

**MAY 8, 2023**

**REGULAR SESSION**

The LaGrange County Council met in Regular Session on Monday, May 8, 2023, at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:30 a.m., with the following present: Council Members, Jeffrey L. Brill, Jeffrey A. Campos, Steven E. McKowen, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Harold D. Gingerich and Mr. Ryan J. Riegsecker were absent. President, Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

**ORDINANCE (RE-)ESTABLISHING THE LAGRANGE COUNTY SHERIFF'S MERIT BOARD.**

The following Ordinance was presented:

COUNTY OF LAGRANGE

ORDINANCE NO. 2023-05-08

AN ORDINANCE (RE-)ESTABLISHING THE LAGRANGE COUNTY SHERIFF'S MERIT BOARD.

WHEREAS, pursuant to Indiana Code ("IC") § 36-8-10-3, the fiscal body of each county shall, by ordinance, establish a sheriff's merit board;

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

WHEREAS, the Council desires to re-establish a Sheriff's Merit Board ("Board") as a seamless continuation of the existing sheriff's merit board;

WHEREAS, pursuant to IC § 36-8-10-12, a county sheriff's department and a trustee may establish and operate an actuarially sound pension trust as a retirement plan for the exclusive benefit of certain employee beneficiaries with the approval of the county fiscal body;

WHEREAS, the Sheriff's Office (formerly the Sheriff's Department) and the Board established a LaGrange County Police Benefit Plan, effective October 1, 1986, and later a restated LaGrange County Police Retirement Plan ("Plan"), effective January 1, 2015; *and*

WHEREAS, the Board has requested that the Council confirm that the Sheriff's Office, as headed by the County Sheriff, administer the Plan in conjunction with the Board.

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

**SECTION I – NAME**

This ordinance shall be named the "Sheriff's Merit Board Re-Establishment 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 – SHERIFF'S MERIT BOARD**

- A. Establishment. The Council hereby (re-)establishes the LaGrange County Sheriff's Merit Board ("Board").
- B. Ratification. The Council hereby ratifies, confirms, and approves all actions heretofore taken by the LaGrange County Sheriff's Merit Board for which ratification is required by law or other reasonable rule.
- C. Composition. The composition of the Board, including the appointment, term, officers, meetings, vacancies, removal, and compensation of Members shall be in accord with applicable law.
- D. Operations. The Board shall operate under IC 36-8-10 and all other applicable law, and shall have all powers and duties established therein.

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- E. Current Term. Any person who is a member and/or officer of the Board as of the date of adoption of this ordinance shall serve the remainder of his or her current term.
- F. Oath of Office. Each member of the Board, before entering office, shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Indiana, and that the member will faithfully discharge the duties of such office. A signed copy of the oath shall be filed with the Office of the Circuit Court Clerk.
- G. Bond. Any member of the Board who is required to file and maintain an individual surety bond shall be covered by the County's Blanket Bond Ordinance.
- H. Compensation. Members of the Board shall be entitled to receive the stipend compensation provided in the then-current Wage and Salary Ordinance.
- I. Employment Status. Notwithstanding anything in this ordinance to the contrary, no Board member shall be deemed an employee of the County by virtue of service on the Board.
- J. Legal Counsel. The Board may reasonably use the services of the County Attorney to the extent that such use does not conflict with the interests of the Council or the Board of Commissioners.
- K. Restatement. This section shall be deemed to substantially restate the original merit board creation ordinance.

SECTION IV – PENSION TRUST

- A. Authorization. The Board and the Department may establish and operate in accord with IC § 36-8-10-12 *et seq.* an actuarially sound pension trust as a retirement plan for the exclusive benefit of eligible employees who have completed an application to become an employee beneficiary and who have had the proper deductions made from their respective wages as required in the pension trust agreement. Nothing in this section is to be construed to permit the establishment of a new pension trust as of the effective date of this ordinance.
- B. Administration. The Council hereby re-approves the establishment of a committee, to be composed of the Sheriff and the Board, to administer the LaGrange County Police Retirement Plan in accord with its terms.

SECTION V – REPEAL OF PRIOR LAW

- A. Repeal. The Council hereby repeals any prior ordinances and resolutions with respect to the establishment of a county sheriff's merit board.
- 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 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, resolution, section, clause, or provision.

SECTION VI – MISCELLANEOUS

- A. References.

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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; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. **Conflicts.** No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- D. **Severability.** Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. **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.
- F. **Effective Date.** This ordinance shall take effect immediately upon adoption.

Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Jeff Brill made a motion to waive the requirement for second reading. Mr. Jim Young seconded the motion and it carried unanimously.

**DRAINAGE BOARD LEGAL FEES**

Mr. Zachary Holsinger, County Surveyor, was present to discuss the legal fees incurred by the Drainage Board. Fund 4970 is the Drainage Board Operating fund, which could be used to pay for legal fees associated with various projects.

**AMENDMENTS TO THE SALARY ORDINANCE**

The following Amendments to the Salary Ordinance were presented:

**AMENDMENT TO THE SALARY ORDINANCE FOR 2023**

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2023:

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REQUESTED

MOTOR VEHICLE HIGHWAY- ON CALL

1176-002-01-1516 ON- CALL INCENTIVE

Up to \$70/ week x 2

- 2 employees will be on-call at a time
- Rotation will be based on a weekly (7day) basis.
- Effective 05/21/2023

Mr. Mike Strawser reported that the Human Resources Committee met this morning and tabled the matter due to the fact that it hasn't been presented to the County Commissioners yet. Mr. Jim Young made a motion to table the matter. Mr. Steven McKowen seconded the motion and it carried unanimously.

