

FEBRUARY 12, 2024

REGULAR SESSION

The LaGrange County Council met in Regular Session on Monday, February 13, 2024, 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 A. Campos, Harold D. Gingerich, Steven E. McKowen, Ryan J. Riegsecker, Michael G. Strawser, and James R. Young; and LaGrange County Auditor, Kathryn Hopper. Mr. Jeffrey L. Brill was absent. President, Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

HIGHWAY – CONTRACT FOR RADIOS

Mr. Aaron Fugate, Highway Supervisor, presented a quote from Emergency Radio System, Inc. for a new Motorola radio system for the Highway Department. The quote is \$379,023.99 and includes the radios, programming, and a maintenance agreement. The new system would enable the Highway staff to communicate with other entities in the County. Mr. Jim Young made a motion to approve the funding out of ARPA funds. Mr. Jeff Campos seconded the motion and it carried unanimously.

ORDINANCE ADOPTING A PUBLIC INVESTMENT POLICY IN LAGRANGE COUNTY, INDIANA FOR MIDRANGE INVESTMENTS

Mrs. Connie Brower, County Treasurer, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-02-12 A

AN ORDINANCE ADOPTING A PUBLIC INVESTMENT POLICY IN
LAGRANGE COUNTY, INDIANA FOR MIDRANGE INVESTMENTS.

WHEREAS, pursuant to Indiana Code (“IC”) 5-13-4-16, an “investing officer” is defined as “the person having authority by law to invest for the political subdivision, or, if there is no law, the person designated by resolution of the fiscal body”;

WHEREAS, pursuant to IC 5-13-9-1, a county treasurer, under guidelines established by the respective board of county commissioners, may invest any public funds held by the county in accordance with that code chapter;

WHEREAS, pursuant to IC 5-13-9-5.6(3), an investment made by the investing officer in accordance with IC 5-13-9 must, by default, have a stated final maturity of not more than two (2) years after the date of purchase or entry into a repurchase agreement;

WHEREAS, pursuant to IC 5-13-9-5.7(a), the fiscal body of a political subdivision may adopt an investment policy that authorizes the investment of public funds for not more than five (5) years after the date of purchase or entry into a repurchase agreement;

WHEREAS, pursuant to IC 5-13-9-5.7(c), the fiscal body of a political subdivision that has adopted a policy under that code section may adopt an ordinance authorizing its investing officer to make conforming investments;

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

WHEREAS, on December 14, 2015, the Council adopted Ordinance 2015-12-14 (“2015 Ordinance”), which created a County investment policy and authorized certain investments of public funds; *and*

WHEREAS, pursuant to the terms of the Act and the 2015 Ordinance, the 2015 Ordinance has expired, and the Council desires to readopt a new ordinance in its place.

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

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SECTION I – NAME

The name of this ordinance shall be the “2024-27 Midrange Investments Ordinance.”

SECTION II – RECITALS

The Council hereby incorporates 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 used in this ordinance, the following terms shall have those meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.
1. “Act” refers to Public Law 19-1987, as codified into the Indiana Code at IC 5-13, and as may have been or may be subsequently amended from time to time.
 2. “Investing officer” has the meaning ascribed to it in the Investment Policy.
 3. “Investment” has the meaning ascribed to it in the Investment Policy.
 4. “Investment Policy” refers to the LaGrange County Investment Policy, as adopted by the Investment Policy Adoption Ordinance.
 5. “Midrange investment” means an investment that is for more than two (2) years and not more than five (5) years.
 6. “Midrange Policy” means the LaGrange County Midrange Investment Policy.
 7. “Public funds” has the meaning ascribed to it in the Investment Policy.
- B. Determination. The Council shall have the final authority in determining the meaning of these terms.

