

JUNE 6, 2022

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, June 6, 2022, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry A. Martin, Mr. Kevin R. Myers, and Mr. Peter A. Cook; and LaGrange County Auditor, Kathryn Hopper. Mr. Terry 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.

NUISANCE HEARING – ELIAS & NATASHA MEDINA, 7445 S 900 E, WOLCOTTVILLE, INDIANA

At 8:30 a.m. Mr. Bill Stewart, Code Enforcement Officer, reported that he visited the property located at 7445 S 900 E, Wolcottville, Indiana owned by Elias and Natasha Medina. He reported that the property has been cleaned up. He recommends that the nuisance hearing be dismissed. Mr. Kevin Myers made a motion to approve dismiss the nuisance matter. Mr. Peter Cook seconded the motion and it carried unanimously.

AGREEMENT WITH LAWSON-FISHER ASSOCIATES P.C. – COURTHOUSE STRUCTURAL EVALUATION

Mr. Kurt Bachman, County Attorney, presented an agreement with Lawson-Fisher Associates P.C. to perform a structural evaluation of the third floor of the Courthouse to determine if it is adequate to be repurposed or remodeled to operate as office or storage space. The agreement is not to exceed \$5,000. Mr. Peter Cook made a motion to approve the agreement, subject to getting the everify affidavit. Mr. Kevin Myers seconded the motion and it carried unanimously.

ORDINANCE AMENDING THE PUBLIC PURCHASING POLICY FOR THE COUNTY OF LAGRANGE, INDIANA

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-06-06 A

AN ORDINANCE AMENDING THE PUBLIC PURCHASING POLICY FOR THE COUNTY OF
LAGRANGE, INDIANA.

WHEREAS, pursuant to Indiana Code (“IC”) § 5-22-3-3(a), a governmental body may adopt rules to regulate purchases of the governmental body;

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, the Commissioners have determined that there is a need to amend (repeal and restate) the County’s Purchasing Policy, which was last adopted March 21, 2011;

WHEREAS, pursuant to IC § 5-22-4-5(a), the purchasing agency for the County is the person designated by law or by rule of the governmental body;

WHEREAS, pursuant to Resolution 1998-7-6a, the Commissioners are the designed purchasing agent of the County;
and

WHEREAS, pursuant to IC § 5-22-8-2, a purchasing agent may make a purchase below \$50,000 under rules adopted by the governmental body.

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

SECTION I – NAME

The name of this ordinance shall be the “Public Purchasing Rules Adoption Ordinance.”

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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 – DEFINITIONS

- A. General. 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.
1. “Act” refers to Indiana Code 5-22, as may be subsequently amended or recodified from time to time.
 2. “Bond” means a certified check, bond, or other acceptable evidence of financial responsibility made payable to the County as a requirement for submitting an offer.
 3. “Offer” means an offeror’s response to a solicitation whereby a purchasing agent is invited to accept the terms thereof; the term includes a bid, proposal, quote, contract draft, letter of engagement, or statement of qualifications.
 4. “Offeror” means a person that submits an offer to the County.
 5. “Purchase” means a public purchase by a purchasing agent; the term includes the act of buying, procuring, renting, leasing, licensing, otherwise acquiring, and preparing or administering a solicitation and subsequent contract.
 6. “Purchasing agent” means a person identified as such in this ordinance but only to the extent that such person is making a purchase under his or her own authority.
 7. “Solicitation” means a formal invitation for bids, request for proposals, request for quotes, or request for qualifications made by a purchasing agent; the term includes any amendment or addenda related thereto and any records incorporated thereby.
 8. “Supplies” means any property, except an interest in real property; the term includes equipment, goods, and materials.
- B. Determination. The Commissioners shall have the final authority in determining the meaning of these terms.

SECTION IV – SCOPE

- A. Commissioners Authority. Nothing in this ordinance shall be construed to limit the purchasing authority of the Commissioners in any way.
- B. Public Works. This ordinance does not apply to a contract for public works, except with respect to: (i) professional consulting services; and (ii) the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property and only if the cost is estimated to be less than the amount set by IC 36-1-12-4.9 (currently \$150,000.00).
- C. Extraneous Claims Barred. 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; 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.
- D. External Review. Nothing in this ordinance shall subject an otherwise lawful purchase to additional review by the State Board of Accounts or another external reviewer.

