

DECEMBER 6, 2021

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, December 6, 2021, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry Martin, Mr. Kevin R. Myers and Mr. Peter A. Cook; and LaGrange County Chief Deputy Auditor, Kay Myers. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

EXECUTIVE SESSION

Mr. Kevin Myers made a motion to set an executive session for December 15, 2021 at 9:00 a.m. to discuss personnel, litigation and real estate. Mr. Peter Cook seconded the motion and it carried unanimously.

AMBULANCE SERVICE AGREEMENT

Mr. Kurt Bachman, County Attorney, presented an amendment to the Ambulance Service Agreement between Parkview Noble Hospital and the Board of Commissioners of LaGrange County. The agreement is for the operation of an ambulance service for LaGrange County in the amount of \$18,300 per month. Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion and it carried with Mr. Terry Martin abstaining.

CIRCUIT COURT – REQUEST TO PURCHASE DESKS

Judge William Walz, Circuit Court Judge, requested permission to purchase three new desks in the amount of \$3,110 from Homethreads. He has funding in his budget to cover this purchase. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE RE-ESTABLISHING THE LAGRANGE COUNTY BUILDING DEPARTMENT

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-A

AN ORDINANCE RE-ESTABLISHING THE LAGRANGE COUNTY BUILDING DEPARTMENT.

WHEREAS, pursuant to Indiana Code Section (“IC §”) 36-7-8-2, the legislative body of a county may, by ordinance, establish a county department of buildings, with an office of building commissioner and inspectors;

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

WHEREAS, pursuant to IC § 36-7-8-3, a legislative body of a county having a building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county;

WHEREAS, pursuant to IC § 36-7-8-3, the Commissioners adopted Ordinance 2005-6-20B, as amended by County Ordinance 2007-10-1, and as may be further amended or replaced from time to time (as stipulated, “Building Code”);

WHEREAS, pursuant to IC § 36-7-8-7, one or more municipalities and a county may designate, by ordinance or resolution of their legislative bodies, a single agency of a municipality or the county to administer and enforce building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards; *and*

WHEREAS, the Commissioners desire that this ordinance be construed as a restatement or reenactment of prior building department establishment ordinances.

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

SECTION I – NAME

This ordinance shall be named the “Building Department Re-Establishment Ordinance.”

SECTION II – ESTABLISHMENT

- A. The Commissioners hereby (re-)establish the LaGrange County Building Department (“Department”).
- B. The Department shall be an administrative agency under the Commissioners and subject to Commissioners’ review.
- C. The Department shall be administered by a Building Commissioner, who shall serve as a building inspector and who shall manage any additional persons employed as building inspectors by the Commissioners or the County Council from time to time.
- D. The Commissioners hereby ratify all current ordinances that relate to the Department and all prior and current orders made by the Building Commissioner.

SECTION III – DUTIES AND POWERS

- A. With respect to the Building Code of LaGrange County, Indiana (“Building Code”) and the other various County ordinances relating to the Department, the Building Department shall have jurisdiction over:
 - 1. the unincorporated areas of the County; *and*
 - 2. any municipality located within the County (in whole or in part) to the extent it has adopted the Building Code by ordinance or resolution.
- B. The Commissioners hereby direct and authorize the Building Commissioner to take all actions necessary or proper to enforce the various County ordinances relating to the Department. The Building Commissioner may delegate tasks related to his or her duties to other public servants, as appropriate, while retaining full responsibility therefor.

SECTION IV – REPEAL OF PRIOR LAW

The Commissioners hereby repeal any prior ordinances and resolutions to the extent they are inconsistent with this ordinance.

SECTION V – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Judicial Review. This ordinance is intended only to improve the internal management of the unit adopting this ordinance. 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 law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

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- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. 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.
- F. 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.
- G. Effective Date. This ordinance shall be effective immediately upon adoption

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

ORDINANCE APPROVING CERTAIN FEES AND FINES RELATED TO THE LAGRANGE COUNTY BUILDING DEPARTMENT

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-B

AN ORDINANCE APPROVING CERTAIN FEES AND FINES RELATED TO THE LAGRANGE COUNTY BUILDING DEPARTMENT.

WHEREAS, pursuant to Indiana Code Section ("IC §") 36-7-8-3, a legislative body of a county having a building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county;

WHEREAS, pursuant to IC § 36-7-8-10, an ordinance adopted under IC § 36-7-8-3, may include a reasonable fee for permits, registration, renewal, examination, and reexamination and may provide a reasonable penalty for violations;

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

WHEREAS, pursuant to IC § 36-7-8-2 and Ordinance 2021-12-06-A, the Commissioners have re-established the LaGrange County Building Department ("Department");

WHEREAS, pursuant to IC § 36-7-8-3, the Commissioners adopted Ordinance 2005-6-20B, as amended by County Ordinance 2007-10-1 (as stipulated, "Building Code");

WHEREAS, pursuant to IC § 36-7-8-10, coincident with the adoption of the Building Code, the Commissioners adopted various Department-related fines and fees and have revised the fines and fees from time to time, most recently by Ordinance 2015-09-21 A;

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WHEREAS, pursuant to IC § 36-7-2-4 and Ordinance 2006-12-4, the County has regulated methods of construction of structures, especially contractor registration, and made the regulations enforceable by fines; *and*

WHEREAS, the Department has submitted a revised proposed fee schedule for adoption.

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 “Building Department Permit Fee Ordinance,” and this ordinance forms part of the Building Code of LaGrange County, Indiana.

SECTION II – FEES

A. Findings. The Commissioners hereby find that:

1. the establishment and enforcement of fees for health and safety standards for building contractors and other professionals are appropriate and necessary to protect the public;
2. building inspection costs should be the responsibility of permit applicants; *and*
3. the fee amounts established by this ordinance, are fair, reasonable, and equitable for costs of the services provided.

B. Fee Schedule. The Building Commissioner shall post a copy of the LaGrange County Building Department Fee Schedule (“Fee Schedule”), which is attached to this ordinance as Exhibit A and incorporated by reference, in a prominent place within the Department that is also publicly accessible.

C. Approval. The Commissioners hereby approve, adopt, and direct the Building Department to charge, the fees set forth in the Fee Schedule.