SECTION IV – MIDRANGE INVESTMENT POLICY

- A. Name. This section shall be known as the LaGrange County Midrange Investment Policy.
- B. Purpose. The investment officer currently invests public funds in accordance with the Investment Policy. One of the investment criteria of the Investment Policy is to seek investments that will yield higher rates of return. Sometimes, in order to produce such a yield, the investment officer should seek to extend the final maturity date of the investment, which this Midrange Policy seeks to authorize.
- C. Extension. Notwithstanding anything in the Investment Policy to the contrary, the investment officer may make any type of investment that is permitted under the Investment Policy with a stated final maturity up to five (5) years.
- D. Officer Approval. Midrange investments of public funds must be made with the approval of the investing officer.
- E. Applicable Law. Midrange investments of public funds must be made in accordance with the Act and the Investment Policy.
- F. Restriction. Notwithstanding anything in this policy to the contrary, midrange investments must not comprise more than twenty-five percent (25%) of the total portfolio of public funds invested by the investment officer, including balances in transaction accounts.
- G. Effective Dates. This policy is effective from January 1, 2024 to December 31, 2027.

SECTION V – AUTHORIZATION

- A. Approval; Adoption. The Midrange Policy is hereby approved and adopted.

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- B. Authorization. Subject to the Investment Policy and the Midrange Policy, the investing officer is hereby authorized to make any investment with a stated final maturity that is more than two (2) years but not more than five (5) years after the date of purchase or after the entry into a repurchase agreement.
- C. Contracts. The investing officer may contract with a federally regulated investment advisor or other institutional money manager to manage investments made under this ordinance.

SECTION VI – REPEAL OF PRIOR LAW

- A. Repeal. Ordinance 2015-12-14, which was adopted on December 14, 2015, is hereby repealed in its entirety.
- B. Continuance.
 - a. 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.
 - b. 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.
 - c. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically directed otherwise.
- 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 VII – MISCELLANEOUS

- A. 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 apply to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, nor any other right, protection, immunity, defense, or limitation on liability that the County or such related parties is provided by applicable law.
- B. External Review. Nothing in this ordinance shall subject an otherwise lawful investment to additional review by the State Board of Accounts or another external agency.
- C. References.
 - a. 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.
 - b. 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).”
 - c. 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.

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- D. 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.
- 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, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- F. Ratification. The Council hereby ratifies, confirms, and approves all disinterested actions heretofore taken by The Board of Finance of LaGrange County or the investment officer concerning midrange investments for which ratification is required or permitted by applicable law.
- G. 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.
- H. Codification. Even if this ordinance has expired, it may be codified as long as its most recent expiration date is conspicuously shown. The Definitions section does not need to be codified where it would be redundant with the Investment Policy Adoption Ordinance.
- I. Retroactive Effective Date. This ordinance shall be deemed effective as of, and retroactive to, January 1, 2024.
- J. Expiration. This ordinance expires on December 31, 2027.

Mr. Ryan Riegsecker made a motion to approve the Ordinance. Mr. Jim Young 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.

ECONOMIC DEVELOPMENT CORPORATION

Mrs. Sherri Johnston, LaGrange County Economic Development Corporation Chief Executive Officer, updated the Council on the activities of the corporation during 2023 and what is planned for 2024.

LAGRANGE COUNTY TOGETHER DIRECTOR

Mrs. Sherri Johnston, LaGrange County Economic Development Corporation Chief Executive Officer, introduced Ms. Darci Gaff as the Director for LaGrange County Together, a countywide collaboration to develop a bold, comprehensive plan for the growth and prosperity of the communities of LaGrange County.

RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE DECLARING THE COUNTY'S INTEREST IN, AND APPROVING, THE PURCHASE OF SPECIFIED LAND

Mrs. Mary Franke, Park Director, presented the following Resolution for consideration to purchase land near Pine Knob Park:

COUNTY OF LAGRANGE
RESOLUTION NO. 2024-02-12 B

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE DECLARING
THE COUNTY'S INTEREST IN, AND APPROVING, THE PURCHASE OF SPECIFIED LAND.

WHEREAS, the LaGrange County Park and Recreation Board has been vested with the power to acquire and own interests in real property under Indiana Code § 36-10-3-11 and LaGrange County Council Ordinance No. 1982-12; and

WHEREAS, the LaGrange County Park and Recreation Board desires to negotiate a purchase agreement for the purchase of certain real property more particularly described on Exhibit "A" attached hereto (the "Real Estate"); and

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WHEREAS, the County Council of the County of LaGrange, Indiana, as the fiscal body for the County, must pass a resolution to the effect that the County is interested in making a purchase of the Real Estate, as required under Indiana Code 36-1-10.5-5; and

WHEREAS, the LaGrange County Council must give permission and approval to the LaGrange County Park and Recreation Board in order for the Board to acquire the Real Estate, as required under LaGrange County Council Ordinance No. 1982-12 Section VI-4; and

WHEREAS, the County Council of the County of LaGrange, Indiana, finds it in the public interest for the LaGrange County Park and Recreation Board to initiate formal procedures to purchase the Real Estate.

