~Ninety Thousand Dollars (\$90,000.00)~~ One-Hundred Thousand Dollars (\$100,000) for all services required herein at the rate of \$90.00 per hour, which shall include reimbursements for expenses incurred except that the County shall pay for any litigation expenses. The Consultant agrees to complete the project and all services provided herein for an amount not to exceed this sum. Subject to annual funding by the Fiscal Body.
3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier amendment, the terms of this Amendment will prevail.

IN WITNESS WHEREOF, the County and the Consultant have executed this Amendment as of the

_____ day of _____, 2023.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAKE**

CONSULTANT

KYLE ALLEN


JEANANN GEORGAS FICKER

MICHAEL REPAY

ATTEST:

JERRY TIPPY

PEGGY HOLINGA-KATONA
LAKE COUNTY AUDITOR

LAKE COUNTY COUNCIL



TED F. BILSKI

ABSENT

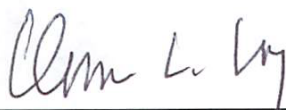
CHARLIE BROWN



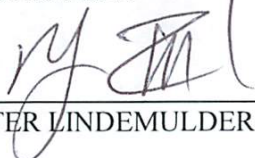
CHRISTINE CID



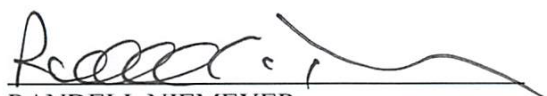
DAVID HAMM



CLORIUS LAY



PETER LINDEMULDER



RANDELL NIEMEYER

Signed by Lake County Council on 9/12/2023

In the Matter of Joint Interlocal Agreement Between the City of Gary, Indiana and Lake County, Indiana for Renovations and Maintenance at the U.S. Steel Yard Baseball Stadium Located in Calumet Township, Lake County, Indiana

Lay made the motion, seconded by Hamm, to approve. Majority voted yes. Brown was absent. Motion to approve carried 6-yes, 1-absent.

JOINT INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF GARY, INDIANA AND LAKE COUNTY, INDIANA FOR RENOVATIONS AND MAINTENANCE AT THE U.S. STEEL YARD BASEBALL STADIUM LOCATED IN CALUMET TOWNSHIP, LAKE COUNTY, INDIANA

THIS JOINT INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF GARY, INDIANA AND LAKE COUNTY, INDIANA FOR RENOVATIONS AND MAINTENANCE AT THE U.S. STEEL YARD BASEBALL STADIUM INCALUMET TOWNSHIP (hereinafter referred to as this "Agreement") is made and entered into in accordance with Indiana Code §36-1-7, *et seq.*, as amended from time to time, by and between the CITY OF GARY, Lake County, Indiana, a Municipal Corporation, by its MAYOR as its executive and its CITY COUNCIL as its fiscal body (hereinafter referred to as "GARY"), and LAKE COUNTY, INDIANA, a unit of local government, by its BOARD OF COUNTY COMMISSIONERS as its executive and its COUNTY COUNCIL as its fiscal body (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, GARY is a unit of local government located in Lake County, Indiana, with jurisdiction over real property located within the Municipal Corporate Boundaries of GARY; and

WHEREAS, COUNTY is a unit of local government located in Lake County, Indiana, with jurisdiction over certain real property located within the corporate boundaries of Lake County; and

WHEREAS, GARY and COUNTY have each been advised that the provisions of Indiana Code §36-1-7-1, *et seq.* (Interlocal Cooperation Act and referred to hereinafter as the "Act"), as amended from time to time, permit local governmental units and entities to make the most efficient use of their powers by enabling governmental units to mutually contract and utilize services for the mutual benefit of the participating governmental entities; and

WHEREAS, GARY and COUNTY are political subdivisions empowered by the Act with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

WHEREAS, GARY and COUNTY each seek to enter into a joint interlocal cooperation agreement based upon the terms and provisions of the Act, as amended from time to time, together, to provide for renovations and maintenance at the U.S. Steel Yard Baseball Stadium hereafter referred to as the U.S. STEEL YARD PROJECT; and

WHEREAS, GARY, and COUNTY have determined that entry into a joint interlocal cooperation agreement for the U.S. STEEL YARD PROJECT is a public improvement in the best interests of the residents of GARY and COUNTY, and therefore, have determined that it is advisable to enter into and become a participating unit under such a joint interlocal cooperation agreement pursuant to the applicable provisions of State Law, as amended from time to time.

