

JUNE 3, 2024

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, June 3, 2024, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry A. Martin, Mr. Peter A. Cook, and Mr. Kevin Myers and LaGrange County Auditor, Kathryn Hopper. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Kevin Myers made a motion to adopt the proposed agenda with flexibility. Mr. Peter Cook seconded the motion and it carried unanimously.

CLERK – PROPOSAL FOR COUNTY CLERK PORTAL

Mr. Kurt Bachman, County Attorney, presented a proposal from SBS Portals for a County Clerk Portal. The cost is \$2,500 initially, and \$450 per month for on-going updates and support. She has money in her budget for this. Mr. Kevin Myers made a motion to accept the proposal and to authorize the president to sign. Mr. Peter Cook seconded the motion and it carried unanimously.

CLERK – OFFICE HOURS

Mrs. Kim Johnson, County Clerk, is requesting to change the hours for the Clerk’s office . The staff would work from 7:00 a.m. to 4:30 p.m. with a 45-minute lunch period, 4 days a week, on a rotation. With the rotation, the office would be open normal business hours of 8:00 a.m. to 4:00 p.m. Monday through Friday. On a holiday week, the staff would work the entire week from 8:00 a.m. to 4:00 p.m. Mr. Kevin Myers made a motion to accept the office hours, to begin on June 10, 2024. Mr. Peter Cook seconded the motion and it carried unanimously.

SETTLEMENT AGREEMENT

a settlement agreement by the Board of Commissioners, Honeyville Metal LLC, Hochstetler Holdings LLC, and Eden Worship Center, Inc. The parties agree that that the County has provided a plan to rework and expand the public intersection at County Road 400 S and County Road 900 W in order to allow a turn radius sufficient for Honeyville’s trucks. Mr. Kevin Myers made a motion to approve the settlement agreement and to authorize the president to sign the agreement and any other documents necessary for the project. Mr. Peter Cook seconded the motion and it carried unanimously.

ORDINANCE FORMING THE COMPOSITION OF THE LAGRANGE COUNTY PROPERTY TAX ASSESSMENT BOARD OF APPEALS

Mr. Kurt Bachman, County Attorney, presented the following ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2024-06-03

AN ORDINANCE FORMING THE COMPOSITION OF THE LAGRANGE COUNTY PROPERTY TAX ASSESSMENT BOARD OF APPEALS.

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-28-1(a)(clause 1), each county shall have a county property tax assessment board of appeals (“board”) composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property;

WHEREAS, pursuant to IC 6-1.1-28-1(a)(clause 2), the Board of Commissioners of the County of LaGrange (“Commissioners”) may elect to have its LaGrange County (“County”) board consist of three (3) or five (5) members;

WHEREAS, pursuant to IC 6-1.1-28-1(d)(clause 6), the Commissioners must appoint three (3) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the County;

WHEREAS, pursuant to IC 6-1.1-28-1(e)(clauses 4-5), the Assessor is a nonvoting member of the board and serves as secretary of the board;

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WHEREAS, pursuant to Section 18 of Indiana HEA 1328 (2024), which takes effect on July 1, 2024, there will be no statutory term limits for members of the board and the appointments must be staggered such that a majority of the board does not expire in a single year;

WHEREAS, the County currently has a board composed of three (3) members; *and*

WHEREAS, in accordance with IC 36-1-4-11, the Commissioners desire to establish by ordinance the composition of its County PTABOA.

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

SECTION I – NAME

The name of this ordinance is the “PTABOA Composition 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 – COMPOSITION

- A. Definition. 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. “Act” stands for “Indiana Code 6-1.1-28.”
 2. “Board” refers to the LaGrange County Property Tax Assessment Board of Appeals.
 3. “Commissioners” refers to the Board of Commissioners of the County of LaGrange.
 4. “Council” refers to the LaGrange County Council.
- B. Number. The number of voting members on the Board shall be three (3), plus the Assessor who serves as an *ex officio* nonvoting member of the Board.
- C. Term.
1. Initial Term. Except as otherwise provided by applicable law and/or this ordinance, the term for each seat on the Board is as follows:
 - a. The term for Seat 1 on the Board begins on January 1, 2025 and expires on December 31, 2025.
 - b. The term for Seat 2 on the Board begins on January 1, 2025 and expires on December 31, 2026.
 - c. The term for Seat 3 on the Board begins on January 1, 2025 and expires on December 31, 2027.
 2. Subsequent Terms. After the initial term, the term for each seat on the Board is three (3) years.
- D. Appointing Authorities. The Commissioners appoint Seats 1 and 2 on the Board, and the Council appoints Seat 3 on the Board.
- E. Tracking. Each appointing authority shall certify its appointments to the Assessor. The Assessor shall keep records as to which individual occupies which seat and the expiration date of each then-current term.
- F. No Right to Serve. Except as otherwise provided by applicable law, no member of the Board has a right to serve out the remainder of his or her term. Rather, the members of the Board serve at the pleasure of the respective appointing authority.
- G. Rules Regarding an Appointee’s Political Party. The Commissioners shall not appoint any person to the Board that would cause the voting members of one political party on the Board to increase from two (2) to three (3). This prohibition does not operate to prohibit the Commissioners from allowing a member on the Board whose term has

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expired to remain on the Board for one or more additional terms. This prohibition is void and of no effect if the conditions imposed in § -1(f) of the Act have been met.

- H. Rules Regarding an Appointee's Residence. The Commissioners shall not appoint any person to the Board that would cause the number of voting members of the Board who are not residents of the County to increase from two (2) to three (3). This prohibition is void and of no effect if the conditions imposed in § -1(g) of the Act have been met.
- I. Jurisdiction. Any member appointed to the Board may vote on any tax appeal for which a hearing has not been held by the time of the member's respective appointment.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. All other provisions of ordinances and resolutions previously adopted are hereby repealed to the extent they are inconsistent with or in conflict with this ordinance but only to such extent.
- B. Ratification. All previous appointments to the Board prior to the adoption of this ordinance are hereby ratified, confirmed, and approved in their entirety to the extent the actions otherwise conform to this ordinance.
- C. Restatement. 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.
- D. Continuance. 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.
- E. Rulemaking. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically provided otherwise.
- F. 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 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 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 the same.

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- 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 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.
- E. 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 ordinance effective.
- F. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Name, Recitals, Miscellaneous, Repeals, and Adoption sections of this ordinance from the official code, may renumber, reorder, or reorganize any section of this ordinance, and may alter references to and within this ordinance as appropriate.

Effective Date. This ordinance shall take effect immediately upon adoption; provided, however, that the voting members of the current Board shall be entitled to serve out their current terms, which shall be deemed to expire on December 31, 2024.

Mr. Kevin Myers made a motion to approve Ordinance. Mr. Peter Cook seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Kevin Myers seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – REQUEST TO PURCHASE TABLETS

Mr. Marc Peterson, Information Technology Director, requested permission to purchase five Microsoft Surface Pro 9 tablets for the building department and the Plan Commission department. These would be used for the fieldwork for those departments. The quote is from CDW and the cost is \$1,641.96 each, for a total of \$8,209.80. Mr. Peter Cook made a motion to approve the purchase. Mr. Kevin Myers seconded the motion and it carried unanimously.

LAGRANGE COUNTY YARD WASTE COMPOST SITE

Mr. Kurt Bachman, County Attorney, explained that the registration for the LaGrange County Yard Waste Compost Site expires on July 11, 2024. The Town of LaGrange does not want to be on record as the operator. Mr. Kevin Myers made a motion that the County does not want to manage the compost site at the current location. Mr. Peter Cook seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Kevin Myers made a motion to approve the vouchers. Mr. Peter Cook seconded the motion and it carried unanimously.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the May 20, 2024 regular session meeting. Mr. Kevin Myers seconded the motion and it carried unanimously.

MEMORANDUM

Mr. Kevin Myers made a motion to approve the memorandum for the May 29, 2024 staff meeting. Mr. Peter Cook seconded the motion and it carried unanimously.

CORRESPONDENCE

ARK Animal Rescue and Adoption, Inc. – May 2024 report

Mediacom – Letter regarding services


Indiana Department of Environmental Management – Notice of Approval, Forest River, Inc. – Topeka Complex, 402 Lehman Ave and 501 Hawpatch Dr., Topeka, Indiana 46571, TV Minor Source Modification, Permit Number 087-47711-00052

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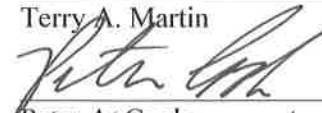
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ADJOURNMENT

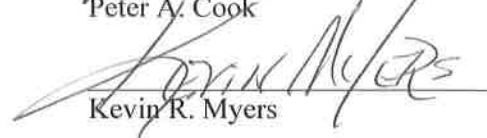
There being nothing further to come before the Board at this time, Mr. Kevin Myers made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Peter Cook seconded the motion and it carried unanimously.



Terry A. Martin



Peter A. Cook



Kevin R. Myers

ATTEST:



Kathryn Hopper
LaGrange County Auditor

