

APRIL 20, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, April 20, 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.

NUISANCE ISSUE – NATASHA MEDINA, 7445 S 900 E, WOLCOTTVILLE, INDIANA

Mr. Kurt Bachman, County Attorney, reported that the nuisance issue at 7445 S 900 E, Wolcottville, Indiana is no longer a nuisance. Mr. Terry Martin made a motion to dismiss the nuisance matter. Mr. Dennis Kratz seconded the motion and it carried unanimously.

LAGRANGE COUNTY RC CLUB

Mr. Kurt Bachman, County Attorney, informed the Commissioners that the Certificate of Liability Insurance for the LaGrange County RC Club has been received effective March 31, 2020 and expiring March 31, 2021. Mr. Dennis Kratz made a motion to accept the insurance certificate. Mr. Larry Miller seconded the motion and it carried unanimously.

SPEED STUDY ON VARIOUS ROADS

Mr. Kurt Bachman, County Attorney, presented an Authorization to Proceed Form for USI Consultants, to prepare a speed study on various roads in LaGrange County. Mr. Terry Martin made a motion to approve the project and authorize the president to sign the authorization. Mr. Dennis Kratz 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. Terry Martin made a motion to approve the voucher and have the President sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

COUNCIL ON AGING – TRANSPORTATION GRANT

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the Indiana Department of Transportation Section 5311/5339 Grant application and Resolution for consideration. Mr. Terry Martin made a motion to approve the application and have the President sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING THE SPREAD OF CORONAVIRUS

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-20 B**

**ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING
THE SPREAD OF CORONAVIRUS AND IMPLEMENTING CERTAIN CONTAINMENT
COUNTERMEASURES**

WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”),

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adopted Ordinance 2020-03-23A, as continued by Ordinance 2020-04-06-B, which declared a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until its next regularly scheduled public meeting;

WHEREAS, the Center for Disease Control and Prevention ("CDC") advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings and public gatherings can mitigate the exposure to COVID-19; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

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

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana until 10:00 a.m. on Monday, May 4, 2020.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director ("Director") is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County's Comprehensive Emergency Management Plan;
- B. file this ordinance with the County Auditor and the Clerk of Courts;
- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via an appropriate press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of injury to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage.

SECTION III – LIMITED PUBLIC ACCESS

- A. Effective immediately, all the offices located in the County Annex Building, the County Justice Center Building, the County Courthouse, the Sheriff's Office, the Health Department, the County Highway Department, and the County Park Department are closed to the public with the following exceptions:
 1. Department attorneys, the County engineer, state officials, emergency response agencies, and vendors having contractual business with the County may meet with County personnel on an as-needed basis, including the delivery of supplies.

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2. The main entrance to the County Annex Building, the Commissioner's room during public meetings, and the Auditor's office shall remain open for document drop-off and other limited interaction.
 3. The Prosecutor may establish protocols for public access to the County Justice Center Building such that there is no more than a single contact point for the entire building.
 4. To the extent that the judges of the County courts establish protocols for public access to the Courthouse, such protocols shall control over this ordinance.
 5. To the extent that the Sheriff, Health Officer, and Park Superintendent establish protocols for public access to the Sheriff's Office, Health Department, and Park Department offices, respectively, such protocols shall control over this ordinance.
- B. The Maintenance Technician shall implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- C. The Auditor's Office may procure and have installed an appropriate transparent barrier at its customer counter to mitigate against the spread of COVID-19 and to simultaneously allow for the easy exchange of documents, payments, and other items.
- D. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- E. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION IV – EMERGENCY PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving claims, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, issuing refunds, and waiving fees. The Treasurer may pay any claims so approved.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.
- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. Deposit of public funds collected may be limited to Tuesdays and Thursdays. Public funds collected but not deposited on other days shall be secured in accord with the County's internal control directives.
- E. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION V – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.

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- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

SECTION VI – DISCLAIMER

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, its agencies, its officers or employees, or any person; 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 statutes, rules, or regulations 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.

SECTION VII – 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, 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 Dates. This ordinance shall be effective immediately upon adoption and expires on May 4, 2020 at 10:00 a.m.

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 ESTABLISHING THE COUNTY HEALTH FUND

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-20 C

AN ORDINANCE REESTABLISHING THE COUNTY HEALTH FUND.

