

MAY 1, 2023

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, May 1, 2023, 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 and Mr. Peter A. Cook; and LaGrange County Auditor, Kathryn Hopper. Mr. Kevin R. Myers was absent. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

JAIL BUILDING CORP.

Mr. Kurt Bachman, County Attorney, reported that the Jail Building Corp. met this morning and will begin the process to dissolve the corporation.

PROPERTY LOCATED AT 7720 S STATE ROAD 3, WOLCOTTVILLE, INDIANA

Mr. Kurt Bachman, County Attorney, explained that the Commissioners obtained a deed for the property located at 7720 S State Road 3, Wolcottville, Indiana. The liens have been waived. The property still has wastewater connection. Mr. Bachman presented a document from the LaGrange County Regional Utility District to remove the wastewater connection. Mr. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE REESTABLISHING THE RIVERBOAT GAMBLING REVENUE SHARING FUND

Mr. Kurt Bachman, County Attorney, presented the following Ordinance:

COUNTY OF LAGRANGE
ORDINANCE NO. 2023-05-01

AN ORDINANCE REESTABLISHING THE RIVERBOAT GAMBLING REVENUE SHARING FUND.

WHEREAS, pursuant to Indiana Code ("IC") § 36-1-8-9(a), each unit that receives tax or other revenue designated therein may establish a riverboat fund, the money of which may be used for any legal or corporate purpose of the unit;

WHEREAS, pursuant to IC § 36-1-2-9, the Board of Commissioners of the County of LaGrange ("Commissioners") is the legislative body of LaGrange County, Indiana ("County");

WHEREAS, the Commissioners previously adopted County Ordinance 2002-10-7a, as most recently amended by County Ordinance 2012-03-19 A, in which the County established a Riverboat Gambling Revenue Sharing Fund ("Fund") and stated the purposes therefor;

WHEREAS, pursuant to IC 4-33-13, a portion of the money from the State of Indiana's wagering taxes received from riverboat gambling is to be distributed to the County;

WHEREAS, pursuant to IC § 4-33-13-5(j), money distributed to the County from the wagering taxes must be placed in the Fund; *and*

WHEREAS, the Commissioners, upon advice of the County Council, desire to reestablish the Fund and to amend the Fund's spending restrictions (repeal and restate).

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

SECTION I – NAME

This ordinance shall be named the "Riverboat Gambling Revenue Sharing Fund Establishment Ordinance," or the "Fund Ordinance" when the context is obvious.

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SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – ESTABLISHMENT

- A. Reestablishment. The Riverboat Gambling Revenue Sharing Fund (“Fund”) is hereby reestablished as a special nonreverting fund, and it shall exist in perpetuity until terminated or repealed by subsequent ordinance.
- B. Purpose. The purpose of the Fund is to hold revenues allocated from the State of Indiana pursuant to IC 4-33-13 for the County’s portion of wagering taxes collected from riverboat gambling and for any other purpose of the Fund stated or implied under IC § 36-1-8-9.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- D. Restrictions.
 - 1. Money in the Fund shall be used solely for the following purposes:
 - a. for deposit in a special fund or allocation fund created under IC 36-7-14 or IC 36-7-14.5, to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment;
 - b. for sewer and water projects, including stormwater management projects;
 - c. for police and fire pensions, up to a limit of no more than twenty percent (20%) of the money received under IC 4-33-13;
 - d. for capital projects approved by the Commissioners; *and/or*
 - e. for any matter, limited within any budget year to a single transaction of no more Seventy-Five Thousand Dollars (\$75,000.00).
 - 2. No money in the Fund shall be used to reduce the County’s property tax levy in any particular year.
- E. 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.
- F. 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.
- G. Authorization. The Auditor and Treasurer are hereby authorized to sign all documents and to take all action necessary or helpful to create and administer the Fund and for the disbursement of money therefrom, subject to the provisions of this section.
- H. Termination. When the Fund is terminated, all money in the Fund shall be deposited in the General Fund except as otherwise required by applicable law.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. Ordinances 2002-10-7a, which was adopted on October 7, 2002, and 2012-03-19 A, which was adopted on March 19, 2012, are hereby repealed in their entirety.
- B. Restatement. Section III(A) of this ordinance shall be deemed to substantially restate Section I of Ordinance 2002-10-7a. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

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SECTION V – 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 law, document, fund, department, board, program, public servant, or public office, 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. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

C. 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.

D. 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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 take effect immediately upon adoption.

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

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 1st quarter voucher for the transportation grant. Mr. Peter Cook made a motion to approve the voucher and have the President sign it. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGH POINT DESIGNS LLC

A contract was presented between LaGrange County and High Point Designs LLC for work to be done in the Superior Courtroom. Mr. Peter Cook made a motion to approve the contract. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – RENEWAL OF MICROSOFT LICENSING

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Mr. Dave Warren, Information Technology Director, presented a quote from CDW Government for \$49,364.99 to renew the Microsoft Office 365 licensing. Mr. Peter Cook made a motion to approve the quote. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – PURCHASE OF COPIERS

Mr. Dave Warren, Information Technology Director, presented a quote of \$32,205.15 to purchase five new copiers. Copiers would be replaced in the Health Department, the Prosecutor's Office, the Building Department, and in the Highway Department. A new copier will be purchased for the Surveyor's office. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

SHERIFF – REQUEST TO APPLY FOR A GRANT

Mr. Tracy Harker, County Sheriff, requested permission to apply for a grant from the U.S. Department of Justice to purchase bulletproof vests. The grant requires a 50% match which will come from the Sheriff's budget. Mr. Peter Cook made a motion to approve the grant. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the April 26, 2023, staff meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

Indiana Department of Environmental Management – Receipt of Air Permit Application, Custom Steel Designs, LLC, 1665 S CR 1000 W, Shipshewana, Indiana 46465, Permit Number 087-46515-00076
Indiana Department of Environmental Management – Notice of Approval, Forest River, 1500 N Detroit St. and 290 W Dutch Dr., LaGrange, Indiana 46761, Permit Number 087-46416-00685

ADJOURNMENT

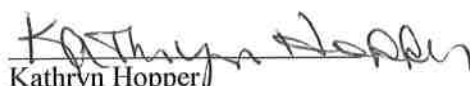
There being nothing further to come before the Board at this time, Mr. Peter Cook made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.


Terry A. Martin


Kevin R. Myers


Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor