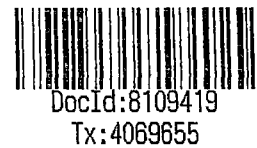


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SHEILA GETZ  
LAGRANGE COUNTY RECORDER  
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COUNTY OF LAGRANGE  
ORDINANCE NO. 2024-02-12-E

AN ORDINANCE AMENDING AND RESTATING THE COUNTY DEPARTMENT OF PARKS AND RECREATION ESTABLISHMENT ORDINANCE.

WHEREAS, LaGrange County, Indiana (“County”) encompasses many areas of natural, scenic beauty;

WHEREAS, the citizens of the County have demonstrated an increased interest and desire for the development of artistic, physical, and recreational pursuits during their leisure hours;

WHEREAS, the preservation and maintenance of the County’s natural beauty and the development of recreational sites for public use and access will improve the quality of life of the citizens of the County, both now and for future generations;

WHEREAS, pursuant to Indiana Code (“IC”) 36-10-3-3(a) and -3.1(d), the fiscal body of a unit may adopt an ordinance creating a department of parks and recreation and repealing in the ordinance prior ordinances creating separate park and recreation authorities;

WHEREAS, pursuant to IC 36-2-3-2, the LaGrange County Council (“Council”) is the fiscal body of the County;

WHEREAS, on December 8, 1982, the Council adopted Ordinance 1982-12 (“1982 Ordinance”) in which the Council established a LaGrange County Department of Parks and Recreation (“Department”) and its governing Park and Recreation Board (“Park Board”);

WHEREAS, pursuant to IC 36-10-3-3(c), a county fiscal body may amend the ordinance that creates the department, but to the extent the amending ordinance amends the composition of the county park and recreation board, the ordinance must provide that the members of the county park and recreation board are appointed in accordance with IC 36-10-3-4.2;

WHEREAS, pursuant to 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 those 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; *and*

WHEREAS, the Council desires to amend and restate the 1982 Ordinance to seamlessly reestablish the Park Department and the Park Board.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE, INDIANA THAT THE 1982 ORDINANCE IS HEREBY AMENDED AND RESTATED IN FULL AS FOLLOWS:

## SECTION I – NAME

This ordinance shall be named the “LaGrange County Park Department 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

- A. Meaning. Whenever the following terms are used in this ordinance, they shall have the meanings herein ascribed to them unless the context clearly indicates or requires otherwise.
1. “County” means LaGrange County, Indiana and includes:
    - a. the political subdivision of the State of Indiana specified in IC 36-2-1-1(44); *and*
    - b. the LaGrange County government, including officers and agencies thereof;
    - c. the corporate area within the political subdivision.
  2. “Park Board” refers to the LaGrange County Park and Recreation Board, as established by this ordinance.
  3. “Park Department” refers to the LaGrange County Department of Parks and Recreation, as established by this ordinance.
  4. “Member” means a member of the Park Board.
- B. Arbiter. The Council shall have the final authority in adjudicating the meaning of the terms in this section.

## SECTION IV – PARK DEPARTMENT

- A. Establishment. The Council hereby establishes the Department of Parks and Recreation as an independent municipal corporation distinct from the County.
- B. Property. All books, papers, documents, and other property of any former County park and recreation authority shall be transferred to and become the property of the Park Board.

## SECTION V – PARK BOARD

- A. Establishment. The Council hereby establishes the Park and Recreation Board to oversee the Park Department.
- B. Composition. Pursuant to IC 36-10-3-4.2, the Park Board shall consist of exactly six (6) Members, as follows:

1. the Commissioners shall appoint two (2) Members, each of whom shall belong to different political parties;
2. the Council shall appoint two (2) Members, each of whom shall belong to different political parties;
3. the Sheriff shall appoint one (1) Member; *and*
4. the board of supervisors of the County Soil and Water Conservation District shall appoint one (1) of its members, who shall serve as a Member *ex officio*;

provided, however, that a member of the Commissioners or a member of the Council may not serve on the Park Board.

C. Current Term.

1. Holdovers. Notwithstanding anything to the contrary in Subsection (C), any person who is a Member as of the date of adoption of this ordinance shall instead serve the remainder of his or her current term.
2. Power-of-Appointment Transfers.
  - a. The power of appointment previously held by the Council under the 1982 Ordinance shall remain the same.
  - b. The power of appointment previously held by the Circuit Court Judge under the 1982 Ordinance shall instead lie with the Commissioners as the respective term for each Member appointed by the Circuit Court Judge under the 1982 Ordinance expires.
  - c. The power of appointment previously held by the Commissioners under the 1982 Ordinance shall instead lie with the Sheriff as the term for the Member appointed by the Commissioners under the 1982 Ordinance expires.
  - d. The power of appointment previously held by the Extension Board under the 1982 Ordinance shall instead lie with the County Soil and Water Conservation District as the term for the Member appointed by the Extension Board under the 1982 Ordinance expires.
3. Failure to Appoint. If the new respective appointing authority fails to make a required appointment within the time period prescribed by IC 36-10-3-5(d), the incumbent shall serve another term, but instead shall serve only as if appointed by the new respective appointing authority under this subsection.

D. Rights. All Members have the same rights, including the right to vote.

E. Vacancies. A vacancy in the seat of a Member shall be filled by the appointing authority for the remainder of the unexpired term.

- F. Operations. The Park Board shall operate under IC 36-10-3 and all other applicable law, and shall have all powers and duties established therein.
- G. Bond. Any Member who is required to file and maintain an individual surety bond shall be eligible to be covered by the County's Blanket Bond Ordinance.
- H. Compensation. Members shall be entitled to receive any stipend compensation provided in the then-current Wage and Salary Ordinance.
- I. Employment Status. Notwithstanding anything in this ordinance to the contrary, no Member shall be deemed an employee of the County by virtue of service on the Park Board.
- J. Legal Counsel. The Park Board may reasonably use the services of the County Attorney to the extent such use does not conflict with the interests of the Council or Commissioners.
- K. Real Property Restrictions. The Park Board may acquire or dispose of an interest in real property only with the approval of the Council.
- L. Annual Budget. To the extent required by the President of the Council, the annual budget submitted by the Park Board to the Council shall account for the costs of insurance, accounting, advertising, and other benefits supplied by the County.

#### SECTION VI – PARK EMPLOYEES

- A. Status. To the extent their salaries or wages are paid for by the County, all Park Department employees shall be deemed to be employees of the County.
- B. Superintendent. The Board may appoint a Superintendent of Parks and Recreation, though may use a different title, to supervise the general administration of the Park Department.
- C. Bond. The superintendent and every officer and employee of the Park Department who handles money who is required to file and maintain an individual surety bond shall be covered by the County's Blanket Bond Ordinance.
- D. Handbook. All County employees who perform work on behalf of the Park Department shall be subject to the LaGrange County *Personnel Policies Handbook*, which is hereby incorporated by reference.

#### SECTION VII – 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 may do instead of 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; 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. 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. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- F. Codification. Language regarding the makeup of the current term of the Park Board may be removed from the County Code when such makeup is no longer relevant and subsequent subsections may be renumbered accordingly.
- G. Ratification. The Council hereby ratifies, confirms, and approves all disinterested actions heretofore taken by the Park Board prior to the adoption of this ordinance for which ratification is required or permitted by applicable law or other reasonable rule.
- H. 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.
- I. Effective Date. This ordinance shall take effect immediately upon adoption.

#### SECTION VIII – EFFECT OF AMENDMENT

- A. Amendment. Ordinance No. 1982-12, passed on December 8, 1982, is hereby amended and restated in its entirety to consist of all sections of this ordinance except this one.
- B. Effect of Amendment.

1. The express or implied 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 that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
  3. All rules and regulations adopted under the 1982 Ordinance shall remain in full force and effect except as specifically directed otherwise.
- C. Revival Prohibited. The express or implied amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.
- D. Existence of Park Funds. Notwithstanding anything in this ordinance to the contrary, to the extent that the 1982 Ordinance established any nonreverting capital fund and/or cumulative building fund, those provisions shall be deemed inoperable, the funds that they may have created shall be deemed closed, and any money that may exist within the funds, unless otherwise properly spent, shall be transferred as soon as practicable to the nonreverting operating fund, which shall continue in existence in accordance with the Park Operating Fund Establishment Ordinance.

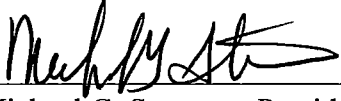
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SECTION IX – ADOPTION

Ayes: 6  
Nays: 0  
Abstentions: 0

Adopted and ordained this 12th day of February 2024.

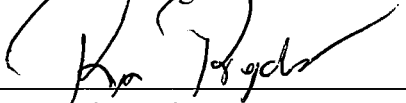
**THE COUNTY COUNCIL OF  
LAGRANGE COUNTY, INDIANA**

  
\_\_\_\_\_  
Michael G. Strawser, President

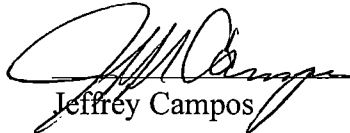
  
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James Young, Vice President

absent  
\_\_\_\_\_  
Jeffrey L. Brill

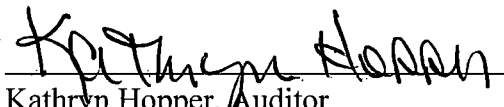
  
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Harold D. Gingerich

  
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Ryan Riegsecker

  
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Steven E. McKowen

  
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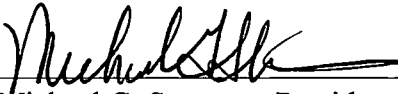
ATTEST:

  
\_\_\_\_\_  
Kathryn Hopper, Auditor

**WAIVER OF SECOND READING**

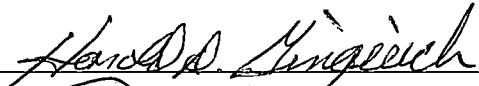
On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as provided therein.

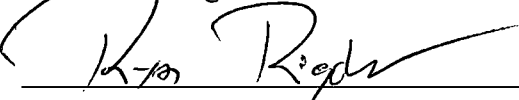
**THE COUNTY COUNCIL OF  
LAGRANGE COUNTY, INDIANA**


  
\_\_\_\_\_  
Michael G. Strawser, President


  
\_\_\_\_\_  
James Young, Vice President

*Absent*  
\_\_\_\_\_  
Jeffrey L. Brill

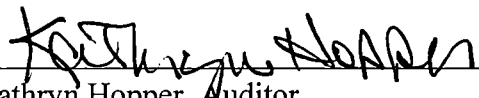
  
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Harold D. Gingerich

  
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Ryan Riegsecker

  
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Steven E. McKowen

  
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Jeffrey Campos

ATTEST:

  
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Kathryn Hopper, Auditor

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