

# Little Calumet River Basin Development Commission

6100 Southport Road  
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653  
E-mail: littlecal@nirpc.org

DAN DERNULC, Chairman  
Governor's Appointment

WILLIAM BAKER, Vice-Chairman  
Governor's Appointment

R. KENT GURLEY, Treasurer  
Lake County Commissioners' Appointment

MARK GORDISH, Secretary  
Mayor of Hammond's Appointment

WILLIAM BILLER  
Governor's Appointment

ARLENE COLVIN  
Mayor of Gary's Appointment

RON McAHRON  
Dept. of Natural Resources' Appointment

JOHN MRDZKOWSKI  
Governor's Appointment

VACANCY  
Governor's Appointment

VACANCY  
Governor's Appointment

VACANCY  
Porter County Commissioners' Appointment

VACANCY  
Executive Director

LOU CASALE  
Attorney

## MEETING NOTICE

THERE WILL BE A MEETING OF THE  
LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

AT 6:00 P.M. WEDNESDAY, FEBRUARY 4, 2009  
5:30 WORK STUDY SESSION

AT THE MUNSTER TOWN HALL  
1005 Ridge Road, Munster, Indiana

## AGENDA

1. Call to order by Chairman Dan Dernulc
2. Pledge of Allegiance
3. Recognition of Visitors and Guests
4. Approval of Minutes from January 7, 2009 1-5  
Approval of Minutes from January 21, 2009 6-7
5. Chairman's Report
  - Army Corps presentation to LCRBDC officers
6. Action Required:
  - Finance: Approval of claims for January 2009 8-9
  - Approval of O&M claims for January 2009 10
  - Approval of NIRPC contract
  - Other Action?
  - Land Acq: Any Action?
7. Standing Committees:
  - A. Search Committee - Ron McAhron
    - Proposals received on December 17, 2008 from four engineering firms

Make M. Zurek's  
part of  
minutes

808  
1-5  
6-7

B. Finance Committee – Treasurer Kent Gurley

- Financial Status Report for end of December 2008
- NIRPC invoice for December 2008
- Letter from RDA dated 12/31/08

11  
12  
13

C. Land Acquisition/Land Management Committee – Arlene Colvin  
Land Acquisition

- Acquisitions for Stage VII & VIII

Land Management – Bill Baker

- Farm Lease bids due before March meeting

D. Project Engineering Committee – Jim Pokrajac

- Status of Stage V-2 pipeline corridor
- Status of Stage VII utilities
- Status of Stage VIII utilities
- Stage VIII back check set engineering review submitted to Corps 1/23/09

E. Operation & Maintenance – Jim Pokrajac

- Emergency O&M included in RDA money
- Meeting 1/29/09 with FEMA for emergency response reimbursement

F. O&M Funding Committee – Chairman Kent Gurley

G. Legislative Committee – Ron McAhron

- 2009/11 legislative session started January 1, 2009; ends April 30, 2009
- Proposed legislative bills for this session

- Senate Bill No. 185

- House Bill No. 1692

- House Bill No. 1716

14-15  
16-19  
20-23

8. Other Issues / New Business

9. Statements to the Board from the Floor

10. Set date for next meeting; adjournment

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT**  
**COMMISSION HELD AT 6:00 P.M. WEDNESDAY, JANUARY 7, 2009**

**Held at**  
**Munster Town Hall,**  
**1005 Ridge Road, Munster, IN**

Chairman Bill Biller called the meeting to order at 6:05 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Chairman Biller thanked the visitors for coming.

**Development Commissioners:**

Mark Gordish  
Robert Huffman  
Arlene Colvin  
William Baker  
Ron McAhron  
Kent Gurley  
Bill Biller  
John Mroczkowski  
Dan Dernule

**Staff:**

Jim Pokrajac  
Sandy Mordus  
Lou Casale  
Judy Vamos  
Lorraine Kray  
Jody Melton

**Visitors:**

Patricia Piekarczyk – Munster  
Pat Huber – Munster  
Bill Petrites - Highland  
Susan Wood- Munster  
Barbara Whitaker - Munster  
Rich Kunicich - Munster  
Greg Starrett – Munster  
Tom/Judy Chulipski – 644 River Dr.  
Ruth Mores – Southmoor Rd, Hamd.  
Steve Yekel – Munster  
Dean Button – SEH, Munster  
Linda Poltrock - Munster  
B. Packard – Munster  
Jason Reeves - Gary  
David Nellans – Munster Town Council  
John Brooks – Munster  
Jerry Markovich - Munster  
Bill Howard - Munster  
Thomas Hayes – Munster  
John Mogle – 8205 Baring  
Gilbert/Christin Alvarez-8015 Howard

**Visitors:**

Joan/Mike Baker - 8034 Howard  
Dennis Rittenmeyer – 8517 Northcote  
Lorraine Durham - Munster  
George/Cathy Sperka – 8008 Greenwood  
Malina Hnatusko - Munster  
Vanessa Villarreal - USACOE  
Lynne Whelan - USACOE  
Fred Connor - Munster  
William Coomes – 1832 S. River Drive  
Ray Kasmak – 1339 MacArthur Blvd.  
Dennis Harper – 242 Timrick  
Greg Kaplan - Munster  
Ray Candelaria – Munster  
Irene Behling - Munster  
Pat/Bob Olson - Munster  
James Dedelow - Munster  
Helen Brown – Munster Town Council  
B. Wilson - Munster  
Gail Magsaysay – 8128 Oakwood  
Steve Enger - Munster  
Leon/Alice Kozlowski - Munster  
Tom Keilman – BP, Whiting  
Elizabeth Howard - Munster  
Bridget Bodefild - Munster  
P. Robert Raffin - Munster  
James Kaspar - Munster  
Stephen Jadrnak - Hammond  
Mike Zarantanelle - Munster  
Tina Kutkoski - Hammond  
Paul/MaryLou Daniels – 8308 Castle Drive  
Bob/Judy Paulson – 8240 Northcote  
Ronnie Smith - Northcote  
Frank Camilli - Schererville  
Mike Wood - Munster  
Brian Glaze – DLZ, Hammond  
Michael Jabo – DLZ, Hammond  
Robert Farag – Griffith Golf Center  
Marc Campagna – Munster  
Sean Adley - Munster  
Eileen Curosh - Munster

Visitors(continued)

Raymond S---- – Hammond

Stan Slazyk – Munster

Denis Buksa – Munster

Richard/Linda Cook – Griffith

Roy Deda – USACOE

Imad Samara - USACOE

Nominating Committee Report (Arlene Colvin, Mark Gordish, Kent Gurley) – Arlene Colvin reported that the committee has met and has recommended a slate of officers that live in the project area. Their recommendation for officers for 2009 were as follows: Dan Dernulc as Chairman; William Baker as Vice Chairman; Kent Gurley as Treasurer; and Mark Gordish as Secretary. There were no other nominations from the floor. Ms. Colvin proceeded to make a motion to elect Dan Dernulc as Chairman; motion seconded by Mark Gordish; motion passed unanimously. Ms. Colvin then made a motion to elect William Baker as Vice Chairman; motion seconded by Ron McAhron; motion passed unanimously. Ms. Colvin then made a motion to elect Kent Gurley as Treasurer; motion seconded by Dan Dernulc; motion passed unanimously. Ms. Colvin then made a motion to elect Mark Gordish as Secretary; motion seconded by Ron McAhron; motion passed unanimously. Leadership of the Commission was turned over to Dan Dernulc.

Bob Huffman made a motion to approve the minutes of the December 3 Board meeting; motion seconded by Arlene Colvin; motion passed unanimously.

Chairman's Report – Chairman Dan Dernulc read a letter of resignation from Dave Burrus, who was the Porter County Commissioners' appointment.

- Chairman Dernulc referred to the newspaper articles that declared the State Board of Accounts audit was clean and it found no wrongdoing or misuse of funds on behalf of the Commission. The Commission started to shut down operation because it was out of funds to continue the work, consequently, the RDA released \$1,701,742 to the Commission on December 31. The Commission had previously estimated this amount for the three month period of January, February, and March and the RDA complied with this request.

Action Required – Treasurer Kent Gurley presented items for action.

- Mr. Gurley proceeded to void out the year end budget transfer found on page 6 and the year end budget report found on page 8 in the agenda packet.
- Mr. Gurley referred to the Monthly Budget report distributed to members which list monies that the Commission has in the bank. There is no projection of future funds. The report lists funds to a total of \$1,861,587 for the administrative and land acquisition/project development total. There is \$109,162 for Commission-generated revenues; remaining state funds is \$50,683; and the RDA advancement of the \$1,701,742 total the budget amount of \$1,861,587. Although it is anticipated that the Commission would receive at least \$2 million in the 09/11 biennium, that money is not reflected in any financial reports. Mr. Gurley made a motion to accept the first quarter of 2009 as presented; Bill Biller seconded the motion; motion passed unanimously 9-0 on a roll call vote.



This budget is prepared for the first quarter of 2009 only. Before we received the RDA monies, the Commission's liabilities exceeded the assets.

- Mr. Gurley referred to the revised claims payable for December distributed to the members at a total of \$914,082.32 and made a motion to approve the claims; motion seconded by Bob Huffman; motion passed unanimously 9-0 on a roll call vote. The reason the claim sheet does not match monthly budget report is because some of the claims had already been approved at the December Board meeting. Mr. Gurley stated that a claim for DC-1303 is not on the claims approval list at this time.
- Mr. Gurley made a motion to approve the O&M claims in the amount of \$75.93; motion seconded by Arlene Colvin; motion passed unanimously 9-0 on a roll call vote.

Search Committee – Chairman Dernulc stated that the Search Committee consisted of Ron McAhron, Arlene Colvin, Mark Gordish, Dave Burrus and Bill Biller as Chairman. Dan Dernulc will now assume the role of Mr. Biller as Chairman and the committee will be minus Mr. Burrus, with his resignation. Mr. Biller stated that the committee and the other Board members, are reviewing the RFP's. He suggested that the entire Commission will interview the four engineering firms that submitted a proposal. It is still hoped that we could have someone on board by March 1. Commissioner Gurley questioned how they could select a firm with no money to pay for their service. Chairman Dernulc stated that they are hoping funds come through that would pay for engineering services. The Commission needs to move forward with the assumption that it will receive funding. Commissioner Baker added, that he agrees with Mr. Gurley, the Commission's situation is not any different than it was before we sent out a RFP. We knew at that time that there was no funding identified for this position. One of the items in the RFP identified a firm to assist with identifying ways to secure funding. Commissioner McAhron says the budget we now have in hand plays a big part in going back to the General Assembly to seek additional money. He feels we need to continue interviewing the firms. If they are still interested, we would have a selection if money becomes available. Mr. McAhron is confident it will. Commissioner Biller agreed that all major players, (the Congressman's Office, the Governor's Office, and the General Assembly) are all aware of the flooding that happened in September and no one wants that to happen again. He thinks money will be forthcoming but we need to keep moving forward, and not wait for available funding. Chairman Dernulc will be setting up a meeting for this purpose. Discussion ensued on the process by which the firms would be interviewed. Commissioner McAhron asked the members to get their questions/thoughts to him and he will compile a matrix that they could all work from when interviewing.

Finance Committee – Treasurer Kent Gurley referred to the "Overall Operations Costs Projections Through Year 2012". This is a 4-page document that lists/estimates costs that the Commission will incur until project end. Larger versions of the 4 pages were displayed for public viewing. The costs are listed for the standard fiscal years of 2009 – 2012. Commissioner Gurley went through the sheets explaining the costs. The costs are based upon the best information available to us at this point in time. As estimated costs become actual costs, a separate running total is being kept to always know what the actual costs are. The costs that are listed as the Commission's 7% cost share are the Corps costs given to us at this time. If contract/project costs go up for

them, that 7% cost will increase. An escalation/contingency cost amount is added in but the Commission is fairly confident that they have arrived at a good number. Imad Samara added that the 7% cost share by the Commission is based upon the Army Corps estimated contract costs for Stage VII and VIII. These two stages will be the two (2) highest contracts to date based upon Army Corps estimates. Mr. Gurley stated that \$5,600,229 is listed as being needed for Fiscal Year 2009; \$5,623,346 is listed as being needed for Fiscal Year 2010; \$1,967,526 is listed as being needed for Fiscal Year 2011; and \$325,233 is listed as being needed for Fiscal Year 2012. This is the Operations Costs Projections that will be given to the State. Mr. Gurley added that there is no guarantee that there will be no increase.

- Commissioner Baker questioned whether the 7% cost share for the Corps fiscal year 2010, which is \$2.7 million, needs to be in the bank before a contractor can begin Stage VII. A lengthy discussion ensued. Imad Samara explained that the Corps lets the contractor know how much money is available in a given year and the contractor schedules his work based on that amount of money available. Commissioner McAhrn added that the 7% cost share does not go toward just one contract. It is split up based upon all the work that is ongoing. On the Corps "Projected Non Federal Funding" the 7% cost share for each fiscal year is broken out. The total \$2.7 million would not have to be available for the Corps to let a contract. It was stated that as soon as a signed agreement is received from the last utility, BP Pipelines, a ROE can be given to the Corps for Stage VII. Mr. Gurley expressed concern that we do not currently have the money for this utility relocation. District Director Roy Deda added that they do not need to have the utility relocation money identified before a contract is awarded. A full 7% cost share is not needed to award the contract; only what is needed in the first fiscal year. The actual contract price is spread out through several years of construction and only 7% of each of those years would be needed.

Land Acquisition/Land Management Committee – Commissioner Arlene Colvin reported that there is no action to be taken. She reported that there are 26 condemnations in court for Stage VIII that are in various stages of take. There are 8 easements that are being contested for the "right to take". There are still three easements that are in negotiations.

Engineering Committee – Chairman Bob Huffman asked Jim Pokrajac about the V-2 pipeline corridor. Mr. Pokrajac reported that a progress coordination meeting was held this morning. The time schedule was discussed. Dyer Construction will be completing access to the pipeline corridor within several weeks allowing the pipelines access to the work area. The pipelines had their field people at the meeting. The estimated completion time of the utility companies is the end of March. Once their work is done, Dyer Construction can start the sheet pile driving in the area. Coordination with NSRR is starting.

- In Stage VII, the BP Pipeline agreement is still outstanding. This utility work is located between Northcote and Columbia, both sides of the river. A representative of BP Pipelines was at the V-2 meeting this morning and he stated that the Stage VII utility relocation estimated cost has been revised and it will be less than the previous estimate of \$1 million. It is now estimated at about \$725-750,000. Upon receipt of the estimate, it will be forwarded to the Corps to review and approve prior to finalizing the agreement.

- For Stage VIII utilities, the three utility re-location agreements have been completed with Munster, NIPSCO, and Hammond Sanitary District. We are working on six different utility maintenance agreements that will be going out in the mail. These agreements are necessary for the LCRBDC to sign the ROE as required by the Army Corps.

**Operation & Maintenance Committee** – Chairman Bob Huffman asked Jim Pokrajac if there were any outstanding O&M issues. Mr. Pokrajac replied that he is concentrating on Stages V-2, VII, and VIII as directed by the Commission. However, there are O&M issues that will require coordination and need to be completed, primarily in Gary. Some of these items were identified in the 2008 Army Corps inspection reports and were classified as “unacceptable”. Several O&M priority items were identified in the estimate, and are included as a line item in the RDÁ money. Staff will proceed to complete these items. Mr. Gurley asked if Austgen Electric has done the Burr Street grounding yet. They have not because the ground is still too frozen; they will as soon as site conditions will allow.

**Operation & Maintenance Funding Committee** – No report.

**Legislative Committee** – Ron McAhrn reported that the legislators have been sworn in and the session has started. Commissioner Biller asked about a project request. Mr. McAhrn replied that the State Budget Committee is holding \$1 million for each year for us in the budget. There was no budget request submitted to the State Budget Agency this biennium. He has talked to several legislators and now he will share the Projected Costs budget we have developed. He added that this is a terrible budget year.

**Environmental Committee** – No report.

**Recreation Committee** – No report.

**Policy Committee** – No report.

**Other Business** – Treasurer Kent Gurley stated he was deferring action on the NIRPC contract until he could review it.

- Chairman Dernulc added that he is going to try to reconstitute the committee structure process and will try to put this together for our next meeting. There will be some reformatting needed on the committee structure. Once new committees are formulated, he hoped that they would actively become engaged.
- Commissioner Bob Huffman stated that the letter with Commission history from Russ Snyder was very interesting reading.
- Frank Mrvan Jr., North Township Trustee, spoke on behalf of his father, Senator Frank Mrvan. He informed the Board that the Senator has submitted a bill, SB185, asking for \$15 million for the completion of the levee system. The Senator does have legislative support.

