

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: DISTRICTS

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### § 30.01 COMMISSIONERS DISTRICTS.

*County Commissioner districts.* Wells County is divided into three County Board of Commissioner election districts, designated numerically as follows:

(A) *District No. 1.* This district shall consist of: Jackson, Chester, and Nottingham Townships.

(B) *District No. 2.* This district shall consist of: Harrison, Liberty, and Lancaster Townships.

(C) *District No. 3.* This district shall consist of: Rockcreek, Jefferson, and Union Townships. (Ord. 1991-8, passed 12-16-1991; Ord. 2017-20, passed 12-18-2017; Ord. 2021-22, passed 11-1-2021)

### § 30.02 COUNTY COUNCIL DISTRICTS.

*County Council districts.* Wells County is divided into four County Council election districts, designated numerically as follows:

(A) *District No. 1.* This district shall consist of: Chester, Jackson, Liberty, Nottingham, and Rockcreek Townships, and Harrison East and Harrison West precincts in Harrison Township;

(B) *District No. 2.* This district shall consist of: Lancaster East, Lancaster West, Bluffton Lancaster 03, Bluffton Lancaster East, and Bluffton Lancaster West precincts in Lancaster Township, and Jefferson East precinct in Jefferson Township;

(C) *District No. 3.* This district shall consist of: Jefferson West, Ossian East, and Ossian West precincts in Jefferson Township, and Union Township; and

(D) *District No. 4*. This district shall consist of: Bluffton 2, Bluffton 3, Bluffton 4, Bluffton 5, and Bluffton 6 precincts in Harrison Township.  
(Ord. 1991-8, passed 12-16-1991; Ord. 2013-11, passed 12-2-2013; Ord. 2021-22, passed 11-1-2021)

**§ 30.03 PRECINCT BOUNDARIES MAP ADOPTED BY REFERENCE.**

The precinct boundaries map is hereby adopted by reference.  
(Ord. 2001-13, passed 12-13-2001; Ord. 2021-22, passed 11-1-2021)

## CHAPTER 31: POLICIES AND PROCEDURE

### Section

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***GENERAL PROVISIONS*****§ 31.01 VOTING SYSTEM.**

(A) There is hereby established a local advisory council to provide assistance to the county in choosing polling places.

(B) At all times representatives shall comprise at least two representatives of the disabilities community and elderly voters.

(C) The Board of Commissioners shall appoint the members and shall encourage county residents with a variety of backgrounds, partisan affiliations and perspectives to participate herein.

(D) If the Board of Commissioners finds that county residents are not available to serve on the council, the Board of Commissioners may partner with the Governor's Planning Council on Disabilities to carry out the functions of the Council.

(E) The members of this Board shall serve for a one-year period and continue to serve until they are replaced by the Board of Commissioners.

(F) Under I.C. 3-11-18.1, the county is approved to operate as a voter center county, upon the required approval and filing of the county vote center plan.  
(Ord. 2004-06, passed 3-15-2004; Res. 2013-04, passed 9-3-2013; Res. 2013-05, passed 9-3-2013)

### § 31.02 TOBACCO IN PUBLIC BUILDINGS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**COUNTY BUILDINGS.** Those structures owned, leased or otherwise occupied by Wells County, including, but not limited to, all areas within said buildings or any additions thereto.

**E-CIGS or E-CIGARETTES.** E-cigs or e-cigarettes are other terms used to refer to electronic cigarettes.

**E-LIQUID.** E-liquid means a substance that: (1) may or may not contain nicotine; and (2) is intended to be vaporized and inhaled using a vapor product.

**ELECTRONIC CIGARETTE.** Electronic cigarette means a device that is capable of providing an inhalable dose of nicotine or any other substance intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. The term includes the components and cartridges.

**ELECTRONIC WATER PIPE.** Electronic water pipe means a device that is capable of providing an inhalable dose of nicotine or any other substance through water intended for human consumption by delivering a vaporized solution that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device.

**PERSON.** Any man, woman, or child, regardless of age.

**SMOKE or SMOKING.** Smoking, as defined in I.C. 7.1-5-12-3, means the:

(a) Carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or

(b) Inhalation or exhalation of smoke from lighted tobacco smoking equipment. To ignite or cause to be ignited tobacco or a tobacco product or derivative, which includes but is not limited to

tobacco, or a derivative thereof, e-cigarettes or other devices utilized for "vaping," such that the product or derivative emits a gas or cloud which is commonly understood to be smoke, which may be or is intended to be inhaled by any person.

**TOBACCO.** Any of several plants belonging to the genus *Nicotiana*, of the nightshade family, especially one of those species, as *N. tabacum*, whose leaves are prepared for smoking or chewing or as snuff; the prepared leaves, as used in cigarettes, cigars, and pipes, any product or products made from such leaves; any of various similar plants of other genera.

**VAPING.** Vaping means the process of inhalation or exhalation of the electronic cigarette, e-cigs, electronic water pipe, and vaporizers.

**VAPOR PRODUCT.** Vapor product means a powered vaporizer that converts e-liquid to a vapor intended for inhalation through an electronic cigarette or an electronic water pipe.