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- E. Conflicts. Whenever the provisions of this ordinance conflict with the terms of a contract entered into by the Commissioners, the terms of the contract control.

SECTION V – PURCHASING AGENCY

- A. Agency. The Board of Commissioners of the County of LaGrange is designated as the purchasing agency for the County with all powers and duties authorized under the Act.
- B. General Purchasing Agents. The members of the Commissioners shall serve *ex officio* and by majority rule as the general purchasing agent for the County.
- C. Limited Purchasing Agents. The Auditor and the various department heads are each named as limited purchasing agents of the County *ex officio*, with limited purchasing authority in accord with this ordinance. There are no other limited purchasing agents of the County.
- D. Standard. All purchasing agents and County representatives working on their behalf shall govern themselves in accord with the Act.

SECTION VI – PURCHASING AGENT LIMITATIONS

- A. Authority. A purchasing agent may make a purchase with or without a solicitation unless such purchase or method is otherwise prohibited by this ordinance.
- B. Purchasing Limits. A limit referred to in this subsection is based solely on the reasonable expectations of the amount to be actually spent under a contract for a prospective purchase.
 - 1. The Commissioners may make a purchase without a solicitation as long as the purchase is under the amount allowed by IC § 5-22-8-2.
 - 2. The Auditor may not make a purchase above \$5,000.
 - 3. A department head may not make a purchase above \$2,500.
 - 4. County employees not identified in this section may not make a purchase on their own authority.
 - 5. The Commissioners may raise the limits identified in this section by motion in accord with applicable law.
- C. Artificial Division. A purchasing agent may not artificially divide a purchase to bring any part of the purchase under the limits established by this section.
- D. Public Works. A limited purchasing agent may not make a purchase that constitutes a public work, as that term is defined in IC 36-1-12.
- E. Services. A limited purchasing agent may not make a purchase for services except from an offeror with whom the County is currently under contract or whose services the County has used in the past. “Services” means the furnishing of labor, time, or effort by a person, except for the delivery of supplies.
- F. Grants / Gifts. A purchasing agent may not make a purchase with funds originating from a grant or gift except in accord with the terms of such grant or gift.
- G. Compliance. A limited purchasing agent is to comply with the restrictions imposed by this ordinance in good faith and with complete honesty. Any failure in this regard may subject the limited purchasing agent to disciplinary action under the Personnel Policy Handbook and/or other remedies available to the Commissioners.

SECTION VII – EMERGENCY PURCHASES

- A. Definition. As used in this section, an “emergency” means a sudden and serious event or an unforeseen change in circumstances that clearly calls for immediate action to avert, control, or remedy reasonably foreseeable economic or regulatory harm or personal injury relating to such event or change in circumstances; the term includes any local disaster emergency declared pursuant to IC § 10-14-3-29.
- B. Authority. Notwithstanding anything in this ordinance to the contrary, the Principal Executive Officer (as designated in Ordinance 2020-10-05-A) or the Auditor, as a general purchasing agent, may make a purchase of any

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value during an emergency when there is a threat to public health, welfare, or safety and the purchase is reasonably calculated to materially mitigate such threat.

SECTION VIII – ELECTRONIC PURCHASES

- A. Authority. Except as provided in this section, a solicitation, offer, or purchase may be made by any customary electronic means, provided that the purchasing agent takes reasonable steps to ensure that such means is at least as efficient and at least as secure as when using regular mail.
- B. General Procedures. If a solicitation allows for an offer to be made using electronic means, the solicitation must include the specific procedure an offeror must use for submitting the electronic offer; provided, however, that this requirement is satisfied by general reference in the solicitation to the applicability of this ordinance.
- C. Sealed Offers. No offeror shall submit an offer using electronic means in response to a solicitation that calls for sealed offers.

SECTION IX – REQUEST FOR PROPOSALS

- A. Preference. Whenever the Act requires a purchasing agent to prepare a solicitation, the purchasing agent shall use a request for quotes or proposals over an invitation for bids for a purchase of supplies unless the purchasing agent makes a reasonable written determination that an invitation for bids is to be preferred.
- B. Negotiations. With respect to an offer received in response to a request for proposals, the purchasing agent may negotiate and obtain a final offer from the offeror based on information received from other offerors to the extent fairness permits.

SECTION X – BONDS

- A. Requirement. The purchasing agent may require in a solicitation that each offeror submit, along with its offer, a bond as evidence of its financial responsibility.
 - 1. The surety on the bond shall be a duly authorized corporate surety company authorized to do business in the State of Indiana.
 - 2. An attorney-in-fact who signs a bond must file with the bond an effectively dated copy of the power of attorney, bearing the seal of the company, evidencing such agent's authority to execute the bond.
- B. Purpose. The general purpose of the bond is to ensure, to the extent an offeror's proposal is selected for award and if the offeror should within the time stipulated in the solicitation (or if impossible or not stated, within a reasonable time) fail to:
 - 1. furnish all documents required by the solicitation after a contract award; *and*.
 - 2. enter into a contract in accord with the offer and the solicitation (as modified by any subsequent negotiations);that the County will then be compensated for its lost time and efforts during the post-award process and for its diminished ability and negotiating posture with respect to other offerors.
- C. Satisfaction. The bonds shall be returned to the various offerors within sixty (60) days after the time indicated in a solicitation after which the submission of an offer may not be accepted except with respect to a bond that is part of a winning offer. In such case, the bond shall be returned when the winning offeror timely executes an appropriate contract with the County.
- D. Forfeiture. In the event an offeror whose offer is selected for award should fail or refuse to fulfill any post-award requirements within the timeframe provided, the purchasing agent may declare the bond forfeited.

SECTION XI – SPECIFICATIONS

- A. Index. The Auditor shall maintain an indexed file of specifications prepared by or under the authority of a purchasing agent.
- B. Use Required. Whenever the Act requires a purchasing agent to prepare a solicitation, a purchasing agent who desires to make a purchase shall prepare, issue, revise, maintain, and monitor the use of specifications for the prospective purchase.

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SECTION XII – REPEAL

- A. The Commissioners hereby repeal Resolutions 1998-7-6a and 2011-3-21 in their entirety.
- B. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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 original provisions, but rather shall be deemed to be the continuation of the original provisions.
- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, section, clause, or provision.

SECTION XIII – 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. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- E. Effective Date. This ordinance shall take effect 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 CREATING PUBLIC PURCHASING PREFERENCES FOR THE COUNTY OF LAGRANGE, INDIANA

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-06-06 B

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**AN ORDINANCE CREATING PUBLIC PURCHASING PREFERENCES FOR THE COUNTY OF
LAGRANGE, INDIANA.**

WHEREAS, pursuant to Indiana Code (“IC”) 36-1-3 (“Home Rule”), a unit in the State of Indiana has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity;

WHEREAS, pursuant to Indiana Code (“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 Ordinance 2022-06-06-A, the Commissioners have designated various purchasing agents, including themselves as general purchasing agent of the County;

WHEREAS, pursuant to IC § 5-22-15-21(b), a governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States; *and*

WHEREAS, pursuant to IC 5-22-11, -12, and -13, a governmental body shall make purchases from the Indiana Department of Corrections, the Division of Disability and Rehabilitative Services (“Division”), and by certain other qualified agencies, respectively, under certain specified conditions; *and*

WHEREAS, pursuant to IC 5-22-15, a government body is encouraged to adopt rules stating various preferences that will apply to the award of contracts thereby.

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

SECTION I – NAME

The name of this ordinance shall be the “Public Purchasing Preferences Ordinance.”

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 – DEFINITIONS

- A. The definitions contained in the Public Purchasing Rules Adoption Ordinance shall also apply to this ordinance.
- B. General. 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.
 - 1. “Adjusted offer” means an offer price after the preference discount is applied.
 - 2. “Base offer” means an offer price before any preference discount is applied.
 - 3. “Preference” means a reason allowed under the Act for preferring the offer of one offeror over another for the purposes of awarding a solicitation.
 - 4. “Preference discount” means the percentage amount that the County will allow a qualifying offeror to deduct from its base offer for the purpose of being more competitive in a determination of the lowest offer among competing offerors.
- C. Meaning. The Commissioners shall have the final authority in adjudicating the meaning of these terms.

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SECTION IV – SCOPE

- A. Services. This ordinance does not apply to a contract for services.
- B. Public Works. This ordinance does not apply to a contract for public works, except with respect to the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property and only if the cost is estimated to be less than the amount set by IC § 36-1-12-4.9 (currently \$150,000.00).
- C. Solicitations. Each solicitation shall be construed to incorporate this ordinance except to the extent otherwise provided in the solicitation.

SECTION V – PROCEDURES

- A. Rule. To the extent that a purchasing agent makes an award for a solicitation based on purchasing price when comparing two or more responsive and responsible offerors, the purchasing agent shall prefer the offeror with the lowest adjusted offer instead of the lowest base offer.
- B. Determination of Adjusted Offer. This subsection does not apply to an absolute preference. An adjusted offer is determined by applying the preference discount to the base offer.
 - 1. STEP ONE: Determine the applicable preference discounts in accord with this chapter.
 - 2. STEP TWO: Multiply the base offer by the percentage discount(s) under STEP ONE.
 - 3. STEP THREE: Subtract the number determined under STEP TWO from the base offer.
- C. Determination of Preference Discount.
 - 1. Each offeror for a solicitation may claim any number of preferences to which the offeror is entitled under the Act, this ordinance, or the solicitation.
 - 2. The corresponding preference discounts to each preference shall be applied and are cumulative.
 - 3. In case of conflict, a preference discount required by the Act prevails over any preference discount provided in a solicitation, which, in turn, prevails over any preference discount provided in this ordinance.
 - 4. The Commissioners may adjust the preference discounts established by this ordinance at any time by motion in accord with applicable law.
- D. Evidence. An offeror who desires to claim a preference for which it is entitled must:
 - 1. specify the legal grounds for claiming the preference (e.g., a provision of the Act, this ordinance, or the solicitation);
 - 2. show the base offer price and the applicable preference discount(s) in a prominent manner on the offer or on the purchasing agent's solicitation form, if one is provided;
 - 3. provide the purchasing agent with sufficient evidence that the offeror meets all qualifications and requirements for the specific preference claimed; *and*
 - 4. provide any other documentation required by the purchasing agent.
- E. Form. The Auditor may develop a form to facilitate recordkeeping with respect to a claim of a preference and may require prospective offerors to complete such form.
- F. Contract Price. Notwithstanding any adjusted offer used for the purpose of selecting an offeror, the contract price will still equal the base offer associated with the winning offer, subject to any subsequent contract negotiations.
- G. Discretion. The Commissioners may grant a preference on their own authority without a claim thereof by an offeror upon a finding of an offeror's eligibility for the preference.
- H. Waiver. The Commissioners may deem a preference to be waived if it is not claimed in the manner provided for by this ordinance.

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- I. False Claims. If the Commissioners should find that an offeror has claimed a preference to which it is not entitled, the Commissioners may find that the offeror is not responsive and may fail to consider further offers from that offeror for any solicitation for the subsequent three (3) years.

SECTION VI – AMOUNTS

- A. Allowance. The Commissioners hereby recognize the following preferences with their respective preference discounts:

Type of Preference	Preference Discount
Indiana Small Business	15%
Indiana Agricultural Products	10%
Recycled Products	10%
Fuel Purchases with soy diesel / bio diesel	10%
Indiana Local Businesses, Base Offer < \$50,000	5%
Indiana Local Businesses, Base Offer \$50,000 – \$100,000	3%
Indiana Local Businesses, Base Offer ≥ \$100,000	1%

- B. Condition. An offeror may claim a preference provided in this section as long as it otherwise meets all qualifications and requirements for such preference established in this section.

- C. Qualifications and Requirements.

1. “Small business” means a business that: (i) is independently owned and operated; (ii) is not dominant in its field of operation; (iii) meets the size standards of the U.S. Small Business Administration; and (iv) meets the following requirements:
 - a. for a wholesale business, if it has average annual sales for its most recently completed fiscal year less than \$4,000,000;
 - b. for a construction business, if it has average annual receipts for the preceding three fiscal years less than \$4,000,000;
 - c. for a retail business or business selling services, if it has annual sales and receipts less than \$500,000; or
 - d. for a manufacturing business, if it employs less than 100 persons.
2. The term “Indiana agricultural products” includes agricultural products grown, produced, or processed in Indiana.
3. To qualify for a recycled products preference, the product must be composed of at least 15% recycled materials, or a greater percentage if there is an industry standard related thereto.
4. To qualify for a soy diesel or bio diesel preference, the product must be for a fuel purchase that contains at least 20% by volume soy diesel or bio diesel.
5. To qualify for a preference for an Indiana local business:
 - a. the offeror’s principal place of business must be located in the counties of LaGrange, Elkhart, Noble, or Steuben; *or*
 - b. the offeror’s business must otherwise qualify as an Indiana local business under the Act.