**Statements from the Floor** - Statements were received from the floor by Carolyn Marsh, Judy Paulson, Bob Farag, Jason Reeves, Tom Hayes, Dave Nellans, Steve Enger, Bill Howard, Ray Candelaria, Ruth Mores, Raymond Sull, and Helen Brown, and Frank Mrvan Jr.

There being no further business, the meeting was adjourned. The next meeting is scheduled for Wednesday, February 4, 2009 at the Munster Town Hall.

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT**

**COMMISSION SPECIAL MEETING**

**HELD AT 6:00 P.M. WEDNESDAY, JANUARY 21, 2009**

**Held at**

**Commission Office,**

**6100 Southport Road**

**Portage, IN**

Chairman Dan Dernulc called the meeting to order at 5:05 p.m. Roll call indicated that seven (7) Commissioners were in attendance. I call Pledge of Allegiance was recited.

**Development Commissioners:**

Dan Dernulc

William Baker

Kent Gurley

Mark Gordish

William Biller

Arlene Colvin

Ron McAhrn

**Visitors:**

Elizabeth Johnson – Congressman's Office

Tina Kutkoski - Hammond

Mike Zarantonello - Hammond

Ruth Mores - Hammond

Wayne Dertz - Hammond

Brian Poland – City of Hammond

Stephen Stofko – McMahan

Jody Melton - NIRPC

**Staff:**

Lou Casale

Sandy Mordus

Jim Pokrajac

Judy Vamos

Chairman Dernulc reported that a 5:00 Executive Session was held prior to this special meeting. Several pertinent real estate issues were discussed. Chairman Dernulc referred to Attorney Casale who explained that Hammond City Planner Brian Poland asked the Commission to join in a petition with them to sub-divide the property known as Oakbrook Metro; modify the property lines as an exchange to accommodate an existing access ramp that was installed in the VI-1N project, which extended past our work limits; also to transfer an uneconomic remnant to the LCRBDC that is undevelopable land. Bill Biller proceeded to make a motion authorizing the Commission to join in the petition with the city of Hammond; motion seconded by Mark Gordish, motion passed unanimously with a roll call vote of 7-0.

Attorney Casale referred to a property easement known as DC-1363. The property is in continuation now and scheduled for a hearing. The property owner is willing to sell for an increase of \$2,000. Attorney Casale recommended that the additional monies be paid to him to continue condemnation. The cost would be higher than that. Bill Biller made a motion to increase the offer by \$2,000 more than the appraised price; motion seconded by Arlene Colvin; motion passed unanimously with a roll call vote of 7-0.

Chairman Dernulc announced that action on DC1303 is deferred at this time.

Chairman Dernulc read a letter of resignation from Robert Huffman. Bob was a Governor's appointment and with his resignation, we now have two Governor appointments vacant and a Porter County Commissioners' vacancy.



Discussion was held regarding the advertising of the Commission's excess land for farming. Jim Pokrajac asked if we could roll over last year's farm leases because of the massive crop damages due to fall flooding, allowing very little crop revenues to be generated. Attorney Casale stated that the land should be advertised for farming and not just rolled over with the existing lessees. The farmers have been calling staff to see if we are planning to farm those lands again this year. Discussion was held on whether we were receiving enough money for the current farm crops. Jim Pokrajac was asked to research the farming market to see what crop values are in this area. Mr. Pokrajac was also requested to share maps of the farming areas with the Commissioners. It was decided to go ahead and advertise. When bids are received, a motion will be presented to the Board for approval. Kent Gurley made a motion authorizing staff to advertise the farm lands at the same procedure we have done in previous years; motion seconded by Arlene Colvin; motion passed unanimously.

Statements from the floor were received by Ruth Mores and Mike Zarantello of Hammond. Ms. Mores expressed her concern about the drainage system design proposed by the Corps for the Southmoor area and the flooding that would occur because of inadequate design. She feels that when a floodwall is built, the water will not be able to get to the river. She opposes the floodwall because her property, as well as some of her neighbor, are already out of the floodplain and they would not benefit from the installation of the line of protection. She wants a second engineering opinion regarding the necessity of the line of protection as well as the adequacy of the Corps design for landside drainage, and has not received that. She asked again about the Corps leaving them out of the project and using the money saved by not constructing in this area to the Munster line of protection.

Mike Zarantello asked the Commission to ask the Washington branch of the Army Corps to do an independent review of the Corps plans. He knows the Commission has the authority to do this and encouraged them to do so. He and his neighbors are not satisfied with current plans. They have consulted with Roy Evans and R W Armstrong, who both indicated it should be reviewed.

Commissioner Mark Gordish stated that the Hammond Engineer's Office has received the preliminary FEMA floodplain revision maps. He will review them and see what classification the Southmoor area has. A lengthy discussion was held. Commissioner Ron McAhron offered to have some IDNR people and himself meet with several of the homeowners to discuss this issue.

There being no further business, the meeting concluded at 6:50 p.m.

**LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**

MONTHLY BUDGET REPORT - Feb.

	2009	Actual	Actual	Estimated				UNALLOCATED	
	BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	ALLOCATED	BUDGETED
								TOTAL	BALANCE
5801 PER DIEM EXPENSES	4,200.00	4,200.00	0.00	0.00				4,200.00	0.00
5811 LEGAL EXPENSES	3,500.00	283.33	283.33	283.33				849.99	2,650.01
5812 NIRPC SERVICES	86,462.00	12,299.98	13,322.25	9,000.00				34,622.23	51,839.77
5821 TRAVEL/MILEAGE	1,250.00	1,140.48	30.36	50.00				1,220.84	29.16
5822 PRINTING/ADVERTISING	750.00	113.13	215.00	318.44				646.57	103.43
5823 BONDS/INSURANCE	6,500.00	0.00	0.00	3,250.00				3,250.00	3,250.00
5824 TELEPHONE EXPENSES	6,500.00	637.09	666.83	650.00				1,953.92	4,546.08
5825 MEETING EXPENSES	-	0.00	0.00	0.00				0.00	0.00
5840 PROFESSIONAL SERVICES	263,373.00	42,229.25	29,308.89	191,834.86				263,373.00	0.00
5860 PROJECT LAND PURCHASE EXP.	500,380.00	146,060.00	0.00	354,320.00				500,380.00	0.00
5882 UTILITY RELOCATION EXP.	332,577.00	141,291.75	7,495.17	183,790.68				332,577.00	0.00
5883 PROJECT LAND CAP. IMPROV.	-	0.00	0.00	0.00				0.00	0.00
5884 O & M BUDGET	50,595.00	8,595.00	0.00	42,000.00				50,595.00	0.00
5892 PROJECT COST SHARE	605,500.00	605,500.00	0.00	0.00				605,500.00	0.00
	1,861,587.00	962,349.41	51,321.83	785,497.31	0.00	0.00	0.00	1,799,168.55	62,418.45
ADMINISTRATIVE BUDGET	109,162.00								
REMAINING STATE FUNDS	50,683.00								
RDA MONIES	1,701,742.00								
<b>TOTAL ALL FUNDS</b>	<b>1,861,587.00</b>								

47,  
360  
4985

# CLAIMS PAYABLE FOR JANUARY 2009

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	CASALE ,WOODWARD & BULS LLP	283.33	MONTHLY RETAINER THROUGH JANUARY 29, 2009
5812	NIRPC	13,322.25	SERVICES PERFORMED DECEMBER 2008
5821	SANDY MORDUS	30.36	MILEAGE 1/2/09-1/29-09
5822	R KENT GURLEY	215.00	REIMBURSEMENT FOR COPIES & PASTING OF PROJECT BUDGET SHEETS
5824	VERIZON NORTH	135.23	BILLING PERIOD 1/16/09-2/16/09(TOTAL BILL 284.89 KRBC 125.11)
5824	AT & T	237.88	BILLING PERIOD 12/15/08-1/13/08(TOTAL BILL 244.37, KRBC 6.49)
5824	AT & T TELECONFERENCE	293.72	CONFERENCE CALL 12/3/08 & 12/29/08
5844	JAMES E POKRAJAC	4,196.10	ENGINEERING/LAND AGENT 12/16/08-12/26/08
5844	JAMES E POKRAJAC	163.24	DECEMBER MILEAGE
5844	JAMES E POKRAJAC	4,964.40	ENGINEERING/LAND AGENT 1/1/09-1/15/09
5844	JUDITH VAMOS	1,909.60	LAND ACQUISITION AGENT SERVICES 12/16/08-12/29/08
5844	JUDITH VAMOS	2,235.10	LAND ACQUISITION AGENT SERVICES 1/5/08-1/14/08
5844	G. LORRAINE KRAY	785.75	CREDITING TECH & LAND ACQUISITION ASST 12/16/08-12/26/08
5844	G. LORRAINE KRAY	561.25	CREDITING TECH & LAND ACQUISITION ASST 12/02/08-12/11/08
5847	GARCIA CONSULTING ENGINEERS	320.00	PROFESSIONAL SERVICES RE: DC-1175 INV#5230
5849	CASALE WOODWARD BULS	14,438.45	LAND ACQUISITION/LEGAL SERVICES THROUGH 1/28/09
5849	CASALE WOODWARD BULS	55.00	UTILITY RELOCATION LEGAL SERVICE THROUGH 1/28/09
5861	LAKE COUNTRY RECORDER	54.00	TO RECORD EASEMENTS RE: DC-1204a & DC-1207
5882	SHORT ELLIOTT HENDRICKSON INC	7,495.17	UTILITY COORDINATION SERVICES SVIII

TOTAL 51,695.83

ADMINISTRATIVE

RDA \$1,701,742.

DRAW FROM STATE

**APPROVAL TO PAY THE FOLLOWING INVOICES  
FROM O&M FUND  
JANUARY, 2009**

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- **\$75.93 to T-Mobile for costs incurred for cell phone for engineer field work; monthly service 12/11/08 – 1/10/09**
- 

**Total        \$ 75.93**

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
FINANCIAL STATEMENT  
JANUARY 1, 2008 - DECEMBER 31, 2008

CASH POSITION - JANUARY 1, 2008

CHECKING ACCOUNT		
LAND ACQUISITION	192,304.22	
GENERAL FUND	81,335.09	
TAX FUND	0.00	
INVESTMENTS		
SAVINGS	89,504.55	
ESCROW ACCOUNT INTEREST	13,568.68	
	<hr/>	376,712.54

RECEIPTS - JANUARY 1, 2008 - DECEMBER 31, 2008

LEASE RENTS	111,290.38	
INTEREST INCOME(FROM CHECKING)	1,242.60	
LAND ACQUISITION	1,673,602.26	
ESCROW ACCOUNT INTEREST	13,958.52	
MISC. RECEIPTS	54,760.67	
CHECK #9616 ARLENE COLVIN	200.00	
CHECK #9626 ARLENE COLVIN	28.80	
STEWART TITLE	100.00	
VOIDED CHECK#9727	49,500.00	
SEH	4,931.87	
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	1,692.17	
TRANSFERRED FROM SAVINGS	101,491.87	
CITY OF MUNSTER FOR PROPERTIES	36,070.00	
TOTAL RECEIPTS		1,994,108.47

DISBURSEMENTS - JANUARY 1, 2008 - DECEMBER 31, 2008

ADMINISTRATIVE		
2007 EXPENSES PAID IN 2008	68,261.17	
PER DIEM	5,650.00	
LEGAL SERVICES	3,399.96	
NIRPC	151,919.00	
TRAVEL & MILEAGE	1,541.84	
PRINTING & ADVERTISING	1,160.91	
BONDS & INSURANCE	6,738.25	
TELEPHONE EXPENSE	9,337.68	
MEETING EXPENSE	113.50	
LAND ACQUISITION		
LEGAL SERVICES	169,852.23	
APPRAISAL SERVICES	112,550.00	
ENGINEERING SERVICES	47,946.68	
LAND PURCHASE CONTRACTUAL	50,377.00	
FACILITIES/PROJECT MAINTENANCE SERVICES	0.00	
OPERATIONS SERVICES	52,660.00	
LAND MANGEMENT SERVICES	241,319.41	
SURVEYING SERVICES	221,111.72	
MISCELLANEOUS EXPENSES	6,000.00	
ECONOMIC/MARKETING SOURCES	0.00	
PROPERTY & STRUCTURE COSTS	564,071.76	
MOVING ALLOCATION	0.00	
TAXES	0.00	
PROPERTY & STRUCTURES INSURANCE	0.00	
UTILITY RELOCATION SERVICES	196,791.19	
LAND CAPITAL IMPROVEMENT	0.00	
STRUCTURAL CAPITAL IMPROVEMENTS	0.00	
BANK CHARGES HARRIS BANK	41.50	
PASS THROUGH FOM SAVINGS (O&M)	99,812.52	
PAYBACK TO SAVINGS		
TOTAL DISBURSEMENTS		1,942,395.15

CASH POSITION - DECEMBER 31, 2008

CHECKING ACCOUNT HARRIS BANK #6100		
LAND ACQUISITION (STATE FUNDS)	193,123.92	A
GENERAL FUND	118,336.33	
TOTAL FUNDS IN CHECKING ACCOUNT	311,460.25	

CHASE SAVINGS ACCOUNT BALANCE #4414	9,878.22	
(O & M MONIES)	**9580.36	
SAVINGS INTEREST	297.86	

CHASE SAVINGS ACCOUNT BALANCE #4747	18,126.58	
ARMY CORP CONSTRUCTION MONEY	11,320.00	B
ESCROW ACCOUNT INTEREST AVAILABLE	6,806.58	

TOTAL OF BOTH SAVINGS ACCOUNTS 28,004.80

TOTAL OF ALL ACCOUNTS 

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 339,465.05 C

COMMITTED FUNDS: (FROM ABOVE)

LAND ACQUISITION	A	193,123.92	
ARMY CORP ESCROW MONEY	B	11,320.00	
UNCOMMITTED FUNDS AVAILABLE)	C-(A+B)	<hr/> 135,021.13	

REMAINING STATE APPROPRIATIONS AVAILABLE (As of DECEMBER 31, 2008)

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 59,951.00

\*\*Note: O & M Fund comprised of remaining LEL Money, \$185,000 Interest Money, and \$133,721.49 Marina Sand Money

//

# NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

6100 SOUTHPORT ROAD  
PORTAGE, INDIANA 46368

TELEPHONE : (219) 763-6060  
FAX: (219) 762-1653

## INVOICE

To:	<u>Little Calumet River Basin Dev. Commission</u>	Date:	<u>13-Jan-09</u>
For:	<u>Services Performed: December 2008</u>	Billing Code:	<u>1201-1012-03-12</u>

DESCRIPTION	AMOUNT
Salaries & Fringe: Sandy Mordus	4,700.00
Salaries & Fringe: Jody Melton	3,726.86
Occupancy Fees:	2,245.00
Accounting Services: Administrative	800.00
Accounting Services: Project Relating Accounting	800.00
Postage: {Nov and Dec} is on the Nov. 08 invoice	234.99
Copier Charges @ \$5.00/month plus \$.06 per copy: # 8,540	517.40
Color Prints made on Color Copier @ \$0.20 per page # 635	127.00
Fax machine/long distance @ \$5.00 plus current charges:	5.00
Graphics, printing & clerical time @ \$40 per hour: # 4	160.00
Petty Cash Distributions: -	6.00
TOTAL DUE:	\$ 13,322.25



Northwest Indiana  
**RDA**  
Regional Development Authority

*A catalyst to transform the economy and quality of life in northwest Indiana*

December 31, 2008

Mr. Bill Biller  
Chairman, LCRBDC  
6100 Southport Road  
Portage, IN 46368

Dear Mr. Biller:

Enclosed is a check in the amount of \$ 1,701,742 for continued work on the important Little Calumet Flood Control Project as requested in your letter of December 9, 2008.

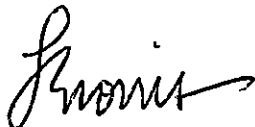
The RDA is asking that you provide the Authority, within 90 days of this letter, a detailed plan outlining the following:

1. The RDA is requiring assurance that these funds are being used for the purposes outlined in "Exhibit A" of the grant request dated April 18, 2008.
2. A repayment schedule with sources of funds and a time frame for the repayment of this RDA loan.
3. A final cost, to the best of your knowledge, for the completion of this project.
4. A timeline, to the best of your knowledge, for completion of this project.

We will provide for you a spreadsheet to assist you in this effort.

This work is critical to the safety and well being of many citizens of the region and the RDA would like to see it completed as soon as possible. We hope that the enclosed check will move this work along in an expeditious manner.

Sincerely,



Leigh Morris  
Chairman

Introduced Version

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**SENATE BILL No. 185**

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**DIGEST OF INTRODUCED BILL****Citations Affected:** None (noncode).

**Synopsis:** Little Calumet River basin development commission. Appropriates \$15,000,000 from the state general fund to the Little Calumet River basin development commission for flood control projects and other projects.

**Effective:** July 1, 2009.

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**Mrvan**

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January 7, 2009, read first time and referred to Committee on Appropriations.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in **this style type**.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 185

A BILL FOR AN ACT concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: ; (09)IN0185.1.1. --> SECTION 1. [EFFECTIVE JULY 1, 2009] (a) **There is appropriated to the Little Calumet River basin development commission fifteen million dollars (\$15,000,000) from the state general fund beginning July 1, 2009, and ending June 30, 2011, for use by the Little Calumet River basin development commission in carrying out flood control projects and any other projects necessary to carry out its purposes under IC 14-13-2.**

(b) **This SECTION expires June 30, 2011.**

**Sandy Mordus**

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**From:** Jody Melton [jmelton@nirpc.org]  
**Sent:** Wednesday, January 21, 2009 11:54 AM  
**To:** smordus@nirpc.org  
**Subject:** Emailing: IN1692.1.htm

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Introduced Version

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**HOUSE BILL No. 1692**

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**DIGEST OF INTRODUCED BILL****Citations Affected:** IC 4-23-30.

**Synopsis:** Sunset state boards and commissions. Terminates numerous statutory boards, commissions, committees, and other governmental entities on July 1, 2012. Directs the legislative services agency, under the direction of the legislative council, to prepare legislation to bring affected statutes into compliance with this act.

**Effective:** July 1, 2009.

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**Borrer**

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January 16, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

## First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

**HOUSE BILL No. 1692**

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: IC 4-23-30; (09)IN1692.1.1. --> SECTION 1. IC 4-23-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 30. Expiration of Boards, Commissions, and Committees**

**Sec. 1.** As used in this chapter, "sunsetting entity" refers to an entity listed in section 4 of this chapter.

**Sec. 2.** Notwithstanding any other law, each sunsetting entity expires July 1, 2012.

**Sec. 3.** Except for expenses that are:

- (1) necessary to discontinue operations of the sunsetting entity; and
- (2) approved by the governor;

no public funds may be used by or on behalf of a sunsetting entity after June 30, 2012.

**Sec. 4.** The following are sunsetting entities:

**Administrative rules oversight committee (IC 2-5-18)**

**Aging, Indiana state commission on (IC 12-10-2-1)**

**Air pollution control board (IC 13-17-2-1)**

**Alzheimer's disease and related senile dementia task force (IC 12-10-5-2)**

**Arts commission, Indiana (IC 4-23-2-1)**

**Arts commission trust fund board, Indiana (IC 4-23-2.5-5)**

**Autism, Indiana commission on (IC 12-11-7-2)**

**Black and minority health, interagency state council on (IC 16-46-6-3)**

**Breed development advisory committees (IC 4-31-11-3)**

**Building and trades advisory committee (IC 22-4.1-15-1)**

**Business law survey commission, Indiana (IC 23-1-54-3)**

- Census data advisory committee (IC 2-5-19)
  - Charter school review panel (IC 20-24-3-12)
  - Child care, committee on (IC 12-17.2-3.3-2)
  - Child custody and support advisory committee, Indiana (IC 33-24-11-1)
  - Clean manufacturing technology board (IC 13-27.5-1-1)
  - Code revision commission (IC 2-5-1.1-10)
  - Community and home options to institutional care for the elderly and disabled board (IC 12-10-11-1)
  - Community service and volunteerism, commission on
  - Commuter transportation district, northern Indiana
  - Compliance advisory panel (IC 13-13-7-2)
  - Controlled substances advisory committee (IC 35-48-2-1)
  - Corporation for educational technology, board of directors (IC 20-20-15-4)
  - Drug free Indiana, commission for a (IC 5-2-6-16)
  - East Chicago waterway management district board of directors (IC 8-10-9-6)
  - Education commission of the states (IC 20-38-2-4)
  - Education roundtable (IC 20-19-4-2)
  - Educational technology council (IC 20-20-14-2)
  - Educational attitudes, motivation, and parental involvement, committee on (IC 20-20-25-2)
  - Egg board, state (IC 16-42-11-4)
  - Emergency response commission, Indiana (IC 13-25-1-1)
  - Environmental quality service council (IC 13-13-7-1)
  - Family and social services committee (IC 12-8-3-2)
  - Family support council, state (IC 12-8-14-6)
  - Governor's residence commission (IC 4-23-15-1)
  - Great Lakes Commission (IC 14-25-13-4)
- 
- Health care account advisory board, Indiana (IC 4-12-5-5)
  - Health finance advisory committee (IC 2-5-23-6)
  - Health finance commission (IC 2-5-23)
  - Health policy advisory committee (IC 2-5-23-8)
  - Heritage trust committee, Indiana (IC 14-12-2-8)
  - Heritage trust project committee, Indiana (IC 14-12-2-14)
  - Hispanic/Latino affairs, commission on (IC 4-23-28-2)
  - Historic preservation review board (IC 14-21-1-10)
  - Home health care services and hospice services council (IC 16-27-0.5-1)
  - Illiana expressway proposal review committee (IC 8-23-27-4)
  - Independent living council, statewide (IC 12-12-8-6)
  - Infant and toddlers with disabilities interagency coordinating council (IC 12-12.7-2-7)
  - Intergovernmental relations, Indiana advisory commission on (IC 4-23-24.2-4)
  - Interstate adult offender supervision, state council for (IC 11-13-4.5-1)
  - Interstate rail passenger advisory council (IC 8-3-19-1)
  - ISTEP program citizens review committee (IC 20-23-6-2)
  - Kids first trust fund board, Indiana (IC 31-26-4-5)
  - Lands and cultural resources and water and resource regulation, advisory council (IC 14-9-6-1)
  - Law enforcement training board advisory council (IC 5-2-1-3)
  - Lewis and Clark bicentennial commission (IC 14-20-15-3)
  - Lewis and Clark bicentennial commission, citizens advisory board (IC 14-20-15-12)
  - Library and historical board, Indiana (IC 4-23-7-2)
  - Little Calumet River basin development commission (IC 14-13-2-5)





**Dr. Martin Luther King Jr. Indiana holiday commission (IC 4-23-24.1-2)**  
**Mass transit and transportation alternatives, joint study committee on (IC 2-5-28-2)**  
**Maumee River basin commission (IC 14-30-2-6)**  
**Medicaid advisory committee (IC 12-15-33-2)**  
**Medicaid work incentives council (IC 12-15-42-1)**  
**Mental retardation and developmental disabilities, commission on (IC 2-5-27.2-2)**  
**Midwest Interstate Low-Level Radioactive Waste Commission (IC 13-29-1-3)**  
**Midwest interstate passenger rail compact commission**

**(IC 8-3-22-3)**

**Midwestern Higher Education Commission (IC 21-28-3-3)**  
**Military base planning council (IC 4-3-21-3)**  
**Military and veterans affairs, commission on (IC 2-5-20-1)**  
**Museums and historic sites, board of trustees for the division of state (IC 14-20-1-16)**  
**Native American Indian affairs commission (IC 4-4-31.4-4)**  
**Natural resources study committee (IC 2-5-5-1)**  
**Northwest Indiana advisory board (IC 13-13-6-1)**  
**Orange County development advisory board (IC 36-7-11.5-12)**  
**Pension management oversight commission (IC 2-5-12-1)**  
**Principal leadership academy, advisory board on the (IC 20-20-2-5)**  
**Probate code study commission (IC 2-5-16-2)**  
**Public officers compensation advisory commission (IC 2-5-1.5-6)**  
**Radiation control advisory commission (IC 16-41-35-16)**  
**Regulatory flexibility committee (IC 8-1-2.6-4)**  
**School air quality panel (IC 16-41-37.5-3)**  
**Shoreline development commission (IC 36-7-13.5-2)**  
**Social status of black males, commission on the (IC 12-13-12-2)**  
**Soil conservation board (IC 14-32-2-1)**  
**Soldiers' and Sailors' Children's Home advisory committee, Indiana (IC 16-19-6-9)**  
**State fair advisory committee, Indiana (IC 15-13-6-1)**  
**Tobacco use prevention and cessation advisory board, Indiana (IC 4-12-4-16)**  
**Tourism council, Indiana (IC 5-29-4-1)**  
**Underground storage tank financial assurance board (IC 13-23-11-1)**  
**Veterans' Home advisory committee, Indiana (IC 10-17-9-20)**  
**Water resources study committee (IC 2-5-25-1)**  
**Women, Indiana commission for (IC 4-23-25-3)**  
**Youth advisory council (IC 2-5-29-2)**

SOURCE: ; (09)IN1692.1.2. --> SECTION 2. [EFFECTIVE JULY 1, 2009] (a) The legislative services agency, under the direction of the legislative council, shall prepare legislation for introduction in the 2012 regular session of the general assembly to bring statutes affected by this act into compliance with this act.

(b) This SECTION expires July 1, 2012.

Introduced Version

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**HOUSE BILL No. 1716**

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**DIGEST OF INTRODUCED BILL****Citations Affected:** IC 14-13-2.

**Synopsis:** Little Calumet River basin development commission. Changes the membership of and the qualifications for membership on the Little Calumet River basin development commission (commission). Requires record keeping and audits of the commission's accounts. Requires the commission to prepare reports annually, or more frequently as required by the governor. Staggers the initial terms of the members. Makes conforming changes.

**Effective:** June 1, 2009; July 1, 2009.

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**Soliday, Dobis, Lawson L, Lehe**

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January 22, 2009, read first time and referred to Committee on Government and Regulatory Reform.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana

Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1716

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: IC 14-13-2-7; (09)IN1716.1.1. --> SECTION 1. IC 14-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The commission has ~~eleven (11) members~~ as follows:

- (1) ~~One (1) member appointed by the county executive of Lake County.~~
- (2) ~~One (1) member appointed by the county executive of Porter County.~~
- (3) ~~One (1) member appointed by the executive of Gary.~~
- (4) ~~One (1) member appointed by the executive of Hammond.~~
- (5) ~~One (1) member appointed by the director.~~
- (6) ~~six (6) five (5) members appointed by the governor.~~

(b) ~~Not more than six (6) members may belong to the same political party. The governor shall make appointments after all the others are made so that this requirement is feasible to implement.~~

(b) The governor shall appoint members of the commission so that the following requirements are met:

- (1) At least three (3) of the members must reside in Lake

County or Porter County.

- (2) At least three (3) of the members must have a background in:

- (A) construction;
- (B) project management; or
- (C) flood control;

or a similar professional background.

- (3) Members may not be employees or elected officials of a city, town, or county governmental unit.

SOURCE: IC 14-13-2-10; (09)IN1716.1.2. --> SECTION 2. IC 14-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission shall meet on call of any of the following:

- (1) The chairman.
- (2) The executive director.
- (3) Any three (3) members.

(b) ~~Six (6) Three (3)~~ commission members constitute a quorum.

SOURCE: IC 14-13-2-30; (09)IN1716.1.3. --> SECTION 3. IC 14-13-2-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. The commission is responsible for the safekeeping and deposit of money the commission

receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for the keeping of; and
- (2) annually audit;

the accounts, records, and books of the commission and fund.

SOURCE: IC 14-13-2-31; (09)IN1716.1.4. --> SECTION 4. IC 14-13-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Sec. 31. (a) Subject to subsection (c), before November 1 of each year, the commission shall make a report of the commission's activities to the following:

- (1) The governor.
- (2) The legislative council.

(b) A report made to the legislative council under this section must be in an electronic format under IC 5-14-6.

(c) The governor may require the commission to issue reports more frequently than would otherwise be required under subsection (a).

SOURCE: ; (09)IN1716.1.5. --> SECTION 5. [EFFECTIVE JUNE 1, 2009] (a) The definitions that apply to IC 14-13-2 also apply to this SECTION.

(b) Notwithstanding IC 14-13-2-8, the terms of the members of the commission serving on June 30, 2009, expire on June 30, 2009.

(c) The governor shall appoint five (5) members to the commission under IC 14-13-2-7, as amended by this act.

Notwithstanding IC 14-13-2-8, the members appointed under this SECTION have the following initial terms:

- (1) One (1) member has a term of one (1) year.
- (2) One (1) member has a term of two (2) years.
- (3) One (1) member has a term of three (3) years.
- (4) Two (2) members have a term of four (4) years.

(d) An individual appointed to the commission under subsection (c) becomes a member of the commission:

- (1) on July 1, 2009; or
- (2) on the date of appointment, if that date follows July 1, 2009.

However, for purposes of determining when the initial term of a member appointed under subsection (c) expires, July 1, 2009, shall be treated as the date on which the member's term began.

(e) This SECTION expires July 1, 2013.

SOURCE: ; (09)IN1716.1.6. --> SECTION 6. An emergency is declared for this act.

## STATE NIXES LEVEE FUNDING PLAN

Hammond mayor will push on to get sales tax financing for project

BY SUSAN BROWN

sbrown@nwi.com  
219.836.3780

**HAMMOND** | State officials threw cold water on the idea this week, but Mayor Thomas McDermott Jr. said Tuesday he will continue his push for state approval of a controversial financing tool to keep the struggling federal levee project afloat.

At McDermott's request, the North Township Board on Tuesday approved a resolution, similar to that adopted last month by the Hammond City Council, asking the state to approve the use of sales tax increment financing, or STIF, to help fund the flood control project. McDermott had sought the support of all the entities along the Little Calumet River in his drive to gain state approval.

The North Township officials were the first to respond to McDermott's request. The initiative has gained the support of some Munster and Highland officials though resolutions have not yet been set for action. The city of Gary has not responded to a call for comment.

Representatives of key state offices have so far nixed the idea.

"It's unlikely the state would look favorably on the proposal," said Jane Jankowski, press secretary to Indiana Gov. Mitch Daniels. "Past STIF requests have almost always been rejected."

State Budget Director Chris Ruhl said the current administration has made it pretty clear it is not in favor of using STIF.

"And I think at this point (the resolution) is unlikely to change our view on these (requests), which have generally been pretty dimly received in the past and I think will be in the future," Ruhl said.

A spokesman for the Indiana Economic Development Corp. was more emphatic, saying the IEDC would definitely oppose using STIF as it represents an increased cost to the state in terms of lost revenues.

Contending with a sagging economy, the state is expecting a massive decline in tax revenues this year, a concern acknowledged by local officials. At the same time, the officials say they have seen no other funding plan presented by the state.

"We're trying to use a tool that's in place," North Township Trustee Frank Mrvan told board members Richard Novak, Ralph Flores and Peter Katic. "We do not have time to wait for the Legislature."

Lawmakers could still be in session when the next rains hit, he said. "If not STIF, what's the alternative?" Mrvan said. "Springtime is around the corner."

Mrvan said it should be clear STIF does not involve raising taxes but being able to use only a portion of the sales tax from Cabela's toward funding the levee system.

McDermott, who attended Tuesday's meeting, said the plan calls for diverting a portion of the state sales tax only for two to three years. "We build our flood wall and give (the full sales tax) back to them," he said. "If not acceptable, McDermott challenged the state to come up with an alternative."

McDermott faulted the state for not adequately funding the project and then blaming the Little Calumet River Basin Development Commission.

McDermott said he is approaching the river communities and the county to show unity in seeking the STIF approval.

Times staff writer Patrick Guinane contributed to this story.

# OFFICIALS FLOAT LEVEE OPTIONS

Latest finance proposal involves \$11.4 million in gaming taxes for project

BY SUSAN BROWN  
sbrown@nwitimes.com  
219.836.3780

**MUNSTER** | For the fourth straight month, the Little Calumet River Basin Development Commission came under heavy fire from flood-weary homeowners, one of whom urged the commissioners to chain themselves to the desk of the Gen-

eral Assembly's speaker of the House to gain the Legislature's attention.

More than 100 people, most of them impassioned homeowners, filled the Munster Town Hall meeting room to vent at the commission as well as the U.S. Army Corps of Engineers for the delays in the decades-long federal levee project, now in its final stages but devoid of

the finances to finish the project.

Munster resident Rey Candelaria, vice president of the Wicker Park Neighborhood Association, challenged "each and every one" of the commissioners to mount a concerted effort aimed at wresting the necessary money from the Legislature.

Discussion of finances dominated Wednesday's meeting, but not

enough to satisfy a furious Munster resident, Steve Enger, who demanded to know why the budgets discussed by the commission were not made available to everyone attending the meeting. A project description and cost estimates, however, were on display for review by the public.

See LEVEE, A6

## ALSO AT THE MEETING

The Little Calumet River Basin Development Commission named a new chairman, Dan Dernulc, of Highland, and a new vice chairman, Bill Baker, of Munster. Kent Gurley assumed the post of treasurer, and Mark Gordish, assistant city engineer for Hammond, was named secretary. The embattled 11-member commission has shrunk to nine with the resignation of David Burrus, an appointee of the Porter County Board of Commissioners. Robert Marszałek, then vice chairman, resigned in December.

Continued from A1

Commission member Ron McAhron, deputy director of the Indiana Department of Natural Resources, sought to calm the waters by assuring anxious homeowners the commission is "looking under every rock" for the cash to complete the levee system.

In December, the Senate Budget Committee had told McAhron it will allow only its

typical \$1 million annual appropriation until the commission returns with detailed financial information.

The commission on Wednesday adopted a 90-day budget of some \$1.8 million and reviewed the components of a \$13.5 million long-term budget estimate. With numbers now in hand, McAhron said he will meet with state and local officials on the issue before returning before the Senate Budget Committee.

Unknown to the commission at the time of Wednesday's meeting, state Sen. Frank Mrvan Jr., D-Hammond, had earlier in the day introduced a bill putting the figure at \$15 million as his own best estimate.

"I can't believe the (Senate) Appropriations Committee or even the governor would be callous enough to (deny that)," Mrvan said. "The governor was there (during the floods), and he saw what was going on."

Mrvan also said he will contact Gov. Mitch Daniels, asking him to reconsider the administration's opposition to diverting state sales tax dollars toward completion of the levee. "I'm going to write him a letter explaining it and begging him," Mrvan said, adding he also will contact the state's two U.S. senators about the potential of receiving money from President-elect Barack Obama's stimulus package.

McAhron said other options include obtaining a grant from flood disaster funds and also a new proposal from Hammond City Council President Dan Repay, who on Wednesday suggested asking the state to redirect more than \$11.4 million in gaming admission taxes from the horse racing industry to the flood control project.

Earlier in the day, Repay said the idea came to him when he realized diverting sales taxes may not be a viable option. McAhron said the option presented by Repay did indeed have merit.

Times staff writer Patrick Guinane contributed to this report.

*The Times*  
*January 8, 2009*



Post Tribune  
January 8, 2009



LESLIE ADKINS/POST-TRIBUNE

Roy Deda (left) and Imad Samara, both from the Army Corps of Engineers, talk during a Little Calumet River Basin Development Commission meeting Wednesday at Munster.

## Little Cal's final tab: \$13.5 million

■ But finding money to finish the flood control project could be difficult.

By ERIK POTTER

Post-Tribune staff writer

MUNSTER — The final answer? Thirteen and a half million.

For \$13.5 million, the Little Calumet River Basin Development Commission can finish the flood control project all the way to the state line.

That final dollar amount has been a long time coming, and is essentially double what the commission thought it would be a year ago. The shifting project cost is one of the main factors that led to the shakeup of the commission last fall and the resignation of the former executive director Dan Gardner.

State lawmakers, frustrated that they could not give their legislative colleagues a basic accounting of where the project stood, demanded a final number before they would ask for any more state money for the project during the new legislative session.

Commission member Ron McAhron said he has an invitation from the Northwest Indiana delegation to meet with them and go over the project's final budget and try to get the state funds needed. Currently, the state budget committee has earmarked \$2 million for the project over the next two years, more than \$9 million short of what the commission expects it will need over that timeframe.

Whether the commissioners

can carve such a large sum of money out of a tight state budget remains to be seen. State tax revenue was a \$1 billion less in 2008 than was anticipated, and budgets across the state are likely to be frozen or cut next year.

Making room for items like Little Cal flood protection will be a top priority for Munster representative Mara Candelaria Reardon. Reardon, a new member of the powerful House Ways and Means committee, said that, if it comes to it, the flood control project is an example of the kind of pressing need that makes dipping into the state's "rainy day fund" a reasonable option.

"We were living in terror all weekend with the threat of additional flooding," Reardon said after the heavy rains and snow melt two weeks ago. "We have got to meet the obligations of the state. The citizens cannot live in terror every time it rains."

Stuck in limbo while the financial situation is being settled is the commission's search for an engineering firm to take over the executive director spot vacated by Gardner.

The board opened four bids from four engineering firms last month and will begin interviews in the next few weeks, but those efforts could be hampered by the fact that the commission has no money, presently, to pay a firm to perform those duties.

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NORTH LAKE COUNTY EDITION

## STATE NOT BAILING OUT LITTLE CALUMET

Daniels offers \$2 million of \$13.5 million needed to finish levee project

ECONOMY  
TAKES TOLL

BY PATRICK GUINANE

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**INDIANAPOLIS** | It appears Northwest Indiana officials must look outside of state government for most of the estimated \$13.5 million needed to complete Little Calumet River levees.

Gov. Mitch Daniels proposed a \$28.3 billion, two-year state budget Thursday that would provide only \$2 million to the embattled Little Calumet River Basin Development Commission.

"We've maintained the \$1 million a year they've received for decades," State Budget Director Chris Ruhl said. "We would have liked to have done more, but at this point I think \$2 million over the biennium is all we can afford from state taxpayers."

The effort to build protective levees along a 24-mile stretch of the

river from Gary to the Illinois border began in the early 1980s, and construction started in 1991. U.S. Rep. Pete Visclosky, D-Ind., declared the project a decade behind schedule and \$125 million over budget last fall when he backed the ouster of the levee commission's executive director.

Ron McAhron, who joined the levee commission after the floods fallout, held out hope Thursday that the agency still can find the money to finish the project.

"We're still confident we're going to get this thing done. We knew the state budget was going to be tight," he said. "We'll continue to look for other places to fill the gap."

Hammond Mayor Thomas McDermott Jr. wants the state to divert about \$3.5 million a year in sales taxes from the Cabela's outdoors store in his city toward the levee project, but state officials have balked at the suggestion.

Downstate legislators have suggested Hammond part with some of the more than \$40 million a year in taxes and subsidies

the city receives from its riverboat casino. And Senate Appropriations Chairman Luke Kenley, R-Noblesville, on Thursday said the levee project would be a perfect candidate for the proposed federal stimulus package.

While the levee panel drew the bulk of the blame for the fall floods, an ensuing audit gave the commission's books a clean bill of health. Last month, before the audit was complete, Daniels was asked what the commission could expect in the next state budget.

"The Little Cal is high priority," Daniels said in early December. "But I don't have a lot of confidence in anything that outfit says. An awful lot of money has gone down that drain over the course of time, (and) we don't have very much built. So it's a very high priority. But, particularly when dollars are scarce, somebody's going to have to be very persuasive that something's different - this time the money will actually wind up protecting property and citizens."

Times staff writer Susan Brown contributed to this report.

BREAKING NEWS: nwi.com



2009 INDIANA  
GENERAL ASSEMBLY

## Overhaul in hopper for levee agency

Hammond mayor wants  
to make appointment

BY PATRICK GUINANE

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**INDIANAPOLIS** | State Rep. Ed Soliday, R-Valparaiso, said Monday he plans to press ahead with legislation giving Gov. Mitch Daniels sole authority to remake the embattled Little Calumet River Basin Development Commission.

The panel, created two decades ago to build protective levees along a 24-mile stretch of river from Gary to the Illinois border, has taken the brunt of the blame for September flooding that damaged hundreds of region homes.

Soliday's legislation would replace the current 11-member board with five commissioners, all of whom would be appointed by the governor. But the proposal isn't sitting well with Hammond Mayor Thomas McDermott Jr., who has told region legislators he wants to retain his power to appoint one commissioner.

"There will be plenty of opportunities for the locals to approach people, to state their case, but we won't have this. Well, some (community) got a nickel, so I ought to get a nickel," Soliday said of his proposal. "Our goal is to stop flooding people's homes and get this project done."

The governor currently makes six appointments to the panel, with local officials, including the mayors of Gary and Hammond, appointing the other five members.

## \$200,000 OK'd for temporary levee plan

Work will continue in  
Munster along Little Cal

**BY CARMEN MCCOLLUM**  
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**MUNSTER** | The Munster Town Council approved spending up to \$200,000 to continue constructing its own temporary levee until the federal levee project is complete.

Joe Nordman, with Robinson Engineering, along with Munster Town Engineer Jim Mandon told council members Monday the temporary levee would be built at 602 feet above sea level. The two said workers have been clearing trees and other debris since shortly after the September floods.

Interim repairs and improvements are being made on the levee from Northcote Avenue to a point on River Drive.

Where necessary, Mandon said concrete barriers will be installed in some areas, and a few spots would be walled with sandbags. The concrete barriers will be the last improvements made because engineers said it takes time to fabricate and deliver the barriers.

Munster Town Council member David Nellans also asked engineers to determine the cost of the levee work from River Bend to the state line, approximately a mile and a half away.

Dozens of residents from the Wicker Park neighborhood attended the meeting urging council members to push legislators, not just in Northwest Indiana, but across the state, to support completion of the federal levee project.

Council members said they have individually talked to local legislators and Council President Michael Mellon promised to set a meeting so that residents also can meet with them.

Bridget Bodefeld told council members they need to "hold the governor's feet to the fire" and take a bus to Indianapolis to get money to finish the federal levee project.

Another resident talked about the importance of cleaning the silt from under the bridge on Northcote, something Mandon said the U.S. Army Corps of Engineers does not support. He said the town has gotten approval from time to time to clean silt from Hart Ditch.

The effort to build protective levees along a 24-mile stretch of the river from Gary to the Illinois border began in the early 1980s, and construction started in 1991. The incomplete project was blamed for the September floods.

### 'WRONG TIME AND THE WRONG TAX'

The Town Council heard a statement from Speros Batistatos, president of the South Shore Convention & Visitors Authority who does not support a 1 percent tax on restaurants in Northwest Indiana. The Northwest Indiana Regional Development Authority wants to use a 1 percent food and beverage tax to fund public transportation.

Batistatos said he intends to go to every city and town in Northwest Indiana asking for their support to encourage the Lake County Council to vote against the measure.

"Restaurants are closing across Northwest Indiana," he said. "It's the wrong time and the wrong tax."



**mark kiesling**

times columnist

## *State's not all wet on levee funding*

So it turns out state officials are lukewarm about upping their portion of funding for the completion of the Little Calumet River levee project.

If I am supposed to profess shock, please let me know because otherwise I am not going to.

The \$1 million annual contribution from the state is about the same as they've always given to the project in its 30-plus-year history, and that's what they are sticking with.

Are we to blame Gov. Mitch Daniels, who said he has no intention of parting with more for the estimated \$13.5 million completion of the project?

Before we all start crying in our collective beers over how people downstate don't like Lake County, which they don't, put yourself in the governor's motorcycle boots.

This week, he had to endure a visit by Gary Mayor Rudy Clay to Indianapolis to plead for an exemption to the state's mandated property tax caps only to discover that Clay had just inked a deal for the city to buy a \$29,000 2009 Hummer H3 as his new mayoral ride.

Clay wanted to cut business tax breaks in Gary, which Daniels said was "a good way to make sure the very last job leaves Gary." Unless it's a Hummer dealership, maybe.

The state was also a bit leery about the Little Cal project after U.S. Rep. Pete Visclosky, D-Ind., criticized the project's governing body in September for being a decade behind schedule and \$125 million over budget.

And while Hammond Mayor Thomas McDermott Jr. wants the state to kick in \$3.5 million out of sales tax generated by the city's Cabela's outdoors store, legislators want McDermott to use some of the \$40 million Hammond gets annually from its lakefront casino.

It's not helping things to propose, as McDermott did, spending up to \$2 million on a project that would have put an enormous foam replica of the Statue of Liberty in Wolf Lake.

East Chicago Mayor George Pabey is under federal investigation for using city workers to spruce up a home he and his daughter own in Gary's Miller Beach neighborhood — work that city spokesman Damian Rico said was done off city time and for which Pabey paid.

So I can't say Daniels is out of line for wanting us to get our own fiscal house in order before he writes us another check.

"The Little Cal is high priority," the governor said in December. "But I don't have a lot of confidence in anything (the Little Calumet River Basin Development Commission) says. An awful lot of money has gone down the drain in that time."

Money, yes. Water, not so much.

The opinions are solely those of the writer. He can be reached at [markk@nwitimes.com](mailto:markk@nwitimes.com) or (219) 933-4170.

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**NORTH LAKE COUNTY EDITION**

## Governor's Little Cal funds won't prevent floods

Money already pledged  
to pay back RDA loan

**BY KEITH BENMAN**  
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The \$2 million Gov. Mitch Daniels has proposed for the Little Calumet River Basin Development building more flood control walls.

Local officials Thursday said it's their understanding that the money will be used to pay back the Northwest Indiana Regional Development Authority for money it already advanced the commission.

Both Hammond Mayor Thomas McDermott Jr. and commission interim Director Jody Melton said that is because of a deal struck in 2007 between Daniels and the RDA.

A year ago, the RDA approved granting the commission \$6 million. Daniels and U.S. Rep. Pete Visclosky, D-Ind., wrote to the RDA, pledging to work with legislators to see the money would be repaid to the RDA out of the state's biennial state budget.

The RDA so far has disbursed about half of the \$6 million to the commission.

The revelation puts even more pressure on local leaders and state legislators who are trying to pry more money for flood control out of the General Assembly.

And right now, there is sharp division on how to do that.

McDermott is pushing the use of sales tax increment financing reserved for some cities in Indiana as the best way to pay for the

work, estimated to cost at least \$13.5 million.

"We've been arguing about budgets, audits and this board, but that's not the problem," McDermott said Thursday.

"The problem is a lack of money. There has never been enough money to complete this project."

But McDermott's idea is going nowhere in the Indiana General Assembly, said state Rep. Ed Soliday, R-Valparaiso.

"There is no support, not that, none, zero," Soliday said. "That is not sales tax increment financing he's talking about; that's sales tax diversion."

Hammond would need state approval to implement the local sales tax increment financing, and the governor has opposed the idea in the past.

Soliday has introduced a bill that would reduce the Little Calumet River Basin Development Commission from 14 members to five.

Those five all would be appointed by the governor.

Soliday said a reformed commission is the first step in restoring legislators' and the governor's confidence. Then, he and other area legislators can come up with a means of funding the project, he said.

Soliday also said the money requested by the governor in his proposed budget most likely will be used to pay back the RDA.

In September, communities along the Little Calumet were struck by disastrous flooding when the river overflowed its banks. Hundreds of people were forced out of their homes.

### MAYOR PUSHES TAX USE

Hammond Mayor Thomas McDermott Jr. is pushing the use of sales tax increment financing reserved for some cities in Indiana as the best way to pay for the Little Calumet River levee project, estimated to cost at least \$13.5 million.



# No federal bailout for Little Cal levee project

Visclosky says local, state funding needed to finish job

BY LU ANN FRANKLIN  
Times Correspondent

**HAMMOND** | The Little Calumet River levee project won't be bailed out with additional federal money as part of President-elect Barack Obama's economic stimulus plan to rebuild American infrastructure. Local government agencies must



PETE VISCLOSKY

find ways to fund the remaining construction.

Despite his chairmanship of the House Energy & Water Committee, U.S. Rep. Pete Visclosky, D-Ind., told those attending Thursday's town hall forum at Purdue University Calumet that

See **LEVEE, A4**

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## Levee

Continued from A3

"there are no earmarks" for projects such as the levee in the stimulus package.

Currently, \$15 million are needed to complete the long-awaited flood-control project, he said.

"The project will be \$12 million short of nonfederal funds," Visclosky said. "The local responsibility will not go away."

Visclosky has called for a meeting of state and local parties to resolve the stalemate. Two solutions proposed by Hammond Mayor Thomas McDermott, Jr. and Hammond City Council President Dan Repay have been criticized, he said.

McDermott asked the state to approve the use of sales tax increment financing, or STIF, to help fund the flood control project.

He wanted the state to divert about \$3.5 million a year in sales taxes from the Cabela's store toward the levee project, but state officials have balked at the suggestion. Repay suggested asking the state to redirect more than \$11.4 million in gaming admission taxes from the horse racing industry to the flood control project.

"If you have a better idea come on up," Visclosky challenged during the forum, the 19th of 24 annual town meetings the congressman holds.

Indiana Gov. Mitch Daniels' proposed two-year state budget will provide \$2 million for the Little Calumet River Basin Development Commission.

"If the Indianapolis Colts were playing on the banks of the Little Calumet, we'd have the money," Visclosky quipped.

The congressman suggested hiring a contract management firm with experience in flood control projects and paying the firm a bonus if the project were completed early.

"Get off the dime," Visclosky said of the decades-old levee project, "Let's get this thing done."