COVENANTS

NOW, **THEREFORE, GARY and COUNTY**, in consideration of the terms and conditions set forth herein, all of which are hereby acknowledged, do hereby agree as follows:

SECTION 1: DURATION.

The duration of this Agreement shall be from its effective date to completion and acceptance of the Project as defined herein.

SECTION 2: PURPOSE.

The purpose of this Agreement is to set forth and establish the responsibilities and obligations of GARY and COUNTY concerning the U.S. STEEL YARD PROJECT.

SECTION 3: EFFECTIVE DATE

The effective date of this act shall be after the agreement has been signed by a majority of the elected officials of each party necessary to constitute an official act and a copy of the executed agreement is placed on record and filed with the Lake County Recorder.

SECTION 4: PROJECT DEFINED.

This Project is infrastructure improvements within the U.S. STEEL YARD that will improve public health and economic conditions which will benefit the citizens of Lake County, Indiana. *See attached Exhibit "A", Resolution No. 2023-49*

SECTION 5: PROJECT FUNDING.

COUNTY agrees to pay to GARY within thirty (30) days of GARY commencing the Project, the amount of TWO HUNDRED THREE THOUSAND DOLLARS and NO CENTS (\$203,000.00) to help fund the Project. This contribution of COUNTY is solely for improvement costs GARY will incur for the U.S. STEEL YARD PROJECT improvement.

SECTION 6: ADMINISTRATION AND AUTHORITY DELEGATION.

- A. This Agreement shall be administered as follows:
 - 1) GARY shall contract with a company to perform all duties associated with the U.S. STEEL YARD PROJECT. With the \$203,000.00 received from LAKE COUNTY, GARY shall pay its contractors for performing work associated with renovations and maintenance at the U.S. Steel Yard Baseball Stadium.
- B. The CITY CONTROLLER OF THE CITY OF GARY, LAKE COUNTY is hereby designated to receive, disburse, and account for all funds pursuant to this Agreement.

- C. GARY shall supervise all work performed by its contractor as part of the project and determine if the work meets reconstruction standards.
- D. GARY shall contract with a company to perform the improvements and pay for all claims for supplies, materials, services or other expenses for the project.
- E. Because the COUNTY will have no supervisory responsibility for the work performed by the contractor employed by GARY, project, will not be in privity of contract with any person or company contracted by GARY to perform the work, and COUNTY'S only involvement during the improvements is to provide funding, the County of Lake and any and all of its elected officials, appointed officials, offices, departments, divisions, employees, to include those of the Lake County Highway Department shall not be liable for and GARY shall hold the aforementioned unit, bodies, and persons harmless from any loss or damage to any party that may occur from the start of the reconstruction to the completion of the project.
- F. The project will be deemed completed when GARY has accepted the work of their contractor and the COUNTY has certified to GARY that it has been completed.

SECTION 7: ASSIGNMENT OF RIGHTS.

No Party shall assign, delegate, or otherwise transfer its rights and obligations as set forth in this Agreement to any other entity.

SECTION 8: AMENDMENTS.

The terms of this Agreement may not be amended, supplemented, waived or modified without the prior written approval of all Parties.

SECTION 9: FORCE MAJEURE.

Except as otherwise provided in this Agreement, GARY and COUNTY, shall not be deemed in default or in breach of this Agreement to the extent it is unable to perform due to an event of Force Majeure. For the purpose of this Agreement, Force Majeure shall mean and include any act of God, accident, fire, lockout, strike or other labor dispute, riot or civil commotion, act of public enemy, failure of transportation facilities, enactment, rule, order, or act of government or governmental instrumentality (whether domestic or international and whether federal, state or local, or the international equivalent thereof), failure of technical difficulties, or any other cause of any nature whatsoever beyond the control of GARY and COUNTY, which was not avoidable in the exercise of reasonable care and foresight.

SECTION 10: NOTICES.

All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each Party when sent by United States Mail, postage prepaid, or hand-delivered, to the following:

Mayor Jerome Prince Municipal Building 401 Broadway Gary, In 46307	Commissioner Mike Repay 2293 North Main Street Crown Point, In 46307	Councilman Charlie Brown 2293 North Main Street Crown Point, In 46307
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SECTION 11: CAPTIONS.

The captions and section designations herein set forth are for convenience only, and shall have no substantive meaning.

SECTION 12: SEVERABILITY.

In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement, and the same shall remain in full force and effect.

SECTION 13: ENTIRETY OF AGREEMENT.

