

DECEMBER 29, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 29, 2022, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry A. Martin, Mr. Kevin R. Myers, and Mr. Peter A. Cook, and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

MOTOROLA SOLUTIONS, INC – CONTRACT FOR SHERIFF’S OFFICE

Mr. Kurt Bachman, County Attorney, presented a five-year contract with Motorola Solutions, Inc. for a software and command central upgrade to the Sheriff’s Office in the amount of \$357,885.01. Mr. Bachman presented the following Ordinance for consideration:

**COUNTY OF LAGRANGE
ORDINANCE NO. 2022-12-29**

ORDINANCE AUTHORIZING THE SPECIAL PURCHASE AND ADVANCE PAYMENT OF UPGRADED SOFTWARE FOR DATA PROCESSING ON BEHALF OF THE LAGRANGE COUNTY SHERIFF’S OFFICE.

WHEREAS, pursuant to the Indiana Supreme Court in *Chicago, T.H. & S. Ry. Co. v. Anderson*, 105 N.E. 49, 51 (Ind. 1914), the “police power” is a “duty of the government or its agents to exercise ... for the benefit of society at large ... to guard its morals, safety, health, [and] order”;

WHEREAS, pursuant to IC § 36-8-2-2, a unit “may provide facilities, equipment, and supplies for [a police and law enforcement] system”;

WHEREAS, pursuant to IC § 36-2-2-2, the Board of Commissioners of the County of LaGrange (“Commissioners”) is the county executive on behalf of LaGrange County, Indiana (“County”);

WHEREAS, pursuant to IC § 5-22-4-5 and County Ordinance 2022-06-06-A (“Ordinance”), the Commissioners are the purchasing agent of the County;

WHEREAS, Motorola Solutions, Inc. (“Motorola”), a Delaware for-profit corporation, through its headquarters in Chicago, Illinois, has presented the County with a draft contract dated September 26, 2022 (“Quote”) for CommandCentral Software (“Data Software”) and ancillary maintenance services that will satisfy the Sheriff’s Office reasonable needs in maintaining public safety and order;

WHEREAS, the Quote is priced at \$357,885.01 plus any other costs necessarily incurred in accord with its terms (“Contract Price”);

WHEREAS, the Commissioners have approved or are set to approve the Quote;

WHEREAS, pursuant to IC § 5-22-10-1, a purchasing agent of a unit may make a purchase, as authorized under that code chapter, without soliciting bids or proposals;

WHEREAS, pursuant to IC § 5-22-10-7, the Commissioners may make a special purchase of data processing contracts or license agreements for software programs;

WHEREAS, pursuant to IC § 5-22-6-1, the purchasing agency of a governmental body may purchase services using any procedure the governmental body considers appropriate;

WHEREAS, the Commissioners have ready the necessary findings to substantiate a special purchase in accord with Indiana law;

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WHEREAS, pursuant to the Ordinance and IC § 5-22-15-21, the Commissioners shall, by default, prefer products manufactured in the United States;

WHEREAS, the terms of the Quote may require partial payment in advance of Motorola performing some of its obligations under the Quote and/or may require prompt payment for claims upon presentation of an invoice;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5 and County Ordinance 2020-08-03-C, the county executive may adopt an ordinance allowing the Auditor to disburse money for the payment of claims in advance of board allowance if the expenses are approved by ordinance;

WHEREAS, pursuant to IC § 36-2-6-4.5, a claim allowed thereby is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5(d), the Commissioners shall review a claim at its next regular or special meeting following the preapproved payment of the expense.

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

SECTION I – RECITALS

The Commissioners hereby incorporate the foregoing recitals, including all defined terms, into this ordinance and find them to be true, accurate, and correct.

SECTION II – SPECIAL PURCHASE

- A. Findings. The Commissioners hereby adopt the following findings and quote concerning the purchase of the Data Software from Motorola:
1. Exhibit A – Special Purchase Considerations.
- B. Incorporation. The exhibit indicated in this section is hereby attached and incorporated by reference to this ordinance as if fully set out herein.
- C. Authorization; Approval. The Commissioners hereby approve and authorize the purchase of the Data Software in an amount up to the Contract Price.
- D. Title. When the Data Software is purchased, title thereto shall be in the name of the County.
- E. Appropriation. The purchase authorization hereby given is contingent upon an adequate appropriation from the County Council.
- F. Execution. The Commissioners authorize its President, the County Sheriff, and the Auditor to execute all documents necessary or helpful to implement the purchase of the Data Software.
- G. Records. The Auditor is hereby directed to keep records of the purchase on file for five (5) years from the date of the final payment made pursuant to the Quote.

SECTION III – ADVANCE PAYMENT

- A. Contract Approval. The contents and form of the Quote, or any other proposal or contract entered into with Motorola under substantially similar terms, and including any renewals thereof (as stipulated, “Contract”), which is incorporated hereto by reference, is hereby approved.
- B. Payment Approval. Upon receipt of a proper invoice and in compliance with the terms of the Contract, advance and/or prompt payment under the Contract is hereby approved.

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- C. Payment Authorization. The Auditor is hereby authorized and directed to implement payments to Motorola when proper pursuant to this ordinance. The President of the Commissioners and the Auditor are hereby authorized to sign all papers and to otherwise take all action necessary or helpful to implement the payments.
- D. Claim Allowance. The Auditor may approve the timeliness, contents, and form of any invoice issued by Motorola that conforms with the Contract. The Auditor shall memorialize any advance or prompt payment of a claim made pursuant to this ordinance for Commissioner review and allowance at its then-next regular or special meeting following the actual payment.

SECTION IV – MISCELLANEOUS

- 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, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, 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) 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. Conflicts. 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.
- C. Severability. 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporation. Two (2) copies of all materials incorporated herein shall be placed on file in the office of the Auditor for public inspection.
- E. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Effective Date. This ordinance shall be deemed effective immediately upon adoption.

Mr. Peter Cook made a motion to approve the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

JO MORY, INC. - GENERATORS

Mr. Kurt Bachman, County Attorney, presented an agreement with JO Mory, Inc. for the purchase in installation of three generators in the amount of \$349,909. The generators would be for the Courthouse, County Office Building, and the Justice Building and they would be paid for with ARPA funds. Mr. Peter Cook made a motion to approve the Agreement and authorize the president to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

SHERIFF SALARY CONTRACT

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Mr. Kurt Bachman, County Attorney, presented an agreement between Sheriff elect, Tracy Harker and the County Council of the County of LaGrange and the Board of Commissioners of the County of LaGrange. The contract is in the amount of \$115,700 for the calendar year 2023. Mr. Kevin Myers made a motion to approve the contract, subject to approval of the County Council. Mr. Peter Cook seconded the motion and it carried unanimously.

CANTEEN SERVICES – KIOSK SERVICES AGREEMENT

Mr. Kurt Bachman, County Attorney, presented three agreements with Canteen Services, Inc. for Kiosk Services, Food Services, and Commissary Deliver Services. The agreements are on behalf of the Sheriff's Office. Mr. Kevin Myers made a motion to approve the Agreements. Mr. Peter Cook seconded the motion and it carried unanimously.

LAGRANGE COUNTY ROAD RESURFACING PROJECT

Mr. Kurt Bachman, County Attorney, explained that on December 21, 2022, bids were opened for the resurfacing of various roads in LaGrange County. He has worked with the County Engineer and recommends awarding the project as follows:

<u>Vendor</u>	<u>Location</u>	<u>Segment 1 Amount</u>	<u>Segment 2 Amount</u>	<u>Segment 3 Amount</u>
Phend & Brown, Inc.	Milford, Indiana	\$1,791,510		
API Constructions Corp.	LaOtto, Indiana		\$1,997,542	
Brooks Construction Co, Inc.	Fort Wayne, Indiana			\$1,671,112

Mr. Kevin Myers made a motion to approve the contractors and authorize the President to sign the agreements. Mr. Peter Cook seconded the motion and it carried unanimously.

CULVERT REPLACEMENT ON COUNTY ROAD 750 WEST

Mr. Kurt Bachman, County Attorney, explained that quotes were solicited to remove and replace culvert VB-109, on County Road 750 W, north of Shipshewana. The lowest quote is from API Construction in the amount of \$58,000. Mr. Kevin Myers made a motion to approve the contract from API Construction Corp. and to authorize the president to sign outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

PARKS – PURCHASE OF TARGETS

Mrs. Mary Franke, Park Director, requested permission to purchase archery targets at an auction. Mr. Peter Cook made a motion to approve the request up to \$6,800. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARKS – REQUEST TO APPLY FOR GRANTS

Mrs. Mary Franke, Park Director, requested permission to apply for a grant from LaGrange County REMC in the amount of \$2,500 and also to apply for a grant from the LaGrange County Community Foundation in the amount of \$2,000. Both of the grants would help fund Maple Syrup Days. Mr. Kevin Myers made a motion to approve the applying for the grants. Mr. Peter Cook seconded the motion and it carried unanimously.

