

JULY 10, 2023

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, July 10, 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, Harold D. Gingerich, Steven E. McKowen, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Ryan J. Riegsecker was absent. President, Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

LAGRANGE COUNTY REMC

Mr. Mark Leu, LaGrange County REMC, CEO, was present. He updated the Council on the broadband internet project. Construction began in July 2021. There are currently 750 customers connected.

HEALTH DEPARTMENT

Dr. Michael Conway, Health Officer, explained that the Indiana Legislature has passed Senate Enrolled Act 4-2023 and House Enrolled Act 1001-2023, to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being. There are funds available from the Governor's Public Health Commission. Accepting the funding requires implementing additional public health core services in addition to the services currently provided by the Health Department. He is recommending that LaGrange County opt in to receive the funding. Mr. Harold Gingerich made a motion to recommend to the County Commissioners that the County opt in to receive the funding. Mr. Jeff Campos seconded the motion it carried unanimously.

COUNCIL ON AGING – ARPA FUNDING REQUEST

Mrs. Cheri Perkins, Council on Aging Executive Director, was present. She is requesting ARPA funds for the grant match on a grant that they recently received for two vans. The grant match is \$29,350 which is 20% of the grant. Mr. Steven McKowen made a motion to advertise the additional appropriation for next month. Mr. Harold Gingerich seconded the motion and it carried unanimously.

COUNCIL ON AGING – 2024 BUDGET REQUEST

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2024 budget request.

ORDINANCE AUTHORIZING PURCHASING AGENTS OF THE COUNTY TO MAKE ADVANCE PAYMENTS ON CONTRACTS.

Mr. Mike Strawser presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2023-07-10

AN ORDINANCE AUTHORIZING PURCHASING AGENTS OF THE COUNTY TO MAKE
ADVANCE PAYMENTS ON CONTRACTS.

WHEREAS, on Chapter 1, Page 3 of its *Accounting and Uniform Compliance Guidelines Manual for Counties of Indiana* on advance payment, the Indiana State Board of Accounts states: "compensation and any other payments for goods and services must not be paid in advance of receipts of the goods or services unless specifically authorized by law";

WHEREAS, pursuant to Indiana Code ("IC") § 5-11-10-1.6(d)(4), a political subdivision may make advance payments for goods or services before the goods are delivered or services are completed if the fiscal body of the political subdivision authorizes making advance payments and the goods or services are otherwise purchased in accordance with applicable law;

WHEREAS, pursuant to IC § 5-11-10-1.6(e), an advance payment made for goods and services or to enable the purchase of materials for a public works project may not exceed the lesser of fifty percent (50%) of the entire cost of the contract or two million dollars (\$2,000,000);

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

WHEREAS, the legislative body of the County, in County Ordinance 2022-06-06-A, has set out rules for public purchases by designated purchasing agents of the County.

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 “LaGrange County Advance Payment 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 – AUTHORIZATION

A “purchasing agent” of the County, as defined in County Ordinance 2022-06-06-A, may allow advance payment for the purchase of goods and services – either directly or as part of a public works project – to the fullest extent permitted by law and as further limited by the purchasing agent for the purchase. Notwithstanding the foregoing, the Council reserves the right to issue, by adopted motion, additional advance payment limitations for specific purchases.

SECTION IV – RATIFICATION

The advance payment of any prior purchase of goods or services – whether directly or as part of a public works project – by a designated purchasing agent of the County is hereby ratified to the extent such goods and/or services were properly received and as permitted under the law.

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; 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

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

TAX ABATEMENT COMPLIANCE – ATJ REAL ESTATE HOLDING LLC

Mr. Mike Strawser explained that in July, 2023, the tax abatement compliance was tabled for ATJ Real Estate Holdings LLC because they were not in compliance.

LAGRANGE COUNTY COUNCIL

ORDER NO. 2023-01

IN THE MATTER OF THE STATEMENT OF BENEFITS COMPLIANCE FORM CF-1 DATED JUNE 1 FROM ATJ REAL ESTATE HOLDING LLC

SCOPE OF REVIEW

Pursuant to Indiana Code (“IC”) § 6-1.1-12.1-5.9(f), not later than forty-five (45) days after receipt of the information described in IC § 6-1.1-12.1-5.9-5.1... (i.e., the annual compliance form CF-1 promulgated by the Indiana Department of Local and Government Finance (“Form”), the designating body (i.e., the LaGrange County Council (“Council”), per IC § 6-1.1-12.1-1(7)) may determine whether a property owner has substantially complied with the statement of benefits approved under section IC § 6-1.1-12.1-5.9-3.

FINDINGS OF FACT

The Council hereby makes the following relevant findings of fact. All documents referred to in these Findings of Fact are hereby incorporated by reference.

1. ATJ Real Estate Holdings, LLC (“Company”) is a Michigan limited liability company.
2. The Company owns the real estate identified as Parcel 44-02-18-100-001.000-012 (“Real Estate”) in the tax records of LaGrange County, Indiana (“County”) and further described in Exhibit A of LaGrange County Council Resolution 2022-03-14 (“Resolution”).
3. Pursuant to the Resolution and a Tax Abatement Agreement between the Council and the Company dated March 14, 2022, the Company is entitled to seek a deduction from the assessed valuation (“Abatement”) assessed upon the Real Estate in accordance with the Abatement schedule provided in the Resolution.
4. IC § 6-1.1-12.1-5.1(b) provides in relevant part that: “In addition to the requirements of section 5(c) of this chapter, a property owner who files a deduction application under section 5 of this chapter must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the

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statement of benefits approved under section 3 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable at the same time that the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided before May 15.”