SECTION VII – UNITED STATES PREFERENCE

- A. Specifications. Each specification shall contain language showing a preference for the purchase of supplies manufactured in the United States.

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- B. Purchases. Each purchase shall contain an absolute preference for supplies manufactured in the United States.
- C. Waiver. A purchasing agent may waive the requirements in this section if any of the following apply:
 - 1. The supplies sought are not manufactured in the United States in reasonably available quantities.
 - 2. The price of the supplies sought that are manufactured in the United States exceeds, by an unreasonable amount, the price of available and comparable supplies manufactured elsewhere.
 - 3. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere.
 - 4. The purchase of supplies manufactured in the United States is not in the public interest.
- D. Presumption.
 - 1. Unless provided otherwise in a solicitation, each offer carries a rebuttable presumption that the preference required by this section applies.
 - 2. The Commissioners or a competing offeror may introduce evidence during a determination that this presumption should not apply to a particular offeror's offer.
 - 3. Notwithstanding anything in this ordinance to the contrary, an offeror is not required to introduce evidence to prove the applicability of this preference unless the Commissioners have determined that the presumption in this section has been rebutted.
- E. Forced Labor. A purchasing agent may not award a contract for supplies made outside of the United States if the supplies were made using forced labor, as that term is defined in 19 USC 1307.

SECTION VIII – STEEL PRODUCTS PREFERENCE

- A. Solicitations. Any solicitation involving a specification for steel products (as that term is defined in the Act) issued by a purchasing agent of the County shall be construed to require only those steel products that have been manufactured in the United States. The general purchasing agent may make a written determination to waive this requirement.
- B. Preference. Any offeror who makes an offer involving steel products may declare an absolute preference against any competing offeror whose steel products do not originate in the United States.
- C. Proof. The purchasing agent may require certification and/or proof of any claim made pursuant to this section.

SECTION IX – OTHER PREFERENCES

- A. Indiana Department of Correction ("Department"). Notwithstanding anything in this ordinance to the contrary, a purchasing agent shall purchase supplies and services produced or manufactured by the Indiana Department of Correction ("Department") under IC 11-10-6, by the Division of Disability and Rehabilitative Services ("Division") under IC 12-12-3-1, or by a "qualified agency," as such term is defined in IC § 16-32-2-1 and qualified under the Act, unless:
 - 1. the Department, the Division, or the qualified agency has not furnished the County with a respective catalog of available purchases;
 - 2. the supplies and services cannot be furnished in a timely manner;
 - 3. the supplies and services do not meet the specifications and needs of the County; *or*
 - 4. the supplies and services cannot be purchased at a fair market price, as determined by the Act.

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- B. Solicitation Optional. A purchasing agent that makes a purchase pursuant to this section does not need to use a solicitation.

SECTION X – 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. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

- E. Effective Date. This ordinance shall take effect 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 RE-ESTABLISHING THE LAGRANGE COUNTY PLAT BOOK MAINTENANCE FUND

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2022-06-06 C

AN ORDINANCE RE-ESTABLISHING THE LAGRANGE COUNTY PLAT BOOK MAINTENANCE FUND.

WHEREAS, pursuant to Indiana Code (“IC”) § 36-2-9-18 (“endorsement statute”), the legislative body of a county must adopt an ordinance requiring the county auditor to collect an endorsement fee for each deed or legal description of each parcel contained in a deed for which the auditor makes a real property endorsement;

WHEREAS, pursuant to the endorsement statute and Ordinance 2020-05-04-B (“Auditor’s Endorsement Fee Ordinance”), the Auditor has been depositing such endorsement fees in the County Plat Book Maintenance Fund;

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WHEREAS, pursuant to Senate Enrolled Act 357 (2022), the Indiana General Assembly amended the endorsement statute such that the collected endorsement fees must instead be deposited into a fund for maintaining property tax records (previously, plat books);

WHEREAS, pursuant to 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 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;

WHEREAS, the Commissioners desire to reestablish the Plat Book Maintenance Fund for the purposes outlined in the endorsement statute; *and*

WHEREAS, the Commissioners desire to amend the Auditor's Endorsement Fee Ordinance through this ordinance and a subsequent Endorsement Fee Collection Ordinance.

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 "Plat Book Maintenance Fund Re-Establishment Ordinance," or the "Fund Ordinance" when the context is obvious.

SECTION II – RECITALS

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

SECTION III – ESTABLISHMENT

- A. Re-Establishment. The Plat Book Maintenance Fund ("Fund") is hereby reestablished 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 all endorsement fees (as that term is defined in the Endorsement Fee Collection Ordinance) collected by the Auditor.
- C. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- D. Restrictions. Money in the Fund shall be used solely for the maintenance of the County's property tax records, whether in traditional or electronic format.
- 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. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.
- G. Authorization. The Commissioners authorize the 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.
- H. Termination. When the Fund is terminated, all money in the Fund shall be deposited in the General Fund except as otherwise required by applicable law.

SECTION IV – REPEAL OF PRIOR ORDINANCES

- A. Repeal. The Commissioners hereby repeal Ordinance 2020-05-04 B in its entirety.
- B. Continuance.

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1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings 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 original provisions, but rather shall be deemed to be the continuation of the original provisions.

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 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

E. Effective Date. This ordinance shall take effect as of July 1, 2022.

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. Terry Martin seconded the motion and it carried unanimously.

ORDINANCE REQUIRING THE LAGRANGE COUNTY AUDITOR TO COLLECT AN ENDORSEMENT FEE FOR SERVICES RENDERED
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

**COUNTY OF LAGRANGE
ORDINANCE NO. 2022-06-D**

**AN ORDINANCE REQUIRING THE LAGRANGE COUNTY AUDITOR TO COLLECT AN
ENDORSEMENT FEE FOR SERVICES RENDERED.**

WHEREAS, pursuant to Indiana Code (“IC”) § 36-2-9-18 (“endorsement statute”), the legislative body of a county must adopt an ordinance requiring the county auditor to collect an Endorsement Fee in the amount of Ten Dollars (\$10.00) for each deed or legal description of each parcel contained in a deed for which the auditor makes a real property endorsement;

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WHEREAS, pursuant to 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 IC § 36-2-11-14, the Auditor may be required to make various real property endorsements on partitions, land conveyances, or affidavits of transfer to real estate;

WHEREAS, County citizens routinely request the Auditor's services to review and/or endorse deeds and other similar real estate conveyance documents containing legal descriptions;

WHEREAS, the power and duty to enable the Auditor to collect a fee of \$10.00 for review and endorsement services rendered upon citizen request for all similar real estate conveyance documents is fairly implied by the endorsement statute;

WHEREAS, pursuant to the endorsement statute and Ordinance 2022-06-06 C, the Plat Book Maintenance Fund has been re-established into which the endorsement fees are to be deposited; *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; provided, however, that pursuant to IC § 36-1-3-8, the County may not impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

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 "Endorsement Fee Collection Ordinance."

SECTION II – RECITALS

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

SECTION III – 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.

- "Deed" means a printed or electronic instrument, or any update thereto, by which real property is conveyed or contracted including, but not limited to, a partition, affidavit of transfer to real estate, effective transfer on death deed, court order, vacation, land sale contract, scrivener's affidavit, or any other conveyance of land.
- "Endorsement Fee" means a fee in the amount prescribed by the endorsement statute for each deed or legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement.
- "Endorsement statute" refers to IC § 36-2-9-18.

SECTION IV – ENDORSEMENT FEE

- A. Amount. The Auditor shall charge and collect an Endorsement Fee in the amount of Ten Dollars (\$10.00) for each legal description of each parcel contained in a deed for which the Auditor makes a real property endorsement; provided, however, that if the endorsement statute should be amended to allow for collection of a different fee amount, the Auditor shall instead charge an Endorsement Fee in the amended amount.
- B. Exemptions. Notwithstanding anything in this section to the contrary, no Endorsement Fee shall be charged for the following:
 - 1. a deed where the transferee is the County or an agency thereof; *nor*
 - 2. a transfer on death deed during the life of the grantor; *nor*
 - 3. an affidavit of death submitted at the Recorder's Office for recording with regards to a property that was owned with rights of survivorship, for which the submitter does not request real property endorsement services.

