

**OCTOBER 19, 2020**

**REGULAR SESSION**

The LaGrange County Commissioners met in Regular Session on Monday, October 19, 2020, 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. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT**

Mr. Kurt Bachman, County Attorney, explained that the current vendor for elevator maintenance has been unresponsive to the County's needs and therefore we are working on getting an agreement with Otis Elevator Company. The current agreement with ThyssenKrupp would have to be terminated. He is working on a contract with Otis Elevator Company on getting an acceptable agreement. The following Ordinance was presented for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-A

AN ORDINANCE AUTHORIZING ADVANCE PAYMENT UNDER THE TERMS OF A CONTRACT  
WITH OTIS.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners desire to into one or more contracts with Otis Elevator Company ("Otis") on or about October 19, 2020 for elevator maintenance services;

WHEREAS, the terms of the contracts require payment in advance of Otis rendering its services each billing period under the contract;

WHEREAS, Otis is required to submit an invoice for its services;

WHEREAS, pursuant to IC § 36-2-6-4 and -4.5, the Commissioners have adopted an advance payment allowance ordinance such that a claim against the County for the payment of goods and services stated in a separate ordinance may be allowed;

WHEREAS, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the County's Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5, 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 THAT:

**SECTION I**

- A. The Commissioners hereby confer upon the Auditor the power to approve the timeliness, contents, and form of any invoice issued by Otis Elevator Company ("Otis") that conforms with the contracts entered into between the Commissioners and Otis on or around October 19, 2020 for elevator maintenance services (as stipulated, "Contract"), the general form of which is attached as Exhibits A & B and incorporated by reference as if fully stated herein.
- B. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment of any amount that may become due under the Contract, including the periodic maintenance fees and payment for any part repair or replacement and service thereof.

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- C. The Commissioners direct the Auditor to implement an advance payment to Otis pursuant to this ordinance.
- D. The Commissioners authorize its President, the Auditor, and the Maintenance Technician to sign all papers and to otherwise take all action necessary or helpful to implement the advance payment.
- E. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five (5) years from the date of the last advance payment made pursuant to the Contract.
- F. The Auditor shall prepare records memorializing any actual prepayment of a claim made pursuant to this ordinance for Commissioner review and allowance at the then-next regular or special meeting of the Commissioners following the actual advance payment.

**SECTION II**

**A. References.**

- 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated 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. Incorporated Materials.** Two (2) copies of all materials incorporated herein shall be on file in the office of the Auditor for public inspection.

**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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

**E. Effective Date.** This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance and to approve the agreements subject to review and approval by the County Attorney, and also to authorize the president to sign the agreements outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Dennis Kratz made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH VANTAGE POINT CONSULTING, INC.**

Mr. Kurt Bachman, County Attorney, explained that the Goshen Health was the vendor selected to do Covid Testing with a grant that the Health Department has. The contract with Goshen Health was not acceptable. Therefore, Vantage Point Consulting, Inc. has been selected to perform the services. The following Ordinance for consideration:

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COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-B**

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH  
VANTAGE POINT CONSULTING, INC.**

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners desire to enter into a contract with Vantage Point Consulting, Inc. ("VPC") for health care services related to COVID-19 testing;

WHEREAS, the terms of the contract, which is attached hereto as Exhibit A, may require partial payment in advance of VPC performing its obligations under the contract;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted an advance payment allowance ordinance such that a claim against the County for the payment of goods and services stated in a separate ordinance may be allowed;

WHEREAS, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the County's Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5, 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 THAT:

**SECTION I**

- A. The Commissioners hereby approve the contents and form of the contract with Vantage Point Consulting, Inc., LLC ("VPC"), which is attached as Exhibit A, for health care services related to COVID-19 testing.
- B. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the contract, advance payment thereon as may be invoiced from time to time, which represents quarterly installments owed to VPC under the contract.
- C. The Commissioners direct the Auditor to implement an advance payment to VPC when proper pursuant to this ordinance.
- D. The Commissioners authorize its President and the Auditor to sign all papers and to otherwise take all action necessary or helpful to implement the advance payment.
- E. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five (5) years from the date of the final advance payment made pursuant to the contract.
- F. The Auditor shall prepare records memorializing any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at the then-next regular or special meeting of the Commissioners following the actual advance payment.

