

Montgomery County Board of Commissioners

Resolution 2021-29

A RESOLUTION APPOINTING COUNTY HIGHWAY DIRECTOR AND APPROVING EMPLOYMENT AGREEMENT

WHEREAS, the Montgomery County Board of Commissioners is empowered to appoint a County Highway Director and approve an employment agreement for the County Highway Director;

AND WHEREAS, the Board finds that it should appoint Jake Lough as Montgomery County Highway Director;

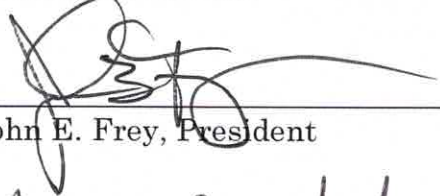
AND WHEREAS, the Board also finds that the employment agreement which is attached to this resolution should be approved.

IT IS, THEREFORE, RESOLVED that Jake Lough is hereby appointed Montgomery County Highway Director.

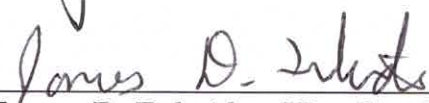
IT IS FURTHER RESOLVED that the employment agreement for ^{Lough}~~Benwell~~, which is attached to this resolution, is hereby approved.

THIS RESOLUTION is hereby adopted this 28th day of December, 2021.

MONTGOMERY COUNTY BOARD OF
COMMISSIONERS



John E. Frey, President



James D. Fulwider, Vice President

Dan Guard, Member

Attest:


Jennifer Andel, Auditor

**2022 CONTRACT OF EMPLOYMENT
MONTGOMERY COUNTY HIGHWAY DIRECTOR**

THIS AGREEMENT made by and between the Board of Commissioners of Montgomery County (hereinafter referred to as the "Commissioners") and Jake Lough (hereinafter referred to as "Lough") is to witness that:

WHEREAS, the County Executive may appoint a full-time County Highway Director, who is responsible for supervising the design, construction, planning, traffic, maintenance and other functions of the County Highway Department under direction of the County Commissioners.

AND WHEREAS, the Commissioners desire to employ Lough as the County Highway Director, and Lough desire to be employed in this position;

AND WHEREAS, the parties desire to enter into a contract which memorializes their agreement regarding such appointment.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. TERM: The Commissioners hereby agree to employ Lough as County Highway Director for a term beginning on January 1, 2022 and ending December 31, 2022, subject to the reservation by the Commissioners of the right to terminate the employment of Lough as provided for in Paragraph 4.

2. DUTIES: Lough's duties shall include the general supervision of the Highway Department, as defined by Indiana law, attend all meetings of the Board of Commissioners, and perform all other duties assigned by the Board. Lough shall directly report to the County Administrator.

3. SALARY: Lough's salary, during the term of this contract, shall be as follows:

- a. An annual salary of Sixty-nine thousand two hundred eighty-one Dollars (\$69,281). The portion of this annual salary payable at the same time other county employees are paid.
- b. The County Highway Director's salary is subject to appropriation by the Montgomery County Council. Payment shall be made with the same frequency that the other County employees are paid.

4. TERMINATION: The parties agree that this contract may be terminated as follows:

a. Termination by Commissioners: Lough is an appointee of the Commissioners. As such, he serves at the will of the Commissioners, subject to the rights and obligations of the parties under the terms and conditions of this agreement. The Commissioners may terminate Lough's employment with or without cause as follows:

i. For Cause: In the event Lough fails to carry out his duties and obligations as defined by this agreement or violates a policy of Montgomery County as provided for in the employee handbook, the Commissioners shall have the right to terminate Lough's employment without prior notice and without further compensation or benefits. If the Commissioners terminate Lough's employment for cause, it shall provide to him written notice of the reasons therefore and the effective date of the termination.

ii. Without Cause: The Commissioners shall also have the right to terminate Lough's employment without cause by providing to Lough

written notice of the termination with the effective date thereof at least thirty (30) days after the date of the written notice. Lough shall be entitled to compensation and benefits and shall have the same duties and obligations until the effective date of the termination.

b. Termination by Lough: Lough may terminate this contract of employment at any time by providing written notice to the Montgomery County Board of Commissioners.

5. COMPENSATORY TIME: The Director is not entitled to compensatory time nor overtime as provided in the Montgomery County Employee Personnel Manual and the Director is considered a salaried employee and he is entitled to the same benefits provided to other County Employees except compensatory time and overtime.

6. COUNTY VEHICLE: Because Lough will be expected to answer calls and perform services at all hours; he shall be entitled to the use of a County motor vehicle to perform these services. This right shall include the right to take the vehicle home in order to facilitate more prompt response time. Lough shall not use the vehicle for personal use unless such use is unavoidable due to the demands of the job. If Director is required to use his own vehicle, he is entitled to reimbursement for mileage at the same rate as other County Employees are paid. Director shall submit monthly itemized statements and claim vouchers for this additional remuneration.

7. OFFICE HOURS: Director shall keep regular business hours as directed by the Montgomery County Commissioners. Offices will be open to the public from 7:30 a.m. to 4:00 p.m., Monday through Friday, or as otherwise directed by the Commissioners.

8. GENERAL TERMS: Director shall always maintain the highest standard of

professional conduct and practice in the performance of his duties for the County. Director shall maintain all County property and documents entrusted to him and shall return said items to County whenever requested by the Board of Commissioners.

9. CONSTRUCTION: This Contract shall be construed in accordance with and governed by the laws of the State of Indiana.

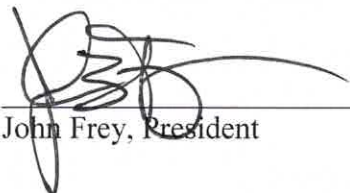
The parties have executed this Agreement this 28th day of December, 2021.

HIGHWAY DIRECTOR

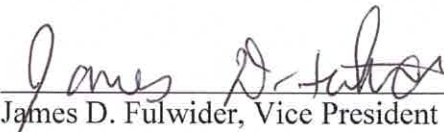


Jake Lough

**BOARD OF COMMISSIONERS OF
MONTGOMERY COUNTY, INDIANA**



John Frey, President



James D. Fulwider, Vice President

Dan Guard, Member

ATTEST:



Jennifer Andel, Auditor