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

SECTION I – APPRAISALS

The County Council of the County of LaGrange, Indiana, hereby confirms, ratifies, and approves the appointment of Stephanie A. Young Miller of Caldwell Appraisals, Inc. and Jerry L. Stanner of Stanner Appraisal Service, Inc. already made by the LaGrange County Park and Recreation Board, for the appraisal of the Real Estate. The appraisals shall be kept on file in the office of the Auditor of the County of LaGrange, Indiana, for a period of five (5) years from the date of their submission and copies of said appraisals shall also be filed with the LaGrange County Council.

SECTION II – APPROVAL

The County Council of the County of LaGrange, Indiana, hereby declares its interest in the LaGrange County Park and Recreation Board acquiring the Real Estate and hereby gives permission and approval to the LaGrange County Park and Recreation Board to negotiate a purchase agreement and to acquire the Real Estate. The Real Estate shall not be purchased for a price greater than the average of the two (2) appraisals received.

SECTION III – MISCELLANEOUS

- A. References. Except where a specific version or edition is given, reference to another section of this resolution 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.
- B. Conflicts. No part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- C. Severability. Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this resolution as a whole, nor any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- D. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this resolution effective.
- E. Effective Date. This resolution shall take effect immediately upon adoption and promulgation according to law.

Mr. Harold Gingerich made a motion to approve the Resolution. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Ryan Riegsecker made a motion to waive the requirement for second reading. Mr. Steven McKowen seconded the motion and it carried unanimously.

ORDINANCE REESTABLISHING THE NONREVERTING PARK OPERATING FUND

Mrs. Mary Franke, Park Director, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-02-12 C

AN ORDINANCE REESTABLISHING THE NONREVERTING PARK OPERATING FUND.

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WHEREAS, pursuant to Indiana Code (“IC”) § 36-10-3-22(b) (“Fund Statute”), the fiscal body of a unit may establish by ordinance, upon request of the unit’s park and recreation board: a special nonreverting operating fund for park purposes from which expenditures may be made as provided by ordinance, either by appropriation by the board or by the unit’s fiscal body;

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 and a LaGrange County Park and Recreation Board (“Park Board”);

WHEREAS, in Section X of the 1982 Ordinance, and as subsequently ratified by the Park Board, the Council established a nonreverting Park Operating Fund (“Operating Fund”) for which the State Board of Accounts has assigned the number 1179;

WHEREAS, pursuant to the Fund Statute, the Council must designate the fund(s) into which the Auditor or Treasurer must deposit fees from golf courses and other major facilities that require major expenditures for management and maintenance;

WHEREAS, pursuant to the Fund Statute, money from the Operating Fund may be disbursed only on claims allowed and signed by the president and secretary of the Park Board; *and*

WHEREAS, the Council plans to concurrently amend and restate the 1982 Ordinance but desires to first reestablish the Operating Fund as a separate ordinance.

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 “Park Operating Fund 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. Definition. As used in this section, “Park Board” refers to the LaGrange County Park and Recreation Board.
- B. Establishment. The Park Operating Fund (“Fund”) is hereby established as a special nonreverting fund, and it shall exist in perpetuity until terminated or repealed by subsequent ordinance.
- C. Purpose. The purpose of the Fund is to hold money annually budgeted from the Council for general park purposes, money received from the sale of surplus property, and all money received from facilities, programs, and activities within the County parks. Expenditures may be made for any park-related purpose, even such that surpluses from any facility, program, or activity, or other Fund balance may be made to make up losses from another facility, program, or activity.
- D. Appropriations. Money may be disbursed from the Fund with a prior appropriation from either the Park Board or the County Council.
- E. Disbursements. No money shall be disbursed from the Fund except with an approved claim allowed and signed by the president and secretary of the Park Board.
- F. Restrictions. Money in the Fund shall be used solely for park-related purposes.

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- G. Investment. All money in the Fund, and any interest earned on the money, shall be invested and reinvested pursuant to the County's standard investment policies; provided, however, that any interest earned from the Fund shall be redeposited into the Fund.
- H. Nonreverting. 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.
- I. Authorization. The Auditor and Park Board president are hereby authorized 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 section.
- J. Termination. When the Fund is terminated, all money in the Fund shall be deposited into a suitable replacement fund with similar purposes to the Fund or, if no such fund should exist, into the General Fund except as otherwise required by applicable law.

SECTION IV – MISCELLANEOUS

- A. References.
 - a. 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.
 - b. 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)."
 - c. 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. 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 the ordinance as a whole, 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. Restatement. This ordinance shall be deemed to substantially restate Section X of the 1982 Ordinance. 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.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

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Mr. Steven McKowen made a motion to approve the Ordinance. Mr. Jim Young seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

ORDINANCE REESTABLISHING THE NONREVERTING PARK GIFT FUND

Mrs. Mary Franke, Park Director, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-02-12 D

AN ORDINANCE REESTABLISHING THE NONREVERTING PARK GIFT FUND.

WHEREAS, pursuant to Indiana Code (“IC”) § 36-10-3-18 (“Fund Statute”), a gift of money, donation, grant, or subsidy made to a park and recreation board for park and recreational purposes must be deposited in a special nonreverting fund to be available for expenditure by the board for purposes specified by the grantor;

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 and a LaGrange County Park and Recreation Board (“Park Board”);

WHEREAS, in Section VIII of the 1982 Ordinance, the Council impliedly established a nonreverting Park Gift Fund (“Gift Fund”);

WHEREAS, pursuant to the Fund Statute, warrants may be drawn against the Gift Fund only upon vouchers signed by the president and secretary of the Park Board; *and*

WHEREAS, the Council plans to concurrently amend and restate the 1982 Ordinance but desires to first reestablish the Gift Fund as a separate ordinance.

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 “Park Gift Fund 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. Definition. As used in this section, “Park Board” refers to the LaGrange County Park and Recreation Board.
- B. Establishment. The Park Gift Fund (“Fund”) is hereby established as a special nonreverting fund, and it shall exist in perpetuity until terminated or repealed by subsequent ordinance.
- C. Purpose. The purpose of the Fund is to hold a gift of money, donation, grant, or subsidy made to the Park Board for park and recreational purposes.
- D. Appropriations. No money shall be disbursed from the Fund without a prior appropriation from either the Park Board or the County Council.

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- E. Disbursements. No money shall be disbursed from the Fund except with an approved claim allowed and signed by the president and secretary of the Park Board.
- F. Restrictions. Money in the Fund shall be used solely for park-related purposes in conjunction with purposes specified by the grantor.
- G. Investment. All money in the Fund, and any interest earned on the money, shall be invested and reinvested pursuant to the County's standard investment policies; provided, however, that any interest earned from the Fund shall be redeposited into the Fund.
- H. 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.
- I. Authorization. The Auditor and Park Board president are hereby authorized 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 section.
- J. Termination. When the Fund is terminated, all money in the Fund shall be deposited in the Park Operating Fund except as otherwise required by applicable law.

SECTION IV – 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. 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. 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. Restatement. This ordinance shall be deemed to substantially restate Section VIII of the 1982 Ordinance. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or

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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.

G. 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. Ryan Riegsecker made a motion to waive the requirement for second reading. Mr. Harold Gingerich seconded the motion and it carried unanimously.

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

Mrs. Mary Franke, Park Director, presented the following Ordinance for consideration:

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.

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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. Arbitrator. 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.

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- 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.

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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.

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- 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.

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

LAGRANGE COUNTY PARKS

Mrs. Mary Franke, Park Director, presented the 2023 annual report.

AMENDMENTS TO THE SALARY ORDINANCE

The following Amendments to the Salary Ordinance were presented:

AMENDMENTS TO THE SALARY ORDINANCE FOR 2024

BE IT HEREBY ORDAINED THAT the following changes be made in the LaGrange County Salary Ordinance for the year 2024:

	<u>REQUESTED</u>
<u>HEALTH DEPT GRANT</u>	
8123-000-01-1003 School Liaison	Up to \$29.75/ hour Up to 7.5 hours/ week
8123-000-01-1004 Lead Assessment Admin	Up to \$17.46/ hour Up to 9 hours/ week
8119-000-01-1003 School Liaison	Up to \$29.75/ hour Up to 7.5 hours/ week
8119-000-01-1004 Lead Assessment Admin	Up to \$17.46/ hour Up to 9 hours/ week
<ul style="list-style-type: none"> • Rates & Hours subject to approved 2024/2025 WIC grant Effective 01/01/2024 	

Mr. Steven McKowen made a motion to approve the amendments. Mr. Jeff Campos 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.

RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE AUTHORIZING THE SALE AND DISPOSAL OF REAL ESTATE BY THE COUNTY PURSUANT TO IC 36-1-11-4

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Mr. Mike Strawser presented the following Resolution for consideration:

COUNTY OF LAGRANGE
RESOLUTION NO. 2024-02-12 F

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE AUTHORIZING THE SALE AND DISPOSAL OF REAL ESTATE BY THE COUNTY PURSUANT TO IC 36-1-11-4.

WHEREAS, the County of LaGrange, Indiana ("County") owns certain real estate more commonly known as 107 W. Spring Street, LaGrange, Indiana 46761 and taxed as Parcel No. 44-07-19-300-001.031-002, and more particularly described and/or depicted on Exhibit "A" attached hereto and incorporated herein ("Real Estate"); and

WHEREAS, pursuant to Indiana Code 36-1-11-4, the County has caused the Real Estate to be appraised by two (2) appraisers professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under Indiana Code 25-34.1; and

WHEREAS, based upon the required appraisals, it has been determined that the appraised value of the Real Estate is in an amount of Fifty Thousand Dollars (\$50,000.00) or more; and

WHEREAS, pursuant to Indiana Code 36-1-11-3, because the Real Estate has an appraised value of Fifty Thousand and 00/100 Dollars (\$50,000.00) or more, the County Council ("Council") must approve of the sale of the Real Estate; and

WHEREAS, after considering this matter, the Council finds that the sale and disposal of the Real Estate is in the best interest of the County.

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

SECTION I – APPROVAL

Pursuant to Indiana Code 36-1-11-3, the Council approves of the sale and disposal of the Real Estate in the manner provided in Indiana Code 36-1-11, for a price of not less than the average of the two (2) appraisals secured by the County.

SECTION II – MISCELLANEOUS

- A. **Conflicts.** No part of this resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- B. **Severability.** Should any section or part thereof of this resolution be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this resolution as a whole, nor any other portion thereof, and for this purpose the provisions of this resolution are hereby declared to be severable.
- C. **Effective Date.** This resolution shall take effect immediately upon adoption and promulgation according to law.

Mr. Jim Young made a motion to approve the Resolution. Mr. Ryan Riegsecker seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Ryan Riegsecker seconded the motion and it carried unanimously.

RESOLUTION TO ENCUMBER FUNDS

Mrs. Kathryn Hopper, County Auditor, presented a Resolution to encumber funds from 2023 into 2024. Mr. Jeff Campos made a motion to approve the amendments. Mr. Harold Gingerich 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.

RESOLUTION TO TRANSFER FUNDS

Mr. Mike Strawser read the following Resolution to Transfer Funds:

