

MAY 13, 2019

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, May 13, 2019, at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:30 a.m., with the following present: Council Members, Charles F. Ashcraft, Jeffrey L. Brill, Peter A. Cook, Harold D. Gingerich, Steven E. McKowen, Ryan J. Riegsecker, and Michael G. Strawser; and LaGrange County Auditor, Kathryn Hopper. Mr. Peter Cook brought the meeting to order and led the Pledge of Allegiance to the Flag.

PROCLAMATION – PEACE OFFICER WEEK

Mr. Harold Gingerich made a motion to approve a Proclamation proclaiming May 12-18, 2019 as Peace Officer Week. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

INNKEEPER’S TAX ORDINANCE

Mr. Peter Cook presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2019-05-13

AN ORDINANCE REPEALING AND RESTATING PRIOR ORDINANCES ABOUT THE COUNTY INNKEEPER’S TAX AND THE CONVENTION, VISITOR, AND TOURISM PROMOTION FUND.

WHEREAS, the LaGrange County Council (“Council”) is the fiscal body in and for the County of LaGrange, Indiana (“County”);

WHEREAS, the Council desires to promote and encourage conventions, visitors and tourism within the County;

WHEREAS, the Council has the authority under Indiana Code Section 6-9-18-3 to adopt by ordinance a County Innkeeper’s Tax to fund such promotional activities;

WHEREAS, the Council previously passed various ordinances related to the Innkeeper’s Tax in 1993;

WHEREAS, the Indiana State Legislature has amended various state statutes relating to the Innkeeper’s Tax that necessitate amendments to the Council’s prior ordinances;

WHEREAS, the Council desires, as a change, to have persons subject to payment of the Tax to remit the taxes that they owe directly to the Indiana Department of Revenue; *and*

WHEREAS, the Council finds that, except with regard to its collection, this ordinance substantially restates the terms of the tax imposed pursuant to the Council’s previous ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA THAT:

ARTICLE I

Repeal of Prior Law. The LaGrange County Council (“Council”) hereby repeals, in full, LaGrange County Ordinances 1993-5-10, 1993-6-1, and 1993-6-14.

ARTICLE II

SECTION I

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “County” refers to LaGrange County, Indiana.

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- “Gross retail income” means all income derived from lodging at a hotel but does not include income received in a transaction in which a hotel room was rented for 30 days or more or in which a student rents a room in a college or university residence hall while participating in a course of study for college credit.
- “Hotel” means any:
 - hotel;
 - motel;
 - boat motel;
 - inn;
 - college or university memorial union;
 - college or university residence hall or dormitory; *or*
 - tourist cabin;located in the County.
- “Innkeeper’s Tax,” or “Tax,” means the tax levied pursuant to the terms of this ordinance.
- “Room” means any room, lodgings, or accommodations in a hotel.
- “Short-term” means for less than 30 days.

SECTION II

On any person engaged in the business of short-term renting or furnishing of any hotel room, there shall be imposed an Innkeeper’s Tax of five percent (5%) of the hotel’s gross retail income. This Tax is in addition to any state gross retail tax imposed pursuant to IC 6-2.5.

SECTION III

The Innkeeper’s Tax shall be remitted to the Indiana Department of Revenue in substantially the same manner a person remits his or her state gross retail tax and always in accord with IC 6-9-18-3 and Indiana Department of Revenue rules.

SECTION IV

All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the Innkeeper’s Tax except to the extent those provisions are otherwise in conflict or inconsistent with the specific provisions of this ordinance.

SECTION V

The Auditor and Treasurer are hereby authorized to perform any and all actions necessary to effectuate this ordinance including, as necessary, forwarding a certified copy of this ordinance to the Indiana Department of Revenue, the Treasurer of the State of Indiana, and the Auditor of the State of Indiana.

ARTICLE III

- A. Definitions. As used in this Article, “Commission” shall refer to the “Commission for the Convention, Recreation and Visitor Industry Commission of the County of LaGrange.”
- B. Creation. The Treasurer shall establish a Convention, Visitor, and Tourism Promotion Fund (“Fund”) into which shall be deposited all proceeds of the County Innkeeper’s Tax.
- C. Purpose. Money in the Fund shall be used solely to promote and encourage conventions, visitors, and tourism within the County, including advertising, promotional activities, trade shows, special events, recreation, and administrative and other incidental expenses of the Fund or the Commission.

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- D. Warrants. No money shall be dispensed from the Fund without a warrant from the Auditor, based on the Commission's prior written request, directing the County Treasurer to transfer money from the Fund to the Commissioner's Treasurer.
- E. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- F. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- G. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.
- H. One-Time Transfer. The Auditor shall transfer all money in the County's Convention, Recreation, and Visitor Promotion Fund ("Old Fund") to the Fund and shall abolish the Old Fund.

ARTICLE IV

SECTION I

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, program, commission, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of the) LaGrange County (Indiana)."
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Severability. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- C. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
 - 2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- D. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- E. Effective Date. This ordinance shall be effective January 1, 2020.

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Mr. Mike Strawser made a motion to approve the Ordinance. Mr. Harold Gingerich seconded the motion and it carried unanimously. Mr. Mike Strawser made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)

Mr. Randy Merrifield, Juvenile Detention Alternatives Initiative Coordinator, gave an update on the activities and programs of the JDAI.

RECORDER'S CASH CHANGE

Mrs. Jennifer McBride, County Recorder, is requesting an additional \$100 cash change drawer, so that each employee in the office will have their own drawer. Mr. Steve McKowen made a motion to approve the request. Mr. Mike Strawser seconded the motion and it carried unanimously.

COUNTY JUSTICE BUILDING

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice Building.

RESOLUTION TO TRANSFER FUNDS

Mr. Peter Cook read the following Resolution to Transfer Funds:

BE IT HEREBY RESOLVED THAT the following increases and decreases be made in order to meet the expenses of the units of government for the year 2019.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>COUNTY GENERAL - SURVEYOR</u>		
1000-006-01-1002 Deputy Surveyor	2,000.00	
1000-006-03-3054 Truck Repair		2,000.00
<u>COUNTY GENERAL - MAINTENANCE</u>		
1000-031-01-1003 Housekeeping	2,447.63	
1000-031-01-1011 Part-time		2,447.63
<u>COUNTY GENERAL - GIS</u>		
1000-035-03-3012 Travel / Mileage	395.81	
1000-035-04-4010 Equipment		395.81
<u>CUMULATIVE BRIDGE</u>		
1135-000-04-4021 General Bridge Maintenance	56,100.00	
1135-000-03-3103 Bridge Design		56,100.00
<u>SURVEYOR'S CORNER PERPETUATION</u>		
1202-000-04-4014 Miscellaneous Equipment	1,200.00	
1202-000-02-2023 Demolition Hammer		600.00
1202-000-02-2023 Generator		600.00
<u>PARK AND RECREATION</u>		
1219-000-02-2026 Hardware & Tools	714.95	
1219-000-04-4053 Power Tools		714.95

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DEFERRAL

4916-000-04-4034 State police, sheriff, marshals	46.00	
4916-000-04-4024 Printer/Scanner		46.00

Mr. Mike Strawser made a motion to approve the Resolution. Mr. Jeff Brill seconded the motion and it carried unanimously.

LEGAL CLAIMS


Mr. Harold Gingerich presented the legal claims in the amount of \$17,350.00 for March 2019 from Beers, Mallers, Backs & Salin. Mr. Harold Gingerich made a motion to approve. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

MINUTES

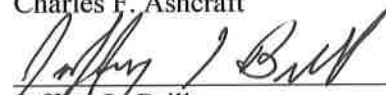
Mr. Mike Strawser made a motion to approve the April 8, 2019 regular session minutes. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

ADJOURNMENT


There being nothing further to come before the Board at this time, Mr. Mike Strawser made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.



Charles F. Ashcraft



Jeffrey L. Brill



Peter A. Cook



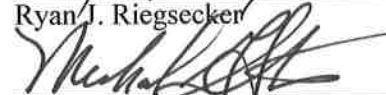
Harold D. Gingerich



Steven E. McRowen




Ryan J. Riegsecker



Michael G. Strawser

ATTEST:



Kathryn Hopper
LaGrange County Auditor