D. Modifications. Except for the fees, the other parts of the Fee Schedule, including the fines, are not adopted as substantive law, and the Building Commissioner may make non-substantive changes to the Fee Schedule as desired.

E. Processing Fee. The Building Commissioner may set, modify, and charge a reasonable fee related to the costs of processing another fee or fine assessed pursuant to this ordinance.

F. Exclusivity. The fees charged by this ordinance shall be in addition to any other fee or cost required (e.g., review by the Plan Commission) by other County departments.

G. Advance Payment. The Building Commissioner may require any fee or fine established by this ordinance to be paid before issuing a permit.

H. Non-Refundable. All fees and fines collected pursuant to this ordinance are nonrefundable.

I. Fee Waiver. The Building Commissioner may waive fees in appropriate cases at his or her discretion for a certified 501(c)(3) nonprofit organization.

J. Deposits. The Building Department shall account for and deposit all money collected pursuant to this ordinance into the General Fund, except that all contractor registration fees shall instead be deposited in the Contractor Registration Fund and all fines and inspection fees shall instead be deposited into the Rainy Day Fund.

SECTION IV – FINES

A. Incorporation into Building Code. The penalties and enforcement options provided in this section shall be in addition to those provided elsewhere in the Building Code; provided, however, that no penalties, when combined shall exceed \$2,500.00 per violation. The penalties may be enforced as are other penalties in the

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Building Code. The Building Commissioner may determine, for purposes of issuing an occupancy permit, whether a violation has occurred and may also waive fines as justice requires.

- B. Missed Inspection Fine. No person shall fail to appear in person or by authorized representation for a scheduled inspection. Any person who violates this subsection shall be subject to a fine of \$250.00 ("Missed Inspection Fine"). No occupancy permit shall be issued after a violation of this subsection until the Missed Inspection Fine has been paid. A building inspector will attempt in good faith to inspect the project anyway, but may determine that a reinspection is necessary, which is subject to a separate reinspection fee.
- C. Concrete Inspection Fine. No person shall pour concrete on a project before approval by the Department. Any person who violates this subsection shall be subject to a fine of \$500.00 ("Concrete Inspection Fine"); provided, however, if the project is commercial in nature the fine shall instead be \$1,000.00. In addition, a building inspector may have the concrete broken up for proper inspection. No occupancy permit shall be issued after a violation of this subsection until the Concrete Inspection Fine has been paid.
- D. Early Occupancy Fine. No person shall occupy a structure prior to a scheduled final inspection. Any person who violates this subsection shall be subject to a fine of \$500.00 ("Early Occupancy Fine"); provided, however, if the project is commercial in nature the fine shall instead be \$1,000.00. No occupancy permit shall be issued after a violation of this subsection until the Early Occupancy Fine has been paid.
- E. Failure to Obtain Permit Fine. No person shall occupy a structure without having first obtained all required building permits. Any person who violates this subsection shall be subject to a fine of \$250.00 plus double the required building permit fee then in existence ("Failure to Obtain Permit Fine"). Any construction that has not been approved is subject to approval, and occupants and structures may become subject to removal orders and further enforcement of the Building Code. No occupancy permit shall be issued after a violation of this subsection until the Failure to Obtain Permit Fine has been paid.
- F. Contractor Registration Hiring Fine. No person shall knowingly (i.e., after notice) contract with a contractor, as defined in Ordinance 2006-12-4, who is in violation of such ordinance (i.e., unregistered with the Department) to complete a project subject to a building permit. Any person who violates this subsection shall be subject to a fine of \$100.00 for a first violation, \$500.00 for a second violation, and \$1,000 for a third and subsequent violation ("Contractor Registration Hiring Fine"). No occupancy permit shall be issued after a violation of this subsection until the Contractor Registration Hiring Fine has been paid.

SECTION V – REPEAL OF PRIOR LAW

The Commissioners hereby repeal Ordinances No. 9-6-94, 2010-03-01, 2011-7-18B, 2011-8-15B, 2011-10-3 D, and 2015-09-21 A in their entirety; provided, however, that no such repeal shall be effective to the extent that a substantially similar provision or fee in this ordinance has not yet taken effect.

SECTION VI – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) LaGrange County (Indiana)."
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

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- B. Judicial Review. This ordinance is intended only to improve the internal management of the unit adopting this ordinance. 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 law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- F. Continuance. The express or implied repeal 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.
- G. 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.
- H. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, and/or otherwise make this ordinance effective.
- I. Effective Date. This ordinance shall be effective immediately upon adoption and promulgation in accord with applicable law. New applications for commercial solar projects shall not be considered until the new fees take effect.

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

ORDINANCE CREATING THE NORTHERN INDIANA CRIMINAL ENFORCEMENT FUND

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-C

AN ORDINANCE CREATING THE NORTHERN INDIANA CRIMINAL ENFORCEMENT FUND.

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

WHEREAS, pursuant to Joint Ordinance 1992-2-18, the Commissioners, the County Council, and the Council for Drug-Free LaGrange County ("Council") jointly established the LaGrange County Drug-Free Community Fund ("Fund");

WHEREAS, pursuant to IC § 5-2-11-5, the Council is a local coordinating council for money in the Fund;

WHEREAS, the Council makes grant awards to local communities to, *inter alia*, support drug interdiction and surveillance;

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WHEREAS, the Sheriff applied for and was awarded a grant by the Council;

WHEREAS, the Commissioners desire to create a Fund to hold the grant award;

WHEREAS, pursuant to IC § 36-1-4-10, a unit of government may accept donations of money or other property from the state government or any other source; *and*

WHEREAS, pursuant to IC 36-1-3 (Home Rule), the County has all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute.

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

SECTION I – NAME

This ordinance shall be named the “NICE Fund Creation Ordinance,” or “Fund Ordinance” when the context is obvious.