**VAPORIZER.** Vaporizer means a device like an electronic cigarette that is used to inhale the e-liquid.

(B) *Smoking in public places prohibited.*

(1) *Prohibition of smoking.* Smoking, as defined in I.C. 7.1-5-12-3, and the use of electronic cigarettes (e-cigarettes, e-cigs, and electronic water pipes), vaporizers and vapor products are prohibited in all buildings owned and operated by the county or any of its agencies; except that the use of electronic cigarettes (e-cigarettes, e-cigs, and electronic water pipes), vaporizers and vapor products is permitted by inmates at the Wells County Jail pursuant to the policies adopted by the Wells County Sheriff. The buildings where this section applies includes, but is not limited to the following:

**COURTHOUSE**

located at 102 W. Market Street, Bluffton, IN

**COUNTY GARAGE, SALT SHED and STORAGE BUILDING**

located at 1600 W. Washington Street, Bluffton, IN

**COURTHOUSE ANNEX**

located at 225 W. Washington Street, Bluffton, IN

**COUNTY EXTENSION OFFICE**

located at the 4-H Park, Bluffton, IN

**SENIOR CENTER**

located at 225 Water Street, Bluffton, IN

**BARGAIN HUT**

located at 128 W. Spring Street, Bluffton, IN



EMS BUILDING

located at 140 W. Spring Street, Bluffton, IN

(2) Notwithstanding the foregoing prohibition, the Commissioners, in their discretion, may provide a location for smoking outside county-owned buildings and on county-owned grounds that shall be a designated smoking area to be used only by employees of the county during a permissible work break. Such a designated location shall meet the conditions of division (B)(3) below. An appropriate container shall be provided by the county at such location in order to avoid the accumulation of trash and debris and cigarette residue.

(3) *Reasonable distance.* Smoking shall occur at a reasonable distance outside any area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or any other means. It shall be a violation for smoke to be detected in any area where smoking is prohibited.

(4) *Posting of signs - removing of paraphernalia.*

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in every building or other area where smoking is prohibited by this section, by the owner, operator, manager, or other person having control of such building or other area.



(b) Every public place where smoking and tobacco is prohibited by this section shall have posted at every entrance, a conspicuous sign clearly stating that smoking and tobacco is prohibited.

(c) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this section, by the person having control of such area.

(5) *Other applicable laws.* This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(C) *Enforcement.*

(1) The County Executive, County Sheriff or designated representatives are authorized to enforce the provisions of this section.

(2) Any person may file a complaint under this section with the County Executive or County Sheriff and request enforcement of the alleged violation.

(D) (1) *Violations and penalties.*

(2) *Penalty for violation.* A person who violates this section commits a Class C infraction. In addition, any person violating a provision of this section shall be deemed guilty of an offense and fined not less than \$50 for a first offense, not less than \$100 for a second offense and not less than \$200 for all subsequent offenses, with the fine to go into the county's General Fund, but no fine for any individual offense shall exceed \$2,500, plus costs and attorney's fees where a judgment has been entered.

(E) An action under this section may be brought by the Wells County Attorney or the Wells County Prosecuting Attorney.  
(Ord. 2004-07, passed 3-15-2004; Ord. 2021-08, passed 7-19-2021; Ord. 2021-10, passed 8-16-2021)

**§ 31.03 TRAVEL EXPENSE REIMBURSEMENT.**

The county will pay expenses incurred by employees authorized to travel on official county business as follows:

(A) Reimbursable travel expenses for other than state-called meetings include (receipts required except for tips):

- (1) Hotel or motel accommodations;
- (2) Bus, taxi and airport limousine transportation, including gratuity;
- (3) Air, rail or bus tickets - lowest practical fare\*;

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(4) \$0.45 per mile rate for mileage for using privately-owned vehicle in lieu of public transportation;

(5) Necessary parking and storage fees;

(6) Meals - overnight stay required. Receipts required with a cap of \$25 per day;

(7) Business related telephone calls. Proof of number(s) called required; and

(8) Other necessary expenses, with approval.

(B) Reimbursable travel expenses for state-called meetings include:

(1) Hotel or motel accommodations based on double occupancy if possible;

(2) Bus, taxi, and airport limousine transportation, including gratuity\*;

(3) Air, rail or bus tickets - lowest practical fare\*;

(4) \$0.45 per mile rate for mileage for using privately-owned vehicle in lieu of public transportation;

(5) Necessary parking and storage fees; and

(6) \$26 per diem paid per individual attending meeting. This includes meal, parking, incidentals, gratuities and the like. Expenses exceeding \$26 per day are not reimbursable.

(C) Expenses not reimbursable:

(1) Personal entertainment;

(2) Fines for parking, speeding and the like;

(3) Alcoholic beverages;

(4) Valet services;

(5) Travel related to personal entertainment; and

(6) Additional payment to individuals for attending meetings.

\* Expenses not allowed for meeting(s) within 100 miles of Bluffton, unless authorized by the County Commissioners.

(Ord. -, passed 10-21-2003; Ord. -, passed 6-3-2008)

**§ 31.04 GOVERNMENT BUILDING; WEAPONS PROHIBITED.**

(A) No person, other than legally authorized security personnel shall enter any county government building in possession of any firearm or other deadly weapon (including but not limited to knives with blades in excess of four inches in length).

(B) The custodian is ordered to post appropriate signage at all entrances to county government buildings appropriately indicating that firearms and other deadly weapons are prohibited.

(C) A violation of this section shall constitute a Class C infraction under the terms of the state statutes.

(Ord. 99-9, passed 7-19-1999)

**§ 31.05 PROCEDURES WHEN APPLYING FOR FEDERAL, STATE, OR LOCAL GRANTS BY COUNTY PUBLIC AGENCIES.**

(A) The term "public agency" shall refer to any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the county.

(B) *Wells County grant application procedures.* Each public agency grant applicant shall follow the procedures as set forth in the following Wells County grant application procedures:

(1) This must be done before you apply for a Federal, state, or local grant. The following steps are required before you complete the Federal, state, or local grant application:

(a) The grant application must be completed and signed by the office holder or department head. An application submitted by an organization(s) or individual(s) other than a county department must be completed and signed by the appropriate person in charge.

(b) The application as well as the official grant request must be delivered to the Wells County Auditor to be placed on the County Commissioners' and/or County Council's agenda not less than seven calendar days prior to the County Commissioners' and/or County Council's meeting.

(c) If the grant requires a "budget," the budget must also be presented along with the official grant request and the application.

(d) The grant application will be considered by the County Commissioners and/or County Council.

(e) The County Commissioners shall approve or deny the application for all grants requesting supplies or other services and charges. The County Council shall approve or deny the application for all grants requesting personal services.

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(f) All grant applications by county public agencies must provide for the Wells County Auditor, 102 W. Market St., Suite 205, Bluffton, IN 46714 to receive any and all notices.

(2) This must be done after the grant award. The following steps are required after the grant is awarded:

(a) If the grant is awarded copies of the grant award letter and all other paperwork received must be provided to the Wells County Auditor's office.

(b) Any communication or correspondence and/or changes made between the County public agency and the grantor must be provided to the Wells County Auditor's Office.

(c) It is the responsibility of the county public agency to comply with the grantor's reporting requirements. Copies of the final reports shall be provided to the Wells County Auditor. (Res. 2015-01, passed 4-6-2015)

**§ 31.06 CONFLICT OF INTEREST POLICY.**

The Board of Commissioners of Wells County, Indiana, establishes and adopts the following Wells County, Indiana, Conflict of Interest Policy, and which shall be added to the Employee Handbook of Wells County, Indiana, as § 3.21, as set forth as follows:

**Wells County, Indiana Conflict Of Interest Policy**

The following terms apply to all public officials, officers and employees of Wells County, Indiana:

Public officials, officers or employees of the County shall neither solicit nor accept gratuities, favors, or anything of monetary value from Consultants, potential Consultants, or parties to subagreements, unless in accordance with this Conflict of Interest Policy. Gratuities include invitations to events where business is often conducted and items customarily conveyed therein, including but not limited to dinners, conferences, and golf outings at which County officials and employees may be the guests of vendors that do business with the County. The aforementioned prohibition does not include gratuities, favors, or anything of monetary value under \$200. Any financial interest under \$200 shall be considered not substantial in accordance with the Code of Federal Regulations.

This policy conforms to the standards set forth in the Code of Federal Regulations and by the Indiana Department of Transportation. A "Consultant" is defined as an individual or firm providing engineering and design related services as a party to a contract with a recipient or subrecipient of federal assistance.

This Conflict of Interest Policy establishes a rule in addition to those imposed by the State and Federal governments regarding financial incentives for public servants and elected officials.

Any conflict with state or Federal laws or regulations of this policy are to be interpreted in favor of the state or federal regulation setting precedent.

(Ord. 2017-06, passed 6-19-2017)

### § 31.07 PUBLIC RECORDS POLICY.

(A) *Purpose.* The purpose of this policy is to provide rules by which the Board of Commissioners of the County of Wells and its departments implement and ensure compliance with the provisions of I.C. 5-14-3 (Access to Public Records) for the county's public records.

(B) *Interpretation and construction.* The provisions of this policy shall be liberally interpreted and construed to promote full access to the county's public records in order to assure continuing public confidence in government; provided, that when making public records available the county shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions.

(C) *Public records available.* Public records shall be made available for public inspection and copying pursuant to I.C. 5-14-3. The county determines that each elected county official or the department head of each county agency, department or office shall serve as the point of contact for members of the public who request disclosure of public records from any county agency, department or office and shall be responsible for implementation of and compliance with I.C. 5-14-3.

(D) *Public records requests; how made.*

(1) Public records may be inspected and/or copies may be obtained under the following procedures:

(a) A request for public records shall be directed to the elected county official or department head of each county agency, department or office.

(b) A request for public records shall be made in writing and include the following information:

1. The requester's name, mailing address, phone number and email address (if one is available);
2. The date of the request;
3. A clear indication that the document is a "Public Records Request";

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4. A clear description of the public records requested for inspection and/or copying;

5. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and

6. Whether the request is for printed or digital copies of the public record.

(c) If a department maintains indexed records specifically for public inspection and copying, inspection and copying in response to an oral request is permitted. However, the elected county official or department head of each county agency, department or office shall require a written request if the request is for, or the response may include, any of the following:

1. A list of individuals;

2. Categorical requests not identifying a specific public record;

3. Subjects of current, threatened or potential litigation;

4. Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or

5. Public records or information exempt from disclosure.

(2) The county shall develop and maintain forms to facilitate public record requests.