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- C. Exclusivity. The Endorsement Fee shall be in addition to any other fee provided by law.
- D. Waiver. The Auditor may waive the Endorsement Fee when it would be administratively advisable to do so, provided that the Auditor do so in a non-discriminatory manner.
- E. Non-Refundable. The Endorsement Fee shall be nonrefundable.
- F. Deposits. Any Endorsement Fee collected shall be deposited in the Plat Book Maintenance Fund.

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 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, and for this purpose the provisions of this ordinance are hereby declared to be severable.

E. Effective Date. This ordinance shall take effect as of July 1, 2022.

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. Terry Martin seconded the motion and it carried unanimously.

TREASURER – REQUEST TO PURCHASE STUB AND CHECK REMITTANCE SCANNER /SOFTWARE

Mrs. Connie Brower, County Treasurer, was present. She requested permission to purchase a EZ Scan stub and check imaging remittance hardware and software. This will enable the office to automate the posting of payments and depositing of funds paid by check. It will enhance and simplify the payment collection process and improve customer service by providing an easily searchable archive of all payments processed through the imaging

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solution. The cost of the system is \$10,650 with a basic support plan for \$2,650 per year. This would be paid out of the Information Technology budget. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

COUNCIL ON AGING – PURCHASE OF SURVEILLANCE / SECURITY SOFTWARE

Mrs. Cheri Perkins, Council on Aging Executive Director, presented a request to purchase surveillance and security software for cameras in the vans. This will be paid out of the Section 5311 rural transit grant. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

PROBATION – PURCHASE OF LAPTOP COMPUTERS

Mr. Dave Warren, Information Technology Director, requested permission to purchase six Dell Laptops for the Probation Officers, in the amount of \$5,564.52. The purchase would be paid out of the JDAI grant. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

PROSECUTOR – PURCHASE OF LAPTOP COMPUTERS

Mr. Dave Warren, Information Technology Director, requested permission to purchase ten Dell Laptops for the Prosecutor's Office, in the amount of \$9,108.10. The purchase would be paid out of ARPA Funds. Mr. Kevin Myers made a motion to approve the purchase. Mr. Peter Cook seconded the motion and it carried unanimously.

PARKS – PURCHASE OF STEEL PIPES FOR SHADE SAIL

Mrs. Mary Franke, Parks Director, requested permission to purchase four steel pipes for a shade sail at Delt Church Park. The lowest quote is from Yoder & Sons, in the amount of \$4,200. This would be paid for out of the Park's budget. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

BUTLER FAIRMAN AND SEUFERT, INC. -AGREEMENT FOR PROFESSIONAL SERVICES

Mrs., Tharon Morgan, County Engineer, presented an agreement from Butler Fairman and Seufert, Inc. for Asset Management Assistance, not to exceed \$10,000. The initial phase would be an analysis and review of existing bridge inventory, PASER, small structure inventory, GIS data, maintenance plans and capital improvement plans. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

AMERICAN STRUCTUREPOINT, INC. -AGREEMENT FOR PROFESSIONAL SERVICES

Mrs., Tharon Morgan, County Engineer, presented an agreement from American Structurepoint, Inc. for professional services to provide on-call, as needed professional services. Mr. Peter Cook made a motion to approve the agreement. Mr. Kevin Myers seconded the motion and it carried unanimously.

APRIL 2022 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending May 31, 2022, in the amount of \$39,333,433.29 and investments of \$20,760,000. Mr. Kevin Myers made a motion to accept the report. Mr. Peter Cook seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. 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. Peter Cook made a motion to approve the minutes of the May 16, 2022, regular session meeting and June 1, 2022 Special Session. Mr. Kevin Myers seconded the motion and it carried unanimously.

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MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandums for the June 1, 2022 staff meetings. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Clerk of the Circuit Court – May 2022 report

LaGrange County Treasurer – May 2022 report

Indiana Department of Environmental Management – Notice of Approval, Four Woods Laminating Inc,
7550 West County Road 500 South, Topeka, Indiana 46571, Permit Number 087-45011-00036

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

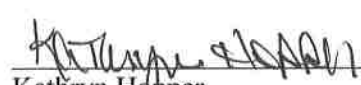


Kevin R. Myers



Peter A. Cook

ATTEST:



Kathryn Hopper

LaGrange County Auditor