This Agreement represents the entire understanding between the Parties and supersedes all other negotiations, representations, or agreements, whether written or verbal, relating to this Agreement. This Agreement shall inure to the benefit of, and shall be binding upon the Parties, and their respective assigns and successors in interest.

SECTION 14: MATERIAL DISPUTE.

The parties agree that GARY and COUNTY shall meet for resolution purposes. Thereafter, if the dispute is unable to be resolved, the Parties agree that the dispute will be governed by the laws of the State of Indiana in a court of competent jurisdiction. The Parties agree that each Party shall be responsible for its own attorney fees, absent any applicable provision of law to the contrary.

SECTION 15: COUNTERPARTS.

This Agreement shall be signed in counterparts and each of said counterparts shall be considered an original.

SECTION 16: RECORDING AND FILING.

- A. Before this Agreement takes effect, it must be recorded with the Office of the Lake County Recorder.
- B. No later than sixty (60) days after it takes effect and is recorded, the Agreement must be filed with the Office of the State Board of Accounts for audit purposes all pursuant to I.C. §36-1-7-6.

SECTION 17: PUBLIC ACTION AND RATIFICATION.

- A. Because there exists a situation where time is of the essence, the parties will have their respective elected officials sign the agreement to make it effective and then ratify it at a subsequent public meeting.
- B. To be effective with a retroactive ratification, the following must occur at a public meeting:
 - 1) The City Council as the fiscal body of the City of GARY, Lake County, Indiana, a Municipal Corporation.
 - 2) The Mayor as the executive of the City of GARY, Lake County, Indiana, a Municipal Corporation.
 - 3) The Lake County Council has the fiscal body of the County of Lake, Indiana.
 - 4) The Board of Commissioners as the county executive of the County of Lake, Indiana.

IN WITNESS WHEREOF, the Parties, by their duly authorized Officials and Representatives have caused this Agreement to be executed this _____ day of _____, 2023.

LAKE COUNTY, INDIANA
BOARD OF COMMISSIONERS:

Kyle Allen, Sr., 1st District


Jerry Tippy, 2nd District

Michael C. Repay, 3rd District

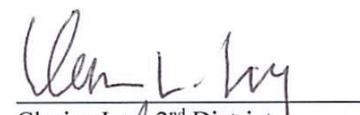
ATTEST:

Peggy Katona, Auditor

LAKE COUNTY, INDIANA
COUNTY COUNCIL:

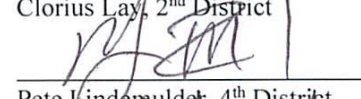


David Hamm, 1st District



Clorius Lay, 2nd District

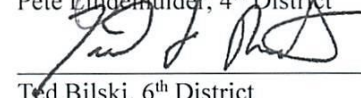
ABSENT
Charlie Brown, 3rd District



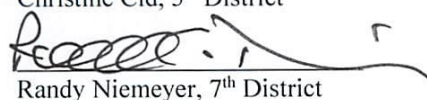
Pete Lindemulder, 4th District



Christine Cid, 5th District



Ted Bilski, 6th District



Randy Niemeyer, 7th District

Signed by Lake County Council on 9/12/2023

IN WITNESS WHEREOF, the Parties, by their duly authorized Officials and Representatives have caused this Agreement to be executed this _____ day of _____, 2023.

**MAYOR CITY OF
GARY, INDIANA:**

Jerome A. Prince, Mayor

ATTEST:

Suzette Raggs, Clerk

**GARY, INDIANA
CITY COUNCIL:**

Ronald G. Brewer, Sr, At Large

Darren Washington, At Large

Lori Latham, At Large

William G. Goodwin, 1st District

David Fossett, 2nd District

Mary Brown, 3rd District

Tai Adkins, 4th District

Linda Barnes-Caldwell, 5th District

Dwight Williams, 6th District

In the Matter of Ordinance Granting the Recorder's Request to use monies from the Recorder's Record Perpetuation Fund to Supplement the Recorder's 2024 Budget

Lay made the motion, seconded by Hamm, to approve on First Reading. Majority voted yes. Brown was absent. Motion to approve on First Reading carried 6-yes, 1-absent.

Lay made the motion, seconded by Hamm, to Suspend Rules. Majority voted yes. Brown was absent. Motion to Suspend Rules carried 6-yes, 1-absent.

Lay made the motion, seconded by Hamm, to approve on Second Reading. Majority voted yes. Brown was absent. Motion to approve on Second Reading carried 6-yes, 1-absent.