SECTION II – ESTABLISHMENT

- A. Establishment. The “Northern Indiana Criminal Enforcement Fund” (“Nice Fund” or “Fund”) is hereby established as a special nonreverting fund, and it shall exist in perpetuity until terminated or repealed by subsequent ordinance.
- B. Purpose. The purpose of the Fund is to hold grant money received from various persons (including entities) for combatting criminal activity in the County.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- D. Restrictions. Money in the Fund may be spent only for lawful grant purposes, such as drug interdiction and surveillance; training; and buying equipment and undercover narcotics.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County’s standard investment procedures.
- F. Non-Reverting. Except as provided herein, all amounts 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.

SECTION III – AUTHORIZATION

The Commissioners authorize its President, the Sheriff, and Auditor to sign all documents and to take all action necessary or helpful to create and administer the Fund and for the disbursement of money therefrom, subject to the provisions of this ordinance.

SECTION IV – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
 - 2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”

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

ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-D

AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY HEALTH DEPARTMENT.

WIIEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners"), 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;

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

WHEREAS, the Commissioners desire to amend the current County Health Department Ordinance to incorporate various new provisions contained in 2021 Senate Enrolled Act 5, which was adopted by the Indiana General Assembly and passed into law earlier this year.

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

SECTION I – NAME

This ordinance may be known and referred to as the County Health Department 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.

- "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*

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- Department-issued permits.
-
- “Board” refers to the LaGrange County Board of Health that directs the Department.
- “Commissioners” refers to the Board of Commissioners of the County of LaGrange.
- “Council” refers to the LaGrange County Council.
- “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.

SECTION III – 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.

SECTION IV – 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*
 - 8. the Division of Vital Records.

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SECTION V – 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.

SECTION VI – 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:
 - a. the amount of money received from all sources;
 - b. the name of any donor;
 - c. how all money has been expended and for what purpose; *and*
 - d. 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. With the approval of the Commissioners, 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.

SECTION VII – 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.

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- 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.

SECTION VIII – HEALTH OFFICER

- A. Function. The Health Officer is the executive officer of the Department and also serves as secretary to the Board.
- B. Restrictions.
 - a. The Health Officer must be a licensed physician.
 - b. The Health Officer must not have been removed from the office of Health Officer within the then-previous four (4) years.
 - c. The Health Officer may not hold another lucrative office in the County, such as being the County Coroner or serving on the school board.
 - d. The Health Officer may not have any other employment with the County or another government entity.
- C. Removal. Upon recommendation of the Commissioners, the Board shall remove the Health Officer for a failure to perform his or her statutory duties or for other good cause.

SECTION IX – 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.

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- 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. Public Disaster Emergency. With respect to a declared emergency, the Health Officer shall acquire the approval of the Commissioners before taking any legislative or enforcement action that is not addressed by, or addressed more stringently than, an executive order issued by the governor.
- K. 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.
- L. 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:
 - 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.

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- 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 new 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.
 - 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.

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6. Custody of Unknown Children. The Health Officer shall establish procedures for the custody of children with unknown parentage.
- M. 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."
- N. 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.
 1. Investigation of Complaints.
 2. 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.
 3. 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.
- O. Attorney Notice. 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.
- P. 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.
- Q. 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.
- R. 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.

SECTION X – 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.
- 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.

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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.
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.

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- 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.

SECTION XI – 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.

SECTION XII – 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.

SECTION XIII – 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 XIV – REPEAL OF PRIOR LAW

The Commissioners hereby repeal Ordinance No. 2020-04-20 E in its entirety.

SECTION XV – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

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

ORDINANCE ESTABLISHING AN APPEALS PROCESS AGAINST ENFORCEMENT ACTION TAKEN BY THE COUNTY HEALTH DEPARTMENT IN RESPONSE TO A DISASTER EMERGENCY

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-E

AN ORDINANCE ESTABLISHING AN APPEALS PROCESS AGAINST ENFORCEMENT ACTION TAKEN BY THE COUNTY HEALTH DEPARTMENT IN RESPONSE TO A DISASTER EMERGENCY.

WHEREAS, pursuant to Indiana Code ("IC") 16-20-5.5, the legislative body of a county that operates a local board of health shall develop procedures for the review, consideration, and hearing of an appeal of an enforcement action issued or taken by a local board of health or local health officer under IC 16-20-1 in response to: (1) a declared local public health emergency determined by a local health department or local health officer; or (2) a disaster emergency declared by the governor under IC § 10-14-3-12;

WHEREAS, pursuant to IC § 16-20-5.5-1, the Board of Commissioners of the County of LaGrange ("Commissioners") is the legislative body for LaGrange County, Indiana ("County");

WHEREAS, pursuant to County Ordinance 2021-12-06-D, the County operates a local board of health;

WHEREAS, pursuant to IC § 36-1-4-12, the Commissioners may require the attendance of witnesses and the production of documents relevant to matters being considered of a department or agency; *and*

WHEREAS, pursuant to IC § 36-1-4-13, the Commissioners may punish contempt and disorder in rooms of a department or agency.

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

SECTION I – NAME

This ordinance may be known and referred to as the "Health Department Enforcement Action Appeals 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.

- "Appeal" means an appeal properly filed pursuant to this ordinance.
- "Commissioners" refers to the Board of Commissioners of the County of LaGrange.

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- “Department” refers to the LaGrange County Health Department and includes the Board of Health and the Health Officer.
- “Disaster emergency” means either a declared local public health emergency determined by the LaGrange County Health Department or Health Officer or a disaster emergency declared by the governor under IC 10-14-3-12.
- “Enforcement action” has the meaning given in IC § 16-18-2-114.8.
- “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity.
- “Recipient” means a person who has been the subject of an enforcement action by the Department in response to a disaster emergency; the term includes a person who is representing a Recipient in an appeal.

