

NOVEMBER 9, 2020

REGULAR SESSION

The LaGrange County Council met in Regular Session on Tuesday, October 13, 2020 at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:00 a.m., with the following present: Council Members, Charles F. Ashcraft, Jeffrey L. Brill, Peter A. Cook, Harold D. Gingerich, Steven E. McKowen, Ryan J. Riegsecker, and Michael G. Strawser, and; and LaGrange County Auditor, Kathryn Hopper. Mr. Peter Cook brought the meeting to order and lead the reciting of the Pledge of Allegiance to the Flag.

AN ORDINANCE OF LIMITED DURATION ESTABLISHING STAY-HOME PAY FOR CERTAIN COUNTY EMPLOYEES

Mr. Peter Cook read the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-11-09

AN ORDINANCE OF LIMITED DURATION ESTABLISHING STAY-HOME PAY FOR CERTAIN COUNTY EMPLOYEES.

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

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) has declared a similar state of emergency for LaGrange County through December 31, 2020;

WHEREAS, the County Council, on behalf of LaGrange County, Indiana (“County”), desires to establish terms and conditions for County-related work performed at home;

WHEREAS, to combat the spread of COVID-19, the Center for Disease Control and Prevention (“CDC”) has issued its Interim Guidance for Businesses and Employers (“Guidance”) (<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>);

WHEREAS, the Guidance encourages sick employees to stay home;

WHEREAS, the Guidance recognizes that some employees may be responsible for caring for persons who have acquired COVID-19 and for children who are no longer in school;

WHEREAS, the Guidance encourages employers to allow employees to work from home as technology infrastructure and job responsibilities permit;

WHEREAS, the County Council has the authority under IC § 36-1-4-14 to establish a system of employment;

WHEREAS, the County Council, jointly with the Commissioners, adopted a Personnel Policies Handbook on December 16, 2019, as may be amended from time to time (“Handbook”);

WHEREAS, the County Council adopted County Ordinances 2019-10-15 (A) and 2019-10-15 (B) on October 15, 2019, as may be amended from time to time (“Salary Ordinance”), which promulgated employee wages and salaries for the year 2020;

WHEREAS, the County Council desires these rules to supplement the Handbook and Salary Ordinance, and where there is a conflict, to supersede both during the state of emergency;

WHEREAS, the County Council adopted County Ordinance 2020-03-30 C, in which stay-home pay was made available until May 11, 2020; *and*

WHEREAS, the County Council desires to renew the stay-home pay program and backdate the effective date of the program to May 12, 2020.

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

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SECTION I – STAY-HOME PAY

- A. In this section, “stay-home pay” means regular pay and benefits earned for employee work performed from home during the state of emergency, as directed by a supervisor.
- B. An employee who is directed by his or her supervisor to work from home shall receive stay-home pay for such work performed, subject to the following conditions:
 - 1. the employee is capable of performing the essential functions of his or her job;
 - 2. the employee is considered “on-call” and, therefore, must be available by phone if to respond to supervisors and other County officials and employees during the employee’s regularly scheduled work hours;
 - 3. the employee must be available to return to the workplace during the employee’s regularly scheduled work hours within two (2) hours’ notice from a supervisor; *and*
 - 4. the employee may not earn compensation for work from any other source during the employee’s regularly scheduled work hours.
- C. Each employee shall log the start and end times for all hours worked from home.
- D. No employee shall incur overtime hours for work at home without having first obtained approval from his or her supervisor to do so. The County cannot be held responsible for extra pay for any such hours worked without express prior supervisor approval.

SECTION II – 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, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, office, commission, committee, board, or fund, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be considered effective as of May 12, 2020 and expires at the end of the day on December 31, 2020.

