

Topics Tentatively Scheduled for Study Session Discussion and

Topics Requested for Action at Future Business Meetings of the Twenty-Ninth Town Council of Highland

This meeting will be convened as an electronic meeting, pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-25 and now extended by Executive Order 21-05 through March 31, 2021 allowing such meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the emergency.

People may observe and record the meeting for live streaming by joining the meeting on the following link:

<https://zoom.us/j/98983364121?pwd=RWVEZIBNUVduOVFncmV0cXk2MXVwQT09>

Further, persons wishing to offer comment in the meeting may access the electronic meeting by using the preceding and adding the password for Meeting ID 989 8336 4121, password (code): 084574.

**Monday March 01, 2021:
Study Session 6:30 p.m.
Virtual/Electronic meeting**

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive.

- X. Discuss the legal opinion regarding COVID Vaccine. (To be issued)
- X. Discuss term limits on the Town Council, Clerk-Treasurer and on membership on Boards and Commissions.
- X. Discuss the merits of engaging a business process engineering study with an objective to find ways and means to lower cost without loss of quality or output and outcomes.
- X. Discuss process of moving forward on hiring a Town Manager. (Established 02.2005; abolished 12.10.2007) *See the governing law included.*
- X. Disposition of Personal Property and the law.
- X. Discuss the CDBG Agreement for the Urban County Program. (Renew)
- X. Tom Lounges Agreement. (Included)

II.

• **Plenary Business Meeting of Monday March 08, 2021 Likely matters**

- X. Accounts payable vouchers Docket for the period of February 23, 2021, to March 08, 2021 in the amount of \$_____.
- X. Payroll Dockets for the payday of _____, 2021 in the amount of \$_____.
- X. Minutes of the Meeting of Monday February22, 2021.
- X. Public hearing Additional Appropriations Hearing: To consider additional appropriations in the amount of **\$100,000** in the **PUBLIC SAFETY LIT FUND**.
- X. Review compliance with terms of abatements previously approved.

Board or Commission or Appointed Officer	Form or organization	Composition	Appointment Authority
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Statutory Boards & Commissions

<p>1) Town Board of Metropolitan Police Commissioners <i>"Each commissioner shall take and subscribe an oath before the clerk of the county in which the Town is located"</i></p>	<p>Chairman & Vice Chairman IC 36-8-9-4 adopts consistent patterns of the Safety Brds which has chairman IC 36-8-3-3 Also refer IC36-8-9-6(a)</p>	<p>(5) member body Initial body is 3. No more than 2 of same political party. After initial appt of 3, board may be increased by 2 who may not be the same political party. 3 year term <u>Oath</u> by circuit court clerk. Appointees must be of good moral character and legal residents of the Town. If ordinance amended, Town Council members can be appointed with limits.</p>	<p>Legislative Body Town Council Appointment I.C. 36-8-9-3(a)(b) HMC Chapter 9.10</p>
<p>2) Park & Recreation Board</p>	<p>President and Vice President a secretary may be selected from within or without its membership. IC 36-10-3-8(c)</p>	<p>6 member body one an appointee of school board/one an appointee of Library Board. 4 citizens no more than 2 of same political party. 4 year term. Term goes to 1st Monday in January. If not made by first Monday in April continues for a full term. Members shall be appointed on the basis of their interest in and knowledge of parks and recreation. (In towns must be a resident) Oath of Office</p>	<p>Legislative Body (changed 2007) Town Council Appoints 4 citizen members I.C. 36-10-3-4(a) HMC Chapter 11.05 Formerly Municipal Executive as appointing authority School Board Appoints (1) member Lake County Library Board Appoints (1) member</p>
<p>3) Plan Commission</p>	<p>President and Vice President IC 36-7-4-303 Commission may appoint and fix the duties of a secretary who is not required to be a member of the commission. IC 36-7-4-304 Citizen members shall be appointed because of the member's knowledge, and experience in community affairs, the members' awareness of the social, economic, agricultural, and industrial problems of the area and the member's interest in the development of and integration of the area.</p>	<p>7 member panel no more than two of the citizen members may be of the same political party. 4 year term Commences First Monday in January Citizens: IC 36-7-4-218(a)(1)(b) Legislative: IC 36-7-4-217. Certified by exec & clerk. A citizen member may not hold other elective or appointive office in municipal, state or county government and must be a resident.</p>	<p>Split Appointment: Municipal Executive appoints 4 Citizen members I.C. 36-7-4-207(b)(2) HMC Chapter 14.05) Legislative Body appoints 3 persons who shall be elected or appointed officials or employees in municipal government I.C.36-7-4-207(b)(1) HMC Chapter 14.05</p>
<p>4) Advisory Board of Zoning Appeals</p>	<p>Chairman and Vice-Chairman IC 36-7-4-912 May Appoint a secretary and such employees as are necessary for the discharge of its duties. IC 36-7-4-913</p>	<p>5 member panel 4 year term First Monday in January IC 36-7-4-906(b) None of the members of a BZA may hold other elective or appointive office in municipal, county or state government, except as permitted by I.C. 36-7-14-902. Member must be a resident</p>	<p>Triune Appointment: Municipal Executive appoints 3 citizen members - 1 must be a plan commission member; 2 must not be members. I.C. 36-7-4-902(a)(1) Municipal Fiscal Body</p>