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) on behalf of the LaGrange County, Indiana (“County”) have adopted various fund ordinances relating to the LaGrange County Health Department (“Department”);

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WHEREAS, Indiana Code § 16-46-1-4 indicates that a County Health Fund ("Fund") is to be established by the proper local authority for the purposes of appropriating money and allocating expenditures for the operation of official county board of health; *and*

WHEREAS, the Commissioners have been informed by the Auditor that the Lead Screening Grant Fund, under the control of the Health Department, is no longer in use.

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

SECTION I

County Ordinance 1995-12-5b is hereby repealed in its entirety.

SECTION II

- A. Creation. The "County Health Fund" is hereby (re-)created, and it shall exist in perpetuity until terminated or repealed by a subsequent ordinance.
- B. Definitions. Unless the context clearly indicates or requires a different meaning, the definitions of the LaGrange County Health Department Ordinance shall apply also to this section.
- C. Purpose. The purpose of the Fund shall be for:
 - 1. the deposit of money received from state and local revenues specifically earmarked for the Fund, and from grants, health levies, and service fees;
 - 2. the appropriation and allocation of money in the Fund for the operation of the Health Department and its Board of Health in accord with applicable law;
 - 3. the salaries or other compensation of the Board of Health, the Health Officer, and other Department employees and contractors;
 - 4. the reimbursement of legitimate expenses of the Board of Health, the Health Officer, and other Department employees and contractors in carrying out the duties established in the LaGrange County Health Department Ordinance;
 - 5. the improvement, extension, or development of new or existing programs to protect the health of the public; *and*
 - 6. the payment of the County's apportioned share of any multi-jurisdictional health department the County may join.
- D. 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.
- E. Appropriations. The Council shall appropriate from the Fund money necessary to maintain and administer the Health Department. No money shall be dispensed from the Fund without the proper authorization of the Council.
- F. Authentication. All vouchers received from the Health Officer for the disbursement of money in the Fund shall be properly authenticated.
- G. Deposits. Money received from any source on behalf of the Health Department and not earmarked for another fund shall be transferred to the Auditor who shall deposit such money into the Fund.

SECTION III

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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, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) 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.

1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

E. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

F. 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 REESTABLISHING THE COUNTY HEALTH DEPARTMENT FEE SCHEDULE

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-20 D**

AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT FEE SCHEDULE.

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) on behalf of the LaGrange County, Indiana (“County”) have adopted various resolutions relating to the LaGrange County Health Department (“Department”) fee schedule;

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WHEREAS, the Department, pursuant to Indiana Code § 16-20-1-27, may, with the approval of the Commissioners, establish and collect fees to cover the costs of the services provided for specific services and records established by local ordinance and state law; *and*

WHEREAS, the Department has submitted to the Commissioners a proposed schedule of fees for specific services and records.

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

SECTION I

County Resolutions 1997-11-3 (A), 1998-6-1, 2004-7-19 (B), 2005-3-21 (B), 2007-6-18, 2008-5-5 (A), 2009-07-20 (D), 2011-7-18 (C), 2014-12-01, 2015-08-03 (C), and 2017-11-20 (B) are hereby repealed in their entirety.

SECTION II

- A. The Commissioners hereby approve the Health Department Fee Schedule and the Health Department fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- B. The Commissioners find the proposed fees to be the fair, reasonable, and equitable costs of the services provided.
- C. Collection. All the fees charged and collected pursuant to this section shall be accounted for by the Department and transferred to the Health Fund upon collection.
- D. Home Health Care. To the extent designated by the State Board of Health, the Department may provide for the care of certain individuals in each individual's place of residence and may charge and collect a reasonable fee.
- E. The Health Officer may require the Health Department fees to be paid before any services are rendered.

SECTION III

- 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, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) 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.
 - 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.

