

**DECEMBER 28, 2023**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Thursday, December 28, 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, Mr. Kevin R. Myers, and Mr. Peter A. Cook; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry A. 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.

**AXON MASTER SERVICES AND PURCHASING AGREEMENT**

Mr. Tony Manns, County Attorney, presented an agreement between Axon Enterprise, Inc. and the Board of Commissioners of the County of LaGrange for the purchase of Tasers in the amount of \$112,166.34. Mr. Kevin Myers made a motion to approve the agreement and authorize the President to sign the contract. Mr. Peter Cook seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING THE PURCHASE OF TASER® ENERGY WEAPONS FOR THE COUNTY SHERIFF'S OFFICE**

Mr. Tony Manns, County Attorney, presented the following Ordinance:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2023-12-28

ORDINANCE AUTHORIZING THE PURCHASE OF TASER® ENERGY WEAPONS FOR THE COUNTY SHERIFF'S OFFICE.

WHEREAS, pursuant to Indiana Code ("IC") 5-22-4-5(a), the purchasing agency for a political subdivision is the person designated by law or by rule of the governmental body;

WHEREAS, pursuant to the Public Purchasing Rules Adoption Ordinance (Ord. 2022-06-06-A), the Board of Commissioners of the County of LaGrange, Indiana ("Commissioners") is the purchasing agent on behalf of LaGrange County, Indiana ("County");

WHEREAS, in its apprehension and detention of fleeing criminal suspects, the Sheriff's Office of the County has a legitimate need for a less-lethal alternative to firearms in order to comply with constitutional, statutory, and ethical norms and requirements;

WHEREAS, the Commissioners desire to purchase various TASER® energy weapons and ancillary equipment and software (collectively, "Tasers") from Axon Enterprise, Inc., a Delaware for-profit corporation with principal offices in Arizona (as stipulated, "Axon");

WHEREAS, the Commissioners are purchasing the Tasers on behalf of its Sheriff's Office;

WHEREAS, the quote part of the contract between the Commissioners and Axon ("Contract") is attached hereto as Exhibit B and incorporated by reference;

WHEREAS, the Tasers cost One Hundred Twelve Thousand One Hundred Sixty-Six and 34/100 Dollars (\$112,166.34, "Purchase Price") over a contract term of four (4) years;

WHEREAS, pursuant to Indiana Code ("IC") 5-22-7 and -9, a purchasing agent that desires to make a purchase of supplies over \$50,000 must create a related invitation of bids or proposals;

WHEREAS, pursuant to IC 5-22-10-1, notwithstanding IC 5-22-7 and -9, a purchasing agent of a unit may make a purchase, as authorized under that code chapter, without soliciting bids or proposals;

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WHEREAS, pursuant to IC 5-22-10-13, a purchasing agent may make a special purchase when it determines in writing that there is only one source that supplies the purchase;

WHEREAS, Tasers are the only less-lethal stun guns on the market that use projectiles to incapacitate targets from over 35 feet away;

WHEREAS, Axon is the only distributor of Tasers;

WHEREAS, pursuant to IC 5-22-10-2, a special purchase must be made with competition as is practicable under the circumstances; *and*

WHEREAS, the Commissioners have determined that they are able to make the findings necessary to establish a special purchase under Indiana law.

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

SECTION I – RECITALS

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

SECTION II – PURCHASE OF TASERS

- A. Findings. The Commissioners hereby adopt the Special Findings in Exhibit A concerning the purchase of the Tasers. The exhibit is attached and incorporated by reference to this ordinance as if fully set out herein.
- B. Authorization. The Commissioners hereby approve and authorize the purchase of the Tasers from Axon. The President and Sheriff are hereby authorized to sign all documents necessary or helpful to implement the purchase of the Tasers and related title transfers.
- C. Appropriation. Purchase of the Tasers is subject to the appropriation of funds.
- D. Records. The Auditor shall maintain the contract records of the findings and purchase on file for five (5) years.
- E. Title. Title to the Tasers shall be acquired in the name of LaGrange County.

SECTION III – 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 may do instead of 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.

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- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the 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. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Effective Date. This ordinance shall take effect immediately upon adoption.

Mr. Kevin Myers made a motion to approve the Ordinance. Mr. Peter Cook 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.

### **LOCAL JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAD) COORDINATOR AGREEMENT**

Mr. Tony Manns, County Attorney, presented an agreement between the Board of Commissioners of the County of LaGrange and Jeffrey Campos. The agreement is for one year, and renews automatically unless terminated, and is in the amount of \$50,000. Mr. Kevin Myers made a motion to approve the agreement and authorize the President to sign the contract outside of a public meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

### **MAJOR MOVES CONSTRUCTION FUND GRANT AGREEMENT**

Mr. Tony Manns, County Attorney, presented an agreement between the Board of Commissioners of the County of LaGrange and LaGrange County Trails, Inc. The agreement is for the construction of the Hawpatch Trail, a bike/pedestrian trail in southwest LaGrange County, in the amount of \$1,500,000. Mr. Peter Cook made a motion to approve the agreement and authorize the President to sign the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **AFFIDAVIT FOR LAWSUIT**

Mr. Tony Manns, County Attorney, explained that a lawsuit was recently filed in Allen County, and they would like to do an affidavit to have the lawsuit venued to LaGrange County. Mr. Peter Cook made a motion to approve the affidavit. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **ARK ANIMAL RESCUE & ADOPTION, INC. – AMENDMENT TO CONTRACT**

Mr. Tony Manns, County Attorney, presented an amendment to the contract between the Board of Commissioners of the County of LaGrange and ARK Animal Rescue & Adoption, Inc. The amendment extends the current contract until December 31, 2026. Mr. Kevin Myers made a motion to approve the amendment and authorize the President to sign the amendment. Mr. Peter Cook seconded the motion and it carried unanimously.

### **RECORDER – REQUEST TO PURCHASE EASI FILE CABINETS**

Mrs. Sheila Getz, County Recorder, was present. She is requesting permission to purchase two plat cabinets in the amount of \$9,624.85. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **CONFLICT OF INTEREST STATEMENT DISCLOSURE STATEMENT**

Mrs. Kathryn Hopper, County Auditor, presented a Uniform Conflict of Interest Disclosure Statement from Kenneth Myers. Mr. Peter Cook made a motion to accept and authorize the President to sign. Mr. Kevin Myers seconded the motion and it carried unanimously.

### **BIDS FOR LAGRANGE COUNTY ROAD RESURFACING PROJECT**

Mrs. Tharon Morgan, County Engineer, explained that on December 18, 2023 bids were opened for the resurfacing of various County roads as follows:

Segment 1

Segment 2

Segment 3

Segment 4

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<u>Vendor</u>	<u>Location</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>	<u>Amount</u>
API Constructions Corp.	LaOtto, Indiana	\$866,808.00	\$1,392,684.00	\$1,273,511.00	\$1,566,911.00
Books Construction Co. Inc.	Fort Wayne, Indiana	924,698.00	1,301,567.00	1,093,704.00	1,772,858.00
E & B Paving, Inc.	Fort Wayne, Indiana				1,750,020.50
Niblock Excavating, Inc.	Bristol, Indiana	829,953.35	1,146,713.15	945,308.45	1,671,168.60
Phend & Brown, Inc.	Milford, Indiana	858,950.60	1,208,967.60		
Pulver Asphalt Paving, Inc.	Albion, Indiana	938,440.00			
Rieth-Riley Construction Co., Inc.	South Bend, Indiana			999,288.00	1,798,773.20

She is recommending that Niblock Excavating, Inc. be awarded the bids for Segments 1, 2, and 3, and that API Construction be awarded the bid for Segment 4. Mr. Peter Cook made a motion to accept the bids as recommended. Mr. Kevin Myers seconded the motion and it carried unanimously.

**2024 HIGHWAY MATERIALS - REQUEST FOR PROPOSALS**

At 9:00 a.m. Mr. Aaron Fugate, Highway Supervisor, reported that on December 18, 2023, proposals for the 2024 materials were opened. He is recommending that all of the proposals be accepted and be used as needed. Mr. Peter Cook made a motion to accept all of the proposals for materials. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY – REQUEST TO PURCHASE MOWER**

Mr. Aaron Fugate, Highway Supervisor, presented a quote for a 60” rotary mower mount. The quote is from Kalida Truck Equipment, Inc., in the amount of \$35,509.52. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**HIGHWAY - SALE OF 2006 CHEVROLET SINGLE DUMP TRUCK**

Mr. Aaron Fugate, Highway Supervisor, reported that the highest bid on the 2006 Chevrolet Single Axle Dump Truck was \$13,500. He is requesting permission to accept the bid. Mr. Peter Cook made a motion to accept the bid. Mr. Kevin Myers seconded the motion and it carried unanimously.

**COUNTY SHERIFF – SURPLUS ITEM**

Mr. Tracy Harker, County Sheriff, requested permission to declare an old rubber boat as surplus. Mr. Kevin Myers made a motion to declare the item as surplus. Mr. Peter Cook seconded the motion and it carried unanimously.

**COUNTY SHERIFF – VEHICLE PURCHASE REQUEST**

Mr. Tracy Harker, County Sheriff, requested permission to purchase a new 2023 vehicle from John Jones Auto Group, in the amount of \$43,902. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

**SHERIFF – SALE OF 2013 DODGE RAM**

Mr. Tracy Harker, County Sheriff, reported that the highest bid on the 2013 Dodge Ram was \$2,950. He is requesting permission to accept the bid. Mr. Peter Cook made a motion to accept the bid. Mr. Kevin Myers seconded the motion and it carried unanimously.

**LIBRARY BOARD APPOINTMENT**

Mr. Peter Cook made a motion to appoint Gloria Sherwood to the Library Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

**PARK DEPARTMENT – REQUEST FROM ARPA FUNDING**

Mr. George DeWald, Park Superintendent, was present and is requesting \$340,000 of ARPA funds to pave at Dallas Lake Park, a concrete drive and Delt Church Park, a new roof on the maintenance building, and to replace the boardwalk at Pine Knob Park. Mr. Peter Cook made a motion to pass it on to the County Council with a positive recommendation. Mr. Kevin Myers seconded the motion and it carried unanimously.

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**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.

**MEMORANDUM**

Mr. Kevin Myers made a motion to approve the memorandum for the December 18, 2023 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

**CORRESPONDENCE**

Indiana Department of Environmental Management – Receipt of Air Permit Application, Spectrum Finishing LTD, 1340 Industrial Dr., LaGrange, IN, Permit Number 087-47313-00060

Indiana Department of Environmental Management – Notice of Public Comment, Walnut Grove Finishing, Permit Number 087-47227-00702

**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.

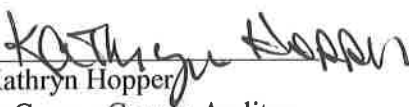
**ABSENT**

Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor