

DECEMBER 30, 2021

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Thursday, December 30, 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 Auditor, Kathryn Hopper. 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.

ORDINANCE ADOPTING AN ARP CORONAVIRUS LOCAL FISCAL RECOVERY INVESTMENT PLAN

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-30

AN ORDINANCE ADOPTING AN ARP CORONAVIRUS LOCAL FISCAL RECOVERY INVESTMENT PLAN. WHEREAS, the U.S. Congress passed the American Rescue Plan Act of 2021, also known as the COVID-19 Stimulus Package ("Act"), which was signed into law on March 11, 2021;

WHEREAS, the Act provides money to state and local governments, including the County, to help with, *inter alia*, recovery from the COVID-19 public health emergency;

WHEREAS, LaGrange County has received approximately \$7,694,555.00 ("ARP money") in direct payment pursuant to the Act;

WHEREAS, on March 18, 2021, the Indiana State Board of Accounts ("SBOA") issued State Examiner Directive 2021-1 in which it was clarified that each local unit's respective fund ordinance should reference a plan that will provide the details for the use of the ARP money;

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, on May 3, 2021, the Commissioners adopted the American Rescue Plan Coronavirus Local Fiscal Recovery Fund Establishment Ordinance (Ordinance 2021-05-03-D, "Fund Ordinance"), which created an ARP Coronavirus Local Fiscal Recovery Fund ("Fund");

WHEREAS, the Fund Ordinance prohibited that money be disbursed from the Fund, except when used in accord with a management plan to be later developed by the County that would provide further details on the disbursement and investment of the ARP money;

WHEREAS, the Commissioners have considered certain qualifying projects for which the ARP money can be spent; *and*

WHEREAS, the Commissioners have developed a working plan to be known as the ARP Coronavirus Local Investment Plan ("Plan") to satisfy Section 603(c) of the Act and the Fund.

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

DECEMBER 30, 2021

REGULAR SESSION

SECTION I – NAME

The name of this ordinance shall be the “ARP Coronavirus Local Investment Plan Adoption Ordinance” or “Plan Ordinance” where the context is obvious.

SECTION II – RECITALS

The Commissioners hereby incorporate the foregoing recitals, including all defined terms, into this ordinance and find them to be true, accurate, and correct.

SECTION III – LOCAL INVESTMENT PLAN

- A. Adoption. The Commissioners hereby adopt the ARP Coronavirus Local Investment Plan, which is attached to this ordinance as Exhibit A and incorporated by reference as if fully set out herein, as the required management plan for the County’s ARP money.
- B. Findings. The Commissioners hereby find that the Plan expenditures comply, as indicated, with the restrictions in applicable law.
- C. Construction. The Commissioners hereby deem the Plan to be a working plan subject to amendment at any time. The individual project cost totals are meant to be approximate and shall not be construed as constraints on the amounts to be actually spent.

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).”
 - 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.
- 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.

DECEMBER 30, 2021

REGULAR SESSION

F. 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.

G. Effective Date. This ordinance shall be effective immediately upon adoption.

Mr. Peter Cook made a motion to adopt 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 RE-ESTABLISHING ELECTION DISTRICTS FOR THE BOARD OF COMMISSIONERS

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-30 B

AN ORDINANCE RE-ESTABLISHING ELECTION DISTRICTS FOR THE
BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA

WHEREAS, Indiana Code §36-2-2-4 requires the county executive to divide LaGrange County into three (3) county commissioner districts for election purposes during the first year after a year in which a federal decennial census is conducted; and

WHEREAS, under Indiana Code §36-2-2-4(a), election districts for the Board of Commissioners for LaGrange County, Indiana, must be reasonably compact, contiguous, may not cross an election precinct boundary, and include whole townships, except when a division is clearly necessary to accomplish re-districting; and

WHEREAS, after careful consideration of the above referenced factors, the Board of Commissioners of LaGrange County desire to divide the county into commissioner districts for election purposes, consistent with the mandates of Indiana Code §36-2-2-4.