(E) *Inspection of public records; where and when.* Public records shall be inspected at the offices of the county agency, department or office having custody or control of the records during regular business hours, excluding legal holidays; provided, that there is no obligation to allow inspection immediately upon demand. The elected county official or department head of each county agency, department or office may request that the person seeking to inspect public records schedule an appointment for inspection.

(F) *Response to public records requests.*

(1) The elected county official or department head of each county agency, department or office shall, to the extent practicable, assist requesters in identifying the public records sought.

(2) There is no obligation to allow inspection or provide a copy of a public record on demand.

(3) The elected county official or department head of each county agency, department or office shall respond in writing to a request for public information made in person within 24 business hours, or to a request for public information received by mail, fax, or email within seven calendar days. The elected county official or department head of each county agency, department or office shall make one or more of the following responses:



(a) The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;

(b) The request has been received by the elected county official or department head of each county agency, department or office, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;

(c) The request has been received by the elected county official or department head of each county agency, department or office and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying; or

(d) The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record.

(4) The elected county official or department head of each county agency, department or office shall immediately notify the requester if, after responding to a request for public records and approving the request, the elected county official or department head of each county agency, department or office identifies requested public records or information that are exempt from disclosure.

(5) Additional time to respond to a request may be based upon the county's need to:

(a) Clarify the intent of the request;

(b) Identify, locate, assemble and/or make the records ready for inspection or disclosure;

(c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.

(6) If a requester fails to clarify the request after receiving a response from the elected county official or department head of each county agency, department or office seeking clarification, the elected county official or department head of each county agency, department or office need not respond further to the request.

(7) When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the elected county official or department head of each county agency, department or office shall promptly notify the County Attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the elected county official or department head of each county agency, department or office and the requester, and copies of the public records provided to the requester shall be delivered to the County Attorney. The requester shall not be charged for the copies delivered to the County Attorney.

*(G) Copying fees.*

(1) No fee will be charged for the inspection of a public record; for locating public records in response to a request and making the records available for inspection or copying; or for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.

(2) Wells County Council Resolution 99-4 sets the fee for copying of documents at \$.10 per page. This resolution does not supersede any other fee set by state statute or is ordered by a court of competent jurisdiction for services rendered by the county.

(3) The copying fee for any request for which the response will be oversized documents, color photographs or reproductions, tape recordings and computer disks shall be the actual expense for copying, including the cost of materials.

*(H) Copies of policy available to public.* Copies of this policy and public records request forms shall be available to and provided to the public, without cost, at each county office. Electronic copies shall be made available to the public on the county's website.

(Ord. 2018-04, passed 3-19-2018)

**§ 31.08 WATERMARK BULK FORM COPIES.**

The County Recorder or the Recorder's designee, shall watermark all bulk form copies with the following:

“THIS DOCUMENT IS PROVIDED FOR THE SOLE USE OF (insert bulk user name) AND EXCEPT AS PROVIDED FOR IN I.C. 36-2-7-10.1(h), SHALL NOT BE RESOLD PURSUANT TO I.C. 36-2-7-10.1. OFFICIAL COPIES MAY BE OBTAINED AT THE COUNTY RECORDER'S OFFICE.”

(Ord. 2018-01, passed 2-5-2018)

**§ 31.09 BULK FORM COPIES.**

*(A) Definitions.* For purposes of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

***BULK FORM COPY.*** An aggregation of:

(a) Copies of all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year;

(b) The indices for finding, retrieving, and viewing all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year; or

(c) Both divisions (a) and (b) above.

**BULK USER.** An individual, a corporation, a partnership, a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the County Recorder.

**COPY.** A reproduction, including an image of a recorded document or indices created by:

(a) Duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(b) Reproducing on microfilm.

**INDICES.** All of the indexing information used by the County Recorder for finding, retrieving and viewing a recorded document.

**RECORDED DOCUMENT.** A writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the County Recorder or the County Recorder's designee.

(B) *Manner and form of production.* It is hereby established that the County Recorder may provide bulk form copies to a bulk user:

(1) On a disk, tape, drum, or any other medium of electronic data storage or microfilm;

(2) By electronically transmitting the copies using an electronic transfer process; or

(3) Under both divisions (B)(1) and (2) above.

(C) *Procedure for requesting bulk form copies.*

(1) A bulk user must submit a written request to the County Recorder that identifies the requested bulk form copies with reasonable particularity. Unless the request is refused under division (F) below upon receipt of a valid written request the County Recorder or the County Recorder's designee shall provide the bulk form copies to the bulk user by the method or methods established by ordinance. The bulk form copies shall be provided within a reasonable time after the later of the following events:

(a) The Recorder's archival process is completed and bulk form copies become available in the County Recorder's office;

(b) The bulk form user executes a contract that meets the requirements of division (D) below with:

1. The County Recorder; and

2. If the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee.

(2) The County Recorder or the County Recorder's designee shall work with reasonable diligence to ensure that bulk form copies are timely produced to the bulk user.

*(D) Fees charged for bulk form copies.*

(1) Based on a cost study performed by the County Recorder (which is incorporated herein by reference), the Board finds and determines that the costs incurred by the County Recorder of producing bulk form copies (including applying a watermark or other protective feature as set forth in § 31.08) substantially exceed both the standard fee of \$.10 per page or per recorded document fixed by I.C. 36-2-7-10.1(d), and the fee hereafter fixed. Accordingly, the following fee schedule is hereby adopted:

(a) \$.20 per page for a copy of a recorded document, including the instrument's book and page, if applicable;

(b) \$.20 per recorded document for a copy of the indices used by the County Recorder for finding, retrieving, and viewing a recorded document.

(2) The fees charged by the County Recorder are subject to the following requirements:

(a) The County Recorder shall pay the fees into the County Treasury at the end of each calendar month.

(b) The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the County Recorder to bulk users.

(c) All revenue generated by the County Recorder under this section shall be deposited in the County Recorder's Records Perpetuation Fund and used by the Recorder in accordance with I.C. 36-2-7-10(f).

(d) The Recorder shall periodically update and verify the cost study referred to in division (D)(1) above.

(E) *Bulk user contract termination.*

(1) (a) A bulk user must enter into a contract with the County Recorder and if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee, in order to receive bulk form copies. The contract must be in writing and must require that the bulk user agree not to do any of the following:

1. Except as provided in division (F) below, provide, transfer, or allow the transfer of any copy of a recorded document obtained by the bulk user under this section to a third party;
2. Engage in unauthorized access to recorded documents;
3. Engage in unauthorized alteration of recorded documents.

(b) A contract required under this subsection may not include any restrictions on a bulk form user's use of the bulk form copies other than those contained in I.C. 36-2-7-10.1.

(2) If a bulk user does not comply with a contract, the County Recorder may terminate the contract, immediately stop providing bulk form copies to the bulk user, and refuse to provide the bulk form copies required by the bulk user if all termination provisions and procedures in the contract have been met by the County Recorder. The County Recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:

(a) The bulk user is a person that has had a previous bulk form copy contract terminated by the County Recorder because the Recorder determined that the bulk user failed to comply with the contract;

(b) The bulk user is a corporation or limited liability company in which a person has a majority or controlling interest; and

1. The person requested bulk form copies under a previous contract with the County Recorder; and

2. The contract was terminated by the County Recorder because the County Recorder determined that the person failed to comply with the contract.

(F) *Resale of bulk form copies by bulk user.*

(1) (a) A bulk user that is licensed under I.C. 27-1-1 5.6-6(d) or holds a certificate of authority under I.C. 27-7-3-6 may provide bulk form copies related to the specific order for a title search (as defined in I.C. 27-7-3-2) when operating as:

1. A title plant for the issuance of title insurance (as defined in I.C. 27-7-3-2); or
2. A title company (as defined in I.C. 27-7-3-2).

(b) A bulk user that meets the requirements of I.C. 36-2-7-10.1(h) may charge its customers a fee for using the bulk form copies obtained by the bulk user that may not exceed the costs incurred by the bulk user for obtaining the bulk form copies. A bulk user that meets the requirements of I.C. 36-2-7-10.1(h) may not resell, provide, transfer, or allow the transfer of any copy of a recorded document, whether in bulk form or as individual copies or images, to any other bulk user or title plant.

(2) A bulk user that does not meet the requirements of division (F)(1) above is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, provide, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

(G) *Enhanced access not affected.* This section does not apply to enhanced access authorized under I.C. 5-14-3-3, and any county ordinances promulgated thereunder.  
(Ord. 2019-22, passed 12-2-2019)

### ***PURCHASING POLICY***

#### **§ 31.13 PUBLICATION OF NOTICES.**

(A) *Invitation for bids.* All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Bluffton News-Banner and the Ossian Journal. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the bids will be opened.

(B) *Request for proposals.* All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Bluffton News-Banner and the Ossian Journal. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(C) *Request for specifications.* All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Bluffton News-Banner and the Ossian Journal. The purchasing agent

shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(D) *Electronic notices.* Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

(Ord. 2019-08, passed 6-3-2019)

### § 31.14 RECEIVING OFFERS.

(A) *Opening of offers.* Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids. Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

(B) *Electronic receipt of offers.* The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications. An electronic offer may only receive an electronic offer if:

(1) The solicitation includes the procedure for the electronic transmission of the offer; and

(2) The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

(C) *Correction and withdrawal of bids.* An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened. A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(D) *Cancellation of solicitation.* When the purchasing agent makes a written determination that it is in the county's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(E) *Provide copies of contracts to the Board of Commissioners.* The purchasing agent may reject all offers. If the purchasing agent receives a satisfactory offer, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required and

submit a copy of the contract for such purchase to the Board of Commissioners. If the purchasing agent does not receive a offer from a responsible and responsive offeror, the purchasing agent may purchase the supplies under I.C. 5-22-10-10 and submit a copy of the contract for such purchase to the Board of Commissioners.

(Ord. 2019-08, passed 6-3-2019)

### **§ 31.15 PROTECTION OF OFFERS; STATUS OF DOCUMENTS AS PUBLIC RECORDS.**

(A) *Protection of offers prior to opening.* The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. 98-11, passed 7-6-1998)

### **§ 31.16 (RESERVED).**

### **§ 31.17 DELAY OF OPENING OF OFFERS.**

(A) When the Board of Commissioners makes a written determination that it is in the county's best interests, offers may be opened after the time stated in the solicitation.

(B) The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(Ord. 98-11, passed 7-6-1998)



**§ 31.18 EVIDENCE OF FINANCIAL RESPONSIBILITY.**

(A) *Purchases less than \$25,000.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(B) *Purchases between \$25,000 and \$100,000.*

(1) The solicitation may include a requirement than an offeror provide evidence of financial responsibility.

(2) If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) *Purchases over \$100,000.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.  
(Ord. 98-11, passed 7-6-1998)

**§ 31.19 SMALL PURCHASES.**

(A) The purchasing agent may purchase supplies with an estimated cost of less \$50,000 on the open market without inviting or receiving quotes, and submit a copy of the contract for such purchase to the Board of Commissioners.

(B) The purchasing agent may purchase supplies with an estimated cost of at least \$50,000 and not more than \$150,000 by inviting quotes from at least three persons known to deal in the lines or classes of supplies to be purchased. The purchasing agent shall mail an invitation to quote to those persons at least seven days before the time fixed for receiving quotes. The purchasing agent may reject all quotes. If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required and submit a copy of the contract for such purchase to the Board of Commissioners. If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies under I.C. 5-22-10-10, and submit a copy of the contract for such purchase to the Board of Commissioners.  
(Ord. 2019-08, passed 6-3-2019)

**§ 31.20 MODIFICATION AND TERMINATION OF CONTRACTS.**

(A) *Price adjustments.* The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(1) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(3) Price adjustments must be computed by costs attributable to the events or situations under clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(4) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under those clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) *Unilateral rights of county.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the county to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered. (Ord. 98-11, passed 7-6-1998)

**§ 31.21 PURCHASE OF SERVICES.**

(A) The county determines that each county agency, department and office and elected county official may purchase services in whatever manner the purchaser determines to be reasonable.

(B) The county purchasing agency may not require any county agency, department of office or any county elected official, to purchase services in any particular manner. (Ord. 98-11, passed 7-6-1998)

**§ 31.22 PURCHASING AGENCY DESIGNATED.**

The following persons shall serve as purchasing agents for the county:

- (A) Each elected county official;
- (B) Each Circuit, Superior and County Court judge;
- (C) The County Highway Superintendent (engineer); and

(D) County employees as are designated from time to time, in writing.  
(Ord. 99-8, passed 6-29-1998)

**§ 31.23 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITES STATES.**

Supplies manufactured in the United States shall be specified for all county purchases and shall be purchased unless the county determines that:

(A) The supplies are not manufactured in the United States in reasonably available quantities;

(B) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(D) The purchase of supplies manufactured in the United States is not in the public interest.  
(Ord. 98-9, passed 6-29-1998)

**§ 31.24 BOT AGREEMENTS.**

(A) *Adoption.* The County Board of Commissioners hereby adopts I.C. § 5-23 *et seq.*, as amended, with the unanimous consent of the members present to introduce and adopt this section at the same meeting or on the same day, and this section is approved by a 2/3 vote of all the elected members.

(B) *Governance of Act.* The county shall comply with the process, procedures and requirements set forth in the Act to enter into any public-private agreement as described in I.C. § 5-23 *et seq.*  
(Ord. 2020-06, passed 3-16-2020)

**§ 31.25 REQUEST FOR PROPOSALS (RFP).**

(A) If the County Board of Commissioners determines that it is either not practicable or not advantageous to award a contract for the purchase of supplies or services by sealed competitive bidding, it shall authorize the appropriate county purchasing agent to use requests for proposals (RFP) to award a contract for purchases of supplies or services.

(B) *Adoption.* The County Board of Commissioners hereby adopts I.C. § 5-22 *et seq.*, as amended, with the unanimous consent of the members present to introduce and adopt this section at the same meeting or on the same day, and this section is approved by a 2/3 vote of all the elected members. (Ord. 2020-08, passed 4-6-2020)

***INTERNET AND E-MAIL USE POLICY*****§ 31.35 PURPOSE.**

(A) In order to safeguard the county data processing equipment and data, and reduce risks to the security and confidentiality of the county computer and communications resources, the following policies are hereby enacted according to the order of the County Commissioners of the county. The county encourages the use of the internet and of e-mail as tools to help accomplish the county's legitimate business objectives. However, the county is cognizant that the internet may be misused, with potentially serious consequences for both the county and the employee.

(B) All users of the county computer equipment shall respect these policies, in particular, these policies and disciplinary procedures defined below shall be binding on all full or part time employees of the county.

(Res. 2001-02, passed 3-5-2001)

**§ 31.36 INTERNET USE.**

*(A) General policy.*

(1) This policy provides guidelines for the use of the internet. It does not supersede or limit any state or federal laws, nor any other agency policies regarding confidentiality, information dissemination or standards of conduct.

(2) Use of the county's internet resources is limited to those who have been given direct permission to do so by the Supervisor of the office in which the work is taking place.

(3) Users will be expected to use the internet for valid county business. Employees should have no expectation of privacy regarding their use of the internet.

*(B) Personal use.* The county internet system is county property. Access to the internet, except in the limited circumstances listed below, is allowed for official county business use only.

*(1) Authorized personal use.*

(a) Generally, the internet should be used only for official county business; however, brief and occasional surfing or browsing for nonbusiness reasons is acceptable.

(b) Personal use of the internet should not impede the conduct of county business; only incidental amounts of employee time, time periods comparable to reasonable coffee breaks during the day, should be used to attend to personal matters.

(c) Personal use of the internet should not cause the county to incur a direct cost in addition to the general overhead of the internet system. Consequently, employees should not store or print personal internet material.

*(2) Prohibited personal use.*

(a) Personal use of the internet must not result in any charges or expenses to the county. internet resources may not be used for group mailing, political purpose or fundraising for personal gain, or for operation of any business, profit or non-profit.

(b) Internet resources may not be used for any activity that might bring harm or discredit to the county, including uses specifically prohibited in division (C) below. County employees are expected to exercise good judgment in their use of the internet.

(C) *Restrictions.*

(1) Material accessed on the internet that can in any way be seen as insulting, disruptive, offensive or harmful to another person is prohibited. The county recognizes that an employee may unintentionally access a site that is in violation of these restrictions. In the event of such an unintentional violation, the employee must immediately leave the offensive site, if at all possible, and report the incident to his or her supervisor.

(2) Possession or distribution of child pornography is a crime. Anyone caught with child pornography on a county computer may be prosecuted. The county does not recognize any legitimate reason for the use of pornography of any sort. Intentionally accessing any pornographic site is considered waste, fraud and abuse of county resources and will be reported to the Commissioners.

(3) Intentionally accessing, transmitting, storing or distributing offensive material is prohibited. Examples of those offensive materials would include racist or "hate oriented" literature, symbols or materials.

(4) Viewing, damaging, deleting or interfering with the functioning of any county system or any other person's files or communications is prohibited.

(5) Internet activities whose purposes are for personal or commercial financial gain or for fundraising are prohibited.

(6) Lobbying or advocacy on behalf of any political organization or religious group is prohibited.

(7) Participating in chat rooms for any reason other than official county business is prohibited.

(8) Hacking or cracking or any type of attack on the security of other internet users is strictly prohibited along with accessing hacking sites or downloading hacking tools, unless specifically authorized to do so.

(9) Downloading, installing, storing or using software from the internet in violation of any patent, copyright or license agreement is prohibited.

(10) Downloading, installing, storing or using any software from the internet is prohibited unless it is specifically approved by your Supervisor and it passes a virus scan using approved virus software.

(11) Attempting to circumvent or disable any internet security or auditing system is prohibited. This includes the disabling of virus detection systems. Modifying or altering your computer or operating system with respect to internet setup is prohibited.

(12) Nothing should be installed without the express approval of your Supervisor. Supervisory personnel should avail themselves of the advice of county approved consultants in making these determinations.

(D) *Enforcement.*

(1) Use of the county internet system in violation of these guidelines will result in disciplinary action, which may include dismissal. Also, any county employee who uses the internet to send county information which is not approved for release is subject to disciplinary action, which may include dismissal.

(2) Employees should have no expectation of privacy regarding their use of the internet. All records created by internet use, including path records, are subject to inspection and audit by county management or its representatives at any time, with or without notice.

(3) Use of the county's internet system by an employee indicates that the employee understands that the county has a right to inspect and audit all internet use.  
(Res. 2001-02, passed 3-5-2001)

**§ 31.37 E-MAIL USE.**

(A) *General policy.*

(1) This policy provides guidelines for the use of e-mail. It does not supersede or limit any state or federal laws, nor any other agency policies regarding confidentiality, information dissemination, or standards of conduct.

(2) Use of the county's e-mail resources is limited to those who have been given direct permission to do so by the Supervisor of the office in which the work is taking place.

(3) Users will be expected to use e-mail for valid county business. Employees should have no expectation of privacy regarding their use of e-mail.

(B) *Personal use.* The county e-mail system is county property. Access to e-mail, except in the limited circumstances listed below, is allowed for official county business use only.

(1) *Authorized personal use.*

(a) Generally, e-mail should be used only for official county business; however, brief and occasional e-mail messages of a personal nature may be sent and received.

(b) Personal e-mail should not impede the conduct of county business; only incidental amounts of employee time, time periods comparable to reasonable coffee breaks during the day, should be used to attend to personal matters.

(c) Personal e-mail should not cause the county to incur a direct cost in addition to the general overhead of e-mail. Consequently, employees, upon receiving personal e-mail, should read it and delete it. Employees shall not store or print their personal e-mail.

(2) *Prohibited personal use.*

(a) Personal use of e-mail must not result in any charges or expenses to the county.

(b) E-mail may not be used for group mailing, political purpose or fundraising for personal gain, or for operation of any business, profit or non-profit.

(c) E-mail may not be used for any activity that might bring harm or discredit to the county, including uses specifically prohibited in division (C) below. County employees are expected to exercise good judgment in their use of e-mail.

(C) *Restrictions.*

(1) Racist, sexist, threatening or otherwise objectionable language is strictly prohibited.

(2) E-mail should not be used for personal monetary interests or gain.

