

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

RESOLUTION NO. 10-04-22B

A RESOLUTION AUTHORIZING AND APPROVING THE ENTRY INTO A JOINT INTERLOCAL COOPERATION AGREEMENT WITH THE TOWN OF SCHERERVILLE, INDIANA, FOR MUTUAL USE AND PERSONNEL ASSISTANCE FOR BUILDING INSPECTION AND PERMIT REVIEW SERVICES BETWEEN THE TOWN OF ST. JOHN, INDIANA, AND TOWN OF SCHERERVILLE, INDIANA, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has undertaken, after extensive review analysis, substantial budget reduction activities, including staff and personnel reduction, resulting in reorganization of staffing in certain departments of the Town, including the Town Planning and Building Department; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been informed and advised that the neighboring and adjacent Town of Schererville, also a political unit and municipal corporate entity, has experienced similar circumstances regarding budget, staff reduction, reorganization, and the like, including in its Planning and Building Department; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the duties, responsibilities and services rendered by personnel in the St. John Planning and Building Department are nearly identical to those undertaken and performed by personnel in the Schererville Planning and Building Department; and

WHEREAS, the Town of St. John, Lake County, Indiana, is a municipal corporation empowered by the terms and provisions of Indiana Code 36-1-7, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units so as to better provide public services to the residents of the Town; and

WHEREAS, the Town of Schererville, Lake County, Indiana, is likewise a municipal corporation empowered by the terms and provisions of Indiana Code 36-1-7, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units so as to better provide public services to the residents of the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, now seeks to enter into a Joint Interlocal Cooperation Agreement based upon the provisions and requirements of Indiana Code 36-1-7, *et seq.*, with the Town of Schererville, Lake County, Indiana, for mutual use and personnel assistance of Planning and Building Department personnel of each Town for building inspection and permit review services by each Town with the other for the mutual benefit of each of the participating Towns, at shared costs; and

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STATE OF INDIANA
LAKE COUNTY
TOWN OF ST. JOHN
2010 APR 23 AM 11:09
MAYOR
COUNCIL
CLERK
TOWNSHIP CLERK
ORDER

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that entry into a Joint Interlocal Cooperation Agreement with the Town of Schererville, Lake County, Indiana, for mutual use and personnel assistance for building inspection and permit review services by and between the Towns is in the best interest of the residents of the Town of St. John, and therefore, has determined that it is advisable to enter into such Joint Interlocal Cooperation Agreement pursuant to the applicable provisions of Indiana law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That the Town Council of the Town of St. John, Lake County, Indiana, shall take all appropriate and legal measures to enter into a Joint Interlocal Cooperation Agreement with the Town of Schererville, Lake County, Indiana, for mutual use and personnel assistance for building inspection and permit review services by and between the two (2) Towns for the mutual benefit of the participating Towns, at shared costs.


SECTION TWO: That the Town Council President is hereby authorized and permitted to execute and deliver a Joint Interlocal Cooperation Agreement for mutual use and personnel assistance for building inspection and permit review services between the Towns of St. John and Schererville for the mutual benefit of the Towns of St. John and Schererville, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7, *et seq.*, as amended from time to time; further, the Town Clerk-Treasurer is hereby authorized to attest the execution of such Agreement by the Town Council President.

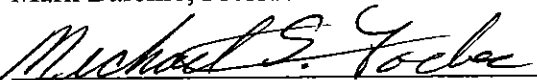
SECTION THREE: That a copy of the Joint Interlocal Cooperation Agreement between the Town of St. John, Lake County, Indiana, and the Town of Schererville, Lake County, Indiana, for mutual use and personnel assistance for building inspection and permit review services between the two (2) Towns shall be attached to this Resolution and incorporated herein by reference.

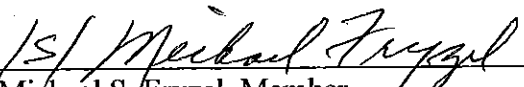
SECTION FOUR: That this Resolution shall take effect, and be in full force and effect from and after its approval and passage by the Town Council of the Town of St. John, Lake County, Indiana, in conformance with applicable law.