## CONSTRUCTION FIRMS UP ANTE

Estimates cite fees up to \$290 an hour, monthly maximums near \$115,000

BY SUSAN BROWN

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Over the reservations of its treasurer, the Little Calumet River Basin Development Commission is aiming to interview four prospective construction management firms to head up day-to-day operations on the federal levee project by Feb. 1 and hire one by March 1 or before.

"We have no money anticipated," Treasurer Kent Gurley reminded the commission at its last meeting.

"Good point," responded the commission's newly elected chairman, Dan Dernule, adding the commission was working on funding and hoping the General Assembly would come through.

Since then, Gov. Mitch Daniels' budget proposal posted only \$2 million in spending over two years for the project, which the Northwest Indiana Regional Development Authority is reported assuming is a payback on \$3 million in advance funding.

The \$13.5 million estimated by the commission to complete building the levee does not include the firms' cost quotes, which Gurley has described as "pretty stiff."

Just how stiff is apparent with even a quick glance at the four proposals.

While the firm of RW Armstrong left a lump sum figure open, the company nevertheless quoted some outside professional services ranging from \$290 an hour to \$90 an hour for support staff. Other project-related work handled by the firm itself came in at \$179 an hour for a senior project manager to \$85 an hour for an administrative assistant.

The firm, however, appeared ready to commit to keeping the maximum fee for hourly work at \$64,000 a month, anticipating the hourly fees will decrease as the project nears completion.

American Structurepoint Inc., meanwhile, proposed to begin their work with a discovery/research phase, projected at a maximum \$30,000, to understand the details involved in the project.

Upon completion, the firm would re-evaluate the annual fee but based on current information, it estimates the annual fee between \$150,000 and \$300,000 plus expenses. The proposal includes hourly rates at \$162.87 for a principal architect or engineer and \$130.19 for a project manager.

The firm of DLZ estimates costs at \$325,000 through February 2010 for basic services, which are defined as asset management, project management/execution, funding mechanisms and post-construction action. For

the same period, the firm estimated land acquisition costs at an additional \$519,850.

The proposal by the final firm, Short Elliott Hendrickson Inc., tops the list at a maximum \$2.5 million. Monthly maximums are estimated at \$115,000 in 2009, \$61,366 in 2010 and \$35,521 in 2011.

William Biller, then commission chairman, has said all four firms have a different "plan of attack."

"To further complicate things, (interim Executive Director) Jody Melton is no longer under contract with us," he later reported to the commission. "We have no leadership. No one to direct the staff on a day-to-day basis."

Given the project's financial outlook and his own professional experience, Gurley was reluctant to proceed with interviewing the firms. "A client normally doesn't go on an interview without funding," he said.

Despite Gurley's misgivings, Ron McAlhron, representing the Indiana Department of Natural Resources, urged the commission to move forward as did newly elected Vice Chairman Bill Baker.

"We can't hold up the process," Baker said.

## Visclosky: Levee needs local funds

Association voices worry  
about Little Cal silt levels

BY MARY WILDS  
Times Correspondent

MUNSTER | Residents hurt by Little Calumet River flooding in September wanted to know Saturday what U.S. Rep. Pete Visclosky would, or could, do to help them.

The Indiana Democrat took some heat at a town hall forum he hosted at the Lake County Public Library's Munster branch for remarks he'd made earlier in the week regarding funding for the Little Calumet levee project.

In those remarks, Visclosky indicated that money from a planned federal stimulus package for infrastructure would not be available for the levee and that matching funding would have to come from the state.

"(The comments) were very disheartening," said Tula Kavadias, president of the Wicker Park Neighborhood Association.

"What can you do as our congressman to help get the levee completed?" she asked.

Visclosky explained that federal funding for the levee project would require a local match. The state therefore needs to step up.

The state has pledged to provide \$2 million to the Little Calumet project. Local officials on Thursday, however, said it's their understanding that the money will be used to pay back the Northwest Indiana Regional Development Authority for money it already advanced the Little Calumet River Basin Development Commission.

Current estimates for project funding call for a \$12 million local match.

"I try never to play (the blame game)" with Indianapolis, Visclosky said. "But I can't help but believe in my heart that if it were the White River in Marion County, (the levee) would be done."

He said his office will continue to do what it can for the project, but there are other efforts that can begin locally. Visclosky suggested that "stakeholders" in the project meet and come up with a plan to move it forward.

When someone in the audience asked if federal stimulus dollars granted to Indiana would be considered "federal" or "state" money, he smiled and said, "It depends. But you're on the right track."

An engineer affiliated with the Wicker Park Neighborhood Association brought up another Little Calumet-related issue.

Silt levels are so high around the Northcote and Columbia Avenue bridges that they could block water flow by 50 percent to 60 percent, Paul Daniels, a member of the asso-

ciation's tech committee, told Visclosky in a prepared statement. If the silt isn't removed, the surrounding areas are in danger of flooding this spring.

The association is willing to use its manpower to remove the silt, but it will need permission from the Army Corps of Engineers. Hammond and Munster, as well as Lake County, will have to acquire permits before any work can start. The group asked for Visclosky's help in speeding along the process.

Visclosky said he would have his staff meet with association members to discuss the problem.

## regionVoices

### Little Cal commission needs full state funding to finish its work

What should be clear about the Little Cal levee project:

1. This problem could have been solved 20 years ago if the state fully funded its largest flood control effort. But the Little Cal commission was treated like an unwanted stepchild.

Authorizing legislation seems to have been poorly written, the project never got adequate funding and state legislators tired hearing about the project, thus costs rose.

2. Commissioners have little authority. Lawmakers, governors and the bureaucratic U.S. Army Corps of Engineers have more.

The commission cannot tax, can spend only what it gets and must pay what and when the bureaucrats say, no matter if they have the money or not.

Hence, crisis and repeat.

3. Commissioners and Dan Gardner are not the villains U.S. Rep. Pete Visclosky has made them out to be. The audit showed they were spending correctly. New commissioners cannot succeed without full state

funding.

4. Proper blame circulates. Who got the necessary federal funds but not the state's, and whose aide had little success as a commissioner?

5. Our state legislators cannot be timid, and our governor must lead. Full funding cannot be an option anymore. It must succeed.

Curtis Vosti, Hammond.

## Officials pressed on Northcote Bridge

DuPey wants to investigate cost of refiguring the span

BY BILL DOLAN  
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**MUNSTER** | Lake County Commissioner Fran DuPey, D-Hammond, said Wednesday she isn't ready to close the controversial Northcote Bridge yet.

DuPey said she has received petitions in recent weeks from 263 Munster residents wanting to remove the bridge and about 500 from Hammond residents wanting to keep it open.

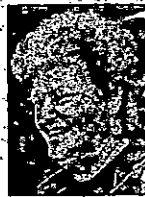
"The city of Hammond is against it, but I've heard nothing from the Munster Town Council. I need their input. I want us to look into the cost of reconfiguring it," DuPey said.

County commissioners find themselves in the middle of the dispute because they own the span over the recently flooded waterway.

DuPey said she would like to know the cost of raising the bridge's deck above the proposed flood levee.

Commissioner Gerry Scheub, D-Schererville, said he and Commissioner Roosevelt Allen support DuPey in her efforts to find a solution.

Scores of Munster homes were flooded four months



FRAN DUPEY

### THE ISSUE

Lake County is considering closing the Northcote Bridge.

Commissioner Fran DuPey says she has gotten petitions from 263 in Munster wanting to remove the bridge and about 500 in Hammond who want it to remain open.

ago by a record surge of the Little Calumet River, which divides Hammond and Munster.

Munster residents, particularly those living near the river's southern bank, have said they want the bridge demolished because its surface is 2 feet or more below the top of a proposed earthen dam designed to ward off future flood crests.

Munster town officials responded in early October by erecting a temporary sandbag wall across their end of the Northcote Bridge. They closed and sandbagged Northcote and the Columbia Avenue bridge briefly in late December when heavy rain swelled the river above flood stage again.

Hammond Mayor Thomas McDermott Jr. has thrown his weight behind keeping the bridge in place. He said last fall it remains an important traffic artery.

# Local News

BREAKING NEWS: nwi.com

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Story tip or comment?

Contact Metro Editor Sharon Ross at  
219.852.4328 or [sross@nwi.com](mailto:sross@nwi.com).  
More local news, A7

## Section of Hammond may not receive levee

Little Cal panel will explore whether protection needed

BY SUSAN BROWN

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**PORTAGE** | The Little Calumet River Basin Development Commission on Wednesday agreed to explore the necessity of bringing the federal levee into the Southmoor Road neighborhood in Hammond.

Residents of the far west side neighborhood, already freed from having to obtain costly flood insurance because of the high elevation of their property, have long questioned the need for the levee on their part of the river. They contend the levee can end at Lyman Avenue without endangering homes in the vicinity of Southmoor Road or Forest Avenue.

The homeowners contend the current plan will destroy the natural habitat and allow backflooding into what would be left of their backyards.

Since last August, with the support of Purdue University professor of engineering Roy Evans, the homeowners have been trying to persuade the commission to seek a second opinion on the question, arguing federal law allows it at no cost to the commission.

On Wednesday, their latest plea caught the attention of several commission members, including Treasurer Kent Gurley, Hammond Assistant City Engineer Mark Gordish and Ron McAhron, deputy director of the Indiana Department of Natural Resources.

In recent months, U.S. Sen. Evan Bayh, U.S. Sen. Dick Lugar and U.S. Rep. Pete Visclosky all have written Lt. Gen. Robert Antwerp, chief of the U.S. Army Corps of Engineers, to review the current plan.

"In theory, I don't have a problem with that," Gurley said.

Gordish said he would review the new FEMA flood maps to explore the status of the homes north of Southmoor Road, which the current plan by the corps claims would flood if the levee bypassed Southmoor Road.

McAhron invited the homeowners to meet with him and DNR engineers to review the necessity of building the levee to the state line.

McAhron said the findings will dictate whether he will recommend to the entire commission that it seeks a second opinion. "Why build a levee we don't need?" he said.

McAhron said the Southmoor Road issues may not need to delay the project from continuing.

If proven right, the homeowners argued the millions of dollars saved could instead be given to the Munster portion of the project.

Southmoor Road homeowner Ruth Mores said she would not oppose building the levee if it is proven to be necessary but would also like to know if an alternative might be available that saves money, the environment and property values.

The effort also met with the approval of veteran commission member Arlene Colvin. "If we can save the money, that would be great," she said.

In the meantime, the commission has again shrunk in number with the resignation of longtime commission member Robert Huffman, who represented Munster on the panel, bringing the membership to eight, down from 11. Legislation is pending that seeks to reduce the commission to five, all governor appointees.

## Bail out Little Cal project

**N**orthwest Indiana officials who are expecting the federal government to finish the Little Calumet River levee project out of the goodness of its heart are deluding themselves.

The U.S. government does not deliver this sort of project like manna from heaven. There needs to be some local financial contribution to the effort.

Indiana Gov. Mitch Daniels has offered a budget proposal that doesn't recognize this need. Daniels has budgeted \$2 million to repay the Northwest Indiana Regional Development Authority for money it has loaned to the Little Calumet River Basin Development Commission. Daniels is keeping his promise to seek this amount.

But that isn't going to finish the levee project.

In the meantime, the same people who were flooded last September can look at all the snow we've received this winter and know that it will eventually melt, possibly causing the river to flood again.

There are many reasons to complain about the unfinished Little Calumet River levee project. It has continued for too many years. The Northcote Avenue bridge is too low to protect neighborhoods from flooding. Costs are way, way above what they were originally projected to be.

But all these negatives don't mean that the idea itself isn't a positive.

And it's hard to argue that this project, now so near completion, should be abandoned now.

The federal government is paying the lion's share of these project, but the lion can't pay it all.

Indiana must provide the local share for the Little Calumet River Basin Development Commission to finish its work, not just to repay the RDA loan. This project must be finished once and for all.

If state lawmakers fail to provide the local funding to finish this work in the two-year budget, what will they tell property owners when the flooding occurs again?

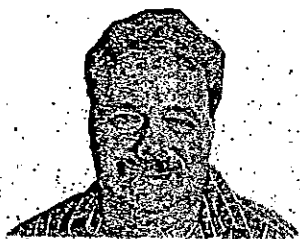
### OUR OPINION

Indiana must provide the local share for the Little Calumet River Basin Development Commission to finish its work, not just to repay the RDA loan. This project must be completed.

### YOUR OPINION

Should the Indiana General Assembly provide sufficient funds to finish the Little Calumet River levee project over the next two years?

Share your thoughts at  
nwi.com/opinion



mark kiesling

times columnist

## *Bridge an easy fall guy for flooding*

It's easy to think with your heart, but there are few things more ineffective than government that makes feel-good decisions that have little or no actual benefit to the public.

So it makes no sense for the Lake County commissioners to close the Northcote Avenue bridge over the Little Calumet River, where hundreds of thousands of gallons of water poured into Munster in September and damaged scores of homes.

No, my house didn't flood. So it's easy for me to talk, but it also easier for me to look at this from a non-emotional point of view and listen to the engineers who are finalizing the last portion of the levee project.

They say it was not the bridge that caused the headaches and heartbreaks of September, but rather several interrelated key factors that combined for (metaphor alert) the perfect storm.

Start with the town of Munster's lack of recognizing the danger and its delay in sand-bagging. Hammond simply did a better job and its side of that very same bridge stayed dry.

Munster officials at first hemmed and hawed about their action (or lack of it), but now admit they were a day late and millions of dollars short. Had the bridge been sealed earlier, as it was in Hammond, the water would have continued on to the west.

They say it was not the bridge that caused the headaches and heartbreaks of September, but rather several interrelated key factors that combined for (metaphor alert) the perfect storm.

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Munster officials at first hemmed and hawed about their action (or lack of it), but now admit they were a day late and millions of dollars short. Had the bridge been sealed earlier, as it was in Hammond, the water would have continued on to the west.

Once there it would have poured over the levee where it was lower on the Munster side, as it did anyway, but that has nothing to do with the bridge.

The bridge also did not cause a critical pumping station to burn out in the middle of the deluge.

The Little Calumet River flows both east and west, and its junction with Hart Ditch just east of the Northcote bridge is the dividing point. North Township Trustee Frank Mrvan said plans call for a flood control device to divert more water from the Hart Ditch to the east, where the levee project is complete.

There are also plans to rapidly develop part of the former Woodmar Country Club golf course and the north end of Wicker Park, which both border the river, into temporary retention ponds, Mrvan said.

He also said tons of silt and debris need to be removed from the river to aid its flow, and that the bridge may have to be raised as was done on Indianapolis Boulevard after the flood of November 1990 inundated dozens of homes in Highland.

The bridge has been there for decades. It's not the culprit in the flooding, but it's an easy target for a feel-good project that makes it look like government is doing something.

Even when it is not.

The opinions are solely those of the writer. He can be reached at markk@nwtimes.com or (219) 933-4170.



# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING:

DATE:

LOCATION:

CHAIRMAN:

**PLEASE SIGN IN**

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	NUREYA ROSALES	7843 JACKSON AVE MUNSTER
2	KAREN LORENZ	270 SETHMOOR HAMMOND
3	David Twardak	7837 Monroe Munster
4	BURDETTE S	S S S
5	LANCE & MARIE BARROWS	7922 MONROE 836-5251
6	Sharon Grady	7931 Monroe 836-0212
7	Barb Spolnik	836-0056
8	<del>Barb Spolnik</del>	MUNSTER
9	Kevin Capps	633 River Dr, Munster
10	Fred Connor ✓	8019 Linden Munster
11	Jess Shepek	7932 Jefferson
12	Tom Drake	8326 Columbia Munster
13	James Peterman	8029 Linden Munster
14	Elizabeth Jones	8102 Baring Ave. Munster
15	ALICE Kozlowski	8102 OAKWOOD AVE Munster
16	LEON Kozlowski	" " "
17	John MOGLE	8205 Baring Ave / Munster
18	Rich & Mari GRIGSBY	8205 Northcote / Munster
19	Robert Faray	6441 Bay Center -
20	Bill Howard	8101 Northcote
21	John M. Novak	7934 Tupper Ave
22	Elizabeth Howard	8254 Northcote Ave
23	MICHAEL JABO	D22 7011 INDS BLVD, HAMMOND
24	Mike McHughes	INDOT - Airport District
25	Charles Seligman	8017 Jackson Ave Munster



**LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION  
ATTENDANCE ROSTER**

NAME OF MEETING: LCRBDC

DATE: 2-4-09

LOCATION: Munster Town Hall

CHAIRMAN: Dan Derynuk

**PLEASE SIGN IN**

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	BILL PETRITES	HIGHLAND RESIDENT
2	Carolyn Marsh	Sand Ridge Audubon Society
3	PATRICIA Huber	8146 LINDEN AVE MUNSTER
4	PATRICIA PIEKARCZYK	8147 LINDEN AVE, MUNSTER
5	RUTH MORES	SOUTHMOOR RD HAMM
6	Lynne Whelan	USACE
7	CHRISTINE Kutkoski	274 South moor Rd Hamm
8	Tracie ZARANTORELLO	274 South moor
9	Carol Don Nelson	8236 Baring Dr.
10	Thomas NAYES	27 RIVER DR MUNSTER
11	EUGENE G. LESKO	7912 MADISON "
12	JILL BRZINSKY	7915 MADISON
13	Beatrice PLUARD	8237 HOWARD AVE
14	Cherene Seagraves	7942 Monroe Ave
15	Dan J. Javignani	7501 Morlocke Hammond
16	DAVID WILLIAMS	Town of Munster Council
17	Denise J. Bukacinski	15 RIVER DR MUNSTER
18	Karen + Bernie Mashura	8004 Monroe
19	Elizabeth Johnson	Congressman Visclosky
20	Bill Knapke	7832 Jackson
21	Beatrice Danusiro	8126 Howard ave Munster
22	Craig Danusiro	" " "
23	Jayson Reeves	3137 W 21 St Gary, Indiana
24	Bob + Ruth Krol	1 River Drive
25	Patricia Nize	501 River Drive



# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING:

DATE:

LOCATION:

CHAIRMAN:

**PLEASE SIGN IN**

	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	Bob Paulson	8240 North Cote Ave
2	Kalliope + James R. Dedelow	8140 White Oak Ave.
3	Bob Wendy Carlson	7826 Jackson
4	Ken Stamos	7901 Harrison Del.
5	STEVE RMAX	7123 Forest Ave. Hanover
6	Marylou Paul Daniel	8308 Castle Dr. Munster
7	Rich. Humlich	8306 Saring Munster
8	SAVO RAJKOVIC	7844 Monroe Ave.
9	Gene Belkiss	8212 Barin Munster
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# HOUSE GOVERNMENT AND REGULATORY REFORM

BILL NUMBER:

1716

DATE:

2/17

2009

AUTHOR OR SPONSORS:

SOLIDAY

LSA STAFF PERSON:

Anne Haley

COMMITTEE MEMBERS	DP		DPA	
	Yes	No	Yes	No
HINKLE, PHIL RMM			✓	
WOLKINS, DAVID			✓	
STEUERWALD, GREGORY			✓	
SMITH, MILO			✓	
NEESE, TIMOTHY				
BARTLETT, JOHN CHMN			✓	
TYLER, DENNIS VICE-CH			✓	
BARNES, JOHN			✓	
CANDELARIA REARDON, MARA				
HARRIS, EARL			✓	
STEMLER, STEVE				
TINCHER, VERN			✓	
			9	0

John Bartlett, Chairperson



## House Bill 1716

### 2009 Regular Session

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#### DIGEST OF INTRODUCED BILL

Little Calumet River basin development commission. Changes the membership of and the qualifications for membership on the Little Calumet River basin development commission (commission). Requires record keeping and audits of the commission's accounts. Requires the commission to prepare reports annually, or more frequently as required by the governor. Staggers the initial terms of the members. Makes conforming changes.

#### Current Status:

In Committee - first House

#### Latest Printing (PDF)

- [Action List](#)
- [Introduced Bill](#)
- [Fiscal Impact Statement\(s\): 1\(PDF\)](#)
- [Roll Call\(s\): No. 6745\(PDF\)](#)
- [Indiana Code Citations Affected](#)
- [House Committee Reports](#)
- [House Amendments](#)
- [Senate Committee Reports](#)
- [Senate Amendments](#)
- [Conference Committee Reports](#)

**Bill Info****Legislative Services  
Agency****Action List: House Bill 1716****2009 Regular Session****Authors:** Soliday, Candelaria Reardon, Lawson, Stevenson

<b>Date</b>	<b>Chamber</b>	<b>Action</b>
01/22/2009	H	Authored by Representative Soliday
01/22/2009	H	Coauthored by Representatives Dobis, L. Lawson and Lehe
01/22/2009	H	First reading: referred to Committee on Government and Regulatory Reform
02/10/2009	H	Representatives Lehe and Dobis removed as coauthors
02/10/2009	H	Representatives Stevenson and Candelaria Reardon added as coauthors

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Introduced Version

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**HOUSE BILL No. 1716**

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**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 14-13-2.

**Synopsis:** Little Calumet River basin development commission. Changes the membership of and the qualifications for membership on the Little Calumet River basin development commission (commission). Requires record keeping and audits of the commission's accounts. Requires the commission to prepare reports annually, or more frequently as required by the governor. Staggers the initial terms of the members. Makes conforming changes.

**Effective:** June 1, 2009; July 1, 2009.

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**Soliday, Dobis, Lawson L, Lehe**

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January 22, 2009, read first time and referred to Committee on Government and Regulatory Reform.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana

Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1716

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: IC 14-13-2-7; (09)IN1716.1.1. --> SECTION 1. IC 14-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The commission has ~~eleven (11)~~ members as follows:

- (1) ~~One (1)~~ member appointed by the county executive of Lake County.
- (2) ~~One (1)~~ member appointed by the county executive of Porter County.
- (3) ~~One (1)~~ member appointed by the executive of Gary.
- (4) ~~One (1)~~ member appointed by the executive of Hammond.
- (5) ~~One (1)~~ member appointed by the director.
- (6) ~~six (6)~~ five (5) members appointed by the governor.

(b) ~~Not more than six (6) members may belong to the same political party. The governor shall make appointments after all the others are made so that this requirement is feasible to implement.~~

(b) The governor shall appoint members of the commission so that the following requirements are met:

- (1) At least three (3) of the members must reside in Lake

County or Porter County.

- (2) At least three (3) of the members must have a background in:

- (A) construction;
- (B) project management; or
- (C) flood control;

or a similar professional background.

(3) Members may not be employees or elected officials of a city, town, or county governmental unit.

SOURCE: IC 14-13-2-10; (09)IN1716.1.2. --> SECTION 2. IC 14-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The commission shall meet on call of any of the following:

- (1) The chairman.
- (2) The executive director.
- (3) Any three (3) members.

(b) ~~Six (6)~~ Three (3) commission members constitute a quorum.

SOURCE: IC 14-13-2-30; (09)IN1716.1.3. --> SECTION 3. IC 14-13-2-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. The commission is responsible for the safekeeping and deposit of money the commission



receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for the keeping of; and
- (2) annually audit;

the accounts, records, and books of the commission and fund.

SOURCE: IC 14-13-2-31; (09)IN1716.1.4. --> SECTION 4. IC 14-13-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Sec. 31. (a) Subject to subsection (c), before November 1 of each year, the commission shall make a report of the commission's activities to the following:**

- (1) The governor.
- (2) The legislative council.

**(b) A report made to the legislative council under this section must be in an electronic format under IC 5-14-6.**

**(c) The governor may require the commission to issue reports more frequently than would otherwise be required under subsection (a).**

SOURCE: ; (09)IN1716.1.5. --> SECTION 5. [EFFECTIVE JUNE 1, 2009] **(a) The definitions that apply to IC 14-13-2 also apply to this SECTION.**

**(b) Notwithstanding IC 14-13-2-8, the terms of the members of the commission serving on June 30, 2009, expire on June 30, 2009.**

**(c) The governor shall appoint five (5) members to the commission under IC 14-13-2-7, as amended by this act.**

**Notwithstanding IC 14-13-2-8, the members appointed under this SECTION have the following initial terms:**

- (1) One (1) member has a term of one (1) year.
- (2) One (1) member has a term of two (2) years.
- (3) One (1) member has a term of three (3) years.
- (4) Two (2) members have a term of four (4) years.

**(d) An individual appointed to the commission under subsection (c) becomes a member of the commission:**

- (1) on July 1, 2009; or
- (2) on the date of appointment, if that date follows July 1, 2009.

**However, for purposes of determining when the initial term of a member appointed under subsection (c) expires, July 1, 2009, shall be treated as the date on which the member's term began.**

**(e) This SECTION expires July 1, 2013.**

SOURCE: ; (09)IN1716.1.6. --> SECTION 6. **An emergency is declared for this act.**



US Army Corps  
of Engineers®

# Little Calumet River Flood Damage Reduction Project

February 4, 2009

## Silt concerns at the Northcote and Colombia bridges.

**Background:** Some residents voiced concerns regarding the buildup of silt along the banks of the Little Calumet River, especially near the Northcote Avenue and Columbia Avenue bridges. They contend that the integrity of the flood control project may be compromised as a result of this buildup.

### USACE Response:

Bridges in general do have some impact on river flow and stages. Sometimes the impacts will be negligible, whereas in other cases, the impacts will be significant. These impacts are dependent on many factors. The hydraulic impacts of the Northcote Avenue and Columbia Avenue bridges have always been taken into account in the design of the Corps of Engineers Little Calumet River Project.

The scope of Little Calumet River Project does not include bridge and channel modification work at the Northcote and Columbia Avenue bridges or other bridges. Any modifications to the channel beneath these bridges are the responsibility of the local governments that own the bridge.

The State of Indiana Department of Natural Resources - Division of Water performed a survey of observed high water marks after the August 2007 flood on the Little Calumet River. These high water marks included four taken in the vicinity of Northcote Avenue (no survey was taken at Columbia Avenue). These surveyed high water marks indicate very little stage difference (head loss) across the Northcote Avenue Bridge during the peak of that historic flood event. The result of the survey confirms our hydraulic model which indicates a similar difference in head loss across the bridge for the design event. This indicates that the impact is negligible since a sizable head loss would be an indicator of an obstructive bridge cross section.

Some residents have raised the issue of excessive silting near the bridges. Although information reviewed by the Corps to date has not indicated any excessive siltation, removal of excessive siltation is a local responsibility. A regulatory permit would need to be obtained from USACE, Detroit District. The applicant may be the local sponsor of the Flood Protection Project, the Lake County Drainage Board or others. A private group can apply (and pay) for silt removal, but may need permission to do so. Some concerns that would likely come up in a permit application review would include:

- the amount of dredging, and whether the sediments are contaminated,
- the method of dredging,
- location and type of disposal site,
- potential impact of dredging on structural stability of the bridge itself.



# Little Calumet River Basin Development Commission

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6100 Southport Road  
Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653  
E-mail: [littlecal@nirpc.org](mailto:littlecal@nirpc.org)

DAN DERNULC, Chairman  
*Governor's Appointment*

WILLIAM BAKER, Vice-Chairman  
*Governor's Appointment*

R. KENT GURLEY, Treasurer  
*Lake County Commissioners' Appointment*

MARK GORDISH, Secretary  
*Mayor of Hammond's Appointment*

WILLIAM BILLER  
*Governor's Appointment*

ARLENE COLVIN  
*Mayor of Gary's Appointment*

RON McAHORN  
*Dept. of Natural Resources' Appointment*

JOHN MROCZKOWSKI  
*Governor's Appointment*

VACANCY  
*Governor's Appointment*

VACANCY  
*Governor's Appointment*

VACANCY  
*Porter County Commissioners' Appointment*

VACANCY  
*Executive Director*

LOU CASALE  
*Attorney*

## PRESS RELEASE:

### LITTLE CALUMET RIVER, INDIANA, LOCAL FLOOD PROTECTION, STAGE VII, MUNSTER AND HAMMOND, INDIANA

The Little Calumet River Basin Development Commission announces today that it has acquired all the necessary lands, easements, and rights-of-way needed for the Stage VII construction segment, Northcote Avenue to Columbia Avenue, both sides of the Little Calumet River, in Munster and Hammond. In addition to the Commission acquiring 48 easements and 3 utility relocation agreements, both the town of Munster and the city of Hammond have donated either easements or money toward the acquisition of this segment.

The Stage VII Right-of-Entry and Attorney's Certificate has been signed by the Chairman and Attorney, respectively and given to the US Army Corps of Engineers today, February 4, 2009. This will enable the Army Corps to advertise this stage of construction. The selected Contractor will be responsible for providing all necessary facilities, plants, labor, transportation, materials, and equipment to construct a floodwall protection system consisting of approximately 10,467 LF of floodwall, a gatewell structure, sluice structure, outlet structure, four sandbag closure structures, riprap for erosion control, recreation trail, and other work items identified in the bid schedule.

The completion of this construction segment will afford the town of Munster flood protection from the Little Calumet River and eventually afford the area residents relief from paying flood insurance once FEMA is able to remove the area from the floodplain designation.

**LCRBDC**

**LAND ACQUISITION COMMITTEE  
4 February 2009**

**There are no increased offers or condemnations.**

**STAGE VII UPDATE:**

**Right-of Entry for Army Corps to advertise for the contract signed today  
4 February 2009.**

**STAGE VIII UPDATE:**

**With no complications the area from Calumet Avenue to the CSX Railroad will have acquisitions acquired by mid-March. There are four acquisitions still in condemnation and we have three landowners who signed their offers but need to sign the actual easement agreement. We're in contact with all.  
(Please see attached.)**

**The Corps is now reviewing acquisition of the four houses west of Hohman Avenue. I have called the landowners to know their thoughts on being relocated and two out of four definitely want to stay.**

- One landowner had seepage in basement during flood, wants to stay,**
- One landowner had water from adjacent drainage ditch overflow,**
- One landowner couldn't be reached after repeated calls,**
- One landowner desires to sell. House uninhabitable from water damage.**

**The Chief Appraiser from the Army Corps Detroit District will be here next week to complete a gross appraisal of all four properties for fair market value for budgeting purposes.**

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*S. Cope*

**AGREEMENT OF INDEPENDENT CONTRACTOR TO PROVIDE SERVICES**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by and between The Little Calumet River Basin Development Commission ("Commission"), and James E. Pokrajac, an individual residing at \_\_\_\_\_ (the "Independent Contractor").

**Preliminary Statements**

Commission has a need to engage an independent contractor to provide services (as hereinafter defined).

Independent Contractor is in the business of performing the services sought by Commission (as hereinafter defined) and Independent Contractor desires to perform such services for Commission.

NOW THEREFORE, in consideration of the mutual covenants, promises and undertakings set forth in this Agreement, Commission and Independent Contractor agree as follows:

**1. Agreement to Provide Services.**

(a) On the terms and conditions set forth in this Agreement, Independent Contractor shall provide to Commission, and Commission shall accept and pay for, Services. For purposes of this Agreement, the term "Services" is defined as outlined in the work scope attached hereto and marked Exhibit "A", and such other duties and responsibilities assigned by Commission which are related to the above.

(b) During the term of this Agreement, Independent Contractor shall devote such time and diligent effort to the Services as may be required to fully discharge Independent Contractor's responsibilities in a competent and professional manner and in a manner which is satisfactory to Commission.

**2. Term.** The term of this Agreement shall commence on the date first above and continue on a month to month basis and shall continue until terminated by either party upon fourteen (14) calendar days' written notice to the other party.

Agreement and until such time as such Confidential Information shall have properly become public, Independent Contractor shall take all reasonable steps to ensure that no item of Confidential Information is disclosed to any third party or used for Independent Contractor's benefit or for the benefit of any third party, except as is consistent with this Agreement.

7. **Outside Business Activities.** Independent Contractor retains the right to engage in any outside activities, engagements or business, whether or not for remuneration. Such right includes the right to contract for the same or similar services with other individuals and other businesses, and the right to advertise or otherwise represent himself or herself as providing similar services to the general public.

8. **Instructions, Training, and Reports.** Commission shall not provide any instructions or training to Independent Contractor.

9. **Business Cards, Letterhead, Etc.** Independent Contractor shall maintain his or her own business cards, stationery, and letterhead, identifying Independent Contractor's affiliation with his or her own business.

10. **Benefits.** The sole and only benefit to be received by Independent Contractor from Commission hereunder shall be the remuneration provided under Section 3 of this Agreement, and Independent Contractor shall specifically not be entitled to participate in any medical, life, disability, pension, retirement, deferred compensation or other employee benefit plan of Commission, whether or not the same is made generally available to employees or other personnel of Commission during the term of this Agreement. Commission shall not carry workers compensation insurance with respect to Independent Contractor. The Independent Contractor shall obtain his own worker's compensation coverage and provide the Commission with proof of insurance.

11. **No Conflicting Agreements.** Independent Contractor represents and warrants to Commission that no verbal or written agreements exist which would prevent Independent Contractor from entering into this Agreement or rendering the Services required pursuant to this Agreement.