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	<u>DECREASE</u>	<u>INCREASE</u>
<u>COUNTY GENERAL – SURVEYOR</u>		
1000-006-02-2010 Office Supplies	2,000.00	
1000-006-04-4010 Equipment		2,000.00
<u>LIT- ECONOMIC DEVELOPMENT</u>		
1112-000-03-6500 2023 Carryover Edit Funds	8,832.08	
1112-000-04-4900 Capital Improvement Projects		8,832.08
1112-000-04-4900 Capital Improvement Projects	25,000.00	
1112-000-03-3353 Thrive By Five '24-'26		25,000.00
<u>CUMULATIVE CAPITAL DEVELOPMENT</u>		
1138-000-04-4003 Capital Outlays	15,879.82	
1138-000-04-4219 Capital Purchase - Maintenance		15,879.82
<u>MAJOR MOVES CONSTRUCTION</u>		
1172-000-04-4019 Trails Project	5,309.50	
1172-000-04-1100 Major Moves Projects		5,309.50
<u>MOTOR VEHICLE HIGHWAY</u>		
1176-003-04-4039 Other RD Equipment	95,000.00	
1176-003-04-4031 Truck Equipment		95,000.00
<u>RECORDER RECORDS PERPETUATION</u>		
1189-000-04-4012 Microfilm Storage	2,000.00	
1189-000-01-1301 Hourly Clerical		2,000.00
<u>STATEWIDE 911</u>		
1222-000-01-1010 Dispatchers	2,598.29	
1222-000-01-1005 IDACS coordinator		2,598.29
<u>SELF INSURANCE</u>		
4701-000-05-5001 Monthly Distribution Claims Funding Request	294,870.28	
<u>4702 SELF INSURANCE CLEARING</u>		
4702-000-03-3001 Health Insurance Claims		294,870.28
<u>SELF INSURANCE</u>		
4701-000-05-5001 Monthly Distribution Claims Funding Request	192,686.52	
<u>4702 SELF INSURANCE CLEARING</u>		
4702-000-03-3001 Health Insurance Claims		192,686.52

Mr. Steven McKowen made a motion to approve the Resolution to Transfer Funds. Mr. Jeff Campos seconded the motion and it carried unanimously. Mr. Ryan Riegsecker made a motion to waive the requirement for second reading. Mr. Jeff Campos seconded the motion and it carried unanimously.

LEGAL CLAIMS

Mr. Harold Gingerich presented the legal claims in the amount of \$24,451.16 for December 2023 from Beers Mallers. Mr. Harold Gingerich made a motion to approve. Mr. Jim Young seconded the motion and it carried unanimously.

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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>LOCAL PUBLIC HEALTH SERVICES FUND</u>	
1161-000-01-1001 HFI County Coordinator	83,200.00
1161-000-01-1002 School Health Liaison	79,040.00
1161-000-01-1515 Public Health Specialist	62,400.00
1161-000-01-1520 FICA	13,927.68
1161-000-01-1520 PERF	25,159.68
1161-000-01-1522 Health Insurance	25,200.00
1161-000-01-1523 Unemployment	600.00
1161-000-01-1525 Medicare	3,257.28
1161-000-02-2011 General Supplies	15,000.00
1161-000-03-3012 Travel / Mileage	18,065.36
1161-000-03-3015 Contract billing	40,000.00
1161-000-03-3020 Printing	14,000.00
1161-000-03-3021 Advertising	10,000.00
1161-000-03-3021 Seminars & Advertising	5,000.00
1161-00004-4010 Vehicle Purchase	45,000.00
 <u>DRAINAGE BOARD OPERATING FUND</u>	
4970-000-03-3002 Legal Fees	28,000.00
 <u>93.658 FOSTER CARE – TITLE IV-E</u>	
8375-000-03-3001 Professional Services	5,000.00
 <u>AMERICAN RECOVERY PLAN COVID GRANT</u>	
8950-000-04-4029 Jail Storage Building	59,668.86
8950-000-04-4033 Council On Aging – 2024 Van Match	33,702.00
8950-000-04-4034 Parks Improvements – 2024	297,800.00

Mr. Jim Young 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. Ryan Riegsecker seconded the motion and it carried unanimously.

MINUTES

Mr. Ryan Riegsecker made a motion to approve the January 8, 2024 regular session minutes. Mr. Steven McKowen seconded the motion and it carried unanimously.

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ADJOURNMENT

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

Jeffrey L. Brill

Abreat

Jeffrey A. Campos

Harold D. Gingerich

Harold D. Gingerich

Steven E. McKowen

Steven E. McKowen

Ryan J. Riegsecker

Ryan J. Riegsecker

Michael G. Strawser

Michael G. Strawser

James R. Young

James R. Young

ATTEST:

Kathryn Hoppe

Kathryn Hoppe
LaGrange County Auditor