**SECTION II**

- A. References.
  - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be

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subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated 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. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance and authorize the president to sign the grant agreement outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**FIDLAR TECHNOLOGIES – RECORDERS SOFTWARE AGREEMENT**

Mrs. Jennifer McBride, County Recorder, presented a 5-year agreement with Fidlar Technologies for the software used in the Recorder's office. Mr. Dennis Kratz made a motion to approve the 5-year agreement subject to review by the County Attorney and to authorize the president to sign the agreement outside of a public meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING ADVANCE PAYMENT OF AN INVOICE SUBMITTED BY COMMAND SOURCING INC.**

Mr. Jeff Campos, County Sheriff, explained that on September 8, 2020, he was approved to purchase two UVC Disinfecting Robots from Command Sourcing, Inc. in the amount of \$71,612. The vendor requires a down payment prior to the shipment.

The following Ordinance was presented for consideration:

**COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-C**

**ORDINANCE AUTHORIZING ADVANCE PAYMENT OF AN INVOICE SUBMITTED BY  
COMMAND SOURCING, INC.**

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") is the purchasing agent on behalf of the LaGrange County, Indiana ("County");

WHEREAS, the Commissioners have entered into a contract with Command Sourcing, Inc. ("Command Sourcing") for UVC Disinfecting Equipment;

WHEREAS, the terms of the contract require partial payment in advance of Command Sourcing performing its obligations under the contract;

WHEREAS, Command Sourcing has submitted an invoice for its services, which is attached hereto as Exhibit A;

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WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted an advance payment allowance ordinance such that a claim against the County for the payment of goods and services stated in a separate ordinance may be allowed;

WHEREAS, a purchase made pursuant to IC § 36-2-6-4.5 is exempt from the requirements of IC 5-11-10 for the issuance of a warrant by the County's Auditor; *and*

WHEREAS, pursuant to IC § 36-2-6-4.5, 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 THAT:

SECTION I

- A. The Commissioners hereby approve the contents and form of the invoice issued by Command Sourcing, Inc. ("Command Sourcing"), which is attached as Exhibit A, for UVC Disinfecting Equipment.
- B. The Commissioners hereby approve advance payment of the attached invoice in an amount of Thirty-Five Thousand, Eight Hundred Six Dollars (\$35,806.00), which represents fifty percent (50%) of the amount owed to Command Sourcing under the contract.
- C. The Commissioners direct the Auditor to implement an advance payment to Command Sourcing pursuant to this ordinance.
- D. The Commissioners authorize its President, the Sheriff, and the Auditor to sign all papers and to otherwise take all action necessary or helpful to implement the advance payment.
- E. The Commissioners direct the Auditor to keep records of the findings and purchase on file for five (5) years from the date of the final advance payment made pursuant to the contract.
- F. The Auditor shall prepare records memorializing any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at the then-next regular or special meeting of the Commissioners following the actual advance payment.

SECTION II

- A. References.
  - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated 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.

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D. Effective Date. This ordinance shall be effective upon adoption.

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

**ORDINANCE REGULATING THE USE OF ENGINE BRAKES IN LAGRANGE COUNTY**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-D

AN ORDINANCE REGULATING THE USE OF ENGINE BRAKES IN LAGRANGE COUNTY.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), desires to create a more orderly and safe flow of traffic upon County highways;

WHEREAS, pursuant to IC § 9-21-1-2 and -3, a local authority may adopt additional traffic regulations with respect to highways under its jurisdiction; *and*

WHEREAS, the Commissioners have determined that the indiscriminate use of compression release engine brakes, commonly known as "Jake brakes," endanger the safety of the motoring public.

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

**SECTION I – NAME**

The name of this ordinance shall be the Engine Brake Restrictions Ordinance.

**SECTION II – VIOLATIONS**

- A. Definition. As used in this ordinance, the term "engine brake" includes the term "Jake brake," "Jacob's brake," or any other engine-braking mechanism and means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.
- B. Except in the case of failure of the vehicle's service brake system, no person shall apply an engine brake or utilize the engine to slow or reduce the speed of any vehicle such that a loud noise emanates from the vehicle upon the following roads in the County:
  - 1. on SR 120, within one (1) mile of the intersection of SR 120 and SR 9; *nor*
  - 2. on SR 9, within one (1) mile of the intersection of SR 9 and SR 120.
- C. This ordinance does not apply to a motor vehicle that has an engine brake with a factory-installed muffler or an equivalent after-market muffler.
- D. The Highway Department is authorized and directed to take all necessary action to erect appropriate signs in accord with applicable law.

**SECTION III – ENFORCEMENT**

- A. Non-hierarchical; Non-exclusive. Enforcement procedures and remedies in this section are neither hierarchical nor exclusive and may be omitted or used in any order and in conjunction with other enforcement procedures and remedies at the discretion of the County or the law enforcement officer who is enforcing this ordinance.

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- B. Verbal Warning. A law enforcement officer who has reasonable suspicion that a minor or easily corrected violation of this ordinance has occurred may issue a verbal warning.
- C. Citation. A law enforcement officer who has reasonable suspicion that a violation of this ordinance has occurred may issue a citation for an ordinance or state law violation or take other appropriate enforcement action.
- D. Injunction. The Commissioners may petition a court of competent jurisdiction to enjoin further violation of this ordinance.
- E. Civil Action. The Commissioners may bring a civil action against any person who violates this ordinance to recover the enforcement costs or to bring a violation into compliance.

**SECTION IV – PENALTIES**

- A. Fines/Costs. A person who violates this ordinance shall be guilty of an ordinance violation and subject to a fine of Sixty Dollars (\$60.00).
- B. Costs. Any person found to have violated this ordinance shall be responsible for any costs, including reasonable attorney's fees, paralegal fees, and collection costs, to the extent allowed by law, borne by the County to prosecute or correct such violation.
- C. Rules.
  - 1. Each day in which a violation should reoccur shall constitute a separate violation.
  - 2. If two or more persons should be found to have caused a respective violation, they shall be jointly and severally liable for all such costs.
- D. Fine and Cost Deposits. All fines and costs of prosecution collected pursuant to this ordinance shall be remitted to the General Fund within sixty (60) days of collection.

**SECTION V – MISCELLANEOUS**

- A. References.
  - a. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated from time to time.
  - b. 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)."
  - c. 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. Effective Date. This ordinance shall be effective upon promulgation according to law.

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

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**ORDINANCE REGULATING CERTAIN UNDESIRABLE ACTS THAT OCCUR IN THE PUBLIC AREAS OF THE COUNTY**

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

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-E

AN ORDINANCE REGULATING CERTAIN UNDESIRABLE ACTS THAT OCCUR IN THE PUBLIC AREAS OF THE COUNTY.

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-2-2-2, the Board of Commissioners of the County of LaGrange ("Commissioners") is the executive body of LaGrange County, Indiana ("County"); *and*

WHEREAS, pursuant to IC § 36-1-4-6, the Commissioners may use, improve, develop, insure, protect, maintain, lease, and dispose of its interests in property;

WHEREAS, pursuant to IC § 36-8-2-4, the Commissioners may regulate conduct or use of property that might endanger the public health, safety, or welfare;

WHEREAS, pursuant to IC § 36-8-2-8, the Commissioners may regulate the introduction of any substance or odor into the air or of any generation of sound;

WHEREAS, pursuant to IC § 36-9-2-7, the Commissioners may regulate the use of public ways;

WHEREAS, pursuant to IC § 36-1-6-9, the Commissioners may be enforced through an administrative hearing when it restricts or prohibits actions harmful to the land, air, or water, governs use of the public way, or governs the standing or parking of vehicles; *and*

WHEREAS, the Commissioners desire to consolidate certain County ordinances related to public acts.

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

**SECTION I – NAME**

The name of this ordinance shall be the "Public Areas Control Ordinance."

**SECTION II – DEFINITIONS**

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.

