

Agenda

Tuesday, April 19, 2022 2:50 PM

AGENDA

MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING

MONDAY, APRIL 25, 2022

8 AM

**1580 Constitution Row
Crawfordsville, IN 47933**

Call to Order: Board President John E. Frey

Pledge of Allegiance and Prayer

Consent Agenda

Approval of Claims: April 11, 2022 to April 25, 2022

Accounts Payable: \$

Payroll Claims: April 22, 2022 - \$

Approval of Meeting Minutes: April 11, 2022

**8:00 am Public Hearing: Re-Zone 2 acre parcel from Agricultural to Residential - Richard Ewoldt
Re-Zone 2 acre parcel from Commercial to Agricultural - Christopher & Debra
Stokes**

New Business

BLN On-Call Engineering Services Agreement

Ordinances

2nd Reading: Ordinance 2022-12 - Adopting Updated Investment Policy

2nd Reading: Ordinance 2022-14 - Adopting County Logo

2nd Reading: Ordinance 2022-15 - Amending Emergency Management Code, Renaming
Department, and Adopting Logo

Introduction: Ordinance 2022-16 - Updating Flood Plain Ordinance

Other Business

Arbor Day Proclamation

Adjournment

Agenda subject to change

Montgomery County acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretive services, alternative audio/visual devices, and amanuenses) for participation in or access to County sponsored public programs, services, and/or meetings, the County requests that individuals makes requests for these services forty-eight (48) hours ahead of the scheduled program, service, and/or meeting. To make arrangements, contact ADA/Title VI Coordinator Lori Dossett @ 765-361-2623.

Agenda Memo

Wednesday, April 20, 2022 9:46 AM

AGENDA MEMO

MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING

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****Info TBP****

Approval of Meeting Minutes: April 11, 2022

8:00 am Public Hearing: Re-Zone 2 acre parcel from Agricultural to Residential - Richard Ewoldt

Petitioner requests to re-zone 2 acre parcel from Agricultural to Residential for the purpose of a new Single Family Dwelling - 1600 S Block of 325W

Re-Zone 2 acre parcel from Commercial to Agricultural - Christopher & Debra Stokes

Petitioner requests to re-zone a 2 acre parcel from Commercial to Agricultural - 1020 E Elm Street, Ladoga

New Business

BLN On-Call Engineering Services Agreement - ***Project Engineer Hourly Rate is \$170.***

Engineering Services to be provided on an on-call basis during the hiring process of a replacement County Engineer.

Ordinances

2nd Reading: Ordinance 2022-12 - Adopting Updated Investment Policy

Previous policy expires by its own terms on 5-15-22. Updated policy will continue to invest public funds for highest investment return with maximum security.

2nd Reading: Ordinance 2022-14 - Adopting County Logo

Adoption of newly developed County Logo for branding and other marketing efforts.

2nd Reading: Ordinance 2022-15 - Amending Emergency Management Code, Renaming Department, and Adopting Logo

Montgomery County Advisory Council recently approved the renaming of the Department to the Emergency Management and Homeland Security Department and adopts a new logo for the Department.

Introduction: Ordinance 2022-16 - Updating Flood Plain Ordinance

Update information including: Critical facilities language protection; Repetitive loss; Timing of elevation certificates on construction process; Clean fill requirements; Subdivision standards for

SFHA

Building Administrator recommends implementation of added language in general standards that are optional (highlighted in orange text).

Other Business

Arbor Day Proclamation

Proclamation proclaims Friday, April 29, 2022 as Arbor Day in Montgomery County.

Adjournment

Claims - Accounts Payable

Wednesday, April 20, 2022 9:46 AM

Claims - Payroll

Wednesday, April 20, 2022 9:46 AM

Minutes: April 11, 2022

Wednesday, April 20, 2022 10:36 AM

MINUTES
MONTGOMERY COUNTY COMMISSIONER MEETING
MONDAY, APRIL 11, 2022

The Montgomery County Commissioners met in regular session on Monday, April 11, 2022 at 8:00 am at the Montgomery County Courthouse, 100 E. Main Street – Room 103, Crawfordsville, Indiana.

CALL TO ORDER

On call of the roll, the members of the Board were shown to be present as follows: President, John E. Frey; Vice President James D. Fulwider and Commissioner Dan Guard.

Also present: County Attorney Dan Taylor; County Administrator Tom Klein; Auditor Jennifer Andel; Building Administrator Marc Bonwell; Highway Director Jake Lough; EMA Director Shari Harrington; Health Administrator Amber Reed; Assessor Sherri Bentley; Recorder Jennifer Bentley; County Engineer James Peck; Treasurer Heather Laffoon; Chief Probation Officer Andria Geigle; and Commissioners Executive Assistant Lori Dossett.

PLEDGE & PRAYER

Board Vice President Commissioner James D. Fulwider led the pledge of allegiance and the prayer.

CONSENT AGENDA

Approval of Claims: March 28, 2022 to April 11, 2022

Accounts Payable: \$2,134,147.95

Payroll Claims: 4-8-22 \$409,387.70

Approval of Minutes: March 28, 2022

Circle City Security Systems, Inc. Monitoring Agreement - Alarm system for government center.

Commissioner Fulwider moved to approve the consent agenda. Seconded by Commissioner Guard. Motion passed 3-0 votes in favor.

Public Hearing: Consider Text Amendment to the Montgomery County Zoning Ordinance – Text amendments would add right-of-way policies to the Zoning Code.

Commissioner Frey opened the Public Hearing @ 8:02 am. No public comment.

Commissioner Frey closed the Public Hearing @ 8:02 am.

Ordinance 2022-13: Adopting a Text Amendment to the Zoning Ordinance Regarding Right of Way Policies

Commissioner Fulwider moved to approve Ordinance 2022-13 Adopting a Text Amendment to the Zoning Ordinance Regarding Right of Way Policies. Seconded by Commissioner Guard. Motion passed 3-0 votes in favor.

NEW BUSINESS

Appointments to Comprehensive Economic Development Strategy Committee – As a result of the County's membership to Thrive West Central which is an EDA-designated Economic Development District (EED). The EDD must develop a Comprehensive Economic Development Strategy (CEDS) and update it every 5 years. The current CEDS for West Central Indiana runs through 2022. An updated 5-year CEDS must be developed by the end of the year that will cover 2023-2027. The purpose of the CEDS is to guide the economic development of the region. The CEDS is required in order to be eligible to apply for federal and state funding. The CEDS serves as a demonstration that proposed grant projects are derived from a regional planning process. The CEDS update will be guided by strategy committee and the County may appoint three representatives. Commissioner John Frey recommended the following to serve on the Committee: John Frey, David Hunt and Steve Loy.

Commissioner Fulwider moved to appoint Commissioner John Frey, Councilman David Hunt and Plan Commission Member Steve Loy to the EED Committee. Seconded by Commissioner Guard. Motion passed 3-0 votes in favor.

Banning Engineering: On-Call Drainage Review - \$155 p/hour

Banning Engineering will provide On-Call Drainage Review services for the County during the interim until the County hires a County Engineer. *Commissioner Guard moved to approve the Banning Engineering On-Call Drainage Review Agreement contingent upon review of legal counsel. Seconded by Commissioner Fulwider. Motion passed 3-0 votes in favor.*

ORDINANCES

2nd Reading Ordinance 2022-10: Establish Delinquent Business Property Tax Fund

The fund shall consist of monies received by the County Treasurer of all deposits of taxes, penalties and interest resulting from the auditing services provided by Tax Management Associates, Inc., during the term of the agreement, for additional assessments on undervalued or omitted property, after deducting the amount of any property tax credits that reduce the taxpayer's tax liability for the undervalued or omitted property.

Commissioner Fulwider moved to approve Ordinance 2022-10. Seconded by Commissioner Guard. Motion passed 3-0 votes in favor.

2nd Reading Ordinance 2022-11: Establishing a Speed Limit for Offield Monument Road

Highway Director Jake Lough reported on the results of a traffic study held June 29th – 9:09am to June 30th – 8:48 am. During the study period 131 cars traveled through the area at an average speed of 25 miles per hour. 85th % traveled at 34 miles per hour and the fastest at 50 miles per hour. The ordinance would post the speed limit at 35 miles per hour. *Commissioner Guard moved to approve Ordinance 2022-11. Seconded by Commissioner Fulwider. Motion passed 3-0 votes in favor.*

Introduction: Ordinance 2022-12 - Adopting Updated Investment Policy - Previous policy expires by its own terms on 5-15-22. Updated policy will continue to invest public funds for highest investment return with maximum security.

Introduction: Ordinance 2022-14 - Adopting County Logo - Adoption of newly developed County Logo for branding and other marketing efforts.

Introduction: Ordinance 2022-15 - Amending Emergency Management Code, Renaming Department, and Adopting Logo - Montgomery County Advisory Council recently approved the renaming of the Department to the Emergency Management and Homeland Security Department and adopts a new logo for the Department.

RESOLUTIONS

Resolution 2022-4: Approval Ratifying the Terms and Execution of the Bond Purchase Agreement

Commissioners hereby ratify and approve the final terms and the execution of the Bond Purchase Agreement and the terms are consistent with the Intenture. *Commissioner Guard moved to approve Resolution 2022-4. Seconded by Commissioner Fulwider. Motion passed 3-0 votes in favor.*

OTHER BUSINESS

Today's meeting is the last Commissioners' meeting to be held in Room 103 at the Montgomery County Courthouse. All future meetings will be held at the new Government Center located at 1580 Constitution Row, Crawfordsville.

Commissioners presented a Certificate of Appreciation to County Engineer Jim Peck. Jim's has resigned his position with the County effective Wednesday, April 20th.

ADJOURNMENT

There being no further business before the Board, *Commissioner Guard moved to adjourn. Motion passed 3-0 votes in favor.*

Meeting adjourned at 8:18 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Monday, April 25, 2022 @ 8:00 am @ Montgomery County Government Center.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:

John E. Frey, Board President

Attest:

Jennifer Andel, Auditor

Re-Zone Petition - Richard Ewoldt

Wednesday, April 20, 2022 9:47 AM

**MONTGOMERY COUNTY COMMISSIONERS
NOTICE OF PUBLIC HEARING
To consider a Re-zone of Real Property in
MONTGOMERY COUNTY**

The Montgomery County Commissioners will hold a public hearing on Monday, April 25th, 2022, at 8:00 am to consider a re-zone from Agricultural to Residential of a property in Montgomery County. The meeting will be held in the Community room of the Montgomery County Government Center, 1580 Constitution Row, CRAWFORDSVILLE, IN 47933

Petitioner: RICHARD EWOLDT

Purpose of Request-

A request to re-zone a 2 acre parcel of real property from Agricultural to Residential for the purpose of a new Single Family Dwelling

Location: 1600 S Block of 325 W

Parcel ID's: 54-11-10-700-018.017-025

Citizens appearing at the public hearing will have an opportunity to provide comments concerning the proposed re-zone. All interested citizens are encouraged to attend. The Montgomery County Commissioners may continue the hearing from time to time as may be found necessary. Citizens may file written comments or objections with Montgomery County Building/ Zoning Administration ATTN: Marc Bonwell, 1580 Constitution Row, Crawfordsville, Indiana 47933 or by email at

(marc.bonwell@montgomerycounty.in.gov) prior to the public hearing. All such written objections will be considered by the Commissioners. A copy of the proposed re-zone is on file and may be examined at the Montgomery County Building and Zoning Administration office at 1580 Constitution Row, Crawfordsville, Indiana 47933 (765-364-6490), office hours are 8:00-4:30 weekdays except holidays.

In accordance with the Americans with Disabilities Act, if anyone intending to attend the public hearing needs reasonable accommodation, please contact the Montgomery County Commissioners Office, 1580 Constitution Row, Crawfordsville, IN 47933, 765-361-2623

This notice dated April 11th, 2022

Marc Bonwell

Building/Zoning Administrator

Montgomery County, IN

Publish one time no later than April 14th 2022

Send Proofs and Invoices to:

*Montgomery County Building /Zoning Department
110 West South Boulevard
Crawfordsville, IN 47933*

Re-Zone Petition - Chris & Debra Stokes

Wednesday, April 20, 2022 9:47 AM

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Petitioner: Christopher & Debra Stokes

Purpose of Request-

A request to re-zone a 2 acre parcel of real property from Commercial to Agricultural

Location: 1020 E ELM ST, Ladoga, IN

Parcel ID's: 54-16-17-300-019.008-007

Citizens appearing at the public hearing will have an opportunity to provide comments concerning the proposed re-zone. All interested citizens are encouraged to attend. The Montgomery County Commissioners may continue the hearing from time to time as may be found necessary. Citizens may file written comments or objections with Montgomery County Building/ Zoning Administration ATTN: Marc Bonwell, 1580 Constitution Row, Crawfordsville, Indiana 47933 or by email at

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Marc Bonwell

Building/Zoning Administrator

Montgomery County, IN

Publish one time no later than April 14th 2022

Send Proofs and Invoices to:

Montgomery County Building /Zoning Department

110 West South Boulevard

Crawfordsville, IN 47933

BLN On-Call Engineering Agreement

Wednesday, April 20, 2022 9:47 AM

CONTRACT FOR
ENGINEERING SERVICES

THIS AGREEMENT is made and entered into this 25th day of April, 2022, by and between Montgomery County, Indiana, acting by and through its Board of County Commissioners (hereinafter referred to as the "OWNER"), and Beam, Longest and Neff, L.L.C., Consulting Engineers, 8320 Craig Street, Indianapolis, Indiana 46250 (hereinafter referred to as the "CONSULTANT").

WITNESSETH

WHEREAS, the OWNER desires to contract for the professional services hereinafter described (the "Services"), in relation to the following described project (the "Project"):

As Needed Engineering Services
Montgomery County, Indiana

WHEREAS, the CONSULTANT is qualified and prepared to perform the Services required in said work and they agree to perform the Services under the terms and conditions herein set forth; and,

WHEREAS, said funds are available for the Services; and,

WHEREAS, the OWNER is authorized to enter into this Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED that the OWNER does hereby employ the CONSULTANT to perform the Services specified herein and agrees to pay for the Services the amounts hereinafter specified; and the CONSULTANT agrees to perform the Services as are herein enumerated.

SECTION I. SERVICES BY CONSULTANT

The Services to be provided by the CONSULTANT under this Agreement are as set forth in Appendix "A", which is attached to this Agreement and made an integral part hereof.

SECTION II. INFORMATION AND SERVICES TO BE FURNISHED BY OWNER

The information and services to be furnished by the OWNER under this Agreement are as set forth in Appendix "B", which is attached to this Agreement and made an integral part hereof.

SECTION III. NOTICE TO PROCEED AND SCHEDULE

The CONSULTANT shall begin the Services to be performed under this Agreement upon receipt of a Notice to Proceed from the OWNER as set forth in Appendix "C", which is attached to this Agreement and made an integral part hereof.

SECTION IV. COMPENSATION

The CONSULTANT shall receive payment for the Services performed under this Agreement as set forth in Appendix "D", which is attached to this Agreement and made an integral part hereof.

SECTION V. GENERAL PROVISIONS

The Standard Terms and Conditions for this Agreement are as set forth in Appendix "E", which is attached to this Agreement and made an integral part hereof.

SECTION VI. E-VERIFY AFFIDAVIT

The E-Verify Affidavit for this Agreement is as set forth in Appendix "F", which is attached to this Agreement and made an integral part hereof.

IN TESTIMONY WHEREOF, the parties hereto have executed this Agreement, the day and year first above mentioned.

CONSULTANT:
BEAM, LONGEST AND NEFF, L.L.C.

OWNER:
BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, INDIANA

(President)

John E. Frey, President

James D. Fulwider, Vice President

Dan Guard, Member

ATTEST:

ATTEST:

Jennifer Andel, Auditor

APPENDIX "A"

Services by Consultant

The CONSULTANT shall provide the OWNER with the following Services:

1. Provide professional engineering services as requested by the OWNER. Depending on the OWNER'S requirements and requests, the Services may include but are not limited to the following:
 - 1.1 Serve as the general consulting engineer for the OWNER
 - 1.2 Make preliminary investigations, design studies, necessary surveys, preliminary general plans and approximate estimates of cost for various projects
 - 1.3 Review subdivision plans and specifications for new developments
 - 1.4 Attend meetings as requested by the OWNER
 - 1.5 Represent the OWNER in project-related coordination efforts with other Local, County, State and Federal agencies
 - 1.6 Design Services
 - 1.7 Right of Way Engineering and Services
 - 1.8 Surveying
 - 1.9 Construction Observation
 - 1.10 Permits
 - 1.11 Utility Coordination
 - 1.12 Studies and Reports

APPENDIX "B"

Information and Services to be Furnished by Owner

The OWNER shall furnish the CONSULTANT with the following:

1. Guarantee access to and make all provisions for the CONSULTANT to enter upon public and private lands as required for the CONSULTANT to perform the Services under the Agreement.
2. All legal services as may be required for the development of the Project.
3. Provide access, at no expense to the CONSULTANT, to OWNER'S officers and/or staff, to all available information pertinent to the Project and the use of such information as appropriate in the accomplishment of the Services.
4. Obtain approval of all governmental authorities having jurisdiction over the Project and such approvals and consents from such other individuals or bodies as may be necessary for completion of the Project.
5. Designate a representative to act on behalf of the OWNER with respect to the Services to be performed under the Agreement with such person to have complete authority to transmit instructions, receive information, interpret and define OWNER'S policies and decisions pertinent to the Services covered by the Agreement.

APPENDIX "C"

Notice to Proceed and Schedule

The OWNER shall issue a notice to proceed with the Services as set forth in Appendix "A" on a project specific basis.

APPENDIX "D"

Compensation

The OWNER shall compensate the CONSULTANT for the Services performed under this Agreement as follows:

1. Compensate the CONSULTANT for the Services under Appendix "A", Item 1, a lump sum amount (as determined on a project specific basis) or an hourly basis by classification, as set forth in Attachment "D-1", which is attached hereto and made an integral part hereof, plus expenses (in the case of sub-consultants, the expense plus 10%). The CONSULTANT is to be compensated monthly.
2. The classifications and rates may be adjusted annually (beginning July 2022) to reflect equitable changes in the compensation payable to the CONSULTANT.

ATTACHMENT "D-1"
Classifications and Billing Rates
Year 2021/2022

<u>Classification</u>	<u>Hourly Rate</u>
Office Manager	\$300.00
Department Manager	300.00
Project Manager	230.00
Project Engineer	170.00
Engineer Intern	125.00
Senior Environmental Analyst	215.00
Environmental Analyst	110.00
Land Surveyor	185.00
Senior Project Coordinator	275.00
Project Coordinator	130.00
CAD Technician	125.00
Survey Technician	135.00
R/W Services Technician	120.00
RPR	130.00
Legal/Contracts	230.00
Office Intern	65.00
Administration	125.00

The Hourly Rates are subject to revision in July of each year.

APPENDIX "E"

Standard Terms and Conditions

1. STANDARD OF CARE. The standard of care for all Services performed or furnished by CONSULTANT under this Agreement will be the care and skill ordinarily used by members of CONSULTANT's profession practicing under similar circumstances at the same time and in the same locality. CONSULTANT makes no warranties, express or implied. Since CONSULTANT has no control over competitive bidding or market conditions, CONSULTANT cannot guarantee the accuracy of any opinion of construction costs as compared to contract bids or actual costs to OWNER.

2. CHANGE OF SCOPE. The Services set forth in this Agreement are based on the information provided by OWNER to CONSULTANT as of the date of execution of this Agreement. CONSULTANT will promptly notify OWNER of any changes in scope of the Services in writing and changes in Services after the date of this Agreement shall be the basis for modifications to times of performance and CONSULTANT's compensation.

3. USE OF DOCUMENTS. All documents are instruments of service in respect to this Project, and CONSULTANT shall retain an ownership and property interest therein. OWNER may make and retain copies of documents prepared by CONSULTANT for information and reference in connection with use on the Project by OWNER. Such documents are not intended for use on extensions of the Project or on any other project. Any such use or modification without written verification or adaptation by CONSULTANT, will be at OWNER's sole risk and without liability or legal exposure to CONSULTANT, and OWNER shall indemnify and hold harmless CONSULTANT from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting therefrom.

4. RELATIONSHIP WITH CONTRACTORS. CONSULTANT may make recommendations to OWNER concerning actions relating to OWNER's contractors, but CONSULTANT shall not have authority to direct or supervise the means, methods, techniques, sequences or procedures of construction selected by OWNER's contractors. CONSULTANT specifically disclaims any authority or responsibility for general job site safety and safety of persons other than CONSULTANT's employees.

5. DELAYS. If events beyond the control of CONSULTANT, including, but not limited to, fire, flood, explosion, riot, strike, war, Project shutdown, acts or omissions of OWNER or others for whom CONSULTANT is not responsible, Acts of God or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be extended for a period equal to the delay. If OWNER requests changes in the scope, extent, or character of the Services or the Project, the time of performance of the Services shall be adjusted equitably. If such schedule is changed through no fault of CONSULTANT, CONSULTANT's compensation shall be equitably adjusted.

6. TERMINATION. Either party may terminate this Agreement upon 30 days written notice to the other party in the event of substantial failure by the other party to perform in accordance with its obligations under this Agreement through no fault of the terminating party. In the event of such termination, OWNER shall pay CONSULTANT for all Services properly rendered prior to termination, including profit and expenses relating thereto.

CONSULTANT or OWNER, for purpose of convenience, may at any time by written notice terminate the Services under this Agreement. In the event of such termination, OWNER shall pay CONSULTANT for all Services rendered prior to termination including profit and expenses relating thereto. In the event of such termination by OWNER, OWNER shall also pay CONSULTANT for any expenses of termination and the anticipated profit of the terminated Services.

7. INSURANCE. CONSULTANT will provide and maintain insurance coverage for Professional, Commercial General, Automobile, Worker's Compensation and Employer's Liability in amounts in accordance with applicable law and CONSULTANT's business requirements. Certificates evidencing such coverage will be provided to OWNER upon request. For projects involving construction, OWNER agrees to require its construction contractor, if any, to include CONSULTANT as an additional insured on its policies relating to the Project.

8. INDEMNITY. OWNER and CONSULTANT each agree to indemnify and hold the other harmless, and their respective officers, employees, agents, and representatives, from and against liability for all claims, losses, damages, and expenses, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of OWNER and CONSULTANT, they shall be borne by each party in proportion to its negligence.

9. LIMITATIONS OF LIABILITY. No employees or agents of CONSULTANT shall have individual liability to OWNER. OWNER agrees that, to the fullest extent permitted by law, CONSULTANT's total liability to OWNER for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to the Project or this Agreement from any causes including, but not limited to, CONSULTANT's negligence, errors, omissions, strict liability, or breach of contract shall not exceed the total compensation received by CONSULTANT under this Agreement, except for personal injury or property damage which shall be limited to the extent of CONSULTANT insurance coverage. To the fullest extent permitted by law, and except for claims for indemnification, the time period for bringing claims regarding CONSULTANT's performance under this Agreement shall expire one year after the last day of the CONSULTANT's performance of the Services.

10. CONSULTANT VERIFICATION. The CONSULTANT is not required to check or verify OWNER-provided information or the technical adequacy or compliance of any portion of the Project designed by the OWNER's Consultants.

11. LATE PAYMENTS. If the OWNER fails to make any payment due the CONSULTANT within sixty (60) calendar days, the CONSULTANT shall be entitled to interest at the annual rate of twelve percent (12%) plus costs of collection and reasonable attorneys' fees. CONSULTANT may, after giving seven (7) days written notice to OWNER, suspend Services under this Agreement until CONSULTANT has been paid in full.

12. MISCELLANEOUS. The parties acknowledge this Agreement constitutes the entire and integrated Agreement between them. This Agreement, upon execution by both parties hereto, can be modified only by a written instrument signed by both parties. The rights and obligations of this Agreement cannot be assigned by either party without the written permission of the other party. This Agreement shall be binding upon and inure to the benefit of any permitted assigns. No waiver by either party of any default by the other party in the performance of any particular section of this Agreement shall invalidate another section of this Agreement or operate as a waiver of any future default, whether like or different in character. CONSULTANT and OWNER agree that the laws of the state where the Project is located shall govern this Agreement and any dispute involving this Agreement.

13. E-VERIFY. Pursuant to I.C. 22-5-1.7-11, the CONSULTANT shall enroll in and verify the work eligibility status of all newly hired employees through the "E-Verify" program. The CONSULTANT shall not verify the work eligibility of all newly hired employees if the "E-Verify" program no longer exists.

14. NO INVESTMENT IN IRAN. As required by IC 5-22-16.5, the CONSULTANT certifies that the CONSULTANT is not engaged in investment activities in Iran.

E-1

APPENDIX "F"

E-Verify Affidavit

"The CONSULTANT affirms under the penalties of perjury that he/she/it does not knowingly employ an unauthorized alien.

The CONSULTANT shall enroll in and verify the work eligibility status of all his/her/its newly hired employees through the E-Verify program as defined in IC 22-5-1.7-3. The CONSULTANT is not required to participate should the E-Verify program cease to exist. Additionally, the CONSULTANT is not required to participate if the CONSULTANT is self-employed and does not employ any employees.

The CONSULTANT shall not knowingly employ or contract with an unauthorized alien. The CONSULTANT shall not retain an employee or contract with a person that the CONSULTANT subsequently learns is an unauthorized alien.

The CONSULTANT shall require his/her/its SUBCONSULTANTS, who perform work under this contract, to certify to the CONSULTANT that the SUBCONSULTANT does not knowingly employ or contract with an unauthorized alien and that the SUBCONSULTANT has enrolled and is participating in the E-Verify program. The CONSULTANT agrees to maintain this certification throughout the duration of the term of a contract with a SUBCONSULTANT.

The OWNER may terminate the Contract for default if the CONSULTANT fails to cure a breach of this provision no later than thirty (30) days after being notified by the Owner."

Beam, Longest and Neff, L.L.C.

DocuSigned by: (Business Name)

By: James B. Longest

82B9532B2077470... (Signature)

James B. Longest

(Printed)

President

2nd Read: Ordinance 2022-12

Wednesday, April 20, 2022 9:47 AM

Montgomery County Board of Commissioners

Ordinance 2022- 12

Adopting an Updated Investment Policy

Whereas, pursuant to Indiana Code §5-13-9, Montgomery County has previously adopted and updated, most recently on May 15, 2018, the Montgomery County Investment Policy (the Investment Policy), codified as Section 36.21 of the Montgomery County Code of Ordinances; and

Whereas, the Investment Policy previously adopted expires by its own terms on May 15, 2022; and

Whereas, there have been changes in the law since the Investment Policy's last adoption; and;

Whereas, the Montgomery County Board of Commissioners (Board) desires to update the County's investment policy in order to continue to invest public funds in a manner which will provide the highest investment return with the maximum security and conforming to state law governing such investments; and

Whereas, it is in the best interests of Montgomery County and its citizens to adopt the updated investment policy, as provided below.

It is therefore ordained that Section 36.21, of the Montgomery County Code of Ordinances, the Montgomery County Investment Policy, is hereby amended to read as follows:

“§ 36.21 MONTGOMERY COUNTY INVESTMENT POLICY

1. **Investment Authority:** In addition to any other statutory powers to make investments, the Treasurer may invest funds in accordance with Indiana Code §5-13-9 under these guidelines established by the Montgomery County Council and the Montgomery County Board of Commissioners.
2. **Funds That May Be Invested:** The funds that may be invested by the Treasurer under this policy include money raised by bonds issued for future specific purposes, sinking funds, depreciation reserve funds, gift, bequest or endowment, and any other funds available for investment.
3. **Authorized Types of Investments:** The Treasurer may invest or reinvest any funds held and available for investment in any of the following:
 - (a) Securities backed by the full faith and credit of the U.S. Treasury or fully guaranteed by the U.S. and issued by any of the following:
 - (1) the U.S. Treasury
 - (2) a federal agency
 - (3) a federal instrumentally
 - (4) a federal government sponsored enterprise.
 - (b) Securities fully guaranteed and issued by any of the following:
 - (1) a federal agency
 - (2) a federal instrumentality
 - (3) a federal government sponsored enterprise.
 - (c) Municipal securities issued by an Indiana local government entity, a quasi-governmental entity related to the state, or any unit of government, a municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the 20 years preceding the date of purchase.
4. **Payment of Premiums:** If an investment under paragraph 3(a) above, pursuant to Indiana Code §5-13-9-2(a)(1), is made at a cost in excess of the par value of the securities purchased, any premium paid for the securities purchased shall be deducted from the first interest received and returned to the fund from which the investment was purchased, and only the net amount is considered interest income.
5. **Sale and Exchange Authority:** The Treasurer may sell any securities acquired and may do anything necessary to protect the interests of the funds invested, including the exercise of exchange privileges which may be granted with respect to maturing securities in cases where the new securities offered in exchange meet the requirements for initial investment.

6. **Records Custodian:** The Treasurer is the legal custodian of the securities which the County has invested, and he/she shall accept safekeeping receipts or other reporting for securities from:
 - (a) a duly designated depository; or
 - (b) a financial institution located either in or out of Indiana having custody of securities with a combined capital and surplus of at least \$10,000,000 according to the last statement of condition filed by the financial institution with its governmental supervisory body.
7. **Investment in Money Market Mutual Funds:** The Treasurer may invest funds or reinvest funds that are held by the Treasurer and available for investment in investments commonly known as money market mutual funds that are in the form of securities of or interests in an open-end, no-load, management-type investment company or investment trust registered under the provisions of the Federal Investment Company Act of 1940, as amended. These investments shall be made through depositories designated by the state board of finance as depositories for state deposits under Indiana Code. §5-13-9.5.
 - (a) The portfolio of an investment company or investment trust described above must be limited to the following:
 - (1) Direct obligation of the United States
 - (2) Obligations issued by any of the following:
 - (A) a federal agency
 - (B) a federal instrumentality
 - (C) a federal government sponsored enterprise
 - (3) Repurchase agreements, as defined by Indiana Code §5-13-9-3(a), fully collateralized by direct obligations of the U.S. or by a federal agency, a federal instrumentality, or a federal government sponsored enterprise.
 - (b) The form of securities of or interests in an investment company or investment trust must be rated as one of the following:
 - (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor;
 - (2) aaa, or its equivalent, by Moody's Investment Service, Inc. or its successor.
 - (c) The form of securities in an investment company or investment trust described above is considered to have a stated final maturity of one (1) day.
8. **Repurchase Agreements:** The Treasurer may enter into repurchase agreements, as defined in Indiana Code §5-13-9-3(a), with any funds that are held by the Treasurer and available for investment, as follows:
 - (a) with depositories designated by the state board of finance as depositories for state deposits under Indiana Code §5-13-9.5; and

- (b) involving the County's purchase and guaranteed resale of any interest-bearing obligations issued or fully insured or guaranteed by the United States, a United States government agency, an instrumentality of the United States, or a federal government sponsored enterprise.
 - (c) The Treasurer may invest in repurchase agreements without entering into a contract under Indiana Code §5-13-11 for an investment cash management system.
9. **Investment In Funds Related To The International Bank For Reconstruction and Redevelopment Or Reconstruction and Redevelopment of the African Development Bank:** The Treasurer may invest or reinvest any funds that are held by the Treasurer and available for investment in obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Redevelopment or the African Development Bank.
10. **Investment in Certificates of Deposit:** Subject to the restrictions provided in Indiana Code §5-13-8-9(a) through (e), the Treasurer may deposit, invest, or reinvest any funds that are held by the Treasurer and available for investment in transaction accounts issued or offered by a designated depository of the County for the rates and terms agreed upon periodically by the Treasurer and the designated depository.
- (a) When making a deposit in a certificate of deposit, the Treasurer shall obtain quotes of the specific rates of interest for the term of that certificate of deposit that each designated depository will pay on the certificate of deposit. Quotes may be solicited and taken by telephone. A memorandum of all quotes solicited and taken shall be retained by the Treasurer as a public record under Indiana Code §5-14-3.
 - (b) If the deposit is not placed in the designated depository quoting the highest rate of interest, the Treasurer shall place the deposit in the depository quoting the second or third highest rate of interest and note the reason for placing the deposit on the memorandum of quotes.
 - (c) If all of the designated depositories of the County decline to issue or receive any deposit account, or to issue or receive the deposit account at a rate of interest equal to the highest rate being offered other investors, the Treasurer may invest in the deposit accounts of any financial institution designated for state deposits as a depository by the state board of finance under Indiana Code §5-13-9.5.
11. **Certificates of Deposit Designated By Indiana Board of Finance:** Subject to the restrictions provided in Indiana Code §5-13-8-9(a) through (e), the Treasurer may invest in certificates of deposit of depositories that have not been designated by the Montgomery County Board of Finance but have been designated by the Indiana Board of Finance as a depository for state deposits under Indiana Code §5-13-9.5. For such investments, the Treasurer

shall solicit quotes for the certificate of deposit from at least three (3) depositories. If only one (1) depository has been designated for the County by its local Board of Finance, the Treasurer must solicit a quote from that depository. If two (2) or more depositories have been designated for the County, the Treasurer must solicit at least two (2) quotes the depositories so designated. The solicitations may be solicited and be taken by telephone. A memorandum of all quotes solicited and taken must be retained by the Treasurer and is a public record which is accessible by the Access to Public Records Act (Indiana Code 5-14-3). If the deposit is not placed in the depository quoting the highest rate of interest, the Treasurer shall place the deposit in the depository quoting the second or third highest rate of interest and note the reason for placing the deposit on the memorandum of quotes. However, this authority expires one year after this policy's adoption.

12. **Investment in Interest Bearing Accounts:** The Treasurer may invest public funds in interest bearing deposit accounts, as defined by Indiana Code §5-13-9-5.3(a), in accordance with the following conditions:
- (a) The funds are initially invested through a depository that is selected by the Treasurer.
 - (b) The selected depository arranges for the deposit of the funds in interest bearing deposit accounts in one (1) or more federally insured banks or savings and loan associations, wherever located, for the County's account.
 - (c) The full amount of the principal and any accrued interest of each deposit are covered by insurance of any federal deposit insurance agency.
 - (d) The selected depository acts as a custodian for the County with respect to the deposits.
 - (e) On the same date that the County's funds are deposited, the selected depository receives an amount of deposits covered by insurance of any federal deposit insurance agency from customers of other institutions, wherever located, at least equal to the amount of the funds invested by the County through the selected depository.

Public funds invested in accordance with this section are not subject to any security or pledging requirements that may otherwise be applicable to the deposit or investment of public funds.

For purposes of this section, "deposit account" does not include any interest-bearing account that is authorized to be set up and offered by a financial institution in the course of its respective business.

13. **Statutory Procedure:** The investment of public funds shall be made in accordance with Indiana Code §5-13-9-5.7 and with the Treasurer's approval.

14. **Limitation on Final Maturity:** Investments made under this policy must have a stated maturity date of not more than four (4) years after the date of purchase or entry into a repurchase agreement.

15. **Limitation on Amount of Funds Invested:** The investment of public funds under this Policy shall be limited to not more than twenty-five percent (25%) of the total portfolio of public funds invested by the County, including balances in transaction accounts.

16. **Investment Advisors:** The Treasurer may contract with a federally regulated investment advisor or other institutional money manager to make investments.

17. **Treatment of Investment Interest Income:** Interest derived from investments under this Policy shall be deposited, except as otherwise provided by law, in the County General Fund, except:

(a) Interest from investments that are traceable to United States government funds must be receipted to the fund of which they are a part, if required by federal law or regulations;

(b) Interest from investment of fund controlled by court orders must be receipted to that fund unless otherwise designated by the court order;

(c) The Treasurer may invest tax collections under this Policy pending distribution of the collections to political subdivisions. These investments may not: exceed the amount available after giving consideration to taxes which may need to be advanced to any political subdivision; or be made in deposit accounts or repurchase agreements, the maturity dates of which are later than the time when the tax collections are required by law to be distributed to political subdivisions.

(d) The interest received on the investments under section (c) above shall be receipted to the County general fund or any other fund from which expenses incurred in the maintenance of County highways may be paid. The Montgomery County Council shall determine the allocation of this interest among the general fund and the various highway funds into which the interest may be deposited.

(e) Interest derived from the investment of the proceeds from bonded indebtedness or local tax levies may be applied to the appropriate redemption bond interest or sinking fund for the bonded indebtedness.

(f) Interest from the investment of the County's public funds may not be paid personally or for the benefit of any public officer.

18. Treatment of Service Charges as Interest: The Treasurer may be required to pay a service charge to the depository in which funds are deposited, if the depository requires all customers to pay the charge for providing the service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by this Policy. If the total service charge cannot be computed before the investment, the Treasurer shall estimate the service charge and adjust the interest rate based on this estimate. The service charge may be paid by direct charge to the deposit or other account, or in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

19. Deposit Insurance: Funds deposited in deposit accounts in accordance with Indiana Code §5-13-9 and this Policy and interest earned or accrued on the funds are public funds and are covered by the insurance fund, as defined in Indiana Code §5-13-4-15.

20. Prohibition of Purchase of Securities on Margin: The Treasurer may not purchase securities on margin or open a securities margin account for the investment of public funds.

21. Joint Investment Accounts: The Treasurer and the investing officers of other political subdivisions located within Montgomery County may establish joint investment funds by entering into a written master agreement that defines their rights and obligations, as provided in Indiana Code §5-13-9-10.

22. Local Government Investment Pool: The Treasurer may pay any funds held by him/her into the local government investment pool, as defined by Indiana Code §5-13-9-11(b), for the purpose of deposit, investment, and reinvestment of the funds by the treasurer of the state on behalf of the County in accordance with Indian Code §5-13-911.

22. Expiration of Policy: This policy shall expire 4 years after it takes effect.”

It is further ordained that this ordinance shall become effective on May 14, 2022.

It is further ordained that any provision which is not specifically amended this ordinance shall remain in full force and effect.

Adopted this 25th day of April, 2022.

Board of Commissioners:

John Frey, President

James D. Fulwider, Vice President

Dan Guard, Member

Attest:

Jennifer Andel, Auditor

2nd Read: Ordinance 2022-14

Wednesday, April 20, 2022 9:48 AM

Montgomery County Board of Commissioners

Ordinance 2022 - 14

Adopting a County Logo

Whereas, the Board of Commissioner engaged Blue Marketing, a Montgomery County marketing firm, to assist the Board in the development of a new County Logo and other marketing measures; and

Whereas, Tom Klein, County Administrator, has recommended that the Board adopt the attached logo, which depicts the County's agricultural heritage, natural and recreation features, and the Montgomery County Courthouse Clock Tower to further the County's marketing and branding efforts; and

Whereas, Board finds that it is in the best interests of the citizens of Montgomery County that it adopt the recommended logo as the official logo of the County government and that all Departments of the County Government should use the logo.

It is therefore ordained that the recommended logo is hereby approved and a new section, Section 36.39, is hereby added to the Montgomery County Code of Ordinances, to codify the adoption of the logo, which section will read as follows:

“§ 36.39 MONTGOMERY COUNTY LOGO

(A) **Adoption of Logo.** The attached logo, which commemorates the 200th anniversary of the creation of the County, is the official logo of the Montgomery County Government.”

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained that any provision of the Code of Ordinance which is not specifically amended this ordinance shall remain in full force and effect.

Adopted this 25th day of April, 2022.

Board of Commissioners:

John Frey, President

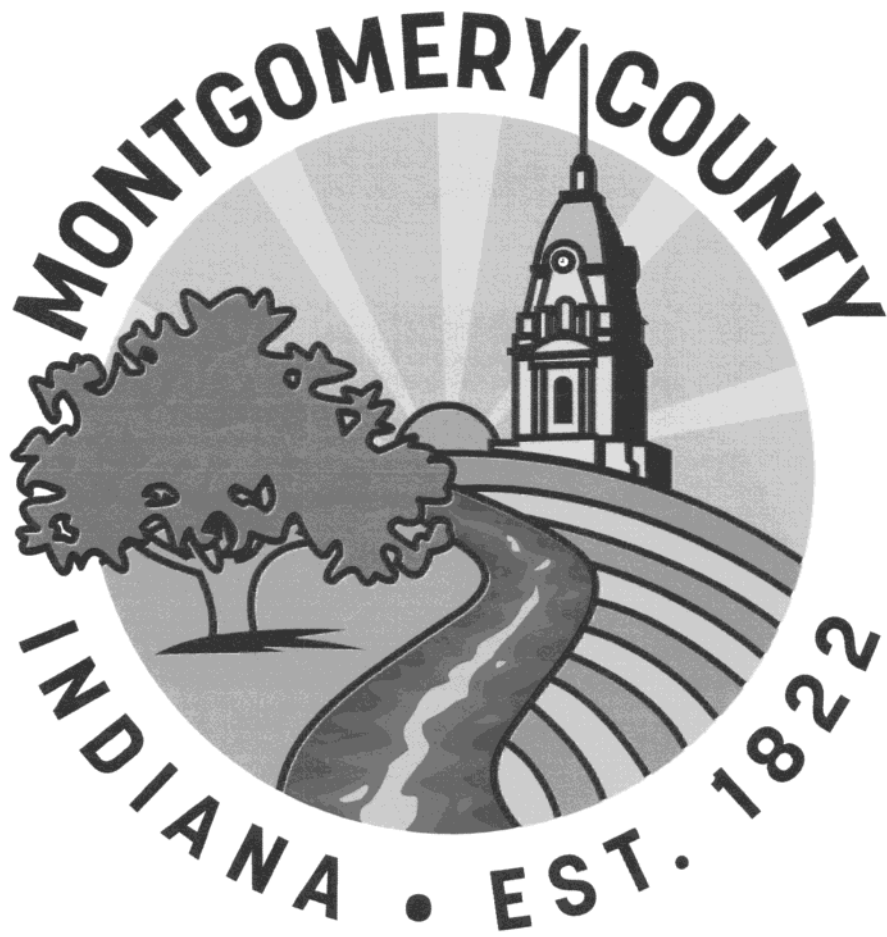
James D. Fulwider, Vice President

Dan Guard, Member

Attest:

Jennifer Andel, Auditor

LOGO



2nd Read: Ordinance 2022-15

Wednesday, April 20, 2022 9:48 AM

Montgomery County Board of Commissioners

Ordinance 2022-15

Amending Emergency Management Code, Renaming Department, and Adopting Logo

Whereas, the Emergency Management Advisory Council recently approved the renaming of the Department to the Emergency Management and Homeland Security Department and approved a new logo for the Department; and

Whereas, in order to effectuate the name change of the Department and adoption of the new logo, the County Code of Ordinances must be amended; and

Whereas, the Board of Commissioners find that it is in the best interests of the County to amend the Code of Ordinances in order to reflect this name change and adoption of the new logo; and

Whereas, the attached changes in Chapter 37 should be approved.

It is therefore ordained that Chapter 37 of the Montgomery County Code of Ordinances is hereby amended as attached.

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained that any provision of Chapter 37 which is not specifically amended this ordinance shall remain in full force and effect.

Adopted this 25th day of April, 2022.

Board of Commissioners:

John Frey, President

James D. Fulwider, Vice President

Dan Guard, Member

Attest:

Jennifer Andel, Auditor

CHAPTER 37: EMERGENCY MANAGEMENT

Section

General Provisions

- 37.01 Purpose
- 37.02 Definitions
- 37.03 Scope and Intent
- 37.04 Limitations; non suppression of powers

Administration and Enforcement

- 37.15 Department organization and administration
- 37.16 Advisory Council
- 37.17 Department established
- 37.18 Director of Emergency Management and Homeland Security
- 37.19 Deputy Director
- 37.20 Principal Executive Officer; Board of Commissioners
- 37.21 Volunteers
- 37.22 Budgeting and finance

Emergency Management Plan

- 37.35 Formulation, content and adoption
- 37.36 County wide jurisdiction
- 37.37 Powers, regulations and procedures

Local Disaster Emergency

- 37.45 Order or proclamation of local disaster emergency affecting county roads when county roads are not closed
- 37.46 Order of proclamation of local disaster emergency closing county roads
- 37.47 Media notice
- 37.48 Filing of order
- 37.49 Enforcement

GENERAL PROVISIONS

§37.01 PURPOSE

The purpose of this chapter is to establish in the county a Department of Emergency Management **and Homeland Security** and to provide for the exercise of necessary powers during emergencies. (Ord. 1996-4, passed 10-22-96)

§37.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ADVISORY COUNCIL. The County Emergency Management Advisory Council, as established under this chapter, pursuant to I.C. 10-14-3-17.

BOARD. The Board of County Commissioners, as elected pursuant to I.C. 36-2-2.

CHAIRPERSON. The Chairperson of the County Emergency Management Advisory Council as established under this chapter, pursuant to I.C. 10-14-3-17.

EMERGENCY MANAGEMENT. The preparation for and the execution of all emergency functions, to include mitigation, preparedness, response and recovery.

DEPARTMENT. The Department of Emergency Management **and Homeland Security** as established under this chapter, pursuant to I.C. 10-4-3-17.

DIRECTOR. The County Director of Emergency Management **and Homeland Security Department**, as established and appointed pursuant to this chapter.

DISASTER. The occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, hazardous materials spill or contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, riot, or hostile military or paramilitary action which cannot be handled by normal operating personnel, procedures, resources or facilities.

EMERGENCY MANAGEMENT VOLUNTEER. Any person who serves without compensation in the Department of Emergency Management **and Homeland Security**, being first duly rostered, identified and appointed by the Director, including persons and

private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

MANMADE DISASTER. Any incidents, including, but not limited to riots, strikes, insurrections, terrorist acts, civil disturbances, threats to national security or other manmade cause.

NATURAL DISASTER. Any incident affecting or threatening public health, welfare, safety or security including, but not limited to flood, tornado, earthquake, wind, storm, winter storm or other natural cause.

PARTICIPATING EMERGENCY SERVICE.

- (1) Any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant hereto; and
- (2) Any department or agency of the state, another county, a municipal corporation or a volunteer organization designated to participate to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-14-3-17 and this chapter.

PERSONNEL. County officers and employees and emergency management volunteers, unless otherwise indicated.

PLAN or EMERGENCY PLAN. The current local emergency plan whose preparation and updating are mandated by I.C. 10-14-3-17(j).

PRINCIPAL EXECUTIVE OFFICER.

- (1) As referred to in I.C. 10-4-1-23(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, the regularly designated President of the Board of County Commissioners, except if he or she is unavailable or incapacitated, and the Board has a regularly designated President Pro-Tem, then the President Pro-Tem shall be the **PRINCIPAL EXECUTIVE OFFICER**. If the President is unavailable or incapacitated and there is no designated President Pro-Tem, then the remaining two Commissioners shall select among themselves one to be the **PRINCIPAL EXECUTIVE OFFICER** in the same manner as when an ordinary business meeting needs to be conducted in the absence of the President. If both the President and another Commissioner are absent or incapacitated, then the remaining Commissioner shall be considered the **PRINCIPAL EXECUTIVE OFFICER**. In the absence or incapacity of all County Commissioners, the Office of PRINCIPAL EXECUTIVE OFFICER shall devolve upon first the County Auditor, second, upon the County Clerk, third, upon the County Recorder and fourth, the Director.
- (2) The **PRINCIPAL EXECUTIVE OFFICER** of the county selected by the above procedure, if not a member of the County Commission, shall exercise all powers and fulfill all duties of the **PRINCIPAL EXECUTIVE OFFICER** under I.C. 10-4-1-23, until the time as a County Commissioner shall no longer be unavailable or incapacitated at which time the County Commissioner, or the regularly designated President of the

Board if he or she is no longer unavailable or incapacitated, shall assume all the powers and duties associated with the Office of President of the Board. The ***PRINCIPAL EXECUTIVE OFFICER*** selected by the above procedure, if a member of the County Commission, shall exercise all powers and fulfill all duties of the ***PRINCIPAL EXECUTIVE OFFICER*** under I.C. 10-4-1-23(a) until the time as the regularly designated President of the Board shall no longer be unavailable or incapacitated, at which time the regularly designated President of the Board shall resume all the powers and duties associated with his or her office.

SEMA. The State Emergency Management Agency established under I.C. 10-8-2-1.

TECHNOLOGICAL DISASTER. Any incidents including, but not limited to severe fire, explosions, hazardous material spills, radiological problems or other technological cause.

(Ord. 2022- , adopted 4-25-22).

§37.03 SCOPE AND INTENT.

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement, augment and not to limit any other power or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department and agencies.

§37.04 LIMITATIONS; NONSUPERSESSION OF POWERS

(A) Nothing in this chapter is intended to supersede or delimit any statutory powers of the County Sheriff to request assistance of the National Guard under the circumstances delineated in I.C. 10-2-4-6.

(B) Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-4-3-17 to adopt and implement emergency plans and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting the county. However, pursuant to I.C. 10-5-1-15, the regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the county emergency regulations and procedures as established in this chapter.

(Ord. 1996-4, passed 10-22-96)

ADMINISTRATION AND ENFORCEMENT

§37.15 DEPARTMENT ORGANIZATION AND ADMINISTRATION

(A) In accordance with I.C. 10-14-3-17(d), there is established the County Emergency Management Advisory Council which shall consist of the following persons or their designees.

- (1) The President of the County Executive;
- (2) The President of the county fiscal body;
- (3) The Mayor of each city located in the county;
- (4) An individual representing the legislative bodies of all towns located within the county;
- (5) Representatives of private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council; and
- (6) One commander of a local civil air patrol unit in the county or the commander's designee.

(B) *Officers.* The Advisory Council shall have the following officers:

- (1) *President* – The President of the Board of County Commissioners shall serve as the President of the Advisory Council;
- (2) *Vice President:* the members of the Advisory Council shall elect at the organizational meeting each year a Vice President; and
- (3) *Secretary:* the members of the Advisory Council shall elect at the organizational meeting each year as a Secretary

(C) *Terms:* Members of the Advisory Council shall have the following terms:

- (1) The President of the Board of County Commissioners, the President of the County fiscal body, the mayor of each city located in the County, and the Commander of the local civil air patrol unit in the County shall serve by virtue of holding their respective offices;

- (2) If the Commander of the local civil air patrol unit in the County designates a representative to serve as the Commander's representative, the representative serves at the pleasure of the Commander and may be removed and replaced by the Commander at any time with or without cause; and
- (3) All other members have a term of one (1) year, beginning January 1 and ending December 31 of each year. These members may serve no more than two (2) consecutive terms.

§37.16 ADVISORY COUNCIL

- (A) The Emergency Management Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the County and shall select and terminate, with the approval of the County Executive, a County Emergency and Disaster Management Director.
- (B) All meetings of the Advisory Council shall be open to the public, and notice of meetings shall be provided as required by Indiana law.

§37.17 DEPARTMENT ESTABLISHED

- (A) There is hereby established a Department of Emergency Management **and Homeland Security** within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster, as defined in this chapter. The County Commissioners and Director of Emergency Management **and Homeland Security** shall be responsible for its organization, administration and operation. The Department shall consist of the following:
 - (1) An executive head of the Department of Emergency Management, **and Homeland Security** who shall be known as the Director of Emergency Management **and Homeland Security** appointed in accordance hereto;
 - (2) A Deputy Director, who shall be appointed by the Director with the approval of the Advisory Council;
 - (3) Emergency management volunteers, as deemed necessary and appointed by the Director in accordance herewith and in accordance with the plan;

- (4) The employees, equipment and facilities of all county departments and agencies suitable for or adaptable to emergency management and designated by the plan to participate in emergency management activity;
 - (5) Staff officers with the responsibility for warning and communications, radiological, health, emergency care, police, fire and rescue, public works and public information in accordance with the plan; and,
 - (6) The assistants, clerical help and other employees as deemed necessary to the proper functioning of the Department who may be appointed by the Director in accordance with the proper plan.
- (B) Notwithstanding any other provisions of this chapter, no compensated position may be established within the Department of Emergency Management and Homeland Security nor any person appointed to the position without:
- (1) The authorization of the County Council, pursuant to I.C. 36-2-5-3(a); and
 - (2) The making of sufficient appropriations to pay the compensation.
- (C) The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the number of officers, deputies and employees of county departments, classify positions and adopt schedules of compensation.
- (D) It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.
- (E) The official logo of the Department is attached.

(Ord. 1996-4, passed 10-22-96)

§37.18 DIRECTOR OR EMERGENCY MANAGEMENT

- (A) *Appointment:* The Director shall be appointed by the Advisory Council with the approval of the County Executive.
- (B) *Termination:* The Director may be terminated by the Advisory Council, with the

approval of the County Executive.

(C) *Dual Office Holding Prohibited:* The Director may not hold any other local, state or federal office.

(D) *Duties:* the Director shall have the following duties:

- (1) Direct the organization, administration and operation of the emergency management and disaster program;
- (2) Be responsible to the President of the County Executive;
- (3) Seek, negotiate and enter into mutual aid agreements, with approval or ratification by the County Commissioners; and
- (4) Perform other duties which are either assigned by the Advisory Council or required by law.

§37.19 DEPUTY DIRECTOR

(A) If a Deputy Director has been appointed pursuant hereto, he or she shall, during normal times, assist the Director in the performance of his or her duties.

(B) During an emergency, the Deputy Director shall assist the Director and shall fulfill the duties of the Director in the absence or incapacity of the Director to serve. (Ord. 1996-4, passed 10-22-96)

§37.20 PRINCIPAL EXECUTIVE OFFICER; BOARD OF COMMISSIONERS

(A) In time of normal county operations, powers and duties of the Principal Executive Officer pertaining to emergency management shall be:

- (1) Seeking the advice and input of the Director as to the advisability of declaring a local disaster emergency; and
- (2) Declaring, pursuant to I.C. 10-4-1-23(a), a local disaster emergency.

(B) In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:

- (1)** Maintaining general supervision over the planning and administration for the Department.
 - (2)** Prepare, adopt and keep current a local disaster emergency plan as provided for in Section 37.35. The Agency shall also prepare and distribute to all appropriate officials a clear and complete written statement of:
 - (a)** The emergency responsibilities of all local agencies and officials; and
 - (b)** The disaster chain of command.
 - (3)** Coordinating emergency management activities consistent with the plan;
 - (4)** Making assignments of county personnel to emergency management activities consistent with the plan;
 - (5)** Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of the agencies consistent with the plan;
 - (6)** Taking all necessary action in coordination with the Department to conduct tests of the plan; and
 - (7)** Educating themselves as to their responsibilities under the plan.
- (C)**
- (1)** Emergency management test may be conducted at any time with or without prior notifications to persons other than the Director.
 - (2)** All emergency tests conducted within the boundaries of the county shall be coordinated with the Department.
- (D)** In the administration of the Agency, the County Commissioners may:
- (1)** Appropriate and expend funds;
 - (2)** Make contracts;

- (3) Obtain and distribute equipment, materials and supplies for emergency management and disaster purposes;
- (4) Provide for the health and safety of persons and property, including emergency assistance to victims of a disaster resulting from enemy attack;
- (5) Provide for a comprehensive insurance program for its emergency management volunteers;
- (6) Direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set forth by the Federal Emergency Management Agency and the Indiana Department of Homeland security;
- (7) Appoint, employ, remove or provide, with or without compensation
 - (a) Rescue teams
 - (b) Auxiliary fire and police personnel; and
 - (c) Other emergency management and disaster workers.
- (8) Establish a primary and one or more secondary control centers to serve as command posts during an emergency;
- (9) Subject to the order of the Governor of the State of Indiana or the County Commissioners, order, assign and make available for duty employees, property or equipment of the County relating to:

Firefighting;

Engineering;

Rescue;

Health, medical and related services;

Police;

Transportation;

Construction;

Similar items of service for emergency management and disaster purposes;
and

- (10) In the event of a national security emergency or disaster as provided for in Indiana Code §10-14-3-12, waive procedures and formalities required by County Code, ordinances, resolution or rules.

(Ord. 2012-__, passed 5-1-12)

§37.21 VOLUNTEERS

(A) The Director shall assure that all-volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:

- (1) Be at least 18 years of age or older;
- (2) Not be convicted of a felony; and
- (3) Have completed and have on file with the Department an application form.

(B) Upon satisfaction of the above requirements and formal entry upon the Department's roster of volunteers, the applicant is officially a member of the County Department of Emergency Management and Homeland Security.

(Ord. 1996-4, passed 10-22-96)

§37.22 BUDGETING AND FINANCE

The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management and Homeland Security shall be Administered by the Director.

(Ord. 1996-4, passed 10-22-96)

EMERGENCY MANAGEMENT PLAN

§37.35 FORMULATION, CONTENT AND ADOPTION

(A)(1) A county emergency operations plan shall be adopted by resolution of the County Commissioners.

(2) In the preparation of the plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

(B) The Plan shall have, at minimum, the following contents:

(1) Basic plan, to include:

- (a)** Purpose;
- (b)** Situation/assumptions;
- (c)** Concept of operations;
- (d)** Assignment of Responsibilities;
- (e)** Direction and control;
- (f)** Continuity of government;
- (g)** Administration and logistics; and
- (h)** Execution.

(2) Annexes, to include:

- (a)** Direction and control, warning and communications;
- (b)** Radiological protection;

- (c) Law Enforcement;
 - (d) Fire and rescue;
 - (e) Health and medical;
 - (f) Hazardous materials response for SARA Title in Releases (to be drafted by the Local Emergency Planning Committee, pursuant to I.C. 13-25-2-5);
 - (g) Hazardous materials response for non-SARA Title III releases;
 - (h) Welfare and human services;
 - (i) Shelter;
 - (j) Evacuation;
 - (k) Public works; and
 - (l) Resource and supply.
- (3) In addition, all emergency services within the county shall:
- (a) If they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
 - (b) Coordinate internal plans with the Department of Emergency Management; and Homeland Security
 - (c) Assure inclusion of internal plans within the county plan;
 - (d) Perform the functions and duties assigned by the county plan; and
 - (e) Maintain their portion of the plan in a current state of readiness at all times.
- (Ord. 1996-4, passed 10-22-96)

§37.36 COUNTYWIDE JURISDICTION

(A) Except as provided by this chapter, the jurisdiction of the county Department of Emergency Management **and Homeland Security** shall be:

- (1) Comprehensive and inclusive countywide; and
- (2) Effective in both the incorporated and unincorporated areas of the county.

(B) The jurisdiction and applicability of the county's comprehensive emergency management and disaster plan, as adopted pursuant hereto, and the exercise of any powers of the Principal Executive Officer of the county and the County Commissioners under § 37.37 shall be:

- (1) Comprehensive and inclusive countywide; and
- (2) Effective in both the corporate and unincorporated areas of the county.

(C) All incorporated areas of the county shall:

- (1) If they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
- (2) Coordinate internal plans with the Department of Emergency Management **and Homeland Security**;
- (3) Assure inclusion of internal plans within the county plan;
- (4) Perform the functions and duties assigned by the county plan; and
- (5) Maintain their portion of the plan in a current state of readiness at all times. (Ord. 1996-4, passed 10-22-96)

§37.37 POWERS, REGULATIONS AND PROCEDURES

(A) This section shall apply whenever:

- (1) A state of emergency affecting all or part of the county has been declared by the Governor, pursuant to I.C. 10-4-1-7;
 - (2) A state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the county, pursuant to I.C. 10-4-1-23(a);
 - (3) A presumptive state of emergency is deemed to exist affecting all or part of the county causing the Director to invoke and implement emergency plans and procedures in accordance herewith; or
 - (4) When the Board of Commissioners has implemented a test of the county's emergency plan and procedures in accordance with and to the extent necessary or dispensable to the test.
- (B) The Department of Emergency Management and Homeland Security shall have the following responsibilities prior to declaration of a disaster:
- (1) The warning function as prescribed in the portion of the plan;
 - (2) Assuring proper functioning of emergency communications throughout the county, including all cities and towns, as prescribed in the communications portion of the plan; and
 - (3) Assuring the mitigation, training and exercising have been performed.
- (C) (1) In the event of actual or threatened enemy attack or disaster the county, the Principal Executive Officer of the county may declare a local disaster emergency pursuant to I.C. 10-4-23(a) for any period not to exceed seven days.
- (2) The declaration shall:
- (a) Be in writing;
 - (b) Indicate the nature of the disaster;
 - (c) Indicate the conditions which have brought the disaster about;
 - (d) Indicate the area or areas threatened;

(e) Indicate the area or areas to which the state of emergency applies, which may include the entire county or only designated parts thereof; and

(f) Be announced or disseminated to the general public by the best means available.

(3) The declaration shall be filed in the offices of:

(A) The County Clerk;

(b) The County Auditor; and

(c) The Clerk of any incorporated municipality included in the declared disaster area.

(4) The declaration shall not be invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.

(5) Upon a declaration, the county's comprehensive emergency management and disaster control plan which has been adopted pursuant hereto or the several component parts thereof as may be relevant to the emergency shall be activated and implemented.

(6) A declaration shall not be necessary if the Governor, pursuant to I.C. 10-4-1-7, has already proclaimed a statewide or area-wide state of emergency including the county.

(D) (1) As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the Principal Executive Officer of the county shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand.

(2) If the Principal Executive Officer fails or is unable to convene a meeting as mandated above, the meeting shall be convened in accordance with I.C. 36-2-2-3(a).

(3) Any meeting of the Commissioners shall:

(a) Be deemed an emergency meeting;

(b) Be subject only to such procedural provisions of law as govern emergency meetings of County Commissioners;

(c) Include relaxation of any applicable notice requirements, pursuant to I.C. 5-14-1.5-5(d);

(d) Be held in any convenient and available place;

(e) Continue, without adjournment, for the duration of the disaster emergency; and

(f) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.

(E) **(1)** In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required hereunder, the Principal Executive Officer of the county shall:

(a) Be considered a plenipotentiary representative of the Board;

(b) Have all powers of the full Board; and

(c) Take all actions of the full Board.

(2) When a quorum is assembled, the plenipotentiary powers shall cease.

(F) **(1)** At the meeting convened hereunder, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal herewith.

(2) In addition to the powers enumerated herein, the Board may also exercise any of the following special and extraordinary powers;

(a) The Commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant hereto, to last more than seven days if necessary.

(b) The Commissioners may terminate the state of emergency, except for a state of emergency declared by the Governor.

(c) The Commissioners may assemble and utilize emergency management forces including:

- (i) Personnel of the Department of Emergency Management and Homeland Security;
- (ii) Participating emergency services; and
- (iii) Any other forces at the disposal of the Commissioners hereunder for emergency management purposes.
- (d) The Commissioners may order volunteer forces which have been activated pursuant to the plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management and Homeland Security.
- (e) In order to control the local disaster emergency and provide for public health, safety and welfare, the Commissioners may, to the extent permitted by I.C. 10-4-1-25 and subject to its provisions, command services and/or requisition the use of:

 - (i) Equipment;
 - (ii) Facilities;
 - (iii) Supplies; or
 - (iv) Other property.
- (f) The Commissioners may order the evacuation of all or part of the population from stricken areas of the county and prescribe:

 - (i) Routes;
 - (ii) Modes of transportation; and
 - (iii) Evacuation destinations.
 - i. The Commissioners may mark provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations and the like, which would govern the use and location of premises for housing purposes during normal times.

- ii. The Commissioners may suspend, for the duration of the state of emergency or for a lesser period as they determine, any provisions of or procedures prescribed by ordinances of the county if they:
 - (i) Would be impractical during the emergency;
 - (ii) Would interfere with the implementation and carrying out of emergency plans; or
 - (iii) Would be inimical to actions necessary to protect the public safety and welfare.
 - i. Except in accordance herewith, hereinafter the Commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute.
 - ii. In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners, in accordance with I.C. 10-14-3-17(j)(5), may waive any procedures or requirements of statute or of county ordinances reflecting statutory requirements and mandates and pertaining to:
 - 1. The appropriation and expenditure of public funds;
 - 2. The incurring of obligations;
 - 3. The performance of public works;
 - 4. The entering into contracts;
 - 5. The employment of workers whose employment may be either:
 - a. Permanent; or
 - b. Temporary.
 - 6. The utilization of volunteer workers;
 - 7. The rental of equipment;
 - 8. The purchase and distribution of:

- a.** Offices;
- b.** Materials; and
- c.** Facilities.

- i.** The Commissioners may assign any special emergency duties and functions to county:

- 1.** Offices;
- 2.** Departments; and
- 3.** Agencies.

- ii.** Any unexpended and unencumbered monies budgeted and appropriated or otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out special emergency duties and functions.

- iii.** The Commissioners may make and promulgate emergency regulations as may be deemed necessary to implement and carry out the provisions of the county's or state's plans.

- 1.** The regulations shall not be effective until promulgated, through either:

- a.** Written filing in the Offices of the County Clerk and County Auditor, as required by I.C. 10-4-1-15(b); or

- b.** If filing is impossible, through conspicuous posting at two public locations within the county.

- iv.** The Commissioners may, in accordance with the plan, request the state or the country of their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

(G) All actions and regulations under the section shall be:

- (1)** Adopted by ordinance or resolution;

- (2) Consistent with, and subordinate to, any actions, orders or regulations made by the Governor or a state agency implementing the state emergency operations plan.
- (H) (1) The Director shall make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions which it would be necessary or desirable to take hereunder in the event of any emergency.
- (2) In the event that any emergency clearly exists or is imminent within the County, and a state of emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the county present to declare an emergency pursuant hereto, the Director may temporarily presume the existence of a state of emergency.
- (3) When Director temporarily presumes the existence of a state of emergency, the Director shall:
- (a) Put into effect those portions of the plan as necessary:
- (i) To cope with the emergency; and
- (ii) Protect the public safety and welfare.
- (b) Be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until the time as the Chief Executive Officer becomes available;
- (c) Have his or her functions performed by the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided hereby in the latter's absence or incapacitation during the emergency.
- (4) Assistance from the Department of Emergency Management and Homeland Security may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.
- (I) During a declared emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

(1) Cooperate with and give active support to:

- (a)** The County Commissioners; and
- (b)** The County Emergency Management Director.

(2) Comply with all orders issued pursuant to this chapter by:

- (c)** The Commissioners; and
- (d)** The County Emergency Management Director.

(J) At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing inconsistent:

- (1)** Ordinances;
- (2)** Orders;
- (3)** Rules; and
- (4)** Regulations.

(K) (1) Whenever this chapter applies, it shall be unlawful and a penal ordinance violation for any person to:

- (a)** Willfully obstruct, hinder or delay the Commissioners, the Director or Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;
- (b)** Failure to observe, abide by and comply with any emergency management duties, orders, regulations and procedures as made applicable to the person by the appropriate authorities; or
- (c)** Falsely wear or carry identification as a member of the Department of Emergency Management and Homeland Security or to otherwise falsely identify or purport to be a county emergency management authority.

(2) Any person who commits an offense as described above shall be liable to a fine

of \$2,500; the fine to be subject, however, to the discretion of the court of jurisdiction.

- (3) Any regular or reserve police officer of the state or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

(L) During an emergency management test or declared emergency, the following shall be immune from liability, to the extent provided by I.C. 10-14-3-17 and any other applicable law:

- (1) The county;
- (2) Its assigned personnel;
- (3) Participating emergency services; and
- (4) Rostered volunteers.

(M) Owners of property commandeered for the use in any county official shall be reimbursed for its use by the county as the County Council shall approve with regard to:

- (1) Manner of compensation; and
- (2) Amount of compensation.

(N) The effect of a declaration of a local disaster emergency is to:

- (1) activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and
- (2) authorize the furnishing of aid and assistance under the plans.

(Ord. 1996-4, passed 10-22-96. Amended Ord. 2013-5, passed 6-24-13).

LOCAL DISASTER EMERGENCY

§37.45 ORDER OR PROCLAMATION OF LOCAL DISASTER EMERGENCY AFFECTING COUNTY ROADS WHEN COUNTY ROADS ARE NOT CLOSED

Any order or proclamation of a local disaster emergency, which does not order the closing of county roads, shall provide that:

- (A) The risk of travel on county roads is upon the person traveling upon such road or roads;
- (B) The driver or person in charge of a vehicle, whether or not stalled, that impedes or interferes with highway snow removal crews or emergency vehicles responding to an emergency may be directed to remove the vehicle from the county road by any law enforcement officer or county highway employee;
- (C) If an unoccupied vehicle impedes or interferes with highway snow removal crews or emergency vehicles and the driver or person in charge of such vehicle cannot be found, the Sheriff, County Emergency Management Director or county highway employee may order the vehicle to be towed to place of safety at the owner's expense;
- (D) A person who stops, parks or leaves a vehicle shall leave a sufficient unobstructed width of the roadway opposite the vehicle for the free passage of other vehicles and a clear view of the stopped vehicle from a distance of 300 feet in each direction upon the highway;
- (E) The direct of each vehicle shall drive at a reduced speed appropriate to the weather and highway conditions; (I.C. 9-21-5-4).
- (F) It is unlawful for a person to knowingly fail to comply with an order or direction of a law enforcement officer, county highway employee or Emergency Management Director directing, controlling or regulating traffic under this chapter. (Ord. 2000-3, passed 1-18-00).

**§37.46 ORDER OR PROCLAMATION OF LOCAL DISASTER EMERGENCY
CLOSING COUNTY ROADS**

(A) Local Travel Advisory Defined. As used in this section, the term “Local Travel Advisory” shall mean the level of emergency declared under Indiana Code §10-14-3-29 by the principal executive officer or Emergency Management Agency Director or the Director’s designee to alert the traveling public of emergency conditions that may require the imposition of travel restrictions.

(B) All Local travel Advisories shall be one (1) of the following:

(1) *Advisory*: This is the lowest level of local travel advisory and means that routine travel or activities may be restricted in areas because of a hazardous situation. Individuals traveling during an advisory should use caution or avoid these areas.

(2) *Watch*: This is the mid-level local travel advisory and means that conditions are threatening to the safety of the public. During a watch, only essential travel, such as travel to and from work or in emergency situations is recommended. During a watch, emergency action plans should be implemented by businesses, schools, government agencies and other organizations.

(3) *Warning*: This is the highest level of local travel advisory and means that travel may be restricted to emergency workers and public safety or health officials only. During a warning, individuals are directed to:

(a) refrain from all travel;

(b) comply with all necessary emergency measures;

(c) cooperate with public officials and disaster service forces in Executing emergency operation plans; and

(d) obey and comply with the lawful directions of properly identified Officers.

Further and more specific restrictions, including parking restrictions, may be included in a warning.

(C) *Advisories Without Declaration*. If the Emergency Management Director or Board of Commissioners determines that conditions in the County have created the need for travel advisory restrictions without a local disaster emergency declaration, the Director

or Board may issue an advisory or watch travel advisory. If the Director issues an advisory or watch travel advisory, the Director shall promptly notify the Board.

(D) If a local travel advisory is issued under this section, the County may not prohibit individuals engaged in employment necessary to:

- (1)** Maintain a safe rail system;
- (2)** Restore utility service;
- (3)** Provide any other emergency public service;

From traveling on the highways in the County.

(E) The driver or person in charge of a vehicle, whether or not stalled, that impedes or interferes with highway snow removal crews or emergency personnel and vehicles responding to an emergency may be directed to remove the vehicle from the county road by any law enforcement officer or county highway employee;

(F) If an unoccupied vehicle impedes or interferes with highway snow removal crews or emergency vehicles and the driver or person in charge of such vehicle cannot be found, the Sheriff or Emergency Management Director or county highway employee may order the vehicle to be towed to a place of safety at the owner's expense;

(G) A person who stops, parks or leaves a vehicle shall leave a sufficient unobstructed width of the roadway opposite the vehicle for the free passage of other vehicles and clear view of the stopped vehicle from a distance of 300 feet in each direction upon the highway;

(H) It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer, county highway employee or Emergency Management Director directing, controlling or regulating traffic under this chapter. (Ord. 200-3, passed 1-18-00; Am. Ord. passed 11-13-01. Amended Ord. 2013-5, passed 6-2413).

§37.47 MEDIA NOTICE

Upon issuance of an order declaring a local disaster a local disaster emergency the president of the Board of Commissioners of the county shall cause the local media to be promptly notified. (Ord. 200-3, passed 1-18-11)

§37.48 FILING OF ORDER

As soon as possible, the president of the Board of Commissioners shall cause the local disaster emergency order to be filed with County Auditor.
(Ord. 200-3, passed 1-18-00)

§37.49 ENFORCEMENT

(A) The driver or person in charge of a vehicle who violates §§37.45(B), 37.45(D), 37.46(C), or 37.46(E) may be directed to move the vehicle off the traveled portion of the road. (I.C. 9-211-3)

(B) A vehicle stopped, parked or left in violation of §§37.45(B), 37.45(C), 37.45(D), 37.46(B), 37.46(D), or 37.46(E) may be towed to the nearest place of safety at owner's expense. (I.C. 9-21-16-3).

(C) (1) Violation of the provisions of §§37.45(B), 37.45(C), 37.45(F), 37.46(C), or 37.46(F) is cause for an action to enforce state statute and may result in the entry of a judgment of up to \$500 for a Class C Infraction. (I.C. 9-21-5-13, I.C. 9-21-16-9, and I.C. 9-21-8-49)

(2) In the alternative, the violation may be charged as a Class C ordinance violation for which a judgment may include the amount necessary to reimburse the county for any towing or storage fee which it has incurred in addition to the prescribed fine and court costs.

(D) Violation of the provisions of §§37.01(D) or 37.03(E) is a Class C ordinance violation for which a judgment may also include the amount to reimburse the county for any towing or storage fee which it has incurred, in addition to the prescribed fine and court costs.
(Ord. 2000-3, passed 1-18-00).”

Introduction: Ordinance 2022-16

Wednesday, April 20, 2022 10:38 AM

2022 Arbor Day Proclamation

Thursday, April 21, 2022 9:48 AM

MONTGOMERY COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

ARBOR DAY

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless wood products, and

Whereas, trees in our County increase property values, enhance the economic vitality of business areas, and beautify our County,

Now, therefore, the Montgomery County Board of Commissioners do hereby proclaim April 29, 2022 as Arbor Day in Montgomery County.

Proclaimed this 25th day of April in the year 2022.

Montgomery County Board of Commissioners

John E. Frey, President

James D. Fulwider, Vice President

Dan Guard, Member

Attest: _____
Jennifer Andel, County Auditor