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2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

E. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

F. 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 REESTABLISHING THE COUNTY HEALTH DEPARTMENT

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-20 E

AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") and the LaGrange County Council ("Council") on behalf of the LaGrange County, Indiana ("County") have adopted various ordinances and resolutions relating to the LaGrange County Health Department ("Department");

WHEREAS, pursuant to Indiana Code ("IC") § 16-20-2-2, the Commissioners have the duty to establish a local health department; *and*

WHEREAS, pursuant to IC § 16-20-1-2, the local health department shall be administratively responsible to the Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA AND THE LAGRANGE COUNTY COUNCIL OF LAGRANGE, INDIANA THAT:

SECTION I

County Ordinance 1991-12-3 is hereby repealed in its entirety. Additionally, any prior County ordinance or resolution that establishes a Health Department or Board of Health is hereby repealed in its entirety.

SECTION II

1. Name. This ordinance may be known and referred to as the County Health Department Ordinance.
2. 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.
 - "Applicable law" means:
 - this ordinance;
 - all applicable federal and state statutes and regulations;
 - all applicable court precedent binding on the County;
 - all other applicable local ordinances;
 - the rules and regulations of the Department that are not otherwise inconsistent with this ordinance; *and*
 - Department-issued permits.
 -
 - "Board" refers to the LaGrange County Board of Health that directs the Department.

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- “Commissioners” refers to the Board of Commissioners of the County of LaGrange, Indiana.
- “Council” refers to the LaGrange County Council for LaGrange County, Indiana.
- “Department,” when capitalized, refers to the LaGrange County Health Department, as more particularly described by this ordinance.
- “Health Officer” means the County official primarily responsible for administering this ordinance, and, in reference to the performance of his or her job duties, also to any authorized County employee to whom such duties have been delegated.
- “IC” stands for the Indiana Code.
- “Inspect” means to investigate, evaluate, survey, conduct tests, take specimens or samples, and/or enter any place necessary for such activities; provided that, should any such inspection occur, it shall be thoroughly documented, performed in a professional manner according to industry standards, and always in accord with applicable law (this definition also applies, as appropriate, to the related term “inspection”).
- “Member” means a person who serves a term on the Board.
- “State department” refers to the Indiana State Department of Health.

3. Scope.

- A. The primary purpose of this ordinance is to (re-)establish the Department and to formally set out the duties and powers of its Board and Health Officer.
- B. The powers and jurisdiction of the Board and the Health Officer are limited to the areas in which the Board or Health Officer serve or the services they provide.
- C. Nothing in this ordinance shall restrict the Board or Health Officer in fulfilling any of their duties required by applicable law.
- D. Nothing in this ordinance shall be construed to repeal, invalidate, or cancel any validly enabled order, ruling, decision, or budget appropriation of a prior-existing County board of health or a County health official. To the extent such were effective as of the effective date of this ordinance, they shall continue in effect as if enabled by this ordinance.

4. Health Department Establishment.

- A. The Commissioners hereby (re-)establish a County Health Department.
- B. The Department shall consist of the following divisions, to be updated by the Board and/or, ultimately, the Commissioners from time to time:
 - 1. the Division of Infectious Disease Epidemiology;
 - 2. the Division of Drug, Alcohol, and Tobacco;
 - 3. the Division of Environmental Public Health;
 - 4. the Division of Food Protection Program;
 - 5. the Division of Local Health Monitoring;
 - 6. the Division of Mental Health;
 - 7. the Division of Public Health and Human Services; *and*

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8. the Division of Vital Records.

5. County Board of Health.

- A. Establishment. The Commissioners hereby (re-)establish the LaGrange County Board of Health to manage the Department.
- B. Effect of Prior Ordinance. Any person serving as a member immediately prior to the adoption of this ordinance shall continue to serve out his or her lawful term of office, as established pursuant to the most previous County health department ordinance.
- C. The composition of the Board, including the appointment, term, officers, meetings, vacancies, removal, and compensation of members shall be in accord with applicable law.

6. Duties of the Board.

- A. Annual Report. The Board shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following:
 - 1. the amount of money received from all sources;
 - 2. the name of any donor;
 - 3. how all money has been expended and for what purpose; *and*
 - 4. other statistics and information concerning the work of the Department that the Board considers to be of general interest.
- B. Budget. The Board shall submit an annual budget to the Council at a time designated by the Council for the consideration of the County's annual budget.
- C. Fiscal Impact. The Board shall provide a general fiscal impact for any of its proposed rules or regulations that mandate additional or revised services.
- D. Offices and Equipment. The Board shall provide, equip, and maintain suitable offices, facilities, and appliances for the Department.
- E. Salary Recommendations. The Board shall provide the Council with its recommended compensation for all Department employees and prospective employees.
- F. Salary Payments. The Board shall authorize payment of salaries and all other Department expenses.
- G. Vacancies. The Board shall provide the Commissioners with its recommendations to fulfill any vacancy among its members.
- H. Infectious Disease Control. The Board shall take all action necessary, including legal action, to abate communicable diseases in the County.
- I. Health Officer. The Board shall appoint an individual to serve as the executive officer of the Department and report the appointment to the State Board of Health; such person may be referred to in all County documentation as the Health Officer.
- J. Creation of Job Duties. The Board shall prescribe the duties of all officers and employees in accord with applicable law.

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7. Powers of the Board.

- A. Bylaws. The Board may adopt bylaws for the Board's guidance and to establish administrative and personnel policies of the Department that are consistent with the applicable law.
- B. Fulfillment of Duties. Except as otherwise prohibited by applicable law, and subject to Commissioner approval, the Board shall have all powers necessary to fulfill its duties established pursuant to this ordinance.
- C. Rulemaking. The Board may adopt rules and regulations mandating additional or revised local services.
- D. Capital Purchases. The Board may make capital purchases subject to approval of the Commissioners and budget appropriations by the Council, as is necessary and reasonable to carry out and perform its duties.
- E. Personnel. The Board may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to approval of the Commissioners and budget appropriations by the Council, as is necessary and reasonable to carry out and perform its duties.
- F. Infectious Disease Control. The Board may take all action in accord with applicable law, including sanitary and health inspections, to abate communicable diseases in the County.
- G. Private Septic Construction Permitting. The Board may approve the installation, repair, or replacement and operation of private septic systems for residential and for any non-state regulated commercial facility having a daily design flow up to 750 gallons of sewage.
- H. Food Establishment Licensing. The Board may license food establishments in the County except those that prepare only prepackaged food; provided, however, that it shall not charge any fee for any establishment run by or at a government agency.
- I. Enforcement Action. The Board may enforce the Board's or its Health Officer's orders, citations, and administrative notices by an action in the circuit or superior court.
- J. Legal Counsel. The Board may retain legal counsel to represent the Board.
- K. Fees. The Board may, subject to approval of the Commissioners, establish and collect fees for specific services and records; provided, however, that no such fee shall exceed the cost of the service provided.
- L. Delegation. The Board may assign tasks to individual members, to the Health Officer, or to a Department employee, as appropriate, while retaining full responsibility therefor.

8. Health Officer.

- A. Function. The Health Officer is the executive officer of the Department and also serves as secretary to the Board.
- B. Restrictions.
 - 1. The Health Officer must be a licensed physician.
 - 2. The Health Officer must not have been removed from the office of Health Officer within the then-previous four (4) years.
 - 3. The Health Officer may not hold another lucrative office in the County, such as being the County Coroner or serving on the school board.
 - 4. The Health Officer may not have any other employment with the County or another government entity.

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- C. Removal. In accord with this section, and with the advice of the Commissioners especially with regards to County liability, the Board shall remove the Health Officer for activity that, if prosecuted or sued upon, would likely constitute a felony, gross incompetence or negligence, serious intentional torts, or reckless behavior. Nothing in this section shall be construed to limit other rights to remove the health officer in accord with applicable law.