Mr. Charles Ashcraft made a motion to approve the Ordinance. Mr. Mike Strawser seconded the motion and it carried unanimously. Mr. Mike Strawser made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

ADDITIONAL APPROPRIATIONS

Mr. Peter Cook read the following Ordinance of Additional Appropriations:

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ORDINANCE OF ADDITIONAL APPROPRIATIONS

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget, now THEREFORE:

Sec 1: Be it ordained by the LaGrange County Council, LaGrange, Indiana, that for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named for the purposes herein specified, subject to the laws governing the same.

	<u>REQUESTED AMOUNT</u>
<u>COUNTY GENERAL - COMMISSIONERS</u>	
1000-030-02-2100 CARES Reimbursement Funds	\$1,136,210.64

Mr. Harold Gingerich made a motion to approve the Ordinance. Mr. Jeff Brill seconded the motion and it carried unanimously. Mr. Mike Strawser made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

RESOLUTION TO TRANSFER FUNDS

Mr. Peter Cook read the following Resolution to Transfer Funds:

RESOLUTION TO TRANSFER FUNDS

BE IT HEREBY RESOLVED THAT the following increases and decreases be made in order to meet the expenses of the units of government for the year 2020.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>COUNTY GENERAL – CLERK</u>		
1000-001-01-1006 Deputy	500.00	
1000-001-01-1510 Extra Hours / Overtime		500.00
<u>COUNTY GENERAL – INFORMATION TECHNOLOGY</u>		
1000-034-01-1011 Computer Technician	255.42	
1000-034-01-1510 Extra Hours / overtime		255.42
<u>COUNTY GENERAL – EMERGENCY MANAGEMENT</u>		
1000-041-01-1002 P/T EMA Director	9,077.50	
1000-041-01-1001 EMA Director		9,077.50
<u>RIVERBOAT</u>		
1191-000-03-3020 Miscellaneous Disbursements	1,000.00	
1191-000-05-5004 Transfer to #4954 Anti-Discrimination		1,000.00
<u>PARKS & RECREATION</u>		
1219-000-01-1030 Seasonal Staff	2,000.00	
1219-000-01-1020 Part Time Ranger		2,000.00
<u>MOTOR VEHICLE HIGHWAY</u>		
1176-002-01-1205 Truck Drivers	30,000.00	

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1176-002-01-1206 Equipment Operators 30,000.00

PARKS NON REVERTING OPERATING

1179-000-04-4022 Duff Lake Fen Park Project 17,000.00
1179-000-03-3022 SOGL/NFWF Grant 20-23 Match 17,000.00

Mr. Mike Strawser made a motion to approve the Resolution. Mr. Steve McKowen seconded the motion and it carried unanimously.

LEGAL CLAIMS

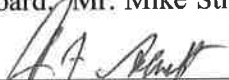
Mr. Harold Gingerich presented the September 2020 legal claims in the amount of \$23,595 from Beers, Mallers, Backs & Salin. Mr. Harold Gingerich made a motion to approve. Mr. Steve McKowen seconded the motion and it carried unanimously.

MINUTES

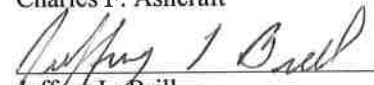
Mr. Ryan Riegsecker made a motion to approve the October 13, 2020 regular session minutes. Mr. Steve McKowen seconded the motion and it carried unanimously.

ADJOURNMENT

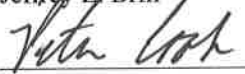
There being nothing further to come before the Board at this time, Mr. Jeff Brill made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Mike Strawser seconded the motion and it carried unanimously.



Charles F. Ashcraft



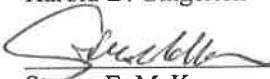
Jeffrey L. Brill



Peter A. Cook



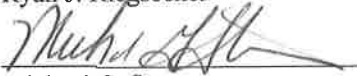
Harold D. Gingerich



Steven E. McKowen

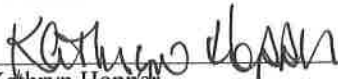
Absent

Ryan J. Riegsecker



Michael G. Strawser

ATTEST:



Kathryn Hopper
LaGrange County Auditor