- "Graffiti" means any unauthorized inscription or design that is marked, etched, scratched, drawn, written, scribed, stained, stuck on, adhered, or affixed to or on any real property.
- "Property" means a parcel of land or a body of water that is owned, operated, or managed by the County; provided, however, that the term excludes all streets.
- "Regular business hours" means:
  - for County buildings, from 8:00 a.m. to 5:00 p.m.;
  - for other County property, during daylight hours.
- "Smoke" means to carry or hold a lighted cigarette, cigar, or pipe or any other lighted smoking equipment; or to inhale or exhale smoke from lighted smoking equipment.
- "Street" means any public roadway, highway, or alley used for standard motor vehicle traffic; the term includes any appurtenant sidewalk and/or right-of-way.



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SECTION III – SCOPE

- A. Except as provided in this section, this chapter applies to:
1. the unincorporated areas of the County;
  2. any area within the incorporated areas of the County in which the County has an ownership, managerial, or possessory interest; *and*
  3. any property outside the County in which the County has an ownership, managerial, or possessory interest.
- B. To the extent this ordinance conflicts with another ordinance specifically limited in scope to County parks, the other ordinance controls.
- C. Nothing in this ordinance shall be construed to regulate any elected officials, officers, law enforcement officers, or employees of the County when acting in their official capacity.
- D. Nothing in this ordinance shall be construed to limit the right of the Commissioners and another person to enter into and abide by a special contract or permit.
1. Notwithstanding anything in this ordinance to the contrary, where this ordinance conflicts with the terms of a contract or permit entered into by the Commissioners with another person, the terms of the contract or permit control with respect to that person.
  2. If an act would be considered a violation under this ordinance but is specifically allowed in the contract or permit, the act is instead not a violation.
- E. Nothing in this ordinance shall be construed to create a cause for civil action against the Commissioners, the County, or any of its departments, employees, or agents.

SECTION IV – GENERAL VIOLATIONS WITHIN PUBLIC AREAS

- A. In a public area of the County, no person shall recklessly, knowingly, or intentionally:
1. enter or remain on County property for a mischievous or malicious purpose;
  2. enter or remain on County property after having received actual or constructive notice by the County that occupancy or travel thereon is not permitted;
  3. enter or remain on County property outside regular business hours except to participate in a meeting or gathering either of which is explicitly allowed by the County and scheduled for such time at the property;
  4. possess an alcoholic beverage or a controlled substance;
  5. throw or deposit litter in or upon any street or other public area except in a receptacle designed for such use;
  6. apply any graffiti to or otherwise deface any structure in any public area;
  7. smoke nicotine or marijuana in a public building or within eight (8) feet of an entrance thereof;
  8. make unreasonable noise and continue to do so after being asked to stop;
  9. engage in fighting or tumultuous or violent conduct;
  10. disrupt a lawful assembly of persons;
  11. obstruct a public street or property in an unreasonable or unlawful manner; *or*
  12. park in a designated no-parking and/or handicapped-only parking area without appropriate authorization to do so.
- B. The Highway Department may take all steps necessary to post all signs appropriate to fulfill the provisions of this section in accord with applicable law.

SECTION V – VIOLATIONS IN CERTAIN PUBLIC AREAS

- A. The following areas are subject to specific restrictions:
1. No person shall fish from, loiter on, or jump or dive from the bridge located on 700 S, between Witmer and Westler Lakes (Bridge #49).
  2. No person shall swim next to CR 600 S at the intersection with Big Long Lake, in Milford Township.

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3. No person shall swim or go boating, including the storage, docking, and placement in the water or removal from the water, at the following real estate on Big Long Lake:  
20.0 feet on both sides of the North line of the Northeast Quarter of Section 27, Township 36 North, Range 11 East, LaGrange County Indiana, the said North line being described as follows:  
Commencing at a point on said North line 635.00 feet East of the Northwest Corner of the said Northeast Quarter of said Section 27, said point being the point of beginning of this description centerline and running thence East along said North line of the Northeast Quarter 120.00 feet, more or less, to the shoreline of Big Long Lake.
- B. The Highway Department shall take all steps necessary to post all signs appropriate to fulfill the provisions of this section in accord with applicable law.

### SECTION VI – ENFORCEMENT

- A. Authorization. Any person may enforce the terms of this ordinance within such person's respective scope of authority.
- B. Non-Hierarchical; Non-Exclusive. Enforcement procedures and remedies in this ordinance are neither hierarchical nor exclusive and may be omitted or used in any order and in conjunction with other enforcement procedures and remedies at the discretion of the enforcement authority.
- C. Verbal Warning. An enforcement authority who has reasonable suspicion that a minor or easily corrected violation of this ordinance has occurred may issue a verbal warning.
- D. Written Warning. An enforcement authority who has reasonable suspicion that a material violation of this ordinance has occurred may provide the suspected violator with written notice and/or cease-and-desist letter stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The suspected violator shall, within the period of time stated in such notice, permanently cease all violations.
- E. Remedy. An enforcement authority may require that a person remedy any violation, including costs for civil damages, to the satisfaction of such officer.
- F. Citations. A law enforcement officer may issue a citation for an ordinance or state law violation or take other appropriate enforcement action.
- G. Regulatory Notification. An enforcement authority may notify another applicable state or federal regulatory agency of a suspected violation of applicable law.
- H. Correction. An enforcement authority may, subject to permission of a landowner when required, correct a violation of this ordinance to bring it into compliance.
- I. Injunctions. The Commissioners may petition a court of competent jurisdiction to enjoin further violation of this ordinance.
- J. Civil Action. The Commissioners may bring a civil action against any person who violates this ordinance to recover the cost to bring a violation into compliance.
- K. Administrative Proceeding. The Commissioners may, on their own motion, convene an administrative proceeding of their own body to enforce this ordinance after providing proper notice of the time and date of the hearing to the alleged violator at least ten (10) days before the hearing and providing an opportunity for such person to be heard.

### SECTION VII – PENALTIES AND COSTS

- A. Fines.
  1. A person shall be liable to a fine of up to Two Hundred Fifty Dollars (\$250.00) for a first violation of this ordinance.

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2. A person shall be liable to a fine of up to Five Hundred Dollars (\$500.00) for a second violation of this ordinance.
  3. A person shall be liable to a fine of up to One Thousand Dollars (\$1,000.00) for a third violation of this ordinance.
  4. A person shall be liable to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for a fourth or subsequent violation of this ordinance.
  5. A person shall be liable to a fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) for a violation of this ordinance if the violation causes significant (non-minor) injury to persons or damage to the property of the County.
  6. All fines and costs collected under this ordinance shall be deposited within a reasonable time in the County's general fund.
- B. Costs. Any person found to have violated this ordinance shall be responsible for any costs, including reasonable attorney's fees, paralegal fees, and collection costs, to the extent allowed by law, borne by the County to prosecute or correct such violation.
- C. Rules.
1. Each day in which a violation should continue shall constitute a separate violation.
  2. For the purpose of determining whether a violation is a second, third, or subsequent violation under this section, a look-back period of three years from the date of the violation shall be used.
  3. When imposing any fine, the enforcement authority shall seek to impose the maximum amount, and then mitigate it by taking into account the motivation and sophistication of the violator, the quantity and length of the violation, the degree of danger involved, the extent of harm caused, the willingness to admit to and proactively correct the violation, and such other factors as the authority finds relevant.
  4. If two or more persons should be found to have caused a respective violation, they shall be jointly and severally liable for all costs.
- D. Time to Pay. Any fine or cost imposed pursuant to this ordinance shall be paid within sixty (60) days.

**SECTION VIII – REPEAL OF PRIOR ORDINANCES**

The Commissioners hereby repeal Ordinances 1977-8-15, 1993-11-1, 1994-7-6, and 1998-1-20a in their entirety.

**SECTION IX – MISCELLANEOUS**

- A. References.
1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, 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, 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. Continuance.

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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, 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.

E. Effective Date. This ordinance shall be effective upon promulgation according to law.

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

**ORDINANCE REORGANIZING THE COUNTY DRAINAGE BOARD AND DELEGATING CERTAIN POWERS AND DUTIES THERETO**

Mr. Kurt Bachman, County Attorney, explained that the Drainage Board desires to reorganize and create a new five-member board effective January 1, 2020. Mr. Bachman presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-10-19-F

AN ORDINANCE REORGANIZING THE COUNTY DRAINAGE BOARD AND DELEGATING CERTAIN POWERS AND DUTIES THERETO.

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-9-27-4, the LaGrange County Drainage Board ("Board") is established on behalf of LaGrange County, Indiana (County);

WHEREAS, pursuant to IC § 36-9-27-5(a)(1), the Board of Commissioners of the County of LaGrange ("Commissioners"), as the County executive, serves as the default constitution of the Board;

WHEREAS, pursuant to IC § 36-9-27-5(a)(2), the Commissioners, instead of itself serving as the Board, may appoint various freeholders to the Board;

WHEREAS, pursuant to IC § 36-9-27-15, each regulated drain in the County is under the jurisdiction of the Board;

WHEREAS, pursuant to IC § 36-7-2-6, the Commissioners may regulate excavation, mining, drilling, and other movement or removal of earth below ground level with respect to drains under the jurisdiction of the County;

WHEREAS, pursuant to IC § 36-8-2-4, the Commissioners may regulate the conduct, or use or possession of property, that might endanger the public health, safety, or welfare with respect to drains under the jurisdiction of the County;

WHEREAS, pursuant to IC § 36-2-2-32, the Commissioners may grant a permit for the use of County property if the permit is not exclusive and is of a definite duration;

WHEREAS, pursuant to IC § 36-9-27-3, the rights and powers that the County may have as an owner of a drain shall be exercised by the Commissioners;

WHEREAS, pursuant to IC § 8-1-26-15 *et seq.*, an operator of a drainage tile has various duties with respect to Indiana 811; *and*

WHEREAS, the Commissioners desire to supplement the Board's powers and duties under IC 36-9-27 with the other regulatory powers and duties of the Commissioners with respect to drains and drainage tile under the jurisdiction of the County.

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

SECTION I – NAME

The name of this ordinance shall be the “Drainage Board Reorganization Ordinance,” or the “Reorganization Ordinance,” when the context is obvious.

SECTION II – DEFINITIONS

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.

- “Board” means the LaGrange County Drainage Board.
- “Commissioner” means a member of the Board of Commissioners of the County of LaGrange, Indiana.
- “Freeholder” means an individual who holds land in fee, for life, or for some indeterminate period of time, whether or not in joint title.
- “Operator” means the County, but only to the extent IC § 8-1-26-10 applies to the County with respect to drainage tile owned or operated by the County.

SECTION III – DRAINAGE BOARD COMPOSITION

- A. The Board shall consist of the Commissioners. This provision shall expire at the end of the calendar year 2020.
- B. Except to the extent otherwise provided in this ordinance, the Board shall consist of the following:
  - 1. one (1) Commissioner, as appointed by the Commissioners from time to time and as long as such member remains a Commissioner; *and*
  - 2. four (4) County freeholders, appointed by the Commissioners, who are knowledgeable about drainage matters.
- C. The County Surveyor also serves *ex officio* as a non-voting, non-officer member of the Board. The Surveyor does not have the power to break tie votes of the Board unless expressly permitted by applicable law.

SECTION IV – TERM OF OFFICE

- A. The freeholder members of the Board shall each serve a term of three (3) calendar years, commencing January 1 of the year indicated by the appointment.
- B. Notwithstanding anything in this ordinance to the contrary, the initial freeholder members of the Board shall be appointed with terms beginning January 1, 2021 as follows:
  - 1. two such members shall serve a term of one (1) year; *and*
  - 2. two such members shall serve a term of two (2) years;with the respective terms clearly indicated by the Commissioners’ appointment.
- C. Any member of the Board shall continue to hold office beyond the member’s term, if eligible, until a qualified successor has been appointed.
- D. Each member of the Board shall be eligible for re-appointment.
- E. No freeholder member shall have any right to serve out his or her term should this ordinance become repealed or otherwise of no effect.
- F. Beginning in 2021, the first two terms for each Board member may be depicted as follows:

Seat	Position	Initial Term Start Date	Initial Term Length	Next Term Start Date	Next Term Length	Next Term Ends
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1	Freeholder	1/1/21	1 year	1/1/22	3 years	12/31/24
2	Freeholder	1/1/21	1 year	1/1/22	3 years	12/31/24
3	Freeholder	1/1/21	2 years	1/1/23	3 years	12/31/25
4	Freeholder	1/1/21	2 years	1/1/23	3 years	12/31/25
5	Commissioner	1/1/21	as appointed	N/A	as appointed	N/A

**SECTION V – USE OF COUNTY PERSONNEL AND PROPERTY**

- A. Regular Board meetings shall take place in the Commissioners' room at a suitable time that is not in conflict with the regular meetings of the Commissioners or County Council.
- B. The Board may use County personal property, systems, and accounts on a reasonable basis.
- C. The Board may use the services of the Auditor as Secretary of the Board to the extent the Auditor accepts.
- D. The Board may use the services of the County Attorney to represent and advise the Board to the extent the County Attorney accepts.
- E. The Board may reasonably use the services of other personnel subject to Commissioner oversight.

**SECTION VI – DELEGATION AND SCOPE OF AUTHORITY**

- A. The Commissioners, pursuant to powers received under IC § 36-7-2-6, IC § 36-8-2-4, IC 8-1-26, IC § 36-2-2-23, general Home Rule powers, and other applicable law, hereby delegate to the Board all power and authority necessary and proper to:
  - 1. create and/or augment the Board's existing powers under IC §§ 36-9-27-33 and 36-2-2-23 to create and administer a permitting process with respect to the encroachment of permanent structures, trees, shrubs, and woody vegetation onto the drainage right-of-ways under the Board's jurisdiction;
  - 2. regulate any activity that exposes the waters that channel through the regulated drains under the Board's jurisdiction to harmful contamination including, but not limited to, the grazing and crossing of livestock over such drains or alterations of land; *and*
  - 3. perform all operator duties with respect to drainage tile owned or operated by the County.
- B. The powers delegated in this section include, but are not limited to, the power to create, modify, and process permit applications; to issue, administer, and revoke permits; to set permit terms and conditions; to set, adjust, and collect permit fees; to require permit bonds; *and*, to inspect anything arising out of or relating to the permits.
- C. Notwithstanding anything in this section to the contrary, the Board shall have no power or authority to regulate a drain located on land owned by the County.

**SECTION VII – OPERATOR DUTIES**

- A. The Board shall fulfill all operator duties under IC 8-1-26 with respect to drainage tile owned by the County that are otherwise incumbent upon the County.
- B. The Surveyor shall perform all operator duties under IC 8-1-26 that may arise on a daily basis on behalf of the Board, subject to Board oversight, except to the extent that the Board assigns some or all such duties to another person.

**SECTION VIII – MISCELLANEOUS**

- A. References.

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1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, 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, Office, 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. Effective Date. This ordinance shall be effective immediately upon adoption.

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

**SHERIFF – PURCHASE OF BODY CAMERAS**

Mr. Jeff Campos, County Sheriff, presented a quote from TechSolutions for eighteen body cameras for the Sheriff deputies, in the amount of \$25,743.38. This would be paid out of the LIT Public Safety fund. Mr. Terry Martin made a motion to approve the purchase of the cameras. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**SHERIFF – MOTOROLA SOLUTIONS QUOTE**

Mr. Jeff Campos, County Sheriff, explained that earlier this year the Spillman system crashed and jail officers needed to use the old system for jail bookings. He presented a quote from Motorola Solutions for the conversion of data into the live database, in the amount of \$5,400. This would be paid out of the LIT Public Safety fund. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**SHERIFF – OUT OF STATE TRAVEL**

Mr. Jeff Campos, County Sheriff, explained that he would like to travel to Nashville, Tennessee, in a County vehicle to tour a mental health facility for jail inmates. Mr. Dennis Kratz made a motion to approve the travel. Mr. Terry Martin seconded the motion and it carried unanimously.

**INFORMATION TECHNOLOGY - QUOTES**

Mr. Dave Warren, Information Technology, presented an invoice from Indus, in the amount of \$2,995 for the annual maintenance of the book scanner used in the GIS Department. He also presented invoices from CSI-Computer Systems, Inc. for annual software maintenance and licenses for the Courts, in the amount of \$28,975. Mr. Dennis Kratz made a motion to approve the agreements. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr. Warren presented an annual system support agreement with CSI-Computer Systems, Inc. for the Clerk's office in the amount of \$8,850. Mr. Terry Martin made a motion to approve the agreement and to authorize the president to sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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**COMMUNITY CROSSING GRANT**

Mr. Ben Parish, Highway Superintendent, presented a commitment letter for two bridge reconstruction projects that he will be applying for Community Crossing marching grant funding for. The bridge projects are for Bridge 73 and Bridge 75. Mr. Dennis Kratz made a motion to approve the commitment letters. Mr. Terry Martin seconded the motion and it carried unanimously.

Mr., Parish explained that he will have commitment letters ready for one road resurfacing project and one total road reconstruction project. Mr. Terry Martin made a motion to approve the commitment letters and authorized the president to sign the letter outside of a public meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**RESOLUTION TO PROVIDE FOR REIMBURSEMENT OF PUBLIC HEALTH AND PUBLIC SAFETY PAYROLL COSTS WITH CARES ACT FUNDING**

Mrs. Kathy Hopper, County Auditor, presented the following Resolution for consideration:

**COUNTY OF LAGRANGE  
RESOLUTION NO. 2020-10-19 G**

**RESOLUTION TO PROVIDE FOR REIMBURSEMENT OF PUBLIC HEALTH AND PUBLIC SAFETY PAYROLL COSTS WITH CARES ACT FUNDING.**

WHEREAS, the Board of Commissioners of the County of LaGrange is seeking reimbursement of public health and public safety payroll costs as allowed through federal CARES Act funding, which has been received by LaGrange County from the Indiana Finance Authority; and

WHEREAS, there has been designated by LaGrange County a CARES Act grant fund through which such reimbursements are receipted; and

WHEREAS, under normal procedures, the payroll expenditure activity for public health and public safety payroll costs would be captured in the CARES Act grant fund by transferring the expenditures from the fund from which the expenditures were originally made; and

WHEREAS in light of the Governor's public health emergency, an alternative process is being implemented to transfer all or a portion, as determined appropriate by the governing body of LaGrange County, of the reimbursed federal CARES Act monies that are specific to public health and/or public safety payroll costs into the general fund; and

WHEREAS, the process contemplated herein is intended to allow for maximum usage of these funds.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of LaGrange hereby establishes the following alternative process in order to utilize CARES Act funding to properly pay public health and public safety payroll costs:

The CARES Act reimbursement for public health and public safety payroll shall be receipted into LaGrange County CARES Act fund; and

Thereafter, instead of moving expenditures from the originating fund to the CARES fund, a claim shall be created against the CARES Act fund for the amount, up to the payroll reimbursement amount, that LaGrange County determines shall be receipted into the general fund. This claim must be supported by the public health and/or public safety payroll costs that have been expensed from the general fund or other appropriate funds and clearly documented in the records of LaGrange County; and

The money claimed shall be receipted into the general fund.

After the payroll reimbursement amount has been receipted into the general fund, the normal appropriation procedures shall apply to the expenditure of the reimbursement amount.



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This resolution shall be effective upon promulgation according to law.

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

**ACCOUNTS PAYABLE VOUCHERS**

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

**MINUTES**

Mr. Dennis Kratz made a motion to approve the minutes of the October 5, 2020 regular session meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

**MEMORANDUM**

Mr. Terry Martin made a motion to approve the memorandum for the October 14, 2020 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**CORRESPONDENCE**

LaGrange County Building Department – annual report

Indiana Department of Environmental Management – Notice of 30-Day Period for Public Comment for Preliminary Findings Regarding a Minor Source Operating Permit, Therma Tru Corporation, MSOP No. M087-43201-00078

Indiana Department of Environmental Management – Notice of Receipt of sanitary sewer construction permit application, Country Crossing Phase III.

Indiana Department of Environmental Management – Notice of Public Comment proposed air permit, Therma Tru Corporation, Permit Number 087-43201-00078

Indiana Department of Environmental Management – Notice of Approval, Northern Indiana Components, 536 Michigan St, Building 78, Topeka, IN 46571, Permit Number 087-43306-00709

**ADJOURNMENT**

There being nothing further to come before the Board at this time, Mr. Dennis Kratz 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.

ABSENT

Larry N. Miller

Terry A. Martin

Dennis H. Kratz

ATTEST:

Kathryn Hopper

LaGrange County Auditor