

APRIL 6, 2020

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, April 6, 2020, 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. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; and LaGrange County Auditor, Kathryn Hopper. Mr. Larry Miller, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously.

NUISANCE HEARING – NATASHA MEDINA, 7445 S 900 E, WOLCOTTVILLE, INDIANA

At 8:30 a.m. Mr. Tony Manns, Attorney, opened the public hearing on the property located at 7445 S 900 E, Wolcottville, Indiana. Those present who were testifying, identified themselves and were administered an oath. Mr. Bill Stewart, Code Enforcement Officer, explained that the property located at 7445 S 900 E, Wolcottville, Indiana, owned by Natasha Medina, has been a nuisance since February, 2020. As of today, there is still accumulated trash on the property. Mr. Stewart issued an order to the property owner on February 24, 2020 and there is still a nuisance issue as of today. He recommends that fines be charged at \$100 per week back to February 24, 2020.

Mr. Terry Martin made a motion to give Ms. Medina until April 13, 2020 to have the property in compliance. If not in compliance, fines would be levied back to February 24, 2020 in the amount of \$100 per week. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Terry Martin made a motion to review the matter at the April 20, 2020 meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

JAIL BUILDING CORP.

Mr. Kurt Bachman, County Attorney, inquired if the Commissioners would like to reappoint the following Jail Building Corp. members: Tracy Harker, Kevin Myers and Mike Strawser. Mr. Terry Martin made a motion to reappoint the current Jail Building Corp. members. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE REGULATING BAD CHECKS AND OTHER FORMS OF DISHONORED OR REJECTED PAYMENT TO THE COUNTY

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

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-06 A

AN ORDINANCE REGULATING BAD CHECKS AND OTHER FORMS OF DISHONORED OR REJECTED PAYMENT TO THE COUNTY.

WHEREAS, the government of LaGrange County, Indiana (“County”) and the LaGrange County court system have received dishonored checks and other forms of rejected payment;

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) now finds it necessary and in the public interest to implement a processing fee for a bad check, as defined herein;

WHEREAS, the Commissioners find it necessary to implement a process to collect costs and penalties for the issuance of an order, negotiable instrument, credit card, debit card, or electronic funds transfer that is later rejected or otherwise dishonored;

WHEREAS, Indiana Code (“IC”) Chapter 26-2-7 permits the collection of costs and penalties for the issuance of bad checks; *and*

WHEREAS, pursuant to IC Chapter 36-1-3 the County has all powers necessary or desirable in the conduct of its affairs;

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WHEREAS, the County desires to repeal and replace its previous ordinances relating to bad checks.

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

SECTION I – REPEALS

The Commissioners hereby repeal Ordinances 1991-2-4, 2002-12-16, 2004-11-1, and 2014-05-19 in their entirety.

SECTION II – DEFINITIONS

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Bad check” means a check executed and issued that is drawn on or payable at a bank for which the payor does either of the following:
 - without valid legal cause cancels, stops, or reverses payment on the check or otherwise takes action for the check to be dishonored; *or*
 - allows the check to be dishonored because of any of the following:
 - insufficient funds;
 - failure to have an account; *or*
 - lack of an authorized signature of the drawer or a necessary endorser.
- “Bank” includes any bank, credit card company, trust company, savings association, credit union, savings bank, bank of discount and deposit, or other financial institution.
- “Check” means any form of debit from a demand deposit account including, but not limited to, a draft, order, negotiable instrument, credit card, debit card, or electronic funds transfer.
- “County” includes the LaGrange County government, any of its departments or agencies, and the LaGrange County court system.
- “Day” means a calendar day; provided, however, that if a prescribed period should end on a non-business day, then the term includes the next business day after the prescribed period.
- “Issue” means to deliver or to knowingly allow to be delivered.
- “Payor” means a person who issued a check, a person on whose account a check was issued, and/or a person whose name appears on the check.
- “Person” means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; the term also includes such person’s legal representatives, agents, and assigns.

SECTION III – ADMINISTRATION

- A. The Clerk of Courts shall administer this ordinance on behalf of the LaGrange County court system.
- B. The Treasurer shall administer this ordinance on behalf of the LaGrange County government and its departments and agencies.

SECTION IV – VIOLATION

No person shall issue a bad check to the County.

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SECTION V – NOTICE

- A. In order to impose a penalty under this ordinance, the County must send notice of a bad check to a payor using one of the following methods:
1. personally delivered, via process server or police officer; *or*
 2. certified or registered mail or an analogous method that provides evidence of delivery.
- B. Notice of a bad check is considered sent at the time that the notice was personally delivered or deposited in the mail, if the notice was addressed to one of the following:
1. the address printed on the check;
 2. the address for a payor on the County tax rolls; *or*
 3. any address provided by the payor to the County at the time the check was issued.

SECTION VI – FEES; COSTS; PENALTIES

- A. A person who issues a bad check to the County shall be liable for all of the following:
1. a bad check processing fee of twenty-five dollars (\$25);
 2. interest at the rate of eighteen percent (18%) per annum on the amount of the check from the date of the check's execution until payment is made in full;
 3. court costs incurred in prosecuting an action that may be brought by the holder to collect on the check;
 4. reasonable attorney's fees of not less than one hundred dollars (\$100);
 5. actual, direct, and indirect expenses incurred by the County to compensate employees and agents for time used to file papers and attend court proceedings related to the recovery of a judgment under this section; *and*
 6. all other reasonable costs of collection.
- B. Penalty. If a person who issues a bad check to the County does not pay the full amount of the check within thirty (30) days after proper notice thereof, the person is liable for, and a court shall award judgment for, the following, whichever applies:
1. if the face amount of the check is not greater than two hundred fifty dollars (\$250), three (3) times the face amount of the check; *or*
 2. if the face amount of the check is greater than two hundred fifty dollars (\$250), the face amount of the check plus five hundred dollars (\$500).
- C. If the County pursues fees, costs, or monetary penalties pursuant to this ordinance, it shall not also do so pursuant to a similar statute of state law.
- D. Deposits. All amounts collected pursuant to this ordinance shall be remitted to the General Fund within thirty (30) days of collection; provided, however, that the processing fee and any interest collected shall be remitted instead to the operating fund of the County department that received the bad check, and provided further that the prosecutor's office may be reimbursed for its prosecution costs from any amounts collected.

SECTION VII – EXEMPTIONS

- A. This ordinance does not apply to a person who issues a bad check due to lack of funds if:
1. the person reasonably believed that there were sufficient funds in the account to cover the check; *and*
 2. the insufficiency of funds is caused by either:
 - a. the dishonoring of a third-party check that had been deposited into the person's account; *or*
 - b. the bank sufficiently lowered the person's credit line without notice.

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- B. This ordinance does not apply if:
1. the check was not processed within ninety (90) days; *or*
 2. the check was immediately discovered to be a bad check (such as in the case of a debit card rejection) at the time of the transaction.
- C. If a person can show reasonable cause for having issued a bad check to the County, the County may waive any liability imposed under this ordinance.

SECTION VIII – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, renumbered, or relocated from time to time.
2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, 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. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Effective Date. This ordinance shall be effective upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING THE SPREAD OF CORONAVIRUS
Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE
ORDINANCE NO. 2020-04-06 B

ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY, INDIANA CONCERNING
THE SPREAD OF CORONAVIRUS AND IMPLEMENTING CERTAIN CONTAINMENT
COUNTERMEASURES

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

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), adopted Ordinance 2020-03-23A, which declared a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until its next regularly scheduled public meeting;

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WHEREAS, the Center for Disease Control and Prevention (“CDC”) advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings and public gatherings can mitigate the exposure to COVID-19; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

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

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana until 10:00 a.m. on Monday, April 20, 2020.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director (“Director”) is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County’s Comprehensive Emergency Management Plan;
- B. file this ordinance with the County Auditor and the Clerk of Courts;
- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via an appropriate press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of injury to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage.

SECTION III – LIMITED PUBLIC ACCESS

- A. Effective immediately, all the offices located in the County Annex Building, the County Justice Center Building, the County Courthouse, the Sheriff’s Office, the Health Department, the County Highway Department, and the County Park Department are closed to the public with the following exceptions:
 1. Department attorneys, the County engineer, state officials, emergency response agencies, and vendors having contractual business with the County may meet with County personnel on an as-needed basis, including the delivery of supplies.
 2. The main entrance to the County Annex Building, the Commissioner’s room during public meetings, and the Auditor’s office shall remain open for document drop-off and other limited interaction.
 3. The Prosecutor may establish protocols for public access to the County Justice Center Building such that there is no more than a single contact point for the entire building.
 4. To the extent that the judges of the County courts establish protocols for public access to the Courthouse, such protocols shall control over this ordinance.

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5. To the extent that the Sheriff, Health Officer, and Park Superintendent establish protocols for public access to the Sheriff's Office, Health Department, and Park Department offices, respectively, such protocols shall control over this ordinance.
- B. The Maintenance Technician shall implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- C. The Auditor's Office may procure and have installed an appropriate transparent barrier at its customer counter to mitigate against the spread of COVID-19 and to simultaneously allow for the easy exchange of documents, payments, and other items.
- D. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- E. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION IV – EMERGENCY PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving claims, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, issuing refunds, and waiving fees. The Treasurer may pay any claims so approved.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.
- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. Deposit of public funds collected may be limited to Tuesdays and Thursdays. Public funds collected but not deposited on other days shall be secured in accord with the County's internal control directives.
- E. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION V – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.
- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

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SECTION VI – DISCLAIMER

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, its agencies, its officers or employees, or any person; 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 statutes, rules, or regulations 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.

SECTION VII – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, 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. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires on April 20, 2020 at 10:00 a.m.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – AWARD OF WEBSITE REQUESTS FOR PROPOSAL

Mr. Bob Murphy, Information Technology Director, reported that he reviewed the proposals that were received on March 16, 2020. He is recommending that the proposal be awarded to eGov Strategies LLC in the amount of \$19,415.

Mr. Terry Martin made a motion to award the proposal to eGov Strategies LLC in the amount of \$19,415 to be paid out of the Economic Development Income Tax Fund. Mr. Dennis Kratz seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – TECHNOLOGY UPGRADES

Mr. Bob Murphy, Information Technology Director, presented a quote for audio visual system in the Commissioners room, in the amount of \$11,133. Mr. Terry Martin made a motion to approve the purchase out of the Information Technology budget. Mr. Dennis Kratz seconded the motion and it carried unanimously.

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Mr. Murphy presented a quote for a new identification card printer in the amount of \$1,481.49. Mr. Dennis Kratz made a motion to approve the purchase out of the Information Technology budget. Mr. Terry Martin seconded the motion and it carried unanimously.

COUNCIL FOR DRUG FREE LAGRANGE COUNTY

Mrs. Kathy Hopper, County Auditor, presented the Council for a Drug-Free LaGrange County grants being proposed for 2020 in the amount of \$7,644.65. Mr. Dennis Kratz made a motion to approve the 2020 grant requests. Mr. Terry Martin seconded the motion and it carried unanimously.

MEDIACOM COMMUNICATIONS CORPORATION -

Mrs. Kathy Hopper, County Auditor, explained that Mediacom Communications Corporation has requested a letter of support to bring broadband service to the area of South Milford, Indiana. Mr. Terry Martin made a motion to issue a letter of support and authorize the President to sign it. Mr. Dennis Kratz seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Terry Martin made a motion to approve the vouchers. Mr. Dennis Kratz seconded the motion and it carried unanimously.

MINUTES

Mr. Terry Martin made a motion to approve the minutes of the March 16, 2020 regular session meeting and the March 23, 2020 special session meeting. Mr. Dennis Kratz seconded the motion and it carried unanimously.

Mr. Dennis Kratz made a motion to approve the minutes of the March 9, 2020 joint session meeting and the March 9, 2020 joint executive session. Mr. Terry Martin seconded the motion and it carried unanimously.

MEMORANDUM

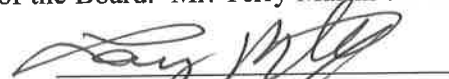
Mr. Dennis Kratz made a motion to approve the memorandum for the April 1, 2020 meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE


LaGrange County Clerk of the Circuit Court – March 2020 report
Indiana Department of Natural Resources – George and Margaret Wolcott House, Wolcottville, entered in the National Register of Historic Places
Indiana Department of Environmental Management – Notice of Approval, Four Woods Laminating, Inc – Plant 1, Title V Operating Permit Renewal, 087-41516-00036

ADJOURNMENT

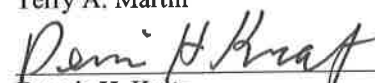
There being nothing further to come before the Board at this time, Mr. Dennis Kratz made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.



Larry N. Miller



Terry A. Martin



Dennis H. Kratz

ATTEST:

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Kathryn Hopper
Kathryn Hopper
LaGrange County Auditor

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