SECTION III – FILING AN APPEAL

- A. Submission Deadline. A Recipient may appeal an enforcement action to the Commissioners by filing an appeal thereof with the Auditor within the time limit prescribed by IC 16-20-5.5 (currently seven (7) days from the issuance of the enforcement action) unless otherwise prohibited by law.
- B. Contents. An appeal must contain the following:
- a. a copy of the enforcement action;
 - b. the name and home address of the Recipient;
 - c. the Recipient’s preferred means of communication (mail, email, or phone only) and the relevant contact information;
 - d. the entire grounds for making the appeal;
 - e. the relief sought, including any proposed alternate solutions to address the concerns of the Department; *and*
 - f. a signed statement made subject to the penalties for perjury that the contents of the appeal made by the Recipient are true and correct.
- C. Form. The Auditor may develop a form for an appeal. If the Auditor has developed such a form, the Auditor may require use of the form.
- D. Assistance. The Auditor shall, upon request, provide assistance in physically writing the appeal; provided, however, that the Auditor is not responsible for the content of the appeal and has no duty to advise the Recipient how an appeal should be written. If the Auditor has physically written the appeal, the Auditor shall read its text to the person appealing before the Recipient signs it.
- E. Stay. The filing of an appeal does not stay an enforcement action; provided, however, that the President of the Commissioners may issue a stay pending resolution of the appeal. Any stay issued pursuant to this section delays the effective date of the enforcement action throughout the appeals process.
- F. Screening. The County Attorney may deny an appeal on behalf of the Commissioners if the County Attorney makes a determination that the appeal is seriously procedurally deficient (e.g., filed more than seven (7) days from the date of issuance by the enforcement action or unsigned).

SECTION IV – PRELIMINARY MATTERS

- E. Timeframe. The Commissioners shall determine whether to hear an appeal not later than fifteen (15) days from the date of filing and may issue a denial of an appeal at any time thereafter. Any appeal granted consideration by the Commissioners shall be heard at a public meeting of the Commissioners held not later than fifteen (15) days after the date that the Commissioners determine to hear the appeal.

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- F. Notice. The Auditor shall send notice to the Department and to the Recipient via the information provided in the appeal of the Commissioners' determination to hear or deny the appeal. If a hearing is granted, the notice shall state the date, time, and location for the public meeting where the appeal will be heard.
- G. Consolidation. If two or more appeals are filed from the same order or involve common questions of law and fact, any party may file a written request for consolidation of the appeals. Such request must be made at least seven (7) days before the scheduled hearing date, with notice of the request sent to all parties by the requester. The Commissioners may, after reviewing such a request or *sua sponte*, consolidate the appeals.
- H. Subpoena. The President of the Commissioners may issue a subpoena of a witness or for production of evidence if requested by the Recipient or the Department or *sua sponte*. The Commissioners may apply for an appropriate court order relating thereto.
- I. Communications. All communications made to the Commissioners shall be made via the Auditor. Any party who sends communications to another party or to the Commissioners shall include the Commissioners and the other party therein.

SECTION V – HEARING

- A. Presiding Officer.
 - 1. The ranking member of the Commissioners shall preside over the hearing and shall be the final authority as to the conduct of the hearing.
 - 2. In the event a majority of the Board of Commissioners is unable to hear an appeal on its scheduled date, any single Commissioner may act alone as the hearing officer.
 - 3. The Commissioners may set parameters for the introduction of and admissibility of evidence, may clarify points of order, and may punish contempt and disorder.
- B. Attendance. If the Recipient does not appear at the hearing, the appeal shall be denied.
- C. Order. The order of the hearing shall be as follows:
 - 1. The Department shall briefly state the enforcement action and the reasons therefor.
 - 2. The Recipient shall present the basis for the appeal and call any witnesses in support thereof.
 - 3. The Department shall have the opportunity to question the Recipient and supporting witnesses at the conclusion of their respective presentations.
 - 4. The Department shall have the opportunity to respond and call witnesses.
 - 5. The Recipient shall have the opportunity to question the Department and the Department's witnesses at the conclusion of their respective presentations.
- D. Clarifications. The Commissioners and their designated agents shall have the right to question any participant at any point during the hearing.
- E. Informality. To the extent permitted by applicable law, the hearing shall be informal, and the legal rules of evidence shall not apply.
- F. Continuance. The Commissioners may continue a hearing if justice demands. The granting of a continuance will not extend any time imposed by state law for making a final determination on an appeal.

SECTION VI – STANDARD OF REVIEW

- A. Applicable Law. If raised as an issue, the Commissioners shall determine the legality of an executive order issued by the governor and/or the Department and all law applicable thereto.

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B. Enforcement Action. If raised as an issue, the Commissioners shall determine:

1. the legality of an enforcement action made pursuant to an executive order issued by the governor and/or the Department;
 - a. whether a violation of the executive order has occurred or whether an enforcement action can be imposed on the Recipient under the applicable facts; *and/or*
 - b. whether a conflict of interest exists with respect to an enforcement action, and if so, whether the enforcement action should be sustained.

C. Applied Harm. If raised as an issue, the Commissioners shall determine whether implementation of an enforcement action would cause:

- c. undue risk of harm to an individual having a disability;
- d. significant disparate impact among similarly situated individuals;
- e. undue risk of severe economic impact;
- f. a violation of a sincerely held religious belief;
- g. a disruption of the general affairs of the community; *or*
- h. other good cause as to why the enforcement action should not be enforced; *and*
- i. any compelling interest that justifies a deviation from the enforcement action, especially where the Recipient can suggest alternative acceptable actions that would still safeguard the public from harm.

D. Penalty. If raised as an issue, the Commissioners may determine whether any penalty assessed by the Department is too harsh given consider the motivation and sophistication of a 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 Commissioners finds relevant

Other Factors. The Commissioners may consider any other issue they find relevant, such as available alternative enforcement actions, religious freedom considerations, legal principles of *stare decisis* or double jeopardy, or even political expediency.

SECTION VII – JUDGMENT

- A. Not later than fifteen (15) days following any hearing of an appeal, the Commissioners shall issue a judgment and order that makes finding of facts and conclusions of law.
- B. If the appeal was not granted a hearing, the Commissioners shall issue a judgment and order that the appeal will not be heard and is considered denied.

The Commissioners shall send a copy of the judgment and order to both the Recipient and the Department in which the parties are advised of the right to judicial review.

SECTION VIII – RECORDS

The Auditor shall keep full and complete records that relate to the appeal and any investigation related thereto on file for five (5) years from either the date of the Commissioners' judgment or the date of any subsequent final judgment from a court of jurisdiction over the matter, whichever is later.

SECTION IX – MISCELLANEOUS

References.

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- a. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
- b. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
- 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.

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.

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.

Effective Date. This ordinance shall be effective upon adoption.

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

ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH AMERICAN ELEVATOR INC

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-06-F

**ORDINANCE AUTHORIZING ADVANCE PAYMENT PURSUANT TO CONTRACT WITH
AMERICAN ELEVATOR 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 (based on Quote #42796) with American Elevator, Inc. (“AE”), a domestic for-profit corporation, for the repair and/or replacement of an elevator for the County Annex Building;

WHEREAS, the terms of the AE contract require partial payment in advance of AE performing some of its obligations under the contract and the balance before final inspection by the State of Indiana;

WHEREAS, pursuant to IC §§ 36-2-6-4 and -4.5, the Commissioners have adopted County Ordinance 2020-08-03-C to allow advance payments 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.

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

SECTION I – ADVANCE PAYMENT

- C. Contract Approval. The Commissioners hereby approve the contents and form of the contract (including its Addendum to Quote #42796) with American Elevator, Inc. (“AE”), which is incorporated hereto by reference, for the repair and/or replacement of an elevator for the County Annex Building (as stipulated, “Contract”).
- D. Payment Approval. The Commissioners hereby approve, upon receipt of a proper invoice and in compliance with the terms of the Contract, advance payment on the Contract, including an initial 35% and the balance before final inspection.
- E. Payment Authorization. The Commissioners authorize and direct the Auditor to implement an advance payment to AE when proper pursuant to this ordinance. 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.
- F. Claim Allowance. The Auditor shall memorialize any actual advance payment of a claim made pursuant to this ordinance for Commissioner review and allowance at their then-next regular or special meeting following the actual advance payment.
- G. Records. The Commissioners direct the Auditor to keep records of the purchase on file for five (5) years from the date of the final advance payment made pursuant to the Contract.

SECTION II – MISCELLANEOUS

- 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.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Effective Date. This ordinance shall be effective immediately upon adoption.

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

ORDINANCE PROVIDING FOR INTERNAL CONTROLS POLICIES AND PROCEDURES OF THE COUNTY
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

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LAGRANGE COUNTY, INDIANA
ORDINANCE NO. 2021-12-06-G

AN ORDINANCE PROVIDING FOR INTERNAL CONTROLS POLICIES AND PROCEDURES OF THE COUNTY.

WHEREAS, pursuant to Indiana Code Section ("IC §") 5-11-1-27(g), the legislative body of a political subdivision shall ensure that certain minimum internal control policies and procedures, as developed by the Indiana State Board of Accounts ("SBOA") have been adopted;

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

WHEREAS, the purpose of maintaining a system of internal control is to promote government accountability and transparency;

WHEREAS, the internal control process is based on five well-established and widely recognized fundamental principles, as follows: (1) control environment; (2) risk assessment; (3) control activities; (4) information and communication; and (5) monitoring;

WHEREAS, the SBOA has promulgated its Uniform Internal Control Standards for Indiana Political Subdivisions, which contains the acceptable minimum level of internal control standards for the County; *and*

WHEREAS, pursuant to IC § 5-11-1-27(g) and after thoughtful consideration that a system of internal controls is in the best interests of County citizens, the Commissioners desire to adopt and implement the internal control policies and procedures, as further described by the SBOA, this ordinance, and other applicable law.

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 "Internal Controls 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.

- "Department" means any board, commission, department, agency, authority, or entity that exercises a portion of the executive, administrative, or legislative powers of the County.
- "Management" means as follows:
 - with respect to County administration involving multiple departments and with respect to any public servant to the extent of access to public funds, the Auditor; *and*
 - with respect to the purely internal procedures of the various County departments, their respective department heads.
- "Oversight Body" means the Board of Commissioners of the County of LaGrange.
- "Public servant" means any employee or elected or appointed official of the County.
 - "Public servant with access to public funds" means any public servant who exercises duties involving receiving, processing, depositing, disbursing, or otherwise having access to money that belongs to a federal, state, or local government entity or agency.

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- “SBOA” refers to the Indiana State Board of Accounts.

SECTION III – MISSION

- A. The Commissioners find that the County’s mission, as related to its internal control system, is as follows:

The County shall always strive to serve the public with integrity, efficiency, transparency, and accountability in providing high-quality government services, including in the areas of public safety, utilities, economic development, and infrastructure. The County shall implement a system of internal controls in order to maximize these goals and to safeguard the public trust against risk of loss due to fraud, waste, abuse, and mismanagement.

- B. The Commissioners find that in fulfilling the County’s mission, a system of internal controls is necessary to advance the following objectives:

1. operations objectives, which involve the policies and procedures in which governmental services, including budgeting, purchasing, permitting, cash management, and planning, are performed;
2. reporting objectives, which involve the filing of information, such as annual reports, audit and examination cooperation, uniform conflict of interest forms, etc., with any governmental agency or official or information required by applicable law; *and*
3. compliance objectives, which involve adherence to law and regulations, such as SBOA manuals, bulletins, and directives, and the Department of Local Government Finance’s forms and directions, and including other compliance-related training and documents.

SECTION IV – PRINCIPLES

- A. Findings. The Commissioners hereby find that the five (5) categories of principles listed in this section constitute the hallmarks of integrity, efficiency, transparency, and accountability in providing high-quality government services.

- B. Adoption. The Commissioners hereby adopt the principles listed in this section and direct that such principles be followed at all levels of County government.

- C. Control Environment.

1. Principle #1 – The Oversight Body and Management demonstrate a commitment to integrity and ethical values.
2. Principle #2 – The Oversight Body oversees the County’s internal control system.
3. Principle #3 – Management establishes an organizational structure, assigns responsibility, and delegates authority to achieve the County’s objectives.
4. Principle #4 – Management demonstrates a commitment to attract, develop, and retain competent individuals.
5. Principle #5 – Management evaluates performances and holds individuals accountable for their internal control responsibilities.

- D. Risk Assessment.

1. Principle #6 – Management defines objectives clearly to enable the identification of risks and defines risk tolerances.
2. Principle #7 – Management identifies, analyzes, and responds to risk related to achieving the defined objectives.
3. Principle #8 – Management considers the potential for fraud when identifying, analyzing, and responding to risks.
4. Principle #9 – Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

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E. Control Activities.

1. Principle #10 – The Oversight Body implements control activities through ordinance as desired.
2. Principle #11 – Management designs control activities to achieve objectives and respond to risks.
3. Principle #12 – Management designs the County’s information system and related control activities to achieve objectives and respond to risks.
4. Principle #13 – Management implements control activities through policies, subject to this and other internal control ordinances.

F. Information and communication.

1. Principle #14 – Management uses quality information to achieve the County’s objectives.
2. Principle #15 – Management internally communicates the necessary quality information to achieve the County’s objectives.
3. Principle #16 – Management externally communicates the necessary quality information to achieve the County’s objectives.

G. Monitoring.

1. Principle #17 – Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
2. Principle #18 – Management remediates identified internal control deficiencies on a timely basis.

SECTION V – INTERNAL CONTROL POLICIES AND PROCEDURES

A. Adoption. The Commissioners hereby adopt as the internal control system of the County, the policies and procedures generally applicable to internal controls established by:

1. the SBOA, as part of any formal audit of the County in accord with IC § 5-11-1-27(k);
2. the SBOA’s Uniform Internal Control Standards for Indiana Political Subdivisions;
3. other statutes and state agency directives;
4. County ordinance or resolution; *and*
5. the Auditor;

to the extent they have not otherwise been amended, revoked, or repealed by their respective establishing authorities.

B. Conflicts. In case of conflict, except as specifically advised to the contrary by the County Attorney, the sources of internal controls identified in Subsection (A) take precedence in order of their placement from top to bottom, with the top being the most controlling. To the extent such sources are not in conflict with a more controlling source, they shall hereby be deemed incorporated by reference into this ordinance.

C. Observance. Each public servant shall observe, comply with, and cooperate fully with in the County’s internal control policies and procedures.

D. Access to Public Funds. Management shall identify all public servants with access to public funds.

E. Review. Management shall undertake an ongoing, periodic review of its respective then-current internal controls systems.

F. Policies and Procedures. Management shall develop and implement operations, reporting, and compliance policies and procedures based on the above-described principles and standards in order to meet the County’s mission with respect to its internal control system.

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- G. Presentation. Management shall present findings and make recommendations to higher levels of Management or the Oversight Body should it find itself incapable of developing and/or implementing necessary or recommended internal controls.
- H. Implementation. Management may take any and all action that it deems necessary or proper to implement this ordinance, including:
 - 1. posting a copy of this ordinance alongside other employee information;
 - 2. providing a copy of this ordinance to all public servants;
 - 3. providing or posting a notice of the adoption of this ordinance; *or*
 - 4. any other action that would communicate internal control policies and procedures to public servants.
- I. Training. Management shall ensure that all public servants with access to public funds have been trained, unless on leave status, at least once during each calendar year on the County's general internal control policies and procedures, and all public servants shall cooperate accordingly to enable timely certification of such to the SBOA.
- J. Failure to Comply. With respect to any public servant who fails to observe, comply with, and cooperate fully with in the implementation of the County's internal control system:
 - 1. an employee may be subject to discipline, up to and including termination; *and*
 - 2. an elected or appointed official may be subject to any action allowed by law.

SECTION VI – REPEAL OF FORMER LAW

The Commissioners hereby repeal Ordinance 2016-11-21 B in its entirety.

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, 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 the) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, 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 law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. Incorporated Materials. Two (2) copies of all materials incorporated herein shall be on file in the Auditor's office for public inspection.
- D. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

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- E. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- F. 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.
- G. 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.
- H. Effective Date. This ordinance shall be effective immediately upon adoption.

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

ORDINANCE ESTABLISHING INTERNAL CONTROLS FOR THE USE OF SIGNATURES ON COUNTY RECORDS

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

LAGRANGE COUNTY, INDIANA

ORDINANCE NO. 2021-12-06-H

AN ORDINANCE ESTABLISHING INTERNAL CONTROLS FOR THE USE OF SIGNATURES ON COUNTY RECORDS.

WHEREAS, pursuant to Indiana Code Section ("IC §") 5-11-1-27(g), the legislative body of a political subdivision shall ensure that certain minimum internal control standards and procedures, as developed by the Indiana State Board of Accounts ("SBOA") have been adopted;

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

WHEREAS, pursuant to County Ordinance 2021-12-06-G, the Commissioners have previously developed minimum standards for internal control procedures;

WHEREAS, in an April 14, 2020 memo, SBOA Examiner Paul Joyce wrote: "Units should have adequate internal controls in place to ensure the electronic signature is created by the person whose name appears on the document, or, in the alternative, the person who has legal authority to sign the document on the elected official's behalf";

WHEREAS, pursuant to IC § 26-2-8-202 (the "Act"), the Commissioners "shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons."

WHEREAS, the Indiana Attorney General Curtis Hill, in Opinion 2019-2 stated that "if it is authorized to do so by Ind. Code § 26-2-8-202 [t]he OAG recommends that [a governmental agency that wishes to conduct some or all of its

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business electronically] develop a policy document addressing the matters described in [the Act] in order to ensure the integrity of the process”;

WHEREAS, pursuant to IC § 5-1-3-2, electronic signatures of officials or persons may be used instead of, and with the same force and effect as, manually executing the obligations; *and*

WHEREAS, the Commissioners desire to develop internal controls with respect to electronic and other signatures in transacting its business, including in contracts and ordinances.

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 “Internal Controls Ordinance: Signatures.”

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.

- “Administrator” means the Information Technology Director or a similarly positioned employee or, if none, a person designated by the Auditor.
- “Digital signature” means a secure electronic signature on an electronic record that, pursuant to prevailing cryptography standards as reasonably determined by the Administrator, gives a recipient very strong reason to believe that the signature was added to the record by the purported sender, and that the electronic record was not altered in transit.
- “Electronic signature” means an electronic process, sound, or symbol that is adopted to sign an electronic record including, but not limited to, a digital signature, a facsimile signature, an unsecured image of an inked signature, or confirmatory initials.
- “Public servant” means any employee or elected or appointed official of the County.
- “Signature” means any name, mark, or writing, whether made by hand or electronically, that is used with the intention of authenticating a record.
- “Signature stamp” means any non-electronic device specifically designed or used to quickly and easily replicate a signature; the term does not include the official County seal.

SECTION III – SIGNATURE STAMPS

- A. Each department head shall inventory all public signatures stamps possessed by each public servant within his or her respective department.
- B. No public servant shall create or possess a signature stamp except pursuant to specific authorization by his or her respective department head.
- C. A public servant who possesses a signature stamp shall ensure that such stamp is kept locked away at all times when not in use.
- D. A public servant who possesses a public signature stamp shall return the signature stamp to his or her respective department head upon completing his or her public duties.
- E. Any signature stamp of a former public servant shall be destroyed unless it be modified to support the signature of a then-current public servant who will be given custody of it.

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SECTION IV – SIGNATURE USAGE STANDARDS

- A. Unless otherwise provided by law, an electronic signature that complies with this ordinance may be used to sign an electronic record that is filed with or on behalf of the County, and the electronic signature has the same force and effect as a written signature.
- B. A public servant who desires to sign an electronic record with only a handwritten signature may do so but must wait until all other public servants who desire and are authorized to co-sign the electronic record with an electronic signature have done so.
- C. Except as otherwise provided by the Commissioners, any electronic signature or signature stamp is sufficient to validate:
 - 1. email communications to the extent that they do not contain contractual language;
 - 2. ceremonials;
 - 3. internal process flows, forms, and approvals; *and*
 - 4. purchase orders that have otherwise been approved by the Commissioners or pursuant to other internal control policies and that must be fulfilled within a year.
- D. Except as otherwise provided herein, no electronic signature or signature stamp, other than a digital signature, shall be sufficient to validate:
 - 1. contracts;
 - 2. written ordinances, resolutions, orders, and decrees;
 - 3. negotiable instruments, bonds, notes, warrants, or other obligations;
 - 4. electronic records for which the public servant serves as a trustee; *and*
 - 5. electronic records that require a signature from a public servant.
- E. Except as otherwise provided herein, the Auditor, as advised by the Administrator in accord with prevailing industry security standards, shall determine the requirements for, and the validation standards of:
 - 1. electronic signatures, including digital signatures, for each type of electronic record provided to the County from an outside source; *and*
 - 2. electronic signatures, including digital signatures, for other types of electronic records created by public servants.

SECTION V – DIGITAL SIGNATURES

- A. The Auditor may provide limits as to which public servants may create electronic records that are capable of being signed with digital signatures.
- B. No digital signature from a public servant on a public electronic record shall be considered valid unless it was created either by using the County's then-current digital signature vendor or, when another party is involved, by using that party's digital signature vendor.
- C. No digital signature from a person other than a public servant shall be considered valid unless it was created using a vendor that has been approved by the Administrator.
- D. The Administrator shall ensure that the time and date of each digital signature on an electronic record is stored and available for retrieval along with the electronic record.

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- E. For each digital signature of a public servant on an electronic record to be valid, the signer's name must be pre-printed immediately nearby.
- F. The Administrator shall ensure that electronic records sent to or from the County, if they seek to procure one or more digital signatures, cannot be changed or altered, except for the inclusion of the appropriate digital signatures.
- G. A public servant may authorize the Administrator to add the public servant's digital signature to an electronic record if the Administrator can simultaneously see and hear the public servant during the authorization. The Administrator may add a digital signature to an electronic record if so authorized.
- H. No person, including the Administrator, may add a public servant's electronic signature to an electronic record without the public servant's consent.

SECTION VI – MISCELLANEOUS

A. References.

- 1. 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, committee, board, or fund, without reference to another jurisdiction, shall be construed as if preceded or followed, as appropriate, by the words "(of) LaGrange County (Indiana)."
- 3. Should this ordinance require an act which, by law, an agent or deputy as well may do as the principal, performance by an authorized agent or deputy shall be satisfactory.

B. **Judicial Review.** This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, 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 law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

C. **Conflicts.** No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

D. **Severability.** Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, 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. Peter Cook made a motion to approve the Ordinance. Mr. Kevin Myers seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARKS – GRANT REQUEST

Mrs. Mary Franke, Park Director, requested permission to apply for a grant from Parkview Health in the amount of \$10,000 to make improvements to the disc golf course at Delt Church Park. Mr. Kevin Myers made a motion to approve the request. Mr. Peter Cook seconded the motion and it carried unanimously.

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PARKS – REQUEST FOR NEW WELL

Mr. George DeWald, Park Superintendent, requested permission to proceed with a new well at Delt Church Park. He received two quotes and is recommending the quote from Sanderson Well Drilling, Inc., in the amount of \$7,700. Mr. Peter Cook a motion to approve the quote. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARKS – PURCHASE OF TARGETS

Mrs. Mary Franke, Park Director, requested permission to purchase archery targets at an auction. Mr. Kevin Myers made a motion to approve the request up to \$5,000. Mr. Peter Cook seconded the motion and it carried unanimously.

PARKS – REQUEST TO PURCHASE TRAILER

Mr. George DeWald, Park Superintendent, requested permission to purchase a 16' dump trailer from Cargo Plus in the amount of \$15,200. Mr. Peter Cook a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

PARKS – REQUEST TO TRADE IN SNOW PLOW FOR PURCHASE OF SALT SPREADER

Mr. George DeWald, Park Superintendent, requested permission to trade in a snow plow towards the purchase of a salt spreader. Mr. Peter Cook a motion to approve, subject to the Park Board's approval. Mr. Kevin Myers seconded the motion and it carried unanimously.

MAINTENANCE – REQUEST TO PURCHASE DRAWERS FOR TREASURER'S OFFICE

Mr. Gary Mast, Maintenance Director, requested permission to purchase three bullet resistant drawers for the Treasurer's office, using ARPA funds. Mr. Kevin Myers a motion to approve. Mr. Peter Cook seconded the motion and it carried unanimously.

PETITION TO VACATE – PART OF COUNTY ROAD 970 EAST

At 9:00 a.m. Mr. Terry Martin opened the hearing for a petition to vacate a part of County Road 970 E at the dead end. Mr. Cletus Schenkel, petitioner, explained that he would like to vacate the portion of County Road 970 E near his property. By doing so, he would avoid future damage to his property. Mr. Konrad Urberg, 9500 E 600 S, is concerned for fire personnel accessing the road and objects to the vacation. Several individuals spoke against the vacation. Mr. Martin closed the public hearing. Mr. Zach Holsinger, County Surveyor, explained that it is a private road. Mrs. Tharon Morgan, County Engineer, agreed with the Surveyor and is against the vacation. Mr. Kurt Bachman, County Attorney, recommended that the road not be vacation, as he believes the Commissioners do not have jurisdiction to vacate it. Mr. Kevin Myers made a motion to deny the vacation. Mr. Peter Cook seconded the motion and it carried unanimously.

AMENDMENT TO THE ZONING ORDINANCE

Mrs. Robbie Miller, Planning Administrator, explained that at the November 15, 2021 County Commissioner meeting, a motion was made to table an Amendment to the Zoning Ordinance to rezone the following:

1. That the zoning map for the following described real estate located at parcel #: 44-05-23-200-020.004-014 Shipshewana, more fully described below hereto, be rezoned and changed from an L-1 District to an A-1 District.

LEGAL DESCRIPTION

Lot number 4 in the 1st addition to Rainbow Lake Subdivision, located in Section 23, Township 37 north, Range 8 east, recorded in Plat Book 5, page 134 of the records of the Recorder of LaGrange County, Indiana.

Mrs. Miller explained that the reason for the rezone is for the home owner to have a horse located on the property. Following a public hearing, the LaGrange County Plan Commission, on October 25, 2021, after having considered the criteria set forth in IC § 36-7-4-603, gave an unfavorable recommendation to this rezoning request.

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Mr. Kevin Myers made a motion deny the rezone. Mr. Peter Cook seconded the motion and it carried unanimously.

AWARE OF BID FOR MICRO SURFACING LAKE ROADS

Mr. Ben Parish, Highway Superintendent, reported that he had reviewed the bids that were opened on November 15, 2021 for micro surfacing LaGrange County lake roads. He is recommending that the bid be awarded to Pavement Solutions, Inc. in the amount of \$249,955.95. Mr. Peter Cook made a motion to award the bid to Pavement Solutions, Inc. Mr. Kevin Myers seconded the motion and it carried unanimously.

SOIL AND WATER – ADA ADDITIONS TO BUILDING

Mr. Martin Franke, Soil & Water District Director, explained that there are numerous meetings held at Par Gil Natural Resource Learning Center, and he would like to make the facility ADA compliant. He has a quote from Michiana Builders in the amount of \$4,954.09 for work on the building. Mr. Kevin Myers made a motion to approve the work and pay it out of the ADA line item. Mr. Peter Cook seconded the motion and it carried unanimously.

BRIDGE NO. 49

Mrs. Tharon Morgan, County Engineer, presented a financial commitment letter for the 2027 call for projects for Bridge 49 on County Road 700 South between Witmer Lake and Westler Lake.

Mr. Kevin Myers made a motion to approve the commitment letter. Mr. Peter Cook seconded the motion and it carried unanimously.

SHERIFF – VEHICLE PURCHASE

Mr. Tracy Harker, Chief Deputy Sheriff, was present and requested permission to order five new vehicles for 2022. Mr. Peter Cook made a motion to approve. Mr. Kevin Myers seconded the motion and it carried unanimously.

SHERIFF – COUNTERTOP REPLACEMENT

Mr. Tracy Harker, Chief Deputy Sheriff, was present and requested permission to replace the countertops in the central and front office. The cost is estimated at approximately \$2,000. Mr. Kevin Myers made a motion to approve the work. Mr. Peter Cook seconded the motion and it carried unanimously.

PURDUE EXTENSION EDUCATIONAL CONTRACTUAL SERVICES AGREEMENT

PURDUE EXTENSION EDUCATIONAL CONTRACTUAL SERVICES AGREEMENT

Mr. Steve Engleking, County Extension Director, presented the 2022 educational contract for the Purdue Extension for consideration.

Mr. Kevin Myers made a motion to approve the agreement. Mr. Peter Cook seconded the motion and it carried unanimously.

Mr. Engleking explained that Purdue University is requesting that LaGrange County add an additions \$6,000 to the 2021 Contractual Services for mileage. There is money in the Extension budget to cover this. Mr. Kevin Myers made a motion to approve the additional. Mr. Peter Cook seconded the motion and it carried unanimously.

OFFICIAL BONDS

Mrs. Kay Myers, Chief Deputy Auditor, presented 2022 individual bonds for the Treasurer and Clerk of Courts, and the blanket bond for approval. Mr. Peter Cook made a motion to approve. Mr. Kevin Myers seconded the motion and it carried unanimously.

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NOVEMBER 2021 FINANCIAL REPORT

Mrs. Kay Myers, Chief Deputy Auditor, presented the financial statement for the month ending November 30, 2021, in the amount of \$38,531,494.15 and investments of \$20,870,000. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the November 15, 2021 executive session and the December 1, 2021 staff meeting and. Mr. Kevin Myers seconded the motion. Upon roll call vote, the motion carried unanimously.

COUNTY SURVEYOR – COPIER PURCHASE

Mr. Zach Holsinger, County Surveyor, requested permission to order a copier and pay it out of his 2022 budget. The copier is a Canon 36" wide multifunction system, in the amount of \$11,645. By ordering now, delivery could be made sooner in 2022. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – October 2020 report

LaGrange County Treasurer – November 2021 report

Mediacom – Programming changes and rate adjustments

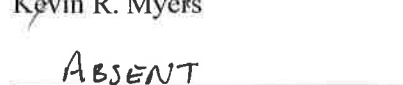
Indiana Department of Environmental Management – Notice of Approval, Irving Gravel Company Inc, Wolcottville, Indiana 46761 Permit Number 087-44489-00016

ADJOURNMENT

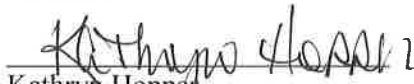
There being nothing further to come before the Board at this time, Mr. Peter Cook made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Kevin Myers seconded the motion and it carried unanimously.


Terry A. Martin


Kevin R. Myers


ABSENT
Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor