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

SECTION I

This Ordinance shall be known as the “2021 Board of Commissioners Election Redistricting Ordinance”. This Ordinance shall be effective until December 31, 2031, unless amended, repealed, or reconfirmed as provided by Indiana Code §36-2-3-4 or its successor statute.

SECTION II

The County of Lagrange shall be divided into three (3) county commissioner election districts according to the LaGrange County Board of Commissioners Election District Map, attached here to as Exhibit “A”, more particularly described as follows:

- | | |
|--------------|--|
| District #1: | Greenfield Township, Lima Township, and Van Buren Township |
| District #2: | Springfield Township, Bloomfield Township, Clay Township, and Newbury Township |
| District #3: | Milford Township, Johnson Township, Clearspring Township, and Eden Township |

DECEMBER 20, 2021

REGULAR SESSION

Each member of the LaGrange County Commissioners shall be elected by the voters of the whole county. Each member elected by the voters of the whole county must reside in the district from which the member was elected.

SECTION III

The LaGrange Circuit Court Clerk is hereby authorized and directed to modify any and all official maps on file with any municipal, county, or state body or agency in accordance with the provisions of this Ordinance or state or federal law or regulation. Further, the Circuit Court Clerk is authorized and directed to notify any and all appropriate governmental agencies, and to otherwise effectuate the provisions of this Ordinance.

SECTION IV

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. 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 other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION V

This Ordinance shall be effective upon promulgation according to law.

Mr. Peter Cook made a motion to adopt 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 RE-ESTABLISHING COUNTY COUNCIL ELECTION DISTRICTS

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

**COUNTY OF LAGRANGE
ORDINANCE NO. 2021-12-30 C**

**AN ORDINANCE RE-ESTABLISHING COUNTY COUNCIL ELECTION
DISTRICTS IN LAGRANGE COUNTY, INDIANA**

WHEREAS, Indiana Code §36-2-3-4 requires the county executive to divide LaGrange County into four (4) council districts for election purposes during the first year after a year in which a federal decennial census is conducted; and

WHEREAS, under Indiana Code §36-2-3-4(d), county council election districts must be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes), may not cross an election precinct boundary, contain roughly equal population and include whole townships, except when a division is clearly necessary to accomplish re-districting; and

WHEREAS, after careful consideration of the above referenced factors, the Board of Commissioners of LaGrange County desire to divide the county into council districts for election purposes, consistent with the mandates of Indiana Code §36-2-3-4.

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

SECTION I

This Ordinance shall be known as the "2021 Council Redistricting Ordinance". This Ordinance shall be effective until December 31, 2031, unless amended, repealed, or reconfirmed as provided by Indiana Code §36-2-3-4 or its successor statute.

DECEMBER 20, 2021

REGULAR SESSION

SECTION II

The County of Lagrange shall be divided into four (4) council districts according to the following described Districts, as depicted on the LaGrange County Council Election District Map, attached here to as Exhibit "A":

- District #1: Greenfield Township, Lima Township, Bloomfield I Precinct, and Van Buren Township
- District #2: Newbury Township and Eden Township
- District #3: Clay Township, Clearspring Township, and Johnson South Precinct
- District #4: Bloomfield II Precinct, Bloomfield III Precinct, Bloomfield IV Precinct, Johnson North Precinct, Springfield Township, and Milford Township

One member of the LaGrange County Council shall be elected by the voters of each of the four (4) Districts listed herein. The member elected by the voters of each District must reside within the District from which the member was elected.

Three (3) at-large members of the LaGrange County Council shall be elected by the votes of the whole county.

SECTION III

The LaGrange Circuit Court Clerk is hereby authorized and directed to modify any and all official maps on file with any municipal, county, or state body or agency in accordance with the provisions of this Ordinance or state or federal law or regulation. Further, the LaGrange Circuit Court Clerk is authorized and directed to notify any and all appropriate governmental agencies, and to otherwise effectuate the provisions of this Ordinance.

SECTION IV

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. 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 other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION V

This Ordinance shall be effective upon promulgation according to law.

Mr. Peter Cook made a motion to adopt 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.

COMMUNITY CONNECTIONS FOR PEOPLE WITH DISABILITIES GRANT

Mrs. Kathy Hopper, County Auditor, explained that for the reimbursement request for the Community Connections for People with Disabilities Grant, the Commissioners need to approve the purchases that were made. Items purchased were Ipads, keyboards, cases, and data plans. Mr. Peter Cook made a motion to approve the expenditures. Mr. Kevin Myers seconded the motion. Upon roll call vote, the motion carried unanimously.

ALCOHOL BEVERAGE BOARD APPOINTMENT

Mr. Peter Cook made a motion to appoint Brenda Campos to the Alcohol Beverage Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

DECEMBER 20, 2021

REGULAR SESSION

LAGRANGE COUNTY HEALTH BOARD APPOINTMENT

Mr. Kevin Myers made a motion to appoint Cynthia Swihart and Matthew Grossman to the LaGrange County Board of Health. Mr. Peter Cook seconded the motion and it carried unanimously.

LAGRANGE COUNTY PARK BOARD APPOINTMENT

Mr. Terry Martin made a motion to appoint Julia Wolheter to the LaGrange County Park Board. Mr. Kevin Myers seconded the motion and it carried unanimously.

PLAN COMMISSION APPOINTMENT

Mr. Peter Cook made a motion to appoint Ethan Prough to the Plan Commission. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNTY BOARD OF ZONING APPEALS APPOINTMENT

Mr. Kevin Myers made a motion to appoint Nicholas Wilson to the Board of Zoning Appeals. Mr. Peter Cook seconded the motion and it carried unanimously.

PLAT COMMITTEE APPOINTMENT

Mr. Kevin Myers made a motion to appoint Terry Holsinger to the Plat Committee. Mr. Peter Cook seconded the motion and it carried unanimously.

LAGRANGE COUNTY REDEVELOPMENT COMMISSION APPOINTMENT

Mr. Peter Cook made a motion to appoint George Bachman, Robert Bond, and Kevin Myers to the LaGrange County Redevelopment Commission. Mr. Terry Martin seconded the motion and it carried unanimously.

CONVENTION, VISITORS, RECREATION BOARD APPOINTMENTS

Mr. Kevin Myers made a motion to appoint Phil Heyerly and Ryan Riegsecker to the Convention Visitors Recreation board. Mr. Peter Cook seconded the motion and it carried unanimously.

PROPERTY TAX ASSESSMENT BOARD OF APPEALS APPOINTMENT

Mr. Kevin Myers made a motion to appoint Jennifer Beechy and Debra Notestine to the Property Tax Assessment Board of Appeals. Mr. Peter Cook seconded the motion and it carried unanimously.

LAGRANGE CITIZEN DRAINAGE BOARD APPOINTMENTS

Mr. Peter Cook made a motion to appoint Ben Taylor and Freeman Miller to the LaGrange County Citizen Drainage Board. Kevin Myers seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

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

MINUTES

Mr. Kevin Myers made a motion to approve the minutes of the December 20, 2021 regular session meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the December 29, 2021 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

DECEMBER 20, 2021

REGULAR SESSION

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – October 2021 report

ADJOURNMENT

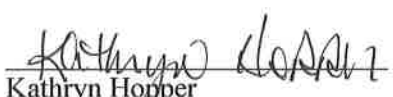
There being nothing further to come before the Board at this time, Mr. Terry Martin made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.


Terry A. Martin


Kevin R. Myers

ABSENT
Peter A. Cook

ATTEST:


Kathryn Hopper
LaGrange County Auditor