**Appointment Authority
 Highland Town Government**

Board or Commission or Appointed Officer	Form or organization	Composition	Appointment Authority
			appoints 1 citizen member who must not be a plan commission member. I.C. 36-7-4-902(a)(2) • Plan Commission appoints 1 member who must be a plan commission member other than the one appointed under subdivision 1 above I.C. 36-7-4-902(a)(3).
5) Board of Sanitary Commissioners	President and Vice President IC 36-9-25-6	5 member panel No more than three of same political party 4 year term oath of office.	Municipal Executive appointment I.C. 36-9-25-3(b)(1).
6) Redevelopment Commission	IC 36-7-14 President, Vice - President and Secretary	5 member panel one year term from January 1 must be 18 years old & reside in unit. Oath of office.	Split appointment: • Municipal Executive appoints 3 members I.C. 36-7-14-6.1 HMC Chapter 14.10 Legislative Body appoints 2 members I.C. 36-7-14-6.1 Ord. No.946 H.M.C.Chapter 14.10
7) Water Works Board of Directors		5 member panel members called Directors w/ oath of office. No more than three of same party. By act of ordinance serve for three year terms. (See HMC 190) Oath of office.	Municipal Executive I.C. 8-1.5-4-2(a)(b). H.M.C.Chapter 12.05
Regional Appointments			
1)Northwest Indiana Regional Planning Commission	Appointee must be a resident of Highland, an <i>elected official</i> and knowledgeable in matters of physical, social, or economic development in the region.	Multi-Member panel One (1) appointment 51 Members called Commissioner :Highland allowed one (1) appointment Term: Serves until recalled	Municipal Executive certified to the MPO IC 36-7-7-4(c)(1)
2)Lake County Convention &Visitor Bureau	No appointee may hold an elective or appointed political office while serving on the bureau. Appointing Authority shall give consideration to appointees knowledgeable about or employed as executives or managers in at least one of the following in the county: Hotel, Motel, Restaurant, Travel, Transportation, Convention, Trade Show; riverboat,banking,real estate, & construction. If not made before July 16	13 Member panel Three (3) year term beginning July 1: Highland allowed one (1) appointment The Executives of the eight (8) largest municipalities shall appoint one member to the bureau. IC 6-9-2-3. Oath & Certificate	Municipal Executive IC 6-9-2-3(c) Note: If a vacancy is not filled within 30 days of vacancy or an appointment is not made by July 16 then the Lt. Governor's appointee shall appoint a qualified person.(IC 6-9-2-3(i).

Board or Commission or Appointed Officer	Form or organization	Composition	Appointment Authority
	or 30 days vacancy.(amended 2007)		
3) Lake County Solid Waste Management District		Multi-member Panel 22-23 persons: Highland allowed one (1) member to be selected from membership of fiscal body.Term is co-extensive with member's elective term. Serves at pleasure of appointing authority.	Fiscal Body(Legislative Body) IC13-9.5-2-5(d)(4).
4) Lake County Public Safety Communications Commission	Appointee must be one of the following: Fire Chief, Police Chief , EMA Director or a Town Council Member. A proxy vote can be granted to a deputy of the public safety representative	Multi-member Panel 19 members. Highland allowed one (1) member Term four years.	Municipal Executive (Town Council President) See Section 31.302(A)(1)(b) of the Lake County Code of Ordinances
Home Rule Boards & Commissions			
Traffic Safety Commission		No less than six members. (1) member from Town Council;2 from the Police Department;1 from the Fire Department;1 from Department of Public Works;1 Police Commissioner; Police Chief is <i>ex officio</i> Chairman(HMC §11-203(c))	Legislative Appointment. HMC Chapter 10.45
Community Events Commission	Chair & Vice Chair	consist of 7 voting members; term of 3 years. Also 9 who are annual and appointed as legislative appt.	Three (3) appointed by Municipal Executive; four (4) appointed by legislative body. Three year terms. 9 for one year terms appointed by legislative body. HMC Chapter 11.15.
TREE BOARD	Chairperson	Consists of 7 voting members, staggered terms	Seven (7) appointed by the municipal executive upon nomination by the Town Council. Municipal executive chooses the chair from the membership of the board. HMC Chapter 8.25.
Main Street Bureau Board of Directors Department of Redevelopment	Chairperson	Consists of not less than 7 and not more than 21 members	The municipal executive shall appoint thre (3) special constituency members (Town Council, Economic Development and Highland chamber, who serve until a successor is appointed. Municipal legislative body chooses up to 17 members, who serve for 2 year terms. HMC Chapter 14.15.

Legislative Appointment means the appointment comes from the Town Council.

Fiscal Body Appointment means the appointment comes from the Town Council.

Municipal Executive Appointment means the appointment comes from the Town Council President.

**Appointment Authority
Highland Town Government**

Board or Commission or Appointed Officer	Form or organization	Composition	Appointment Authority
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Also note:

IC 36-1-8-10 " Board" defined; political affiliation of board appointees

Sec. 10. (a) As used in this section, "board" means an administration, an agency, an authority, a board, a bureau, a commission, a committee, a council, a department, a division, an institution, an office, a service, or another similarly designated body of a political subdivision.

(b) Whenever a law or political subdivision's resolution requires that an appointment to a board be conditioned upon the political affiliation of the appointee, or that the membership of a board not exceed a stated number of members from the same political party, at the time of an appointment, one (1) of the following must apply to the appointee:

- (1) The most recent primary election in Indiana in which the appointee voted was a primary election held by the party with which the appointee claims affiliation.
- (2) If the appointee has never voted in a primary election in Indiana, the appointee is certified as a member of that party by the party's county chair for the county in which the appointee resides.

(c) If a certification by a county chair of a political party is required under subsection (b), the certification must be filed with the office of the circuit court clerk not later than the time the appointee's oath of office is filed with the clerk under IC 5-4-1. If the county chair's certification is not filed with the circuit court clerk's office as required by this subsection, the appointment is void.

(d) Notwithstanding any other law, if the term of an appointed member of a board expires and the appointing authority does not make an appointment to fill the vacancy, both of the following apply:

- (1) The member may continue to serve on the board for *only ninety (90) days* after the expiration date of the member's term.
- (2) The county chair of the political party of the member whose term has expired shall make the appointment.

Special Law for appointments to the Board of Sanitary Commissioners:

IC 36-9-25-3 Establishment of department; composition of board of commissioners; oaths, surety bonds, and compensation of commissioners.

IC 36-9-25-3 (f)

Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

- (1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or
- (2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

(Print optimized 85%)

IC 36-5-5 Chapter 5. Town Manager

- 36-5-5-1 Application of chapter
- 36-5-5-2 Employment; compensation; tenure
- 36-5-5-3 Legislative body members barred
- 36-5-5-4 Joint employment
- 36-5-5-5 Performance bond
- 36-5-5-6 Acting manager
- 36-5-5-7 Bonds, notes, or warrants; prohibition
- 36-5-5-8 Duties
- 36-5-5-9 Police disciplinary body membership barred

IC 36-5-5-1 Application of chapter

Sec. 1. This chapter applies to all towns.

[Local Government Recodification Citation: New.]

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-5-2 Employment; compensation; tenure

Sec. 2. The town legislative body may employ a town manager to be the administrative head of the town government and may fix the manager's compensation and terms of employment. The manager may be employed to serve:

- (1) at the pleasure of the legislative body; or
- (2) for a definite tenure not to exceed the longest remaining term in office of a member of the legislative body, in which case the manager may be dismissed only for cause.

[Pre-Local Government Recodification Citations: 18-3-1.5-1 part; 18-3-1.5-2.]

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.127-2017, SEC.147.

IC 36-5-5-3 Legislative body members barred

Sec. 3. The town legislative body **may not** employ one of its members as the manager.

[Pre-Local Government Recodification Citation: 18-3-1.5-1 part.]

Agenda Building Status Report

- 3 -

The Town of Highland acknowledges its responsibility to comply with the American with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to Municipal sponsored public programs, services and or meetings, the Town of Highland requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and or meeting. To make arrangements, contact the ADA Coordinator for the Town of Highland at (219) 972-7595.

As added by Acts 1980, P.L.212, SEC.4. Amended by Acts 1980, P.L.73, SEC.22.

IC 36-5-5-4 Joint employment

Sec. 4. The legislative bodies of two (2) or more towns may employ the same person as the manager of their respective towns.

[Pre-Local Government Recodification Citation: 18-3-1.5-1 part.]

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-5-5 Performance bond

Sec. 5. The manager must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of the manager's duties.

[Pre-Local Government Recodification Citation: 18-3-1.5-3 part.]

As added by Acts 1980, P.L.212, SEC.4. Amended by Acts 1981, P.L.47, SEC.23; P.L.127-2017, SEC.148.

IC 36-5-5-6 Acting manager

Sec. 6. The town legislative body may appoint a qualified person to perform the duties of the manager whenever the manager is absent or unable to perform the manager's duties.

[Pre-Local Government Recodification Citation: 18-3-1.5-3 part.]

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.127-2017, SEC.149.

IC 36-5-5-7 Bonds, notes, or warrants; prohibition

Sec. 7. The town legislative body may not authorize the manager to issue or execute bonds, notes, or warrants of the town.

[Pre-Local Government Recodification Citation: 18-3-1.5-5.]

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-5-8 Duties

Sec. 8. The manager, under the direction of the town legislative body, is responsible for the administrative duties of the legislative body. Unless a written order or ordinance of the legislative body provides otherwise, the manager:

- (1) shall attend the meetings of the legislative body and recommend actions the manager considers advisable;
- (2) shall hire town employees according to the pay schedules and standards fixed by the legislative body or by statute;
- (3) shall suspend, discharge, remove, or transfer town employees, if necessary for the welfare of the town;
- (4) may delegate any of the manager's powers to an employee responsible to the manager;
- (5) shall administer and enforce all ordinances, orders, and resolutions of the legislative body;
- (6) shall see that all statutes that are required to be administered by the legislative body or a town officer subject to the control of the legislative body are faithfully administered;
- (7) shall prepare budget estimates and submit them to the legislative body when required;
- (8) shall execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of the appropriations, notice, and competitive bidding required by statute; and
- (9) may receive service of summons on behalf of the town.

[Pre-Local Government Recodification Citations: 18-3-1.5-4; 18-3-1.5-6.]

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.127-2017, SEC.150.

IC 36-5-5-9 Police disciplinary body membership barred

Sec. 9. The manager may not serve as a member of anybody that hears disciplinary charges against:

Agenda Building Status Report

- 5 -

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(1) the town marshal; or

(2) a member of the town police department.

As added by P.L.343-1987, SEC.1.

IC 5-22-22 Chapter 22. Disposition of Surplus Personal Property by a Governmental Body

IC 5-22-22-1 Applicability of chapter

Sec. 1. (a) This chapter applies only to personal property owned by a governmental body.

(b) This chapter does not apply to dispositions of property described in any of the following:

- (1) IC 5-22-21-1(b).
- (2) IC 36-1-11-5.5.
- (3) IC 36-1-11-5.7.

(c) This chapter does not apply to any of the following:

- (1) The disposal of property under an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.
- (2) The lease of school buildings under IC 20-47.
- (3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.
- (4) The disposal of property by a redevelopment commission established under IC 36-7.
- (5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.
- (6) The disposal of a municipally owned utility under IC 8-1.5.
- (7) The sale or lease of property by a unit (as defined in IC 36-1-2-23) to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.
- (8) The disposal of surplus property by a hospital established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- (9) The sale or lease of property acquired under IC 36-7-13 for industrial development.
- (10) The sale, lease, or disposal of property by a local hospital authority under IC 5-1-4.
- (11) The sale or other disposition of property by a county or municipality to finance housing under IC 5-20-2.
- (12) The disposition of property by a soil and water conservation district under IC 14-32.
- (13) The disposal of surplus property by the health and hospital corporation established and operated under IC 16-22-8.
- (14) The disposal of personal property by a library board under IC 36-12-3-5(c).
- (15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.
- (16) The disposal of an interest in property by a housing authority under IC 36-7-18.
- (17) The disposal of property under IC 36-9-37-26.
- (18) The disposal of property used for park purposes under IC 36-10-7-8.
- (19) The disposal of curricular materials that will no longer be used by school corporations under IC 20-26-12.