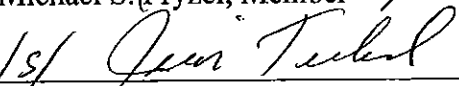
ALL OF WHICH IS PASSED AND RESOLVED THIS 22nd DAY OF April, 2010, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, TOWN COUNCIL


Mark Barenie, President

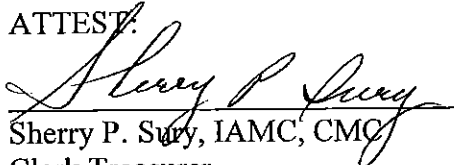

Michael S. Forbes, Vice-President


Michael S. Fryzel, Member


Jerri A. Teibel, Member


Gregory J. Volk, Member

ATTEST:


Sherry P. Sury, IAMC, CMC
Clerk Treasurer

**JOINT INTERLOCAL COOPERATION AGREEMENT
FOR MUTUAL USE AND PERSONNEL ASSISTANCE FOR BUILDING INSPECTION
AND PERMIT REVIEW SERVICES BETWEEN THE TOWN OF SCHERERVILLE,
LAKE COUNTY, INDIANA, AND THE TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, AND ALL MATTERS RELATED THERETO.**

RECITALS

WHEREAS, Indiana Code 36-1-7, et seq., allows local government entities to make the most efficient use of their powers by enabling them to enter into Joint Interlocal Cooperation Agreements for the mutual benefit of each other; and

WHEREAS, the Town of Schererville, Lake County, Indiana (hereafter "SCHERERVILLE"), and the Town of St. John, Lake County, Indiana (hereafter "St. John"), are each governmental entities located adjacent to each other and engaged in the same or nearly identical provision of services to the residents of each Town; and

WHEREAS, SCHERERVILLE and ST. JOHN have each recently addressed substantial budget shortfalls and necessary employee reductions and reorganization/restructuring activities; and

WHEREAS, SCHERERVILLE and ST. JOHN each maintain a Planning and Building Department entity within their administrative organization in a restructured and presently reduced manner; however, it has been recognized that the personnel of the Planning and Building Departments of both SCHERERVILLE and ST. JOHN provide nearly identical services, hold nearly identical job descriptions, and fulfill the same or similar job responsibilities; and

WHEREAS, SCHERERVILLE and ST. JOHN are each political subdivisions and local governmental units empowered by the Indiana Interlocal Cooperation Act, as amended, with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services at a lesser cost; and

WHEREAS, SCHERERVILLE and ST. JOHN have agreed to approve a mutual Building Inspection and Permit Review Services Agreement (hereafter "Agreement") whereby the designated Planning and Building Department personnel of each Town would assist the other Town on an "as-needed" basis for building inspection and permit review services of each Town when the designated personnel of a participating Town are unavailable or cannot timely and properly complete such services in that Town; and

WHEREAS, SCHERERVILLE and ST. JOHN, as participating qualified entities, now seek to enter into an Interlocal Cooperation Agreement pursuant to Indiana Code 36-1-7, et seq., to provide for Building Inspection and Permit Review Services for the mutual benefit of each Town.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions set forth herein, SCHERERVILLE, by its duly elected Town Council, and ST. JOHN, by its duly elected Town Council, hereby agree as follows:

COVENANTS

SECTION I. Duration. The duration of this Joint Interlocal Cooperation Agreement shall be on an annual basis, for each calendar year, commencing with 2010. The Agreement will not be automatically renewed, but rather, shall require annual renewal approval authorization by the Town Councils of each of SCHERERVILLE and ST. JOHN in a public meeting as required by applicable law. The Agreement shall further not be effective until or unless said Agreement is adopted by Resolution by the Town Council of each of SCHERERVILLE and ST. JOHN.

SECTION II. Purpose. The purpose of this Agreement is to provide personnel assistance by SCHERERVILLE and ST. JOHN to each other for Building Inspection and Permit Review responsibilities to be completed when the designated and responsible personnel of either Town are unavailable or unable to timely and properly undertake and complete such services in that Town.

SECTION III. Responsible Officials. The Town Managers of SCHERERVILLE and ST. JOHN are hereby designated and delegated to oversee the undertaking contemplated by this Agreement. This responsibility will include the establishment of the procedures and reporting requirements to undertake the personnel assistance of each Town to the other. Said Town Managers, or delegee(s), shall prepare a report of such procedures and reporting requirements and jointly submit same to the Town Councils of each Town. Further, the Town Managers shall provide a regular monthly report to each Town Council of the mutual personnel services assistance rendered by each Town to the other with the regular monthly report of the activities of each Planning and Building Department to its Town Council when monthly made. At the end of each calendar year, a reconciliation of the personnel assistance provided by each Town to the other shall be made and an annual report provided by the Town Managers to the Town Councils of SCHERERVILLE and ST. JOHN on or before January 15th of the next following calendar year. Based upon such annual reconciliation report, the participating TOWN which has utilized more personnel services for building inspection and permit review shall pay to the other Town the amount of actual costs incurred by such Town in providing these additional personnel services assistance to the other Town. The annual reconciliation report is to be completed and presented to the Town Councils of each Town by January 15th of the next following calendar year, with reconciliation payment to be paid by the responsible Town to the other by January 30th of the same month.

SECTION IV. Administration. SCHERERVILLE and ST. JOHN shall jointly administer this Agreement, by and through the delegated Town Managers, as Responsible

Officials for each Town. The powers of the Responsible Officials shall be all powers directly granted under Indiana Code 36-1-7-2, and only those powers therein necessary to carry out the purposes therein necessary to carry out the purposes of this Agreement to provide Building Inspection and Permit Review personnel services assistance by each Town to the other, and no other.

SECTION V. Counterparts. This Interlocal Cooperation Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one (1) and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

SECTION VI. Recording. Before this Agreement takes effect, it must be recorded in the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the Agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to the provisions of Indiana Code 36-1-7-6.

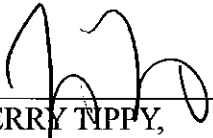
Participant Counterpart

Effective Date. This Agreement shall be effective under Section 1 of this Agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution the pursuant to the provisions of I.C. 36-1-7-2.

IN WITNESS WHEREOF, the Parties have caused this Joint Interlocal Cooperation Agreement to be executed in their names and on their behalf as of the date first-above written.

TOWN OF SCHERERVILLE, INDIANA
c/o Schererville Town Hall
10 E. Joliet Street
Schererville, IN 46375

By:



JERRY TIPPY,
Town Council President

ATTEST:


JANICE M. MALINOWSKI, IAMC, CMC
Clerk-Treasurer

Participant Execution Date: 4-14-10

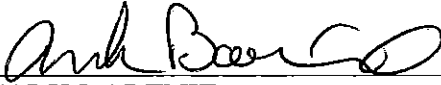
Prepared By: David M. Austgen, Esq.
Austgen Kuiper & Associates, P.C.
130 North Main Street
Crown Point, IN 46307
219-663-5600

Participant Counterpart

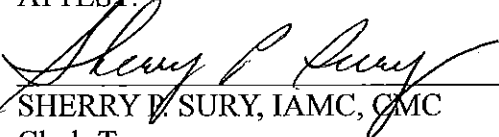
Effective Date. This Agreement shall be effective under Section 1 of this Agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution the pursuant to the provisions of I.C. 36-1-7-2.

IN WITNESS WHEREOF, the Parties have caused this Joint Interlocal Cooperation Agreement to be executed in their names and on their behalf as of the date first-above written.

TOWN OF ST. JOHN, INDIANA
c/o St. John Municipal Building
10955 W. 93rd Ave
St. John, IN 46373

By: 
MARK BARENIE,
Town Council President

ATTEST:


SHERRY P. SURY, IAMC, GMC
Clerk-Treasurer

Participant Execution Date: 4/22/10

Prepared By: David M. Austgen, Esq.
Austgen Kuiper & Associates, P.C.
130 North Main Street
Crown Point, IN 46307
219-663-5600