5. The Company filed the Form on June 1, 2023.
6. IC § 6-1.1-12.1-5(e) provides in relevant part that: “A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between January 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).”

CONCLUSIONS OF LAW

The Council hereby makes the following conclusions of law.

1. The Findings of Fact contained herein are true, accurate, and correct.
2. The date on which the Company filed the Form is beyond the statutory deadline for filing such Form.
3. The merits of the Form or its contents are not reviewable because the Form was filed beyond the statutory deadline.
4. The Council has met its statutory obligations to hear and investigate the Form.

ORDER

NOW, THEREFORE, BE IT ORDERED BY THE LAGRANGE COUNTY COUNCIL THAT:

- A. Disposal. For the purposes of granting an Abatement to the Company, THE FORM IS HEREBY DEEMED TO BE VOID AND OF NO EFFECT. NO ABATEMENT SHALL BE GRANTED FOR THE TAX YEAR 2023 WITH RESPECT TO THE REAL ESTATE. No hearing shall be set on the matter. The Company remains eligible for Abatement with respect to the Real Estate for the remaining years of the schedule in the Resolution to the extent provided in the Agreement, by the Resolution, and by other applicable law.
- B. Promulgation. Notice of this Order 2023-01 shall be communicated to the Company, its attorney of record, to the County Attorney, and to the County Auditor. The Secretary is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this Order effective.
- C. Records. The Secretary shall keep any minutes or memoranda with respect to the Form and a copy of this Order in the office of the Auditor to be available for public inspection.
- D. Effective Date. This Order shall be deemed effective immediately upon promulgation.

Mr. Jim Young made a motion to approve the order. Mr. Steven McKowen seconded the motion and it carried with Mr. Jeff Campos voting no.

LEGAL CLAIMS

Legal claims in the amount of \$32,910.50 for May 2023 from Beers Mallers. Mr. Harold Gingerich made a motion to approve. Mr. Steven McKowen seconded the motion and it carried unanimously.

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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>EDIT</u>		
1112-000-04-4900 Capital Improvement Projects	9,066.46	
1112-000-04-4024 Courthouse Remodel / Repairs		9,066.46
<u>MOTOR VEHICLE HIGHWAY</u>		
1176-001-01-1006 Engineering Secretary	382.42	
1176-001-01-1001 Superintendent		382.42
1176-002-01-1510 Extra Hours/Overtime	2,757.30	
1176-002-01-1516 On Call Wage		1,680.00
1176-002-03-3012 On Call Cell Phone		1,077.30
<u>4701 SELF INSURANCE</u>		
4701-000-05-5001 Monthly distributions	49,712.72	
<u>4702 SELF INSURANCE CLEARING</u>		
4702-000-9900		49,712.72

Mr. Jim Young made a motion to approve the Resolution. Mr. Jeff Campos seconded the motion and upon roll call vote 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.

	<u>REQUESTED AMOUNT</u>
<u>COUNTY GENERAL – DRAINAGE BOARD</u>	
1000-026-03-3021 Advertising	\$500.00

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<u>COUNTY GENERAL – NON-MOTOR VEHICLES</u>	
1000-047-03-3087 Trustee Selling Plates	\$20,000.00
<u>CUMULATIVE CAP DEVELOPMENT</u>	
1138-000-04-4040 Sheriff's Vehicles	\$90,000.00
<u>PARK NONREVERTING OPERATING</u>	
1179-000-04-4009 Memorial Benches	\$3,000.00
1179-000-04-4012 Delt Church Park- Pavilion Project	\$25,571.19
<u>JAIL LEASE RENTAL</u>	
4600-000-05-5001 Transfer Out to County General	\$30,962.73
<u>OPIOID GRANT 2021-2022</u>	
8132-000-01-1002 FT Admin Assistant	\$22,063.95
8132-000-03-3014 Treatment Supplies	\$31,000.00
8132-000-04-4001 Equipment	\$2,000.00
<u>JDAI COMM CORRECTIONS 23/24</u>	
9151-000-02-2011 Supplies	\$70,000.00
<u>COMMUNITY CROSSINGS</u>	
9162-000-04-4006 CR 300 W - 2022	\$1,113,863.00
<u>COMMUNITY CORRECT 2022- PROBATION</u>	
9163-000-01-1001 Probation Officer	\$2,952.82

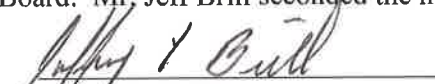
Mr. Jim Young made a motion to approve the Ordinance. Mr. Jeff Brill seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jeff Campos seconded the motion and it carried unanimously.

MINUTES

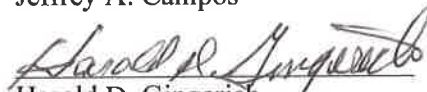
Mr. Jeff Brill made a motion to approve the June 12, 2023, regular session minutes. Mr. Steven McKowen seconded the motion and upon roll call vote it carried unanimously.

ADJOURNMENT

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


Jeffrey L. Brill

ARSENT
Jeffrey A. Campos


Harold D. Gingerich


Steven E. McKowen



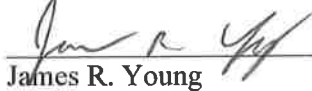
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Ryan J. Riegsecker



Michael G. Strawser



James R. Young

ATTEST:



Kathryn Nopper
LaGrange County Auditor