- (20) The disposal of residential structures or improvements by a municipal corporation without consideration to:
- (A) a governmental body; or
 - (B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.
- (21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:
- (A) listed on the National Register of Historic Places; or
 - (B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.
- (22) The disposal of real property without consideration to:
- (A) a governmental body; or
 - (B) a nonprofit corporation that exists for the primary purpose of enhancing the environment; when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.
- (23) The disposal of property to a person under an agreement between the person and a governmental body under IC 5-23.

As added by P.L.49-1997, SEC.1. Amended by P.L.1-2005, SEC.86; P.L.184-2005, SEC.3; P.L.2-2006, SEC.33; P.L.188-2007, SEC.1; P.L.118-2013, SEC.1; P.L.286-2013, SEC.3.

IC 5-22-22-2 Applicability of laws regarding disposition of state surplus personal property

Sec. 2. If the property is owned by a state agency, IC 5-22-21, to the extent applicable, also applies to the disposition of the property.

As added by P.L.49-1997, SEC.1.

IC 5-22-22-3 Sale by purchasing agent

Sec. 3. A purchasing agency may sell property that:

- (1) has been left in the custody of an officer or employee of a governmental body and has remained unclaimed for more than one (1) year; or
- (2) belongs to the governmental body but is no longer needed or is unfit for the purpose for which it was intended.

As added by P.L.49-1997, SEC.1.

IC 5-22-22-4 Use of auctioneer

Sec. 4. (a) Except as provided in subsection (b), if the property to be sold is:

- (1) one (1) item, with an estimated value of one thousand dollars (\$1,000) or more; or
- (2) more than one (1) item, with an estimated total value of five thousand dollars (\$5,000) or more;

the purchasing agency may engage an auctioneer licensed under IC 25-6.1 to advertise the sale and conduct a public auction.

(b) This subsection applies if the property to be sold is property that belongs to a state agency. If the property is not to be sold under section 4.5 of this chapter, the commissioner of the Indiana department of administration shall sell the property

under this section. In engaging an auctioneer under this section, the commissioner shall give preference to an auctioneer to conduct the public auction who is also a resident of Indiana.

(c) The advertising by an auctioneer under this section must include a detailed description of the property to be sold.

(d) The purchasing agency shall pay an auctioneer who conducts a sale under this section from the gross proceeds of the sale received before other expenses and liens are paid.

As added by P.L.49-1997, SEC.1. Amended by P.L.58-2018, SEC.2.

IC 5-22-22-4.5 Internet sales; costs

Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

- (1) The site is approved by the office of technology established by IC 4-13.1-2-1.
- (2) The site is linked to the electronic gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology.

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

As added by P.L.31-2002, SEC.5. Amended by P.L.198-2007, SEC.3.

IC 5-22-22-4.7 Sale of state surplus property; sale on Internet auction site; preference for site owned or operated by licensed Indiana auctioneer.

Sec. 4.7. (a) This section applies only if both of the following apply:

- (1) The property to be sold is property that belongs to a state agency.
- (2) The property will be sold under section 4.5 of this chapter.

(b) If the purchasing agency sells surplus property using an Internet auction site, in addition to the requirements for an Internet auction site under section 4.5 of this chapter, the purchasing agency shall give preference in selection of the Internet auction site to Internet auction sites owned or operated by a person licensed under IC 25-6.1.

As added by P.L.58-2018, SEC.3.

IC 5-22-22-5 Public sale or sealed bids; advertisements

Sec. 5. (a) If:

- (1) an auctioneer is not engaged under section 4 of this chapter; or
 - (2) the surplus property is not sold through an Internet auction site under section 4.5 of this chapter;
- the purchasing agency shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of sale.

(b) Advertisement of the sale shall be made in accordance with IC 5-3-1.

(c) All sales shall be made to the highest responsible bidder.

As added by P.L.49-1997, SEC.1. Amended by P.L.31-2002, SEC.6.

IC 5-22-22-6 Public or private sale or transfer without advertising

Sec. 6. If the property to be sold is:

- (1) one (1) item, with an estimated value of less than one thousand dollars (\$1,000); or
- (2) more than one (1) item, with an estimated total value of less than five thousand dollars (\$5,000);
the purchasing agency may sell the property at a public or private sale or transfer the property, without advertising.

As added by P.L.49-1997, SEC.1.

IC 5-22-22-7 Sale or transfer of recyclable property

Sec. 7. If the property to be sold is material that:

- (1) may be recycled; and
- (2) has been collected in conjunction with a recycling program;
the purchasing agency may, without advertising, sell the property at a public or private sale or transfer the property.

As added by P.L.49-1997, SEC.1.

IC 5-22-22-8 Worthless property

Sec. 8. (a) If the property is worthless, it may be demolished or junked.

(b) For purposes of this section and IC 5-22-21-6 (4)(B), property may be considered worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property.

As added by P.L.49-1997, SEC.1. Amended by P.L.7-1998, SEC.11.

IC 5-22-22-9 Disposal of law enforcement vehicles

Sec. 9. (a) If a purchasing agency disposes of a law enforcement vehicle that is a model year of 1994 or after and is painted in a color scheme of more than one (1) color by transferring the vehicle to:

- (1) a person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle in:
 - (A) a monochrome color scheme; or
 - (B) a color scheme that does not duplicate the color scheme of an Indiana law enforcement vehicle;
before the vehicle is operated on a public highway in Indiana;
- (2) a person who will sell or otherwise transfer the vehicle to another person who will operate the vehicle on a public highway in Indiana, the person must repaint the vehicle in:
 - (A) a monochrome color scheme; or
 - (B) a color scheme that does not duplicate the color scheme of an Indiana law enforcement vehicle;
before the vehicle is sold or otherwise transferred to the other person to be operated on a public highway in Indiana;
- (3) a person who will sell or otherwise transfer the vehicle to another person who will not operate the vehicle on a public highway in Indiana, the person is not required to repaint the vehicle before the vehicle is sold or otherwise transferred to the other person; or
- (4) another governmental body, the governmental body is not required to repaint the vehicle before the vehicle is operated on a public highway in Indiana.

(b) Before a purchasing agency disposes of a law enforcement vehicle that is painted in a color scheme of more than one (1) color, the purchasing agency must provide a copy of this subsection to the prospective purchaser of the vehicle.

(c) A person who violates this section commits a Class C infraction.
As added by P.L.49-1997, SEC.1.

IC 5-22-22-10 Exchange of property between purchasing agency and governmental body

Sec. 10. (a) A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity.

(b) A transfer under this section may be made for any amount of property or cash as agreed upon by the governmental bodies.
As added by P.L.49-1997, SEC.1.

IC 5-22-22-11 Notice of sale

Sec. 11. (a) Notice of a sale under this chapter must be given by publication of the time, place, and terms of the sale, as provided in IC 5-3-1 in the county where the property is located. The publication shall be made at least fifteen (15) days before the date of the sale.

(b) Notice under this section is required in addition to notice:

- (1) given by an auctioneer under section 4 of this chapter; or
- (2) provided by an Internet auction site under section 4.5 of this chapter.

As added by P.L.49-1997, SEC.1. Amended by P.L.31-2002, SEC.7.

IC 5-22-22-12 Transfer to volunteer fire department, fire protection district, or fire protection territory

Sec. 12. (a) This section applies to the following surplus property:

- (1) Fire trucks.
- (2) Emergency service vehicles.
- (3) Firefighting or emergency services equipment.

(b) As used in this section, "fire department" refers to any of the following:

- (1) A volunteer fire department (as defined in IC 36-8-12-2).
- (2) The board of fire trustees of a fire protection district established under IC 36-8-11.
- (3) The provider unit of a fire protection territory established under IC 36-8-19.

(c) Notwithstanding section 4, 4.5, or 5 of this chapter, a governmental body may transfer title of surplus property to a fire department for the fire department's use in providing fire protection or emergency services.

(d) A fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the fire departments located in the same county as the governmental body may be transferred to any fire department in Indiana.

(e) A governmental body may transfer title of surplus property to a fire department under this section by:

(1) sale;

(2) gift; or

(3) another arrangement acceptable to the governmental body and the fire department.

As added by P.L.83-1998, SEC.1. Amended by P.L.1-1999, SEC.8; P.L.31-2002, SEC.8; P.L.128-2008, SEC.5.



**LAKE COUNTY
COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT**

2293 N. Main Street • Crown Point, In 46307
Tel. (219) 755-3225 • Fax (219) 736-5925
www.lakecountyin.org

Executive Director
Timothy A. Brown

February 5, 2021

Mr. Michael Griffin
Clerk Treasurer
3333 Ridge Road
Highland, IN 46322

Timothy A. Brown

RE: Urban County Qualification Process
Lake County, Indiana
Federal Fiscal Years 2022-2023-2024

Dear Mr. Griffin:

We have just received approval from the U.S. Department of Housing and Urban Development (HUD) to proceed with the qualification process necessary for Urban Counties to participate in the Community Development Block Grant (CDBG) "Entitlement" program years 2022 through 2024.

This letter constitutes notification to your Municipality that Lake County intends again to pursue funding under the Community Development Block Grant as an "Urban County". You are also notified that the County intends to include the population of your Municipality as part of the population necessary to qualify Lake County for "Urban County" status. To be a participant in the program, you must have all executed documents in our office no later than **June 18, 2021**.

Should a unit of general local government not wish to participate, it must notify the County and HUD by June 18, 2021. The decision to participate, or not to participate, will be effective for the three (3) year period for which the County qualifies as an Urban County. During this period included units of general local government are not eligible to apply for grants under the small cities or state CDBG programs, and in becoming a part of the Urban County, Communities are also participating in the HOME Investment Partnership Program. Currently, HOME funds are being used for a County-Wide Rehabilitation Loan Program.

The U.S. Department of Housing and Urban Development (HUD) has determined that Lake County, Indiana has the powers to undertake essential community development and housing assistance activities. Under IC 36-7, the County has the powers necessary to undertake such activities in any of the County's units of general government, without the consent of the governing body of the locality, if that unit of general local government has not activated its own Department of Redevelopment.

The current Cooperation Agreements initiated by sixteen (16) Lake County municipalities in 2018 have provided their funding for Federal Fiscal Year 2022, 2023 and 2024. It will now be necessary to re-qualify the Urban County Program for another three (3) years. The County has until July 23, 2021 to submit all qualification documentation to the HUD Area Field Office.

To expedite the qualification process we have enclosed four (4) copies of a resolution to be adopted by your legislative body and four (4) copies of the Cooperation Agreement to be executed by your Chief Executive. **Please execute these agreements at your next meeting and return them to our office as soon as possible.** When the Lake County Board of Commissioners appropriately executes them, two (2) copies of each will be returned to you.

We would like to try to participate at your meeting when adopting the resolution. Please call Ms. Lori Burke at (219) 755-3230 when your meeting is scheduled so we can hopefully attend.

Thank you for your cooperation in making the Urban County Program a success. If you have any questions, please do not hesitate to contact me at (219) 755-3236.

Sincerely,



Timothy A. Brown,
Executive Director

Enclosures: (4) Agreements
(4) Resolutions

LOUNGES ENTERTAINMENT, LLC

Mr. Michael Griffin
Highland Clerk-Treasurer
3333 Ridge Road
Highland, IN 46322

February 10, 2021

Dear Mr. Griffin & Members of The Highland Town Council:

Tom Lounges Entertainment, LLC is once again happy to provide the live entertainment and stage production for the annual *Highland Fourth of July Summer Festival*.

Accompanying this letter, is the contract for the budget given to me and agreed upon during my recent meeting with the **Highland Council of Community Events**. The entertainment schedule and individual artist performance contracts for the 2021 summer event will be secured once The Town of Highland approves and returns the contract.

As always, our company provides a full-service and stress free package -- handling all artist bookings, issuing compensation checks and end of year 1099s, providing quality stage production, and overseeing every aspect of the stage. We also providing a live emcee to do daily stage announcements during peak hours and to welcome audiences to the stage. Having Tom Lounges Entertainment, LLC create multiple days of live entertainment and stage production for one agreed upon fee, frees the committee from collecting and dispersing individual W9 forms, doing daily pay outs to each entertainer, having to negotiate individual contracts, deal with scheduling issues, parking passes, and trouble-shooting.

Part of the Tom Lounges Entertainment, LLC one-stop shop package, is also professionally pre-recording daily fest announcements, then built into daily music playlists heard on the stage PA. These include upcoming artists, PSAs, sponsor mentions, etc. all woven into the music.

I enjoy maintaining a strong and positive relationship with the Highland community and appreciate once again being a key part of its Fourth of July Summer Festival.

Sincerely,



Tom Lounges - Owner & President
Tom Lounges Entertainment, LLC
104 Fraser Lane - Hobart, IN 46342
(219) 781-9131 / Beatboss@aol.com

TOM LOUNGES ENTERTAINMENT, LLC

2021 AGREEMENT FOR ENTERTAINMENT & STAGE SERVICES

SUMMER FESTIVAL ENTERTAINMENT BUDGET: \$30,000.00

SPECIALY ALLOCATED PRODUCTION BUDGET: \$3,000.00

TOTAL AGREED BUDGET: \$33,000.00

a) The above budget is the stand alone agreed price for the service of managing the entertainment stage for the **2021 Highland Fourth of July Summer Festival**. The five (5) dates of that contracted 2021 event are: **June 30th, July 1st, July 2nd, July 3rd and July 4th**. This service includes providing appropriate stage PA for the events, a sound engineer when live entertainment is presented, and all entertainment bookings and payments.

As part of this one-stop/turn-key package, Tom Lounges Entertainment, LLC will also provide a live daily stage emcee, an on-site production trailer used which doubles as an artist dressing room/cooling station, custom-recorded announcements inserted into daily music to play through PA that is appropriate to each day's theme or musical genre. Our company also actively promotes events that it produces.

Payments pertaining to this contract are to be made payable by cashier's check, money order, or municipal check to: **Tom Lounges Entertainment, LLC**, with 50% of the agreed upon total budget (\$16,500.00) paid no less than **60 days** in advance of the first day of the contracted event (4/30/21), with the remaining balance (\$16,500.00) due in full on or before the final day of the series (7/4/21).

b) Should any scheduled concert performance be prevented or delayed by any weather conditions once the artist and production crew is on the event grounds, full payment for that day's scheduled performance must be paid in full according to the terms of the individual artist contracts and this contract with Tom Lounges Entertainment, LLC. If any concert performance is cancelled prior to the arrival on the event grounds by the artist and production crew, a 50% cancellation fee of the agreed payment will be made.

However, in the event a performance is prevented, rendered impossible or infeasible by any act of regulation of any public authority or bureau, governmental mandates, civil tumult, strike, epidemic/pandemic (*i.e. COVID-19*), war conditions, natural disaster, or any cause beyond the control of the parties, it is fully understood and agreed that there shall be no claim for damages by any party to this contract and that all obligations (including wages) under this Agreement shall be deemed fully waived and non-enforceable.

In the event of an emergency, should illness or accident prevent a scheduled artist from performing as contracted, Tom Lounges Entertainment, LLC will have the sole discretion to substitute with another comparable artist to fulfill the contracted date.

c) The final price may differ from the above budget price if the Highland Council of Community Events Board makes any notable changes or additions to the current event hours or length of each events' run. If so, both parties will sign an amendment to this agreement pertaining to said changes and any additional costs incurred.

d) Highland Council of Community Events Board and The Town of Highland agrees to hold Tom Lounges and Tom Lounges Entertainment, LLC blameless and in no way liable in the event of any mishaps or accidents causing injury or death on Main Square Park Grounds during the course of this contract. Tom Lounges Entertainment, LLC agrees to have a company certificate of insurance on file covering the performance dates it produces.

e) Highland Council of Community Events Board and The Town of Highland agrees to provide electrical access to Tom Lounges Entertainment, LLC at no cost for its production trailer, and grants use of its event logo and public information for online promoting of the said contracted events. Also agreeing to provide a link from its official web page to any specially-created online pages promoting said contracted events.

Submitted by: Tom Lounges Entertainment, LLC

X Tom Lounges
Tom Lounges
Date: February 12, 2021

Accepted by: The Highland Council of Community Events & Town Council Of Highland

By: X _____

Print Name: _____

Title: _____ Date: _____