**12. Independent Contractor.**

(a) Notwithstanding any other provision of this Agreement to the contrary, this agreement does not constitute a hiring by either party nor does it constitute a contract of employment. Commission and Independent Contractor intend that Independent Contractor shall serve as an independent contractor and not as an employee of Commission.

(b) No acts or assistance given to Independent Contractor by Commission shall be construed to alter the independent contractor relationship, and nothing contained in this Agreement shall be construed to place the parties in a relationship of partners, joint venturers, or principal and agent.

(c) Independent Contractor is not authorized to assume or undertake any obligation of any kind, express or implied, on behalf of Commission; nor is Independent Contractor authorized on behalf of Commission to make any promise, warranty or representation with respect to Commission or its services.

**13. Taxes and Compliance with Laws.** All amounts payable hereunder to Independent Contractor shall be paid without reduction by Commission for any local, state or federal income, employment or withholding taxes, it being the intention and agreement of the parties that Independent Contractor shall be responsible for the payment of all taxes (including, but not limited to, income, self-employment, employment, and withholding taxes), fines, penalties, and assessments imposed or related to Independent Contractor's business activities. Independent Contractor shall be solely responsible for compliance with all state, local and federal laws, orders, codes and ordinances applicable to the performance of Independent Contractor's obligations under this Agreement.

**14. Termination.** This Agreement shall continue through the date provided in Section 2 or until terminated on an earlier date, with or without cause, by either party upon giving the other party written or oral notice thereof.

**15. Remedies.**

(a) Commission and Independent Contractor shall each be liable to the other for any damages, including consequential and incidental damages, caused by any breach of this Agreement.

(b) In any action successfully brought by either party against the other to enforce its rights under this Agreement, the prevailing party shall also be entitled to recover from the other party its reasonable attorneys' fees and other costs associated with any such proceeding.

**16. Cooperation and Identification.** In the event Commission or Independent Contractor, or both, are involved in a dispute or litigation involving third parties arising from the



provision of Services under this Agreement, Commission and Independent Contractor shall cooperate fully with respect to such dispute.

17. **Reasonableness and Severability.** Commission and Independent Contractor stipulate and agree that each and every paragraph, sentence, term and provision of this Agreement shall be considered independent, reasonable, and severable and that in the event a court finds any paragraph, sentence, term, or provision to be unreasonable, invalid, or unenforceable, the reasonableness, validity, enforceability, operation or effect of the remaining paragraphs, sentences, terms, or provisions shall not be affected, and this Agreement shall be construed in all respects as if the unreasonable, invalid, or unenforceable matter had been omitted.

18. **Non-Waiver.** The failure of either party to insist in any one or more instances upon performance of any of the provisions of this Agreement or to pursue their rights hereunder shall not be construed as a waiver of any such provisions or the relinquishment of any such rights.

19. **Succession.** This Agreement shall inure to the benefit of and may be enforced by Commission, its successors and assigns, and shall be binding upon Independent Contractor, his executors, administrators, legatees and other successors in interest.

20. **Notices.** All notices required to be given under the terms of this Agreement or which either of the parties may desire to give hereunder shall be in writing, except as otherwise provided, and shall be deemed to be given when delivered personally or sent by registered or certified mail, postage prepaid, return receipt requested to the parties at the addresses set forth in the preamble of this Agreement, or to such other persons or addresses as either party shall furnish to the other in writing.

21. **Governing Law and Choice of Forum.** In the event of any dispute hereunder, the laws of the State of Indiana shall govern the validity, performance, enforcement, interpretation and any other aspect of this Agreement. The parties expressly agree that any and all actions concerning any dispute arising under this Agreement shall be filed and maintained only in a state or federal court of competent jurisdiction sitting in the State of Indiana.

22. **Modification.** This Agreement may not be modified or altered except by written instrument duly executed by Commission and Independent Contractor.

23. **Entire Agreement.** This Agreement contains the entire agreement of the parties hereto with respect to the subject matter hereof and shall be deemed to supersede all prior agreements, whether written or oral, and the terms and provisions of any such prior agreement shall be deemed to have been merged into this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

THE LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
JAMES E. POKRAJAC

## **Exhibit A**

### **WORK SCOPE: DUTIES AND RESPONSIBILITIES**

1. Report to and be responsible to the Commission and Executive Director in the conduct of work responsibilities.
2. Duties will include but not be limited to:
  - A. Participate in maintaining current files of all Development Commission properties, maps, acquisition transactions, project credit files, lease records, payments, and contracts.
  - B. Participate in coordinating all property acquisition/management activities and contracts by the Development Commission.
  - C. Participate in generating data for use by contract personnel employed by the Commission surveyors, engineers, appraisers, title companies, ongoing O&M activities, and attorney. Monitor work done by contract personnel. Report to the Executive Director, Land Acquisition/Management Committee Chairman, Recreation Committee Chairman, Engineering Committee Chairman, and O&M Committee Chairman.
  - D. Participate in monitoring financial record keeping relative to lease and operational activities.
  - E. Monitor all leasing and operational agreements regarding commission properties and facilities. Monitor compliance of all lease, operational, engineering, utility relocation and construction related matters.
  - F. Participate on development, maintenance, and improvements of Commission lands.
  - G. Work with public entities and utilities in development projects, and operational aspects of recreation facilities on Commission lands.
  - H. Participate in preparation of agenda/backup materials for and attend monthly Commission, Recreation, Land Management, O&M, and Engineering committee meetings, special meetings, and committee meetings as requested.
  - I. Participate in such other duties, assignments, or responsibilities as are given the contractor by the Executive Director of the Commission.

- J. Overall responsibilities to the project include participation in the engineering review of Corps plans and specs and coordinating suggestions for value engineering to save the commission and the project monies.
- K. Participation in ongoing Operation & Maintenance concerns and implementation to turn the project over for municipal responsibility.
- L. Participation in organizing emergency response plans with all the communities to assure closures in the line of flood protection and have safety plans in place.
- M. Coordinate all utility relocations and to provide information to the Corps and their designing A/E in order to complete plans and specs.
- N. Represent the Commission in doing the final inspections to assure contract compliance and assemble a punch list.
- O. Coordination and facilitation of project and design for future construction segments with golf courses, hospitals, municipalities, and future developers.
- P. Preparation of legal descriptions and plats for real estate acquisition and easement agreements.

## **AGREEMENT OF INDEPENDENT CONTRACTOR TO PROVIDE SERVICES**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by and between The Little Calumet River Basin Development Commission ("Commission"), and Judith A. Vamos, an individual residing at \_\_\_\_\_ (the "Independent Contractor").

### **Preliminary Statements**

Commission has a need to engage an independent contractor to provide services (as hereinafter defined).

Independent Contractor is in the business of performing the services sought by Commission (as hereinafter defined) and Independent Contractor desires to perform such services for Commission.

NOW THEREFORE, in consideration of the mutual covenants, promises and undertakings set forth in this Agreement, Commission and Independent Contractor agree as follows:

#### **1. Agreement to Provide Services.**

(a) On the terms and conditions set forth in this Agreement, Independent Contractor shall provide to Commission, and Commission shall accept and pay for, Services. For purposes of this Agreement, the term "Services" is defined as outlined in the work scope attached hereto and marked Exhibit "A", and such other duties and responsibilities assigned by Commission which are related to the above.

(b) During the term of this Agreement, Independent Contractor shall devote such time and diligent effort to the Services as may be required to fully discharge Independent Contractor's responsibilities in a competent and professional manner and in a manner which is satisfactory to Commission.

**2. Term.** The term of this Agreement shall commence on the date first above and continue on a month to month basis and shall continue until terminated by either party upon fourteen (14) calendar days' written notice to the other party.

1. Remuneration.

(a) As full remuneration for all Services performed by Independent Contractor, Commission shall pay Independent Contractor \$ 43.40 per hour.

(b) Independent Contractor shall not be entitled to, and Commission shall not pay, any advances or draws with respect to any remuneration earned, or to be earned, pursuant to this Section 3.

(c) Independent Contractor shall submit a time sheet showing work performed, time devoted thereto and date.

4. Expenses. Independent Contractor shall be solely responsible for all expenses incurred in connection with the Services provided under this Agreement except the following which will be provided by the Commission:

(a) Mileage for job related use by Independent Contractor of his own vehicle at the then prevailing rate allowed by the State of Indiana.

(b) Travel expenses incurred on business travel for the Commission at the rates allowed by the State of Indiana, provided authorization of such travel is received in advance from Executive Director.

5. Right of Control.

(a) The Independent Contractor will be assigned work tasks by the Commission or Executive Director; however, Independent Contractor shall retain and exercise full control over the order, sequence, details, manner, and means by which Independent Contractor achieves the results provided for under this Agreement. Commission shall have no right to control or direct the order, sequence, details, manner; or means by which Independent Contractor achieves the results provided for under this Agreement.

(b) Independent Contractor shall have the sole right to supervise, manage, direct, procure, perform, or cause to be performed all services to be performed under this Agreement by Independent Contractor.

6. Confidential Information. Independent Contractor recognizes that he or she may be given access to the names, addresses, and other identifying and requirements information concerning the Commission and certain other valuable proprietary information, which is developed, compiled, and utilized by Commission in its business and which may be designated as confidential or secret, or is of a confidential nature which is required to be maintained as such for the continued success of its business ("Confidential Information"). During the term of this Agreement and until such time as such Confidential Information shall have properly become

public, Independent Contractor shall take all reasonable steps to ensure that no item of Confidential Information is disclosed to any third party or used for Independent Contractor's benefit or for the benefit of any third party, except as is consistent with this Agreement.

7. **Outside Business Activities.** Independent Contractor retains the right to engage in any outside activities, engagements or business, whether or not for remuneration. Such right includes the right to contract for the same or similar services with other individuals and other businesses, and the right to advertise or otherwise represent himself or herself as providing similar services to the general public.

8. **Instructions, Training, and Reports.** Commission shall not provide any instructions or training to Independent Contractor.

9. **Business Cards, Letterhead, Etc.** Independent Contractor shall maintain his or her own business cards, stationery, and letterhead, identifying Independent Contractor's affiliation with his or her own business.

10. **Benefits.** The sole and only benefit to be received by Independent Contractor from Commission hereunder shall be the remuneration provided under Section 3 of this Agreement, and Independent Contractor shall specifically not be entitled to participate in any medical, life, disability, pension, retirement, deferred compensation or other employee benefit plan of Commission, whether or not the same is made generally available to employees or other personnel of Commission during the term of this Agreement. Commission shall not carry workers compensation insurance with respect to Independent Contractor. The Independent Contractor shall obtain her own worker's compensation coverage and provide the Commission with proof of insurance.

11. **No Conflicting Agreements.** Independent Contractor represents and warrants to Commission that no verbal or written agreements exist which would prevent Independent Contractor from entering into this Agreement or rendering the Services required pursuant to this Agreement.

12. **Independent Contractor.**

(a) Notwithstanding any other provision of this Agreement to the contrary, this agreement does not constitute a hiring by either party nor does it constitute a contract of employment. Commission and Independent Contractor intend that Independent Contractor shall serve as an independent contractor and not as an employee of Commission.

(b) No acts or assistance given to Independent Contractor by Commission shall be construed to alter the independent contractor relationship, and nothing contained in this

Agreement shall be construed to place the parties in a relationship of partners, joint venturers, or principal and agent.

(c) Independent Contractor is not authorized to assume or undertake any obligation of any kind, express or implied, on behalf of Commission; nor is Independent Contractor authorized on behalf of Commission to make any promise, warranty or representation with respect to Commission or its services.

13. **Taxes and Compliance with Laws.** All amounts payable hereunder to Independent Contractor shall be paid without reduction by Commission for any local, state or federal income, employment or withholding taxes, it being the intention and agreement of the parties that Independent Contractor shall be responsible for the payment of all taxes (including, but not limited to, income, self-employment, employment, and withholding taxes), fines, penalties, and assessments imposed or related to Independent Contractor's business activities. Independent Contractor shall be solely responsible for compliance with all state, local and federal laws, orders, codes and ordinances applicable to the performance of Independent Contractor's obligations under this Agreement.

14. **Termination.** This Agreement shall continue through the date provided in Section 2 or until terminated on an earlier date, with or without cause, by either party upon giving the other party written or oral notice thereof.

15. **Remedies.**

(a) Commission and Independent Contractor shall each be liable to the other for any damages, including consequential and incidental damages, caused by any breach of this Agreement.

(b) In any action successfully brought by either party against the other to enforce its rights under this Agreement, the prevailing party shall also be entitled to recover from the other party its reasonable attorneys' fees and other costs associated with any such proceeding.



16. **Cooperation and Identification.** In the event Commission or Independent Contractor, or both, are involved in a dispute or litigation involving third parties arising from the provision of Services under this Agreement, Commission and Independent Contractor shall cooperate fully with respect to such dispute.

17. **Reasonableness and Severability.** Commission and Independent Contractor stipulate and agree that each and every paragraph, sentence, term and provision of this Agreement shall be considered independent, reasonable, and severable and that in the event a court finds any paragraph, sentence, term, or provision to be unreasonable, invalid, or unenforceable, the reasonableness, validity, enforceability, operation or effect of the remaining paragraphs, sentences, terms, or provisions shall not be affected, and this Agreement shall be construed in all respects as if the unreasonable, invalid, or unenforceable matter had been omitted.

18. **Non-Waiver.** The failure of either party to insist in any one or more instances upon performance of any of the provisions of this Agreement or to pursue their rights hereunder shall not be construed as a waiver of any such provisions or the relinquishment of any such rights.

19. **Succession.** This Agreement shall inure to the benefit of and may be enforced by Commission, its successors and assigns, and shall be binding upon Independent Contractor, his executors, administrators, legatees and other successors in interest.

20. **Notices.** All notices required to be given under the terms of this Agreement or which either of the parties may desire to give hereunder shall be in writing, except as otherwise provided, and shall be deemed to be given when delivered personally or sent by registered or certified mail, postage prepaid, return receipt requested to the parties at the addresses set forth in the preamble of this Agreement, or to such other persons or addresses as either party shall furnish to the other in writing.

21. **Governing Law and Choice of Forum.** In the event of any dispute hereunder, the laws of the State of Indiana shall govern the validity, performance, enforcement, interpretation and any other aspect of this Agreement. The parties expressly agree that any and all actions concerning any dispute arising under this Agreement shall be filed and maintained only in a state or federal court of competent jurisdiction sitting in the State of Indiana.

22. **Modification.** This Agreement may not be modified or altered except by written instrument duly executed by Commission and Independent Contractor.

23. **Entire Agreement.** This Agreement contains the entire agreement of the parties

hereto with respect to the subject matter hereof and shall be deemed to supersede all prior agreements, whether written or oral, and the terms and provisions of any such prior agreement shall be deemed to have been merged into this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

THE LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
JUDITH A. VAMOS

# **LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**

## **JOB DESCRIPTION**

### **LAND ACQUISITION AGENT**

The Little Calumet River Basin Development Commission shall engage the contractor as **Land Acquisition Agent** and the contractor shall perform the services as authorized and determined by the Commission, its duly authorized employees, contracts, or representatives.

The duties of the position of **Land Acquisition Agent** shall include but not be limited to following:

1. Perform any/all procedures necessary for the acquisition of real property for the Little Calumet River Flood Project.
2. Contract appraisers and assist in generating data from and for additional technical support contractors (engineers, surveyors, title companies, legal work, etc.) and public agencies (Lake County Auditor's Office, Lake County Surveyor's Office, Lake County Recorder's Office, etc.).
3. Coordinate and work with the project engineering, business, and legal on land acquisition/management activities and other operational activities as needed.
4. Prepare land acquisition analysis, in-house documents, and informational reports for and attend monthly Development Commission Meetings and Army Corps of Engineers monthly Real Estate Meetings.
5. Participate in preparation and documentation of crediting financial records.
6. Report to the Executive Director and the Commission and Land Acquisition Committee Chairman.
7. Perform such other duties, assignments, or responsibilities as are given to the contractor by the Commission or Executive Director.

**AGREEMENT FOR TECHNICAL SERVICES  
BETWEEN  
LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION  
AND  
Georgette Lorraine Kray  
250 Tamarack Drive  
Hobart, Indiana 46342**

For hourly contract services described as Crediting Technician and Land Acquisition Assistant.

**A. TERMS AND CONDITIONS OF CONTRACT:**

1. Contract shall run on a month to month basis effective from the date of signature of both parties or their legal representatives.
2. Contract shall be reviewed on an as-need basis and can be renewed or revised upon review and consent of both contracting parties. Compensation will be reviewed at that time.
3. The contract can be terminated upon written notice of fourteen (14) days by either contracting party.

**B. COMPENSATION FOR SERVICES:**

1. The Development Commission will compensate the contractor for services rendered on a fixed hourly rate basis at the rate of 22.45 /hour.
  2. The fixed rate compensation will constitute the total of compensation to the contractor for his services.
-

d.

**AGREEMENT BETWEEN THE LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION AND THE NORTHWESTERN INDIANA  
REGIONAL PLANNING COMMISSION FOR THE PROVISION OF GENERAL  
SERVICES**

**BY AGREEMENT MADE AND ENTERED INTO**, on the date hereinafter written, by and between the NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION, hereinafter referred to as "NIRPC", and the Little Calumet River Basin Development Commission, hereinafter called the "LCRBDC", under the terms and conditions hereafter set forth, the following is hereby agreed:

- A. NIRPC shall provide the LCRBDC services and assistance as is required by the LCRBDC to carry out its purposes under its enabling statutes, ICS14-6-29.5-1 through 10, inclusive.
1. NIRPC shall assign Sandra Mordus to serve full time in the capacity of Little Calumet River Basin Development Commission Operations Coordinator. For these services the LCRBDC shall compensate NIRPC four thousand nine hundred fifteen (\$4,915) dollars per month. This fee is intended to cover direct salaries and fringe benefits.
  2. NIRPC shall provide the LCRBDC with the provision of office space, basic utilities such as gas, electric and water, use of other common facilities within the overall NIRPC offices (such as conference and meeting rooms, hallways, restrooms, etc.), and the provision of reception services including the answering of telephones and greeting of visitors. For these services, the LCRBDC shall compensate NIRPC eight hundred six (\$806) dollars per month.
  3. Should the need arise to replace this staff member during the course of the Agreement; it will be done with the mutual consent of both parties to this Agreement. Should the staff member receive a salary increase during the course of this agreement, the amount charged will be increased on a basis equivalent to the percentage salary increase.
- B. In addition to the above designated staff and space, NIRPC shall provide the LCRBDC with three additional 10' by 10' offices and one partitioned space for use by its employees, contractors or agents. For these staff spaces, the LCRBDC shall compensate NIRPC at the rate of one thousand two hundred forty-eight (\$1,248) dollars per month. Should the LCRBDC desire additional space, NIRPC will make it available at a mutually agreed to cost.

2008  
agreement  
was  
\$ 9050.00  
down \$ 4135

2008  
agreement  
was  
\$ 1185.00  
down \$ 379

2008  
agreement was  
\$ 1200.  
up \$ 48.



- C. NIRPC shall set the salaries for those employees working primarily for the LCRBDC at levels mutually agreed to by the LCRBDC and the NIRPC Executive Director.
- D. NIRPC shall provide the following financial management assistance to the LCRBDC and shall be compensated for such service by the LCRBDC at the rate of one thousand six hundred ninety-two (\$1692) dollars per month. The charges will be divided and billed according to work tasks performed, separating administrative tasks from project non-federal sponsor financial accounting tasks. Upon review of typical monthly work and billings, the administrative and project related accounting tasks each comprise 50% of the work per month. The LCRBDC will be billed, in separate billings, the administrative tasks at eight hundred forty-six (\$846) per month and the project related accounting at eight hundred forty-six (\$846) per month.

*2008  
agreement  
was  
\$1600.  
up \$92.00*

Administrative Accounting services shall include:

1. Aid the LCRBDC in preparation of its budget and provide accounting services for the receipt, investment and disbursement of its funds, all in accordance with applicable State Board of Accounts guidelines, statute, and guidelines set out by the Commission herein or otherwise.
2. Deposit LCRBDC funds in the name of the LCRBDC and in depositories designated the LCRBDC.
3. Disburse LCRBDC funds only upon authorization to do so by the LCRBDC and presentation of a State Board of Accounts standard claim form signed by at least two Commission members and approved by the LCRBDC at a regular or special meeting. Checks shall be drawn from an account in the LCRBDC's name and shall be signed by the Treasurer and one other officer.
4. Provide monthly financial reports and line item financial accounting of budgeted expenditures.

Project Non-Federal Accounting services shall include:

1. Financially accounting for, by State Board of Accounts guidelines, all real estate transactions by the Development Commission needed by the Corps of Engineers.

2. Financially accounting for, by State Board of Accounts guidelines, all utility relocations by the Development Commission needed by the Corps of Engineers.
  3. Preparation of State funding draws of State funding payment for real estate, utility relocation for timely payment to transaction parties.
  4. Preparation and tracking of State funding draws for Development Commission's cash escrow submissions to the Corps, and financial accounting of funds availability for project purpose and for year-end State/Federal audits.
- E. An increased amount will be negotiated should the LCRBDC establish a payroll and request NIRPC to administrator it.
- F. The LCRBDC and NIRPC shall work out arrangements for telephone service and equipment in a manner that is mutually agreeable and cost effective to both parties.
- G. NIRPC shall make available use of its postage machine. Actual postage costs shall be billed to the LCRBDC.
- H. NIRPC shall make available to the LCRBDC the use of its copy machines. Use of this equipment will be billed at the rate of \$5.00 per month plus \$.06 per black & white copies and \$.20 per copy for color copies. *Same as 2008*
- I. NIRPC shall make available use of its facsimile machine. Use of this equipment shall be billed at the rate of \$5.00 per month plus actual long distance phone charges. *Same as 2008*
- J. LCRBDC agrees not to install within the NIRPC offices telephone, copier, or facsimile equipment. Any furniture or other equipment installed shall be located within the spaces designated for the exclusive use of the LCRBDC.
- K. NIRPC shall make available the use of its graphics and printing equipment and personnel. Graphics, printing, and clerical time charges will be billed at forty dollars (\$40.00) per hour. No charge will be made for bond paper or miscellaneous printing supplies. However, special order items will be billed as material costs. Such items include, but are not limited to metal plates, envelopes, binders, labels and other specialty items for printing and graphic work. *Same as 2008*



L. NIRPC may make available additional space or other services to the LCRBDC on a direct request basis. NIRPC shall bill the LCRBDC for such services on a basis that is mutually agreed to by the parties. **NIRPC has provided in its 2009 calendar year budget \$30,000.00 to be used as local share usage for the purposes of the Little Calumet River Basin Development Commission. This has also been the historical amount budgeted for this purpose. This would be proportionally allocated on a month to month basis.**

*addition to  
2009 agreement*

M. NIRPC shall provide itemized monthly billings for services performed. Payment shall be due within thirty (30) days after billing.

N. This agreement shall be **effective January 1, 2009 on a month to month basis** and can be terminated upon mutual agreement of both parties. However, either party may terminate the agreement at an earlier date by providing written notice of intent at least sixty (60) days prior to an effective termination date, which shall coincide with the last day of a calendar month.

*Changed to  
month to  
month basis*

**NORTHWESTERN INDIANA REGIONAL  
PLANNING COMMISSION**

**LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION**

By:

By:

\_\_\_\_\_  
**John Swanson**  
Executive Director

\_\_\_\_\_  
**Chairperson**

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
**Mary Jane Shkroba**  
Director of Finance & Administration

\_\_\_\_\_  
**Secretary**



Introduced Version

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**HOUSE BILL No. 1692**

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**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 4-23-30.

**Synopsis:** Sunset state boards and commissions. Terminates numerous statutory boards, commissions, committees, and other governmental entities on July 1, 2012. Directs the legislative services agency, under the direction of the legislative council, to prepare legislation to bring affected statutes into compliance with this act.

**Effective:** July 1, 2009.

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**Borrer**

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January 16, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions

will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1692

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: IC 4-23-30; (09)IN1692.1.1. --> SECTION 1. IC 4-23-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

### **Chapter 30. Expiration of Boards, Commissions, and Committees**

**Sec. 1.** As used in this chapter, "sunsetting entity" refers to an entity listed in section 4 of this chapter.

**Sec. 2.** Notwithstanding any other law, each sunsetting entity expires July 1, 2012.

**Sec. 3.** Except for expenses that are:

- (1) necessary to discontinue operations of the sunsetting entity; and
- (2) approved by the governor;

no public funds may be used by or on behalf of a sunsetting entity after June 30, 2012.

**Sec. 4.** The following are sunsetting entities:

**Administrative rules oversight committee (IC 2-5-18)**

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**Aging, Indiana state commission on (IC 12-10\_2-1)**

**Air pollution control board (IC 13-17-2-1)**

**Alzheimer's disease and related senile dementia task force (IC 12-10-5-2)**

**Arts commission, Indiana (IC 4-23-2-1)**

**Arts commission trust fund board, Indiana (IC 4-23-2.5-5)**

**Autism, Indiana commission on (IC 12-11-7-2)**

**Black and minority health, interagency state council on (IC 16-46-6-3)**

**Breed development advisory committees (IC 4-31-11-3)**

**Building and trades advisory committee (IC 22-4.1-15-1)**

**Business law survey commission, Indiana (IC 23-1-54-3)**

**Census data advisory committee (IC 2-5-19)**

**Charter school review panel (IC 20-24-3-12)**

**Child care, committee on (IC 12-17.2-3.3-2)**

**Child custody and support advisory committee, Indiana (IC 33-24-11-1)**

**Clean manufacturing technology board (IC 13-27.5-1-1)**

**Code revision commission (IC 2-5-1.1-10)**

**Community and home options to institutional care for the elderly and disabled board (IC 12-10-11-1)**

**Community service and volunteerism, commission on**

**Commuter transportation district, northern Indiana**

**Compliance advisory panel (IC 13-13-7-2)**

**Controlled substances advisory committee (IC 35-48-2-1)**

Corporation for educational technology, board of directors (IC 20-20-15-4)  
 Drug free Indiana, commission for a (IC 5-2-6-16)  
 East Chicago waterway management district board of directors (IC 8-10-9-6)  
 Education commission of the states (IC 20-38-2-4)  
 Education roundtable (IC 20-19-4-2)  
 Educational technology council (IC 20-20-14-2)  
 Educational attitudes, motivation, and parental involvement, committee on (IC 20-20-25-2)  
 Egg board, state (IC 16-42-11-4)  
 Emergency response commission, Indiana (IC 13-25-1-1)  
 Environmental quality service council (IC 13-13-7-1)  
 Family and social services committee (IC 12-8-3-2)  
 Family support council, state (IC 12-8-14-6)  
 Governor's residence commission (IC 4-23-15-1)  
 Great Lakes Commission (IC 14-25-13-4)

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Health care account advisory board, Indiana (IC 4-12-5-5)  
 Health finance advisory committee (IC 2-5-23-6)  
 Health finance commission (IC 2-5-23)  
 Health policy advisory committee (IC 2-5-23-8)  
 Heritage trust committee, Indiana (IC 14-12-2-8)  
 Heritage trust project committee, Indiana (IC 14-12-2-14)  
 Hispanic/Latino affairs, commission on (IC 4-23-28-2)  
 Historic preservation review board (IC 14-21-1-10)  
 Home health care services and hospice services council (IC 16-27-0.5-1)  
 Illiana expressway proposal review committee (IC 8-23-27-4)  
 Independent living council, statewide (IC 12-12-8-6)  
 Infant and toddlers with disabilities interagency coordinating council (IC 12-12.7-2-7)  
 Intergovernmental relations, Indiana advisory commission on (IC 4-23-24.2-4)  
 Interstate adult offender supervision, state council for (IC 11-13-4.5-1)  
 Interstate rail passenger advisory council (IC 8-3-19-1)  
 ISTEP program citizens review committee (IC 20-23-6-2)  
 Kids first trust fund board, Indiana (IC 31-26-4-5)  
 Lands and cultural resources and water and resource regulation, advisory council (IC 14-9-6-

1)

Law enforcement training board advisory council (IC 5-2-1-3)  
 Lewis and Clark bicentennial commission (IC 14-20-15-3)  
 Lewis and Clark bicentennial commission, citizens advisory board (IC 14-20-15-12)  
 Library and historical board, Indiana (IC 4-23-7-2)  
 Little Calumet River basin development commission (IC 14-13-2-5)  
 Dr. Martin Luther King Jr. Indiana holiday commission (IC 4-23-24.1-2)  
 Mass transit and transportation alternatives, joint study committee on (IC 2-5-28-2)  
 Maumee River basin commission (IC 14-30-2-6)  
 Medicaid advisory committee (IC 12-15-33-2)  
 Medicaid work incentives council (IC 12-15-42-1)  
 Mental retardation and developmental disabilities, commission on (IC 2-5-27.2-2)  
 Midwest Interstate Low-Level Radioactive Waste Commission (IC 13-29-1-3)  
 Midwest interstate passenger rail compact commission

(IC 8-3-22-3)

Midwestern Higher Education Commission (IC 21-28-3-3)  
 Military base planning council (IC 4-3-21-3)

**Military and veterans affairs, commission on (IC 2-5-20-1)**  
**Museums and historic sites, board of trustees for the division of state (IC 14-20-1-16)**  
**Native American Indian affairs commission (IC 4-4-31.4-4)**  
**Natural resources study committee (IC 2-5-5-1)**  
**Northwest Indiana advisory board (IC 13-13-6-1)**  
**Orange County development advisory board (IC 36-7-11.5-12)**  
**Pension management oversight commission (IC 2-5-12-1)**  
**Principal leadership academy, advisory board on the (IC 20-20-2-5)**  
**Probate code study commission (IC 2-5-16-2)**  
**Public officers compensation advisory commission (IC 2-5-1.5-6)**  
**Radiation control advisory commission (IC 16-41-35-16)**  
**Regulatory flexibility committee (IC 8-1-2.6-4)**  
**School air quality panel (IC 16-41-37.5-3)**  
**Shoreline development commission (IC 36-7-13.5-2)**  
**Social status of black males, commission on the (IC 12-13-12-2)**  
**Soil conservation board (IC 14-32-2-1)**  
**Soldiers' and Sailors' Children's Home advisory committee, Indiana (IC 16-19-6-9)**  
**State fair advisory committee, Indiana (IC 15-13-6-1)**  
**Tobacco use prevention and cessation advisory board, Indiana (IC 4-12-4-16)**  
**Tourism council, Indiana (IC 5-29-4-1)**  
**Underground storage tank financial assurance board (IC 13-23-11-1)**  
**Veterans' Home advisory committee, Indiana (IC 10-17-9-20)**  
**Water resources study committee (IC 2-5-25-1)**  
**Women, Indiana commission for (IC 4-23-25-3)**  
**Youth advisory council (IC 2-5-29-2)**

SOURCE: ; (09)IN1692.1.2. --> SECTION 2. [EFFECTIVE JULY 1, 2009] (a) The legislative services agency, under the direction of the legislative council, shall prepare legislation for introduction in the 2012 regular session of the general assembly to bring statutes affected by this act into compliance with this act.

(b) This SECTION expires July 1, 2012.

Introduced Version

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**SENATE BILL No. 401**

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**DIGEST OF INTRODUCED BILL**

**Citations Affected:** None (noncode).

**Synopsis:** Study of maintenance of natural waterways. Requires the water resources study committee to study issues related to the maintenance of natural waterways.

**Effective:** July 1, 2009.

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**Dillon**

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January 12, 2009, read first time and referred to Committee on Natural Resources.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision

adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 401

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A BILL FOR AN ACT concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: ; (09)IN0401.1.1. --> SECTION 1. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "committee" refers to the water resources study committee established by IC 2-5-25-1.

(b) As used in this SECTION, "natural waterway" means any natural and continuously flowing body of water or part of a body of water that is adjacent to land.

(c) During the 2009 interim, the committee shall study and make findings and recommendations concerning issues related to the maintenance of natural waterways throughout Indiana. The findings and recommendations must include:

(1) determining the responsibilities of any appropriate governmental unit, including river commissions, to maintain and plan the maintenance of natural waterways; and

(2) methods to fund the maintenance of natural waterways.

(d) This SECTION expires November 1, 2009.

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Introduced Version

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**SENATE BILL No. 185**

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**DIGEST OF INTRODUCED BILL**

**Citations Affected:** None (noncode).

**Synopsis:** Little Calumet River basin development commission. Appropriates \$15,000,000 from the state general fund to the Little Calumet River basin development commission for flood control projects and other projects.

**Effective:** July 1, 2009.

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**Mrvan**

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January 7, 2009, read first time and referred to Committee on Appropriations.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.



Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 185

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A BILL FOR AN ACT concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SOURCE: ; (09)IN0185.1.1. --> SECTION 1. [EFFECTIVE JULY 1, 2009] (a) **There is appropriated to the Little Calumet River basin development commission fifteen million dollars (\$15,000,000) from the state general fund beginning July 1, 2009, and ending June 30, 2011, for use by the Little Calumet River basin development commission in carrying out flood control projects and any other projects necessary to carry out its purposes under IC 14-13-2.**

**(b) This SECTION expires June 30, 2011.**