DEFERRAL PURCHASE REQUEST– CANINE TRAINING

Mr. Travis Glick, County Prosecutor, was present and explained that he would like permission to spend \$4,000 of Deferral funds for training of a new canine with the Town of LaGrange. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

OPEN DITCH ON COUNTY ROAD 700 SOUTH

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Mrs. Tharon Morgan, County Engineer, explained that there is an open ditch on County Road 700 South, west of County Road 1000 West. She approached the Drainage Board, and they agreed to pay for the labor if she paid for the materials. She received three quotes, with the lowest quote from Baughman Tile, in the amount of \$47,556.60 for the pipe. Mr. Peter Cook made a motion to approve the request. Mr. Kevin Myers seconded the motion and it carried unanimously.

LARGE CULVERT REPLACEMENT

Mrs. Tharon Morgan, County Engineer, explained that she obtained quotes for large culvert replacements, and recommends the following be awarded:

<u>Culvert Location</u>	<u>Vendor</u>	<u>Amount</u>
County Road 700 South	Gilbert Drainage & Excavating, LLC	\$5,000
County Road 500 South	Fritz Bontrager Excavating, LLC	\$2,500
County Road 400 South	Gilbert Drainage & Excavating, LLC	\$5,800
County Road 1100 East	Fritz Bontrager Excavating, LLC	\$3,000
County Road 100 West	Fritz Bontrager Excavating, LLC	\$3,000

Mr. Kevin Myers made a motion to award the quotes as presented. Mr. Peter Cook seconded the motion and it carried unanimously.

BRIDGE MAINTENANCE

Mrs. Tharon Morgan, County Engineer, presented quotes from ANCO Concrete Raising, LLC for the following bridge maintenance projects:

<u>Project</u>	<u>Amount</u>
Various Small and Large Structures	\$6,840
Bridge Deck issues on Structure 24	\$17,895
No. 11 Small Structure	\$7,235

Mr. Peter Cook made a motion to approve the quotes as presented and to authorize the president to sign them. Mr. Kevin Myers seconded the motion and it carried unanimously.

BUTLER, FAIRMAN & SEUFERT, INC. – COMMUNITY CROSSINGS MATCHING GRANT APPLICATION

Mrs. Tharon Morgan, County Engineer, presented an agreement with Butler, Fairman, & Seufert, Inc., for Community Crossings Matching Grant Application Assistance 2023-1. The agreement is in the amount of \$21,156. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion and it carried unanimously.

ENGINEER VEHICLE PURCHASE

Mr. Aaron Fugate, County Highway Supervisor, requested permission to purchase a truck for the County Engineer. The vehicle would be a 2022 Chevrolet Silverado 1500 from Shepherd's Chevrolet-Buick-GMC, Inc. in the amount of \$40,145. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

PERMISSION TO SELL VEHICLES

Mr. Aaron Fugate, County Highway Supervisor, requested permission to sell a 2005 Dodge 2500 and a 2006 Chevrolet 4500. Mr. Peter Cook made a motion to sell the vehicles. Mr. Kevin Myers seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – SCHNEIDER GEOSPATIAL SERVICES AGREEMENT

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Ms. Deb Naylor, GIS Director, explained that on December 19, 2022, Mr. Dave Warren presented an agreement between Schneider Geospatial, LLC and LaGrange County, Indiana for GIS System Support, for 2023, in the amount of \$38,664. The corrected amount of the agreement is \$29,304. Mr. Kevin Myers made a motion to approve the corrected amount. Mr. Peter Cook seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Kevin Myers made a motion to approve the vouchers. Mr. Peter Cook seconded the motion and it carried unanimously.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the December 5, 2022 and the December 19, 2022 regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM


Mr. Peter Cook made a motion to approve the memorandum for the December 21, 2022 staff meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

ADJOURNMENT

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

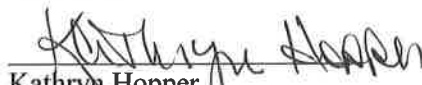


Terry A. Martin

Kevin R. Myers

ABSENT
Peter A. Cook

ATTEST:



Kathryn Hopper
LaGrange County Auditor