**AMENDMENT TO THE SALARY ORDINANCE FOR 2023**

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2023:

REQUESTED

1000-023 COUNTY EXTENSION

1000-023-01-1007 Summer Assistant

Up to \$13.00/hour

Up to 35 hours/ week

- Temporary until full time administrative assistant is hired
- Effective 05/08/2023

Mr. Jeff Campos made a motion to approve the Ordinance. Mr. Jeff Brill seconded the motion and it carried unanimously. Mr. Jeff Brill made a motion to waive the requirement for second reading. Mr. Steven McKowen seconded the motion it carried unanimously.

**AMENDMENT TO THE SALARY ORDINANCE FOR 2023**

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2023:

REQUESTED

1000-039 PUBLIC DEFENDER

1000-039-01-1310 Board Members

\$80.00/ Meeting

- Three Board members
- Effective 05/08/2023

Mr. Jim Young made a motion to approve the Ordinance. Mr. Jeff Campos seconded the motion and it carried unanimously. Mr. Jeff Campos made a motion to waive the requirement for second reading. Mr. Jeff Brill seconded the motion it carried unanimously.

**TAX ABATEMENT APPROVAL**

Mr. Jim Young presented Compliance with Statement of Benefits on Real Estate Improvements for Aurora Services Inc. and Gro Alliance LLC and recommended approval for them. Mr. Jim Young made a motion to approve. Mr. Jeff Campos seconded the motion and it carried unanimously.

**ADDITIONAL APPROPRIATIONS**

Mr. Mike Strawser presented the following Ordinance of Additional Appropriations:

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.

	REQUESTED AMOUNT
<u>PARK NON-REVERTING</u>	
1179-000-04-4025 Pine Knob Archery Targets	1,300.00
1179-000-02-2031 Special Events	1,000.00
<u>20.526 COUNCIL ON AGING BUS</u>	
8107-000-05-5001 Grant Distribution	219,163.00
<u>AMERICAN RECOVERY PLAN ACT</u>	
8950-000-04-4023 IT Projects	116,838.86
<u>JDAI COMMUNITY CORRECTIONS 21/22</u>	
9151-000-05-5002 Transfer to Community Corrections	4,514.56

Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Jim Young made a motion to waive the requirement for second reading. Mr. Jeff Campos seconded the motion and it carried unanimously.

**RESOLUTION TO TRANSFER FUNDS**

Mr. Mike Strawser 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 2023.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>COUNTY GENERAL - SURVEYOR</u>		
1000-006-01-1004 Office Coordinator	1,394.40	
1000-006-01-1005 Secretary		1,394.40
<u>LIT- ECONOMIC DEVELOPMENT</u>		
1112-000-04-4900 Capital Improvement Projects	867.18	

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1112-000-03-3300 Economic Development Corp		867.18
<u>CUMULATIVE CAPITAL DEVELOPMENT</u>		
1138-000-04-4044 Park Truck	34,000.00	
1138-000-04-4003 Capital Outlays		34,000.00
<u>LIT – PUBLIC SAFETY</u>		
1170-000-03-3500 Public Safety	5,822.82	
1170-000-04-4008 Panic Alarm System		5,822.82
<u>PARKS AND RECREATION</u>		
1219-000-02-2026 Hardware & Tools	269.43	
1219-000-04-4053 Power Tools		269.43
<u>DEFERRAL PROGRAM</u>		
4916-000-01-1106 ICE Student	1,914.88	
4916-000-03-3030 Insurance		1,914.88

Mr. Jeff Brill made a motion to approve the Resolution. Mr. Steven McKowen seconded the motion and upon roll call vote it carried unanimously.

**LEGAL CLAIMS**

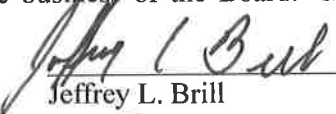
Legal claims in the amount of \$29,054.75 for March 2023 from Beers Mallers. Mr. Steven McKowen made a motion to approve. Mr. Jim Young seconded the motion and it carried unanimously.

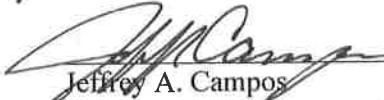
**MINUTES**


Mr. Steven McKowen made a motion to approve the April 10, 2023, regular session minutes. Mr. Jeff Campos seconded the motion and upon roll call vote it carried unanimously.

**ADJOURNMENT**

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


  
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Jeffrey L. Brill

  
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Jeffrey A. Campos

  
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Harold D. Gingerich

  
\_\_\_\_\_  
Steven E. McKowen

  
\_\_\_\_\_  
Ryan J. Riegsecker

  
\_\_\_\_\_  
Michael J. Stinson

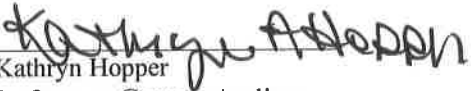
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Michael G. Strawser

  
James R. Young

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor