

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

And now in obedience to such call, come Ted Bilski, President, David Hamm, Charlie Brown, Daniel Dernulc, Christian Jorgensen and Alfredo Menchaca County Councilpersons, together with Ray Szarmach, County Council Attorney. Councilwoman Christine Cid was absent.

In the Matter of Resolution of the Lake County Council Approving the Refunding of the Lake County 2000 Building Cooperation Ad Valorem Property Tax First Mortgage Bonds Series 2012

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

RESOLUTION NO. 22-09

**RESOLUTION OF THE LAKE COUNTY COUNCIL
APPROVING THE REFUNDING OF THE LAKE COUNTY 2000 BUILDING
CORPORATION AD VALOREM PROPERTY TAX FIRST MORTGAGE BONDS,
SERIES 2012**

WHEREAS, the Lake County 2000 Building Corporation (the "Corporation") has been established as an Indiana nonprofit corporation operating pursuant to the provisions of the Indiana Nonprofit Act of 1991, as amended, Indiana Code 23-17;

WHEREAS, the Corporation and Lake County, Indiana (the "County") entered into a lease agreement, by and between the Corporation and the County, dated August 2, 2000, as amended by a First Amendment to Lease, dated as of July 21, 2010, and by a Second Amendment to Lease dated as of February 15, 2012 (collectively, the "Lease");

WHEREAS, the Corporation has previously issued its Ad Valorem Property Tax First Mortgage Bonds, Series 2012 (the "2012 Bonds" or "Refunded Bonds"), in the original aggregate principal amount of Twenty-Two Million Four Hundred Thousand Dollars (\$22,400,000), pursuant to Indiana Code 36-1-10 as amended (the "Act") and in accordance with a Trust Indenture between the Building Corporation and The Bank of New York Mellon Trust Company, N.A., Indianapolis, Indiana, as trustee, registrar and paying agent (the "Trustee"), dated as of July 15, 2010 (the "Trust Indenture"), as supplemented and amended by a First Supplemental Trust Indenture dated as of March 1, 2012 (collectively, the "Indenture");


WHEREAS, in accordance with Indiana Code 5-1-5, the Corporation desires to provide for the issuance of bonds to refund all or a portion of the Refunded Bonds which are currently outstanding, to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments, to provide a savings to the County;

WHEREAS, the Corporation intends to execute and issue its First Mortgage Refunding Bonds, Series 2022 (the "2022 Bonds") in an aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) (the "Authorized Amount"), in the form and subject to the terms provided in an Supplemental Trust Indenture, to be dated as of the first day of the month in which the 2022 Bonds are issued (the "Second Supplemental Indenture"), for the purpose of providing funds to (a) refund all of the Refunded Bonds, and (b) pay the costs of issuance of the 2022 Bonds, including all the incidental expenses necessary to be incurred in connection with the issuance of the 2022 Bonds or on account thereof;

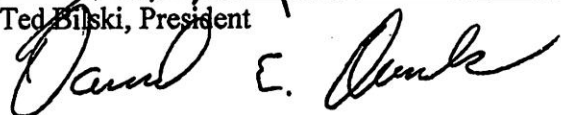
WHEREAS, in accordance with Indiana Code 5-1-5, this Council (the "Council") desires to approve the issuance of bonds by the Corporation to refund all or any portion of the Refunded Bonds which are currently outstanding to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments under the Lease and/or a reduction in the term of the Lease, provide a savings to the County;

PASSED AND ADOPTED by the Lake County Council, Indiana on the 15 day of February, 2022.


LAKE COUNTY COUNCIL



Ted Bilski, President



Daniel Dernulc, Vice-President



Charlie Brown, Member

ABSENT

Christine Cid, Member



David Hamm, Member

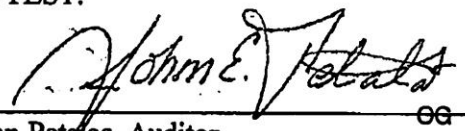


Christian J. Jorgensen, Member



Alfredo Menchaca, Member

ATTEST:



John Petzlas, Auditor

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
LAKE COUNTY, INDIANA APPROVING THE REFUNDING OF THE
LAKE COUNTY 2000 BUILDING CORPORATION AD VALOREM PROPERTY TAX
FIRST MORTGAGE BONDS, SERIES 2012**

WHEREAS, the Lake County 2000 Building Corporation (the "Corporation") has been established as an Indiana nonprofit corporation operating pursuant to the provisions of the Indiana Nonprofit Act of 1991, as amended, Indiana Code 23-17;

WHEREAS, the Corporation and Lake County, Indiana (the "County") entered into a lease agreement, by and between the Corporation and the County, dated August 2, 2000, as amended by a First Amendment to Lease, dated as of July 21, 2010, and by a Second Amendment to Lease dated as of February 15, 2012 (collectively, the "Lease");

WHEREAS, the Corporation has previously issued its Ad Valorem Property Tax First Mortgage Bonds, Series 2012 (the "2012 Bonds" or "Refunded Bonds"), in the original aggregate principal amount of Twenty-Two Million Four Hundred Thousand Dollars (\$22,400,000), pursuant to Indiana Code 36-1-10 as amended (the "Act") and in accordance with a Trust Indenture between the Building Corporation and The Bank of New York Mellon Trust Company, N.A., Indianapolis, Indiana as trustee, registrar and paying agent (the "Trustee"), dated as of July 15, 2010 (the "Trust Indenture"), as supplemented and amended by a First Supplemental Trust Indenture dated as of March 1, 2012 (collectively, the "Indenture");

WHEREAS, in accordance with Indiana Code 5-1-5, the Corporation desires to provide for the issuance of bonds to refund all or a portion of the Refunded Bonds which are currently outstanding, to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments, to provide a savings to the County;

WHEREAS, the Corporation intends to execute and issue its First Mortgage Refunding Bonds, Series 2022 (the "2022 Bonds") in an aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) (the "Authorized Amount"), in the form and subject to the terms provided in an Supplemental Trust Indenture, to be dated as of the first day of the month in which the 2022 Bonds are issued (the "Second Supplemental Indenture"), for the purpose of providing funds to (a) refund all of the Refunded Bonds, and (b) pay the costs of issuance of the 2022 Bonds, including all the incidental expenses necessary to be incurred in connection with the issuance of the 2022 Bonds or on account thereof;

WHEREAS, in accordance with Indiana Code 5-1-5, this Board of Commissioners (the "Board") desires to approve the issuance of bonds by the Corporation to refund all or any portion of the Refunded Bonds which are currently outstanding, to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments under the Third Amendment to Lease (as hereinafter defined), to provide a savings to the County;

WHEREAS, the Board desires to approve a Third Amendment to Lease, between the County and the Corporation (the "Third Amendment to Lease") pursuant to which the fixed annual rentals payable under Lease are amended to correspond to the annual amount of principal and interest due on the 2022 Bonds (as defined below).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The Board hereby approves the issuance by the Corporation of its lease rental revenue refunding bonds, payable from rentals paid under the Third Amendment to Lease (the "2022 Bonds") to refund the Refunded Bonds, and the payment of any and all expenses in connection with such refunding and the issuance of the 2022 Bonds.

SECTION 2. The Board and the Auditor are hereby authorized to execute and deliver the Third Amendment to Lease, in the form approved by the Corporation, with such changes in the form or substance as the Board shall approve, such approval to be conclusively evidenced by the execution thereof.

SECTION 3. The Board hereby deems that it is in the best interests of the County that the 2022 Bonds be sold, in an underwriting or a private placement, in the manner and upon the terms and conditions as determined by the Corporation. If sold pursuant to a Purchase Agreement, the Board hereby approves, and authorizes and directs the Board and the Auditor, for and on behalf of the County, to execute and deliver, and to perform the obligations of the County under, the Purchase Agreement, in the form the Board, with the advice of counsel, determines to be necessary or appropriate, such determination to be conclusively evidenced by the Board's and the Auditor's execution thereof.

SECTION 4. Any officer of the County is hereby authorized and directed to execute and deliver such documents, including a continuing disclosure agreement related to the 2022 Bonds, and take such other actions as such officer deems necessary or desirable to effect the provisions of this Resolution, and any such documents heretofore executed and delivered and any such other actions heretofore taken are hereby ratified and approved.

* * *

IN WITNESS WHEREOF, the Board of Commissioners of the County of Lake, Indiana, have hereunto set their hands, February ____, 2022.

Kyle W. Allen, Sr., Commissioner

Jerry Tippy, Commissioner

Michael C. Repay, Commissioner

Attest:

John Petalas, County Auditor

RESOLUTION NO. 2022-1

**RESOLUTION OF A SPECIAL MEETING OF
THE BOARD OF DIRECTORS OF LAKE COUNTY 2000 BUILDING CORPORATION
AUTHORIZING ISSUANCE OF REFUNDING BONDS AND APPROVING ALL
DOCUMENTS RELATED THERETO**

WHEREAS, the Lake County 2000 Building Corporation (the "Corporation") has been established as an Indiana nonprofit corporation operating pursuant to the provisions of the Indiana Nonprofit Act of 1991, as amended, Indiana Code 23-17;

WHEREAS, the Corporation and Lake County, Indiana (the "County") entered into a lease agreement, by and between the Corporation and the County, dated August 2, 2000, as amended by a First Amendment to Lease, dated as of July 21, 2010, and by a Second Amendment to Lease dated as of February 15, 2012 (collectively, the "Lease");

WHEREAS, the Corporation has previously issued its Ad Valorem Property Tax First Mortgage Bonds, Series 2012 (the "2012 Bonds" or "Refunded Bonds"), in the original aggregate principal amount of Twenty-Two Million Four Hundred Thousand Dollars (\$22,400,000), pursuant to Indiana Code 36-1-10 as amended (the "Act") and in accordance with a Trust Indenture between the Building Corporation and The Bank of New York Mellon Trust Company, N.A., Indianapolis, Indiana, as trustee, registrar and paying agent (the "Trustee"), dated as of July 15, 2010 (the "Trust Indenture"), as supplemented and amended by a First Supplemental Trust Indenture dated as of March 1, 2012 (collectively, the "Indenture");

WHEREAS, in accordance with Indiana Code 5-1-5, the Corporation desires to provide for the issuance of bonds to refund all or a portion of the Refunded Bonds which are currently outstanding, to effect a savings to the Corporation and, by reason of the corresponding reduction in the lease rental payments, to provide a savings to the County;

WHEREAS, the Corporation intends to execute and issue its First Mortgage Refunding Bonds, Series 2022 (the "2022 Bonds") in an aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) (the "Authorized Amount"), in the form and subject to the terms provided in an Supplemental Trust Indenture, to be dated as of the first day of the month in which the 2022 Bonds are issued (the "Second Supplemental Indenture"), for the purpose of providing funds to (a) refund all of the Refunded Bonds, and (b) pay the costs of issuance of the 2022 Bonds, including all the incidental expenses necessary to be incurred in connection with the issuance of the 2022 Bonds or on account thereof;

WHEREAS, Indiana Code § 5-1-5-15 provides that, in connection with the issuance of refunding bonds, an issuing body and the lessee of any building, financed with the proceeds or obligations being refunded may enter into an amendment modifying or amending the provisions of such lease in one or more of the following respects: (i) to provide for a reduction in the amount of lease rental payable by the lessee; (ii) to provide for extensions or reductions of the time set forth in the lease before the option of the lessee to purchase may be exercised to such times as may be agreed upon by the issuing body and the lessee; or (iii) to provide that the lease

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rental payable by the lessee or lessees after redemption of the bonds being refunded may be payable to the trustee under a trust indenture securing such refunding bonds; and

WHEREAS, in accordance with Indiana Code § 5-1-5-15, the Corporation now desires to (i) enter into an amendment to the Lease for the purpose of modifying or amending the term of the Lease and provisions of the Lease to provide for a reduction in the amount of lease rental payable by the County, (ii) approve the issuance of the 2022 Bonds, and (iii) authorize certain actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LAKE COUNTY 2000 BUILDING CORPORATION, AS FOLLOWS:

SECTION 1. The Indenture, as further supplemented, between the Corporation and the Trustee, is hereby approved, in such form as such Officer of the Corporation deems necessary or advisable. The President or any other officer of the Board is hereby authorized and directed to select a financial institution to serve as trustee and to execute and deliver the Indenture, with such changes to the form thereof as such officer deems necessary or advisable, in the name and on behalf of the Corporation, and the Secretary or any other officer of the Board is hereby authorized and directed to attest such execution, and any such execution and delivery and any such attestation heretofore effected are hereby ratified and approved.

SECTION 2. The amendment to the Lease, between the Corporation, as lessor, and the County, as lessee (the "Third Amendment to Lease"), is hereby approved, in such form as such Officer deems necessary or advisable. The President or any other officer of the Corporation is hereby authorized and directed to execute and deliver and the Third Amendment to Lease, with such changes to the form thereof as such officer deems necessary or advisable, in the name and on behalf of the Corporation, and the Secretary or any other officer of the Corporation is hereby authorized and directed to attest such execution, and any such execution and delivery and any such attestation heretofore effected are hereby ratified and approved.

SECTION 3. The issuance, sale and delivery by the Corporation of the 2022 Bonds under the Indenture in the aggregate principal amount not to exceed the Authorized Amount is hereby approved.

SECTION 4. The Escrow Agreement, between the Corporation and the Trustee, as escrow agent, is hereby approved, in such form as such Officer deems necessary or advisable (the "Escrow Agreement"). The President or any other officer of the Corporation is hereby authorized and directed to select a financial institution to serve as escrow agent and execute and deliver the Escrow Agreement, with such changes thereto as such officer deems necessary or advisable, in the name and on behalf of the Corporation, and the Secretary or any other officer of the Corporation is hereby authorized and directed to attest such execution and delivery and any such execution and/or attestation heretofore effected are hereby ratified and approved.

SECTION 5. The Corporation hereby authorizes the sale of the 2022 Bonds through a negotiated sale to any underwriters, banks, financial institutions or other purchasers. With the advice of Cender Dalton Municipal Advisors, municipal advisor, and Taft Stettinius & Hollister LLP, bond counsel, the 2022 Bonds shall be sold to the Purchaser on such terms as are

determined by the President of the Corporation. The President or any other officer of the Corporation is hereby authorized and directed to execute and deliver an official statement and purchase agreement, in such forms as such officer deems necessary or advisable, in the name and on behalf of the Corporation, and the Secretary or any other officer of the Corporation is hereby authorized and directed to attest such execution and delivery and any such execution and/or attestation heretofore effected are hereby ratified and approved.

SECTION 6. As an alternative to an underwriting under Section 5, the Corporation may select a placement agent with respect to the 2022 Bonds. The President or any other officer of the Corporation is hereby authorized and directed to execute and deliver an engagement letter for such services, in the form as such officer deems necessary or advisable, in the name and on behalf of the Corporation. To implement such private placement, the President or any other officer of the Corporation is hereby authorized and directed to execute and deliver the an agreement with the purchaser of the bonds, in such form as such officer deems necessary or advisable, in the name and on behalf of the Corporation, and the Secretary or any other officer of the Corporation is hereby authorized and directed to attest such execution and delivery and any such execution and/or attestation heretofore effected are hereby ratified and approved.

SECTION 7. The President or any other officer of the Corporation is hereby authorized to deem final an official statement with respect to the 2022 Bonds, as of its date, in accordance with the provisions of Rule 15c2-12 of the United States Securities and Exchange Commission, as amended (the "SEC Rule"), subject to completion as permitted by the SEC Rule, and the Corporation further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended with the approval of the President or any other officer in the form of a final official statement. If necessary, the Corporation is authorized to execute and deliver a Continuing Disclosure Agreement in favor of the holders of the 2022 Bonds in compliance with the SEC Rule, which will be in such a form as may be deemed necessary, appropriate or desirable by the President and any other Officer of the Authority, with such changes in form or substance as the Officers of the Authority executing the same may hereafter approve.

SECTION 8. Any member of the Board of Directors of the Corporation is hereby authorized and directed, in the name and on behalf of the Corporation, to execute and deliver such documents and to take such actions as such member deems necessary or desirable to effect the foregoing resolutions, and any such documents heretofore executed and delivered and any such actions heretofore taken are hereby ratified and approved.

* * *

ADOPTED this 10~~4~~ day of February, 2022.

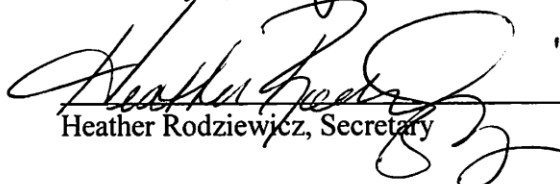
BOARD OF DIRECTORS OF LAKE COUNTY
2000 BUILDING CORPORATION



Anna Marie Gianni Biggs, President



Darien Hayes, Vice President



Heather Rodziewicz, Secretary

**LAKE COUNTY, INDIANA BUILDING CORPORATION
FIRST MORTGAGE REFUNDING BONDS, SERIES 2022**

PROPOSED TIMETABLE
As of February 7, 2022

Issuer/Building Corporation:	Lake County 2000 Building Corporation
County Council:	Lake County Common Council
County Commissioners	Lake County Board of Commissioners
Building Corp/Commissioners Attorney:	Matthew N. Fech, Esq.; John S. Dull, Esq.
Council Attorney:	Ray Szarmach, Esq.
Bond Counsel:	Taft Stettinius & Hollister LLP
Municipal Advisor:	Cender Dalton Municipal Advisors
Underwriter:	Stifel Public Finance
Trustee:	The Bank of New York Mellon Trust Company, N.A.
Refunded Bonds:	\$22,400,000 Lake County, Indiana 2000 Building Corporation Ad Valorem Property Tax First Mortgage Bonds, Series 2012

<u>Date</u>	<u>Activity</u>	<u>Authority</u>
Feb. 10	Local counsel arranges virtual meeting of Board of Directors of Building Corporation (prior to County Council meeting) and gives notice to newspaper of virtual meeting.	Gov. Exec. Order
Feb. 11	Municipal Advisor circulates draft of Preliminary Official Statement to working group for review.	
Feb. 16	Building Corporation holds Annual Meeting and adopts Resolution affirming and appointing members of Building Corporation.	IC 36-1-10
	Building Corporation adopts Resolution: (1) authorizing the issuance of the refunding Bonds; (2) approving the Preliminary Official Statement for the Bonds; and (3) authorizing the execution and delivery of: (a) the Second Supplemental Trust Indenture; (b) the Addendum to Lease; (c) the Escrow Agreement to be entered into between the Building Corporation and the Trustee, if needed; (d) the Bond Purchase Agreement; (e) the final Official Statement for the Bonds; and (f) the Continuing Disclosure Agreement for the benefit of the holders of the Bonds.	IC 36-1-10-21 IC 5-1-5

Taft/

Feb. 16	County Council special meeting to adopt Resolution authorizing issuance of Refunding Bonds. Resolution approved and adopted at same meeting.	IC 5-1-5
Feb. 17	County Commissioners to adopts Resolution: (1) approving the issuance of the Bonds by the Building Corporation; (2) authorizing the execution and delivery of the Second Addendum to Lease; and (3) approving the sale of the Bonds pursuant to the Bond Purchase Agreement.	IC 5-1-5
Feb. 22	Send documents to Rating Agency (S&P) for rating.	
Feb. 25	Building Corporation delivers notice of redemption to Trustee (not less than 45 days prior to redemption date) of its election to redeem the outstanding Refunded Bonds.	Indenture 4.02
March 15	Receive rating from S&P.	
March 22	Bond sale; Building Corporation enters into the Bond Purchase Agreement.	IC 5-1-5-13
March 29	Finalize the Final Official Statement.	
April 12	Pre-Closing.	
April 13	Closing; escrow funding of Refunding Bonds; Trustee delivers notice of redemption to bondholders (between 30-60 days prior to redemption date).	Indenture 4.02

Taft/

WHEREAS, the Council desires to approve a Third Amendment to Lease, between the County and the Corporation (the "Third Amendment to Lease") pursuant to which the fixed annual rentals payable under Lease are amended to correspond to the annual amount of principal and interest due on the 2022 Bonds (as defined below).

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY COUNCIL, AS FOLLOWS:

SECTION 1. The Council hereby approves the issuance by the Corporation of its lease rental revenue refunding bonds, payable from rentals paid under the Third Amendment to Lease (the "2022 Bonds") to refund the Refunded Bonds, and the payment of any and all expenses in connection with such refunding and the issuance of the 2022 Bonds.

SECTION 2. The Board of Commissioners and the Auditor of the County are hereby authorized to execute and deliver the Third Amendment to Lease, in the form approved by the Corporation, with such changes in the form or substance as the Board of Commissioners shall approve, such approval to be conclusively evidenced by the execution thereof.

SECTION 3. The Board of Commissioners, the County Auditor, or any other officer of the County is hereby authorized and directed to execute and deliver such documents and take such other actions as such officer deems necessary or desirable to effect the provisions of this Resolution, and any such documents heretofore executed and delivered and any such other actions heretofore taken are hereby ratified and approved.

* * *

In the Matter of Ordinance to Establish Responsible Business Practices and Submission Requirements for Projects Receiving Economic Incentives from Lake County, Indiana **Second Reading, Deferred 2-8-2022**

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

ORDINANCE NO. 1468B

An Ordinance to Establish Responsible Business Practices and Submission Requirements for Projects Receiving Economic Incentives from the Lake County, Indiana

WHEREAS, for the same sound exercise of fiduciary duty the County Council of Lake County, Indiana saw fit to pass Ordinance No. 1468B establishing adherence to “Establish Responsible Bidding Practices and Submission Requirements for Projects Receiving Economic Incentives from Lake County, Indiana” for contractors submitting bids to perform construction work on public works projects, this Ordinance helps to ensure businesses approved by the County to receive taxpayer subsidized economic incentives on construction projects are responsible businesses; and

WHEREAS, the County is authorized to grant or approve various economic incentives to support and encourage economic development projects in the County; and

WHEREAS, development in the County remains robust and on growth trajectory indicative of continued utilization of economic incentives, including but not limited to tax abatements; and

WHEREAS, the County has determined that establishing criteria to enhance its ability to identify responsible businesses applying for tax abatements and other economic incentives will promote the County's economic health and welfare, will promote public safety and workforce development, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Lake County, Indiana that:

SECTION 1. This Ordinance, entitled “Establish Responsible Bidding Practices and Submission Requirements for Projects Receiving Economic Incentives from Lake County, Indiana,” is hereby enacted and shall read as follows:

I. Application and Process

- (a) This ordinance shall apply to any construction project financed in whole or in part with economic development incentives, including but not limited to property tax abatement, tax increment financing, tax credit, tax deduction, tax exemption, a grant, loan, loan guarantee, or other financial or economic development assistance; and
- (b) The process for managing, tracking, and verifying documents submitted under this Ordinance shall be established by the County.

II. Requirements

- (a) Upon approval of an application for an economic development incentive by the County, and prior to issuing any building permit for the project, the Applicant shall submit a list of contractors and subcontractors, including independent contractors, who will perform work on the project, along with documentation of the following verified under oath by each contractor and subcontractor:

- (1) A copy of a print-out of the Indiana Secretary of State's on-line records for the business dated within sixty (60) days of the submission of said document showing that the business is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing;
- (2) A list identifying all former business names;
- (3) Any determinations by a court of governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts;
- (4) A statement on staffing capabilities, including labor sources;
- (5) Evidence of participation in apprenticeship training programs, approved by and registered with the United States Department of Labor Office of Apprenticeship or successor organization, applicable to the work to be performed on the project; and evidence that all apprenticeship programs have graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the contractor or subcontractor will perform on the project. Evidence of graduation rates are not required for apprenticeable crafts dedicated exclusively to the transportation of material and equipment to and from the public works project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and apprenticeship agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the contractor or subcontractor will perform on the project. Additional evidence of participation and graduation requirements may be requested by the County Council at its discretion.

- (6) A copy of a written plan for employee drug testing that: (i) covers all employees of the contractor/subcontractor who will perform work on the public works project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (7) The name and description of the experience of each of the contractors or subcontractors project managers and superintendents expected to work on the project;
- (8) Proof of any professional or trade license required by law for any trade or specialty area in which a contractor or subcontractor will perform work; and disclosure of any suspension or revocation within the previous five (5) years of any professional or trade license held by the company, or of any director, officer, or manager employed by the company;

- (9) Evidence that the contractor or subcontractor is utilizing a surety company on the United States Department of Treasury’s Listing of Approved Sureties;
 - (10) A written statement of any federal, state, or local tax liens or tax delinquencies owed to any federal, state, or local taxing body in the last five years;
 - (11) A statement that all individuals who will perform work on the project on behalf of contractors or subcontractors will be properly classified as either (i) an employee or (ii) an independent contractor under all applicable state and federal laws and local ordinances;
 - (12) A list of projects of similar size and scope of work that the contractor or subcontractor has performed in the State of Indiana within three (3) years prior to the date on which the bid is due;
- (b) Applicant shall notify the County of any change to the list of contractors and subcontractors performing work on the project within five (5) calendar days of such change, and shall provide the County with the documentation required in section II (a) within ten (10) calendar days of such change.
 - (c) Upon request by the County, Applicant shall obtain payroll information from any contractor or subcontractor on the project and provide the information to the County within five (5) days of being requested.
 - (d) The County shall not issue a building permit for the project until the Applicant submits all documentation requested in section II(a) and the County has verified the information provided.
 - (e) The requirements of section II shall be included in the economic development incentive agreement entered into by the County and Applicant.

III. Public Records

The documentation submitted pursuant to this ordinance, including payroll records, are public records subject to review pursuant to the Indiana Access to Public Records Law.

IV. Termination and Repayment

The County may terminate and require repayment of the economic incentive if Applicant fails to comply with the requirements of Section II. The County will follow the procedures set forth in the parties’ economic development incentive agreement for termination and repayment of benefits, or other applicable agreement.

V. Severability

SECTION 1. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect with the invalid provision.

SECTION 2. It is hereby found and determined that all formal actions of the County Council relating to the passage of this Ordinance were adopted in open meeting(s) of this Council and that all deliberations of this Council and its committees that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Ordinance complies with the County Code, as amended.

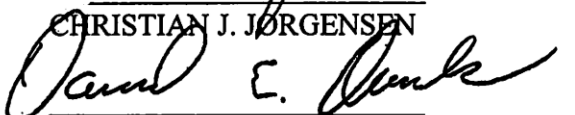
SECTION 3. This Ordinance shall be in full force and effect from and after the date of adoption by the Lake County Council.

PASSED AND ADOPTED by the Lake County Council on the 15 day of February, 2022.


TED F. BILSKI, President


DAVID HAMM


CHRISTIAN J. JØRGENSEN


DANIEL E. DERNULC

ABSENT
CHRISTINE CID


ALFREDO MENCHACA


CHARLIE BROWN

Presented to the Lake County Board of Commissioners by the Lake County Council on the ____ day of _____, 2022.

Clerk-Treasurer

Approved by the Lake County Board of Commissioners this ___ day of _____, 2022.

Kyle Allen, Sr.
1st District

Jerry Tippy
2nd District

Michael Repay
3rd District

ATTEST:

John Petalas, Lake County Auditor

In the Matter of Ordinance to Establish Responsible Bidding Practices and Submission for Submitting Bids to Perform Construction Work on Public Works Projects in Lake County, Indiana **Second Reading, Deferred 2-8-2022**

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

ORDINANCE NO. 1468C

Ordinance to Establish Responsible Bidding Practices and Submission for Submitting Bids to Perform Construction Work on Public Works Projects in Lake County, Indiana

WHEREAS, Lake County is required by law to award capital improvement contracts to the "lowest responsive and responsible" bidder; and

WHEREAS, Lake County, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects requires all bidders meet certain minimum requirements in order to be a "responsive and responsible" bidder; and

WHEREAS, applicable state law also requires that bidders meet certain minimum requirements in order to be a "responsive and responsible" bidder; and

WHEREAS, Lake County seeks to enhance its ability to identify "responsive and responsible" bidders on all City public works construction projects by institution of more comprehensive submission requirements which are in compliance with Indiana State law; and

WHEREAS, the "Responsible Bidding Practices and Submission Requirements" Ordinance will preserve administrative resources by insuring that only qualified contractors and subcontractors are awarded contracts on public works construction projects; and

WHEREAS, the "Responsible Bidding Practices and Submission Requirements" Ordinance will assure efficient use of taxpayer dollars, will promote public safety and is in the public interest; and

WHEREAS, the "Responsible Bidding Practices and Submission Requirements" Ordinance will help ensure that no contractor awarded work under this Ordinance or any subcontractor at any tier working on a project awarded pursuant to this ordinance engages in payroll fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers compensation insurance, unemployment insurance premiums and failing to pay overtime and wages as required by law.

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

SECTION 1. This Ordinance which is entitled "Responsible Bidding Practices and Submission Requirements for Submitting Bids to Perform Construction Work on Public Works Projects, in Lake County, Indiana" is hereby enacted and shall read as follows:

I. Bid Submission Requirements

Contractors proposing to submit bids on any Lake County ("County") project estimated to be at least one-hundred fifty thousand dollars (\$150,000.00) or more must, in order to be considered a "responsive bidder", prior to the opening of bids, submit a statement made

under oath and subject to perjury laws, on a form designated by Lake County and must include:

- (A) A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;
- (B) A list identifying all former business names;
- (C) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts;
- (D) A statement on staffing capabilities, including labor sources;
- (E) Evidence of participation in apprenticeship training programs applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization; and evidence that any applicable apprenticeship program has graduated at least five (5) apprentices in each of the past five (5) years for each of the construction crafts the bidder will perform on the project. Evidence of graduation rates are not required for apprenticeable crafts dedicated exclusively to the transportation of material and equipment to and from the public works project.

The required evidence includes but is not limited to a copy of all applicable apprenticeship standards and Apprenticeship Agreement(s) for any apprentice(s) who will perform work on the public works project; and documentation from each applicable apprenticeship program certifying that it has graduated at least five (5) apprentices in each of the past five (5) years for each construction craft the bidder will perform on the project. Additional evidence of participation and graduation requirements may be requested by the Lake County Council and/or Lake County Board of Commissioners at its discretion.
- (F) A copy of a written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the public works project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;
- (G) The name and description of the management experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project;
- (H) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and disclosure of any suspension or revocation within the previous five years of any professional or trade license held by the company, or of any director, office or manager employed by the bidder;

- (I) Evidence that the bidder is utilizing a surety company on the United States Department of Treasury's Listing of Approved Sureties;
- (J) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five (5) years;
- (K) A statement that individuals who will perform work on the public works project on behalf of the bidder will be properly classified as either (i) an employee or (ii) an independent contractor, under all applicable state and federal laws and local ordinances;
- (L) A list of projects of similar size and scope of work that the bidder has performed in the State of Indiana within three (3) years prior to the date on which the bid is due; and
- (M) For contracts estimated to cost at least three hundred thousand dollars (\$300,000), certification that the bidder and all subcontractors are qualified under IC 4-13.6-4 or IC 8-23-10.
- (N) A written list that discloses the name, address, and type of work for each subcontractor the bidder intends to employ on any part of the public works project, including individuals performing work as independent contractors.

Lake County reserves the right to demand supplemental information from the bidder, additional verification any of the information provided by the bidder, and may conduct random inquiries of the bidder's current and prior customers.

II. Post-Bid Submissions from Subcontractors

Each subcontractor of any tier shall be required to adhere to the requirements of Section I of this Ordinance, but subcontractors shall submit the required information to the successful bidder, who shall then submit said information to the Lake County Board of Commissioners prior to the subcontractor's first day of work on the public works project.

Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default or breach by the successful bidder. However, payment shall be withheld from any subcontractor who fails to timely submit said information until such information is submitted and approved by Lake County. Additionally, Lake County may require the successful bidder and/or relevant subcontractor to remove a subcontractor from the project and replace it with a responsive and responsible subcontractor.

The disclosure of a subcontractor by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or a subcontractor may substitute another subcontractor for a disclosed subcontractor by giving Lake County written notice of the name, address, and type of work the substitute subcontractor will perform. The substitute subcontractor is subject to all of the obligations of a subcontractor under this Ordinance.

III. Validity of Pre-Qualification Classification

Upon designation by Lake County that a bidder's or subcontractor's submission is complete and timely, and upon any further consideration deemed necessary by Lake County, the bidder or subcontractor may be pre-qualified for future City public works projects. Pre-qualification shall exempt the bidder or subcontractor from the comprehensive submission requirements contained herein for a period of twelve (12) months. Thereafter, bidders or subcontractors who are pre-qualified must submit a complete application for continuation of pre-qualified standing, on a form provided by Lake County, (i.e. a "short form") by December 31st for the upcoming calendar year. Failure by any pre-qualified bidder or subcontractor to timely submit its complete application for continuation of pre-qualified standing shall result in automatic removal of the designation effective January 1 of the upcoming year. However, the removed bidder or subcontractor shall still be permitted to bid on or perform work on City public works projects.

Any material changes to a contractor's status, at any time, must be reported in writing within ten (10) days of its occurrence to Lake County. The pre-qualification designation is solely within the discretion of Lake County and Lake County specifically reserves the right to change or revoke the designation for a stated written reason(s).

Denial of pre-qualification shall be in writing and shall be forwarded to the contractor within seven (7) working days of such decision. Any contractor denied or losing pre-qualification status may request reconsideration of the decision by submitting such request in writing to Lake County within five (5) business days of receipt of notice of denial.

IV. Incomplete Submissions by Bidders

It is the sole responsibility of the bidder to comply with all submission requirements herein no later than the public bid opening. Submissions deemed inadequate, incomplete, or untimely by Lake County shall result in the automatic disqualification of the bid.

V. Responsive and Responsible Bidder Determination

After its review of complete and timely submissions, taking into account all information in the submission requirements, Lake County shall in its sole discretion, determine whether a bidder or subcontractor is responsive and responsible. Lake County reserves the right to utilize all information provided in the bidder or subcontractor's submission or any information obtained by Lake County through its own independent verification of the information provided.

VI. Certified Payroll

For projects in which the cost is at least one-hundred fifty thousand dollars (\$150,000), the successful bidder and all subcontractors working on a public works project shall submit a certified payroll report utilizing federal form WH-347 or its successor form, which must be prepared on a weekly basis and submitted to Lake County within ten (10) calendar days after the end of each week in which the successful bidder or subcontractor performed on the public works project. Certified payroll reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician. In the event any successful bidder or subcontractor uses independent contractors to perform work on the

project, such individual must be identified on the federal form WH-347 or successor form with the same information as is required for employees.

Lake County may withhold payment due for work performed by a successful bidder or subcontractor for failure to timely submit their respective certified payroll reports until such time as the reports are submitted. Lake County shall not withhold payment to a successful bidder or subcontractor for failure of the successful bidder or one or more other subcontractors to timely submit their certified payroll reports.

VII. Public Records

All information submitted by a bidder or a subcontractor pursuant to this Ordinance, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).

VIII. Penalties for False, Deceptive, or Fraudulent Statements/Information

Any bidder or subcontractor that willfully makes, or willfully causes to be made, a false, deceptive or fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to Lake County shall be disqualified from bidding or working on all City projects for a period of three (3) years.

IX. Conflicting Ordinances

Any ordinance or provision of any ordinance in conflict with the provisions of this Ordinance is hereby repealed.

X. Severability


If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination; such provisions shall remain in full force and effect.

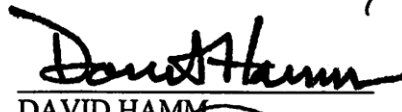

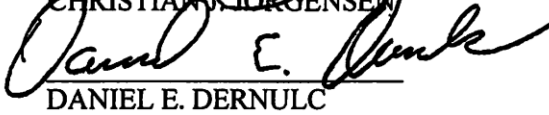
SECTION 2. It is hereby found and determined that all formal actions of the Council relating to the passage of this Ordinance were adopted in open meeting(s) of the Council and that all deliberations of the Council and its committees that resulted in such formal actions, were meetings open to the public, in compliance with all legal requirements and that the reading and adoption of this Ordinance complies with Indiana State Law and Lake County Code, as amended.

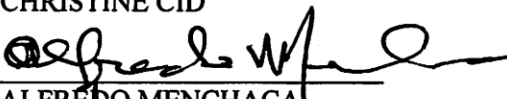
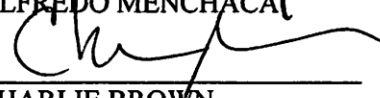
SECTION 3. This Ordinance shall be in full force and effect from and after the date of adoption by Lake County Council of the County of Lake, Indiana.

THIS ORDINANCE RESCINDS AND REPEALS ORDINANCE NO. 1391B ADOPTED ON DECEMBER 8, 2015 AND SUBSEQUENT AMENDMENTS.

PASSED AND ADOPTED by the Lake County Council on the 15 day of February, 2022.


TED F. BILSKI, President


DAVID HAMM

CHRISTIAN K. JORGENSEN

DANIEL E. DERNULC

ABSENT
CHRISTINE CID

ALFREDO MENCHACA

CHARLIE BROWN

Presented to the Lake County Board of Commissioners by the Lake County Council
on the ___ day of _____, 2022.

Clerk-Treasurer

Approved by the Lake County Board of Commissioners this ___ day of _____,
2022.

Kyle Allen, Sr.
1st District

Jerry Tippy
2nd District

Michael Repay
3rd District

ATTEST:

John Petalas, Lake County Auditor

Mayor of Crown Point Mayor Uran: Made presentation about a regional waste water utility project that would improve economic growth and business opportunities:

The IFA under Mr. McGoff has given us an opportunity to look at a regional project. Under that regional project is an opportunity for up to a five-million-dollar match per application. They've looked at the fact that we could actually partner with you guys. With two different applications, the City of Crown Point can put five million in for this application and received a five-million-dollar match from the IFA through a swift grant. This is a transformational type of project that we have the opportunity to work with the state, using the ARP monies, to actually impact not only Crown Point but the South Lake County residents here today and the future residents who are going to call Crown Point or Lake County their home going forward. When you have more rooftops and disposable income, that's an economic opportunity here. But the one thing we could do moving forward is get people off of septic and well water. The first phase is a South East corner plant that would open up opportunities for us to partner with the county and areas that are currently under those current conditions of a septic or have issues in wastewater treatment and have them become partners and do the city of Crown Point's inventory of business and stakeholders. This is a once in a lifetime opportunity to come in from the federal government to the state, to the locals, to build a partner and maximize having partnerships with the local, county, state and the federal government at the same time. Which generally doesn't happen very often. If we can get your guys to be on board with this project, were about two years out from the plant being realized in the southeast corner of the city. Once we are able to do that, the most exciting part of this is that the Lake Michigan watershed ends right around 133rd Avenue, if we are able to have a treatment plant that returns water back to that plant, we're then able to put more water from Lake Michigan in those homes and get people off well water. In the late 90's we switched from well water to Lake Michigan water and that has been absolute driving force of our growth for our community. It's our job as elected officials to make sure that we've changed in today's dynamic of infrastructure. If this project were to move forward, it would be a twenty to fifty-year investment in Lake County.

Jorgensen: Could you could explain a little bit on the geographical area that's going to be covered by this plant?

Uran: The southeast corner of the city would build a treatment plant that can expand. By having this we would take over one million gallons off our current plant.

Jorgensen: Do you already have a location in mind? Is that going to be an issue or is that something you're going to have to figure out?

Uran: It's not going to be an issue. We do not have a contract in place for land acquisition yet. We want to make sure we have willing partners before we make that next step of pinpointing a land location.

Jorgensen: How soon would that money have to be committed?

Uran: We're not asking you guys to deposit money right up front. We're asking for you guys to have a resolution of support of those dollars and let us both do our due diligence and we'll go through the application on your behalf through the IFA and upon approval, they'll let us know when those deposits are due.

Jorgensen: We can set something up between myself and our part of the committee here and any of the commissioners especially since they're going to be involved.

Bilski: Our committee here will set up a meeting with the commissioners. We'll review it and bring it back to our attorneys who will draft a resolution. Allow us seven to vote on a resolution supporting this project and I think that's what you'll need to move forward.

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:

John E. Petalas,
Lake County Auditor