9. Duties of the Health Officer.

- A. General. The Health Officer shall take reasonable and diligent steps to protect the public health and safety. The Health Officer shall study and train in applicable law and be active in enforcing it.
- B. Department Head. The Health Officer shall ensure that all divisions of the Department, as led by their respective Division Chiefs (or other suitable title), fulfill their respective duties. The Health Officer has ultimate responsibility for all such duties, and where a division does not have a Division Chief, such term refers to the Health Officer.
- C. Board Meetings. The Health Officer shall attend and keep full minutes of all meetings of the Board.
- D. Enforcement. The Health Officer shall enforce the health laws, ordinances, resolutions, orders, rules, and regulations of the Board, the County, and the State Board of Health.
- E. Records. The Health Officer shall keep full and permanent records of the public health work of the Department.
- F. Reports.
 - 1. The Health Officer shall make a monthly report to the Board of the work done by the Department. After the report is approved by the Board, the Health Officer shall make the report a permanent record and report it to the State Board of Health.
 - 2. The Health Officer shall make official records of all cases in which free drugs and vaccines are furnished in the County and send such information to the state department within five (5) days.
- G. State Board of Health Cooperation. The Health Officer shall coordinate and cooperate with the State Board of Health regarding health issues in the County.
- H. State Health Meetings. The Health Officer shall attend meetings of the state department, when requested by same, for consultation concerning any matter concerning public health.
- I. County Commissioner Liaison. The Health Officer shall coordinate, on behalf of the Board, all approvals needed from the Commissioners.
- J. Application for Assembly. The Health Officer shall consider all applications for lawful assembly provided by the Sheriff's Department for health and safety concerns, and either approve or reject each such application within 15 days.
- K. Vital Statistics.
 - 1. Records Generally.
 - a. The Health Officer shall be the registrar of births, deaths, and fetal deaths over 20 weeks in the County.
 - b. The Health Officer shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death and/or electronically receiving the completed certificate of death from the physician last in attendance.
 - c. After making a birth or death record, the Health Officer shall, by the fourth day of each month, forward the original record to the state department using the state birth and death registration systems.
 - d. The Health Officer shall collect, record, and report to the state department the vital statistics for the County. The report must contain:

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- i. the original copy of each certificate of birth, death, or fetal death;
 - ii. a certification that no other births, deaths, or fetal death occurred within the jurisdiction to the best of the Health Officer's knowledge and belief;
 - iii. a copy of each paternity affidavit filed under IC § 16-37-2-2.1; *and*
 - iv. any other information the state department requires.
 - e. Whenever a person requests a certified copy of a birth, fetal death, or death certificate, the Health Officer shall file with the respective record the date of the request and the name and address of the person making the request but shall reject the request unless the Health Officer determines that the applicant has a direct interest in the matter and that the certificate is necessary for the determination of personal or property rights or for compliance with applicable law.
2. Births.
- a. The Health Officer shall collect a birth certificate with respect to each birth in the County.
 - b. The Health Officer shall create and prepare for public inspection the information required by applicable law for all birth records.
3. Paternity Affidavits. The Health Officer shall assist with the creation and correction of all timely requested paternity affidavits executed in accord with IC § 16-37-2-2.1.
4. Deaths or Fetal Deaths.
- a. Certificates of Death or Fetal Death.
 - i. The Health Officer shall collect a copy of the certificate of death or fetal death with respect to each death or fetal death in the County.
 - ii. The Health Officer shall issue a permit for the disposal of the body upon receipt of a properly executed certificate of death or fetal death or as authorized by the state department.
 - b. Public Death Records.
 - i. The Health Officer shall make a permanent record, available for public inspection, of each death that occurs in the County, including the name, sex, age, place of death, and all residences within the past two years of the deceased.
 - ii. The Health Officer shall also collect the social security number of the deceased, but it shall not be available for public inspection.
 - iii. The Health Officer shall furnish copies of each death record created in the County to the Auditor.
 - iv. The Health Officer shall send the social security number to the secretary of state and election division for voter list maintenance purposes.
 - v. The Health Officer shall report to the state department the names, ages, and known voting addresses in the County of all persons who have died within the jurisdiction of the officer; or for whom burial permits have been issued by the officer.
 - c. Duty to Inquire. With respect to any death that was without medical attendance, the Health Officer shall inquire into the cause of death from anyone having knowledge of the facts regarding the cause of death.

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- d. Coroner Report. If the circumstances suggest that a death in the County was caused by other than natural causes or the physician last in attendance is uncertain as to the cause and manner of death, the Health Officer shall report the death to the Coroner if the death has not already been so reported.
 - 5. Burial Transits. The Health Officer shall keep records of all burial transit certificates issued by the County or brought to the County from a foreign jurisdiction.
 - 6. Custody of Unknown Children. The Health Officer shall establish procedures for the custody of children with unknown parentage.
 - L. No-Smoking Enforcement. The Health Officer shall ensure that at each entrance of every County building are posted conspicuous signs that read "State Law Prohibits Smoking Within 8 Feet of this Entrance."
 - M. Animal Bites. The Health Officer shall immediately inspect every reported case of a human bitten by a domestic or wild mammal for the purpose of rabies control.
 - N. Investigation of Complaints.
 - 1. The Health Officer shall investigate any complaint or report received or independent observation that asserts the existence of any condition that may transmit, generate, or promote disease or other unsanitary conditions within the County.
 - 2. Should the Health Officer verify the information contained in the complaint, report, or observation, the Health Officer shall order the condition's abatement in writing, specifying the conditions that may transmit disease and naming the shortest reasonable time for abatement.
 - 3. Should a person subject to an order under this subsection fail or refuse to comply with this order, the Health Officer shall notify the County Attorney immediately.
 - O. Communicable Diseases. Subject to Board oversight, the Health Officer shall take all action necessary, including legal action, to abate communicable diseases in the County. If the Health Officer is notified in writing by a physician of a patient:
 - 1. for whom the physician has medical verification that the patient is an individual with a communicable disease;
and
 - 2. who, in the best judgment of the physician, is a serious and present risk to the health of others;the Health Officer shall make an investigation of such individual to determine whether the individual's conduct or surrounding environmental conditions requires the intervention to prevent the transmission of disease to others.
 - P. Suicide and Overdose Fatality Review Team. The Health Officer shall serve on, and appoint other individuals to serve on, any Suicide and Overdose Fatality Review Team ("Team") established by the Board. All such appointments shall be made in accord with applicable law. The Health Officer shall timely call the Team's first meeting and any other meeting where there is a chairperson vacancy for the Team.
 - Q. Grants. The Health Officer may search for public and private grants and donations for which the Department or its employees are eligible to receive. Any application for such grants must be first approved by both the Commissioners and the Board.
10. Powers of the Health Officer.
- A. The powers enumerated in this section are subject to Board approval.
 - B. Fulfillment of Duties. Except as otherwise prohibited by applicable law, and subject to Commissioner approval, the Health Officer shall have all powers necessary to fulfill his or her duties established pursuant to this or other local ordinance.

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- C. Ratification of Powers. Subject to budget constraints and Board approval, the Health Officer may enforce all statutes and regulations and ordinances under his or her jurisdiction and otherwise perform all other tasks specifically allotted to the Health Officer by applicable law.
- D. Purchases. Subject to Board approval and rules, the Health Officer may make a purchase of supplies, materials, and equipment to the extent money has been appropriated therefor from a fund that is under the auspices of the Department for a purpose of the respective fund.
- E. Inspections.
 - 1. Infectious Disease Control. The Health Officer may conduct sanitary and health inspections to control communicable diseases in the County.
 - 2. Public Buildings. The Health Officer may make sanitary inspections of all public buildings and institutions.
 - 3. Private Property. The Health Officer may inspect public and private property to determine compliance with applicable law for the prevention and suppression of infectious disease; provided, however, that the Health Officer may not inspect such property in which he or she has an interest unless the property cannot otherwise be inspected.
 - 4. Private Septic Systems. The Health Officer may inspect any private residential or commercial septic system in the County for compliance with applicable law.
 - 5. Food Establishments. The Health Officer may inspect any food establishment in the County, and upon finding a violation with applicable law, shall bring notice of the violation to the attention of the local prosecutor or the state health commissioner.
 - 6. Burial Grounds. The Health Officer may inspect any depository for human remains including, but not limited to, a burial ground, crematorium, a cemetery, vault, mausoleum for issues affecting human health.
- F. Closing Property.
 - 1. Public Institutions. The Health Officer may order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics.
 - 2. Private Dwelling. The Health Officer may order, with written detailed findings, that all persons living in a dwelling vacate it within 5 days, if the Health Officer has determined that such dwelling is unfit for human habitation. The Health Officer may revoke such order when satisfied the danger no longer exists.
- G. Public Nuisance Declaration. The Health Officer may declare a dwelling that is unfit for human habitation a public nuisance. For each such dwelling, its surrounding lot, or any structure, excavation, business, pursuit, or thing located thereon, the Health Officer may order to be removed, abated, suspended, altered, improved, cleansed, disinfected, renewed, altered, repaired, decontaminated, or purified its plumbing, pipe, passage, sewer, drainage, light, or ventilation.
- H. Exclusion of Persons.
 - 1. School Attendance. The Health Officer may exclude from school a student who has a serious communicable disease that:
 - a. is transmissible through normal school contacts; *and*
 - b. poses a substantial threat to the health and safety of the school community;for as long as the student continues to have such a disease.

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2. Quarantine. If the Health Officer should have reason to believe that an individual has been infected with, or has been exposed to, a serious communicable disease or outbreak, and if such individual is likely to cause the infection of another person, without a restriction, the Health Officer may file and prosecute a verified petition in a circuit or superior court for an order imposing isolation or quarantine.

- I. Rabies Control. The Health Officer may order the confinement of an animal suspected of having or being exposed to rabies and may order the destruction of an animal showing clinical symptoms of rabies.
- J. Unexplained Deaths. The Health Officer may issue a subpoena to obtain information and to employ a qualified pathologist to perform an autopsy when, in the Health Officer's judgment, those procedures are required to complete an inquiry into a death wholly devoid of medical attendance.
- K. Delegation. The Health Officer may assign tasks related to his or her Division job duties to a Department employee, as appropriate, while retaining full responsibility therefor.

11. Oath.

The members of the Board and the Health Officer shall, within 30 days of beginning their respective terms of office, take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Indiana, and that the officer or deputy will faithfully discharge the duties of such office.

12. Bond.

The Health Officer, and any other officer or employee of the Department whose duties likely involve the processing of at least \$5,000 of Department money each year, shall file a surety bond in accord with applicable law.

13. Department Employees.

Upon the recommendation from the Board, the Council shall fix the number and compensation of all officers, deputies, and other employees of the Health Department. This includes the power to fix the number of officers, deputies, and other employees.

SECTION III

G. 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, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) 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.
- H. 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.
- I. 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.
- J. Continuance.
- 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the

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effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.

K. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.

L. 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.

EMERGENCY MANAGEMENT AGENCY – GRANT REQUEST

Mr. Don Wismer, Emergency Management Agency Director, requested permission to apply for a grant from the LaGrange County Community Foundation in the amount of \$5,000 to purchase personal protection equipment and technology for use by the LaGrange County police and fire departments. Mr. Dennis Kratz made a motion to approve the grant application and have the president sign. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE ISSUE – GERRI HYDORN, 6930 N 320 E, LAGRANGE, INDIANA

Mr. Bill Stewart, Code Enforcement Officer, explained that he would like to continue the nuisance hearing on the Gerri L. Hydorn property at 6930 N 320 E, Howe, Indiana. Mr. Terry Martin made a motion to continue the hearing on May 18, 2020 and have the President sign the order. Mr. Dennis Kratz seconded the motion and it carried unanimously.

HEALTH DEPARTMENT – VEHICLE PURCHASE

Dr. Alfredo Garcia, Health Administrator, was present. He would like to purchase a 2020 Ford EcoSport to replace the 2007 Dodge Caliber. The lowest quote is from Auto Park Ford in Sturgis, Michigan in the amount of \$20,634, which includes \$500 for a trade in allowance. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

SURVEYOR – GIS LICENSE

Mr. Zach Holsinger, County Surveyor, was present and explained that he would like to purchase an additional GIS license for his department at a cost of \$6,300. The annual maintenance – renewal fee is \$1,500.00. Mr. Terry Martin made a motion to approve the purchase. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MARCH 2020 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending March 31, 2020, in the amount of \$25,874,064.07 and investments of \$23,347,000.00. Mr. Terry Martin made a motion to accept the report. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

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Mr. Dennis Kratz made a motion to approve the minutes of the March 30, 2020 special meeting and the April 6, 2020 regular session. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Terry Martin made a motion to approve the memorandum for the April 15, 2020 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

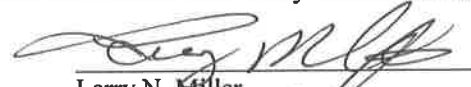
CORRESPONDENCE

LaGrange County Treasurer – March 2020 report

Indiana Department of Environmental Management – Notice of Approval, Hochstetler Woodworking, 6425 W
300 S, Topeka, IN 46571, 087-42650-00706

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.


Larry N. Miller
Terry A. Martin
Dennis H. Kratz

ATTEST:


Kathryn Hopper
LaGrange County Auditor