ORDINANCE NO. 1487A

ORDINANCE GRANTING THE RECORDER'S REQUEST TO
USE MONIES FROM THE RECORDER'S RECORD PERPETUATION
FUND TO SUPPLEMENT THE RECORDER'S 2024 BUDGET

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

WHEREAS, on June 14, 2011, the Lake County Council adopted Ordinance No. 1336B, the Ordinance Establishing the Lake County Recorder's Perpetuation Fund, Fund No. 179, a Non-Reverting Fund; and

WHEREAS, pursuant to I.C. 36-2-7-10.2(b), the Lake County Recorder by Affidavit has requested that the sum of \$4,332,448.24 of the Recorder's Perpetuation Fund be used to supplement payment of the expenses of her office for the 2024 calendar year (Exhibit "A"); and

WHEREAS, pursuant to I.C. 36-2-7-10.2 (c), upon receiving the Recorder's Affidavit, the Lake County Council may adopt an Ordinance approving the Recorder's request.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

That the request of the Lake County Recorder requesting that the sum of \$4,332,448.24 of the Recorder's Perpetuation Fund be used to supplement payment of the expenses of her office for the 2024 calendar year is granted.

SO ORDAINED THIS 12th DAY OF SEPTEMBER, 2023.

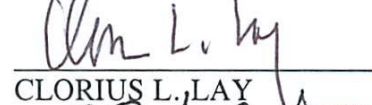
ABSENT
CHARLIE BROWN, President


DAVID HAMM


RANDELL C. NIEMEYER


PETE LINDEMULDER


CHRISTINE CID


CLORIUS L. LAY


TED F. BILSKI

Members of the Lake County Council

**AFFIDAVIT OF LAKE COUNTY RECORDER
REQUESTING TO USE MONIES FROM THE RECORDER'S
RECORDS PERPETUATION FUND TO SUPPLEMENT
THE RECORDER'S 2024 BUDGET**

Gina Pimentel, being duly sworn, says:

1. That I am the duly elected Recorder of Lake County, Indiana.
2. That I am over the age of eighteen (18) years and make this affidavit upon my own personal knowledge.
3. That I am competent to testify to the matter set forth herein.
4. That as a part of my duties, I administer the Lake County Recorder's Record Perpetuation Fund ("Fund").
5. That current revenue in the Fund is sufficient to fulfill the statutory purpose of the Fund.
6. That the technology in the Recorder's Office is presently updated and at a level to sufficiently meet the statutory purposes of the Fund and the Recorder's Office.
7. That the Fund has sufficient reserve, consistent with my plan, to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purposes of the Fund and the Recorder's Office.
8. That I request that the sum of \$ 4,332,448.24 of the Fund be used to supplement payment of the expenses of the Recorder's Office for the 2024 Calendar Year.
9. That I make this affidavit to induce the Lake County Council to adopt an Ordinance under I.C. 36-2-7-10.2(b)(2) approving my request.

I affirm under the penalties for perjury that the foregoing representations are true.

DATED: 8/7/2023

Regina M. Pimentel
GINA PIMENTEL
Lake County Recorder

Ex. A,

In the Matter of Ordinance Amending the Ordinance Adopting the Lake County Plan Commission's Unified Development Ordinance, Ordinance No. 2560 and Repealing and Rescinding the Unincorporated Lake County Zoning Ordinance and Lake County Subdivision Ordinance Regulations No. 1670 Effective October 1, 2023, Ordinance No. 1484A

Lindemulder made the motion, seconded by Niemeyer, to amend the Ordinance Adopting the Lake County Plan Commission's Unified Development Ordinance, Ordinance No. 2560 and Repealing and Rescinding the Unincorporated Lake County Zoning Ordinance and Lake County Subdivision Ordinance Regulations No. 1670 Effective October 1, 2023, Ordinance No. 1484A.

Ned Kovachevich – The Plan Commission recommended approval of this by vote of 6-3. I wrote a staff summary regarding the unfavorable recommendation that I was hoping that the Plan Commission would pass to you based on five or six criteria which I can go over:

The proposed amendment confuses the definitions used by NIRPC for funding in urban areas with our local definitions that concern planning and development in rural areas. As you know unincorporated lake county is mainly rural. There are no urban areas that are really focused on needing the definitions from NIRPC.

Changing the required right-of-way on highways that are not under control of the County could cause an unsafe situation, especially for property that was previously dedicated, where improvements were made under the current provision of 120 feet. I believe the request was to reduce to it 100 feet but, we have a lot of developments that were based on 120 feet.

Eliminating shoulder & ditch improvements on minor subdivisions, after requiring them for over 60 years, does not seem reasonable, especially for commercial or industrial properties.

There is no reason to change the slope of roadside ditches to 3:1 because that is the current requirement in the UDO.

I do not think we need to change anything in the new UDO before it becomes effective until there are problems or issues that present themselves. We have spent over \$250,000 of taxpayer money on consultants and attorneys developing our comprehensive plan and new ordinance over the past seventy years.

Bilski – Tom, in the event that either this passes or it gets declined, what's the process? Does it go back to the planning commission?

O'Donnell – If the amendment is passed, it amends the ordinance. If the amendment is not passed, gets rejected or amended, it goes back to the Plan Commission for a forty-five-day review. If the Plan Commission approves the amendment, or fails to act within forty-five days, the statute says that the ordinance stands as passed by the legislative body as of the date of the filing of the commissions' report. If it goes back to the plan commission, and they disapprove the county council's rejection, then it comes back to the council and the council would then have to either accept their rejection of our rejection, or we could reject the rejection and then it would be done.

Lay – Are they absolutely required to get it back to us in the forty-five days?

O'Donnell – Yes, because the statute says if they don't get it back to us within forty-five days, or they don't act, the ordinance stands as passed by the legislative body as of the date of the filing of the commissions' report of approval with the legislative body at the end of the forty-five-day period.

Cid – So if its rejected, it goes back to the plan commission and they have forty-five days to respond?

O'Donnell – Yes and we would have to give an explanation as to why its rejected.

Cid – So they can approve our recommendations or make any other recommendations and then it comes back to this body? They can reject our reasonings for rejecting and then it comes back to this body? Then we take another vote on it?

O'Donnell – If they approve our rejection, then its just done. It takes effect.

Ned Kovachevich – Clearly the plan commission can't amend it since it originated at the council. Correct? All they can do is take one of those actions.

O'Donnell – They can take no action or reject it.

Niemeyer – So what's at the crux of this issue is what was discussed at the plan commission about the policy of the county and essentially taking property from people when they sub-divide land and while these aren't frequent occurrences, it still has an undue burden on property owners who have worked and paid for

their property. In order to adjust that right-of-way requirement, it was necessary to look at ditch slopes which County Engineer Alverson had checked off on the two to one as adequate. It was also necessary to look at definitions of roads to make sure that we didn't have roads that didn't match the definition as it related to right-of-way dedication so that's why it seems like there's some confusion here but the plan commission voted 6-3 in favor of this recommended amendment as while I respect Mr. Kovachevich's summary of it, I respectfully disagree with it. Its in front of you today as a favorable recommendation.

Cid – I know I wasn't at a meeting when it was voted on but did it come back from the plan commission or was it on second reading?

O'Donnell – No. the UDO passed and then at the next meeting, the motion was made to have the plan commission amend the ordinance for the right of way and the naming of the streets.

Cid – I had a lot of questions about the amendments and how it affected folks and I wanted to suggest that it be placed in a committee so that I could get more of an understanding because its not my expertise by any means. Of course, that did not occur and I did not have a voice on this because I would have voted no at that time. To this day I still do not have an understanding. I would entertain a motion to defer but I don't know the timeline we have on that.

O'Donnell – On receiving or initiating the proposal, the commission has sixty days to hold a public hearing which is what they did. The commission shall then vote on the proposal not later than sixty days after the commission holds that public hearing and then within ten days the commission certifies its proposal to the Lake County Council. The Lake County Council shall then vote on that proposal within ninety days after the plan commission certifies the proposal under section 605. This section applies if the proposal receives a favorable recommendation from the plan commission. The amendment did get a favorable recommendation. At the first regular meeting of their legislative body after the proposal is certified under section 605 or at any subsequent meeting within ninety days. The Lake County Council may adopt, reject, or amend the proposal. So those are the three options you have today: adopt, reject or amend. The legislative body shall give notice of its intention to consider the proposal at that meeting. If the legislative body adopts the proposal as certified, it takes affect as other ordinances of the legislative body. If the legislative body fails to act within ninety days, it takes effect as its proposed from the plan commission. So, if there's no action, the amendment becomes the new ordinance. If the legislative body rejects or amends the proposal, it gets returned to the plan commission for its consideration with a written statement of the reasons for the rejection or the amendment. The plan commission then has forty-five days in which to consider the rejection or amendment and report back to the county council as follows: If the plan commission approves the amendment or fails to act within forty-five days, the ordinance stands as passed by the legislative body as of the date of the filing of the commissions report of approval with the legislative body. In other words, it would be the UDO that was originally passed, not the amendment. If the commission disapproves the rejection or amendment, the action of the legislative body on the original rejection stands only if it is confirmed by another vote on the county council within forty-five days after the commission certifies its disapproval. So, in that scenario, if it goes back to the commission and its 6-3 again, and they say no we reject your rejection, then it comes back to the council and at that point the council has to either reaffirm their vote to reject it or the amendment becomes the rule.

Niemeyer – At the end of the day, this is about government not taking more than what it absolutely needs as it relates to subdividing land. That's what's at the baseline.

Kovachevich – Like every law or every ordinance that we've passed, there's relief provided in the existing ordinance for all of these items. They can come in and ask for waivers from all of these things that they don't feel are necessary as opposed to not requiring them and then trying to get a developer or a petitioner to put them in after the fact.

Niemeyer – Those waivers, with all due respect, allow the bureaucracy of government to lead around taxpayers when they shouldn't be.

Majority voted no. Lindemulder and Niemeyer voted yes. Brown was absent. Motion to approve amendments as presented carried 4-no, 2-yes, 1-absent.

Hamm – I would request that the summary Ned provided be sent to the plan commission.

Niemeyer – That summary was already included in the presentation to the plan commission.

Cid – I thought that Ned was giving reasons why we should return this to the plan commission with further recommendations or amendments?

Bilski – They will go back. These are concerns that the council has. Even though they have been submitted before, they weren't addressed so it's almost like an arbitration or a mediation. We're saying please relook at these suggestions.

Cid – But we're not giving suggestions.

Bilski – We have to. We don't have a choice. We're sending it back to the planning commission with why we rejected it.

Cid – We're not making any amendments to it. We're just rejecting it in my opinion. Three Choices: Adopt as is with the amendment, reject it or do an amendment and send that amendment to the plan commission or do we have to give reason why we're rejecting it?

Hamm – That's what was explained by Mr. O'Donnell.

O'Donnell – It hasn't been rejected. It just hasn't been approved. For a cleaner record, someone should make the motion to reject it or amend it and send it back to the plan commission.

Bilski made the motion to reject the ordinance.

Cid – Usually when we vote on something, its off the table. You don't vote on it again unless you revisit it.

Lay – The motion was whether or not we we're going to amend the ordinance. If we reject it, we must give them a reason for the rejection.

O'Donnell – In the statute, if the legislative body fails to act on the proposal within ninety days, then it becomes the law.

Cid – But we acted on it.

Szarmach – What you did today was somewhat similar to a no action.

Bilski amended his motion to reject the ordinance and forward Ned's recommendations to the board for consideration. Motion was seconded by Hamm. Recommendations are as follows:

"The proposed amendment confuses the definitions used by NIRPC for funding in urban areas with our local definitions that concern planning and development in rural areas.

Changing the required right-of-way on highways that are not under control of the County could cause an unsafe situation, especially for property that was previously dedicated, where improvements were made under the current provision of 120 feet. I believe the request was to reduce to it 100 feet but, we have a lot of developments that were based on 120 feet.

Eliminating shoulder & ditch improvements on minor subdivisions, after requiring them for over 60 years, does not seem reasonable, especially for commercial or industrial properties.

There is no reason to change the slope of roadside ditches to 3:1 because that is the current requirement in the UDO.

I do not think we need to change anything in the new UDO before it becomes effective until there are problems or issues that present themselves. We have spent over \$250,000 of taxpayer money on consultants and attorneys developing our comprehensive plan and new ordinance over the past seventy years. There is a saving provision in our UDO that allows people to apply for a waiver if they feel our requirements are unnecessary."

Niemeyer – The recommended language sent back to the plan commission is language the plan commission has already reviewed and still passed it at a 6-3 vote. Also, this received a favorable 3-0 recommendation of support from the Board of Commissioners as well. So, I don't suspect there will be a great deal of change.

Bilski – Randy with my respect that would be a no vote if it comes back that way or if they look at this as a form of mediation, let's have some compromise.

Majority voted yes. Lindemulder and Niemeyer voted no. Brown was absent. Motion to reject the ordinance and forward Ned's recommendations to the board for consideration carried 4-yes, 2-no, 1-absent.

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

President, Lake County Council

ATTEST:

Peggy Holinga Katona,
Lake County Auditor