(3) E-mail should not be used for purposes designed to inconvenience others or damage their equipment. E-mail should never be sent to recipients blindly. "Spam" or junk e-mail should not be sent.

(4) E-mail should not be used for any political purposes.

(5) Viewing, damaging, deleting or interfering with the functioning of any county system or any other person's files or communications is prohibited.

(6) Employees should not subscribe to mailing lists or mail services strictly for personal use.

(7) Employees shall exercise reasonable caution in opening suspicious looking e-mail messages. If it looks untrustworthy, employees should scan for viruses first or ask their supervisor.

(8) Attempting to circumvent or disable any e-mail security or auditing system is prohibited. This includes the disabling of virus detection systems. Modifying or altering your computer or operating system with respect to e-mail setup is prohibited.

(9) Nothing should be installed without the express approval of your Supervisor. Supervisory personnel should avail themselves of the advice of county approved consultants in making these determinations.



(D) *Enforcement.*

(1) Use of the county e-mail system in violation of these guidelines will result in disciplinary action, which may include dismissal. Also, any county employee who uses e-mail to send county information which is not approved for release is subject to disciplinary action, which may include dismissal.

(2) Employees should have no expectation of privacy regarding their use of e-mail. All records created by e-mail use, including path records and the messages themselves, are subject to inspection and audit by county management or its representatives at any time, with or without notice.

(3) Use of the county's e-mail system by an employee indicates that the employee understands that the county has a right to inspect and audit all e-mail use.  
(Res. 2001-02, passed 3-5-2001)

***CAPITAL ASSET POLICY***

**§ 31.50 PURPOSE.**

The purpose of this capital asset policy is to comply with the requirements of the State Board of Accounts and to facilitate the preparation of financial statements in conformity with generally accepted accounting principles, provide checks and balances, aid in transparency, fiscal responsibility, and accountability.  
(Ord. passed 6-5-2006; Ord. 2020-01, passed 1-6-2020)

**§ 31.51 CLASSIFICATION OF ASSETS.**

(A) (1) Capital assets are assets that have a useful life of at least two years and have a cost greater than \$5,000. Assets that are not capitalized (items less than \$5,000) will be expensed in the year of acquisition.

(2) *Exceptions.*

(a) Office equipment that is customized to fit the needs of a particular office will be capitalized as a portion of the cost of the building or area in which they are located. All other office supplies and equipment will be capitalized if it meets the specific requirements for capitalization; and

(b) Inexhaustible assets, such as land, improvements, artwork, statues, and the like, will be reported at cost.

(B) *Classifications*. The following items are considered capital assets:

(1) Land: consists of all lots, parcels, rights-of-way, easements, parks, police and fire stations and acreage owned by the county. This includes all bodies of water and natural vegetation growing on the properties. The records of each unit must include a description of land owned by the unit, its location, amount of acreage, its acquisition date, and purchase price (if no purchase price then appraisal value may be used);

(2) Infrastructure: includes long-lived assets normally stationary in nature. The account for the cost of infrastructure must reflect the location and brief description identifying each road, streetlight, traffic signals, bridge, tunnel, drainage system, stormwater system, dam or lighting system owned by the unit;

(3) Buildings: includes all structures erected by the county for purposes of conducting business, providing service, or facilitating work to the citizens of the county. This includes fixtures, systems, specifically designed equipment, porches, balconies, canopies, flagpoles, stairwells, fire escapes, patios, decks, and other attachments adding value to the building. The account for buildings must reflect the location of each building and the purchase price or construction cost and the cost of the improvement. If the building is a gift, then the account must reflect the appraised value at the time of acquisition;

(4) Improvements other than buildings: the account must reflect acquisition value of permanent improvements (not buildings), added to land such as fences, landscaping, parking areas, sprinkler systems, driveways, retaining walls, sidewalks, gutters, and the like;

(5) Machinery and equipment: this includes, but is not limited to, furniture, appliances, construction equipment, maintenance equipment, computers, data processing equipment, desks, safes, cabinets, books, cell phones, valued at purchase cost;

(6) Construction in progress: the cost of a project not completed is identified as "construction work in progress," and once construction is complete it must be inventoried with the assigned asset account;

(7) Vehicles: vehicles will be inventoried; and

(8) Works of art and historical treasures: these items will be recorded at historical cost.  
(Ord. passed 6-5-2006; Ord. 2020-01, passed 1-6-2020)

### § 31.52 CAPITALIZATION THRESHOLDS.

(A) *Valuation (threshold)*. The county must maintain a complete list of capital assets owned which reflects their acquisition value until the items are retired, disposed of, sold, or traded in. Capital assets are valued based on historical valuation or the estimated historical cost "going price" at the time of acquisition, or consumer price index calculation.

(B) *Infrastructure assets.* All fixed assets will be valued at the unit or system level. If these costs exceed \$5,000 they will be capitalized. Any expense related to the cost of making the asset operational may be included in this cost including the following:

- (1) Legal and title fees and closing costs;
- (2) Appraisal, negotiation, and surveying fees;
- (3) Damage payments;
- (4) Land preparation and demolition costs;
- (5) Architecture, engineering, and accounting fees;
- (6) Insurance premiums during construction; and
- (7) Transportation charges.

(a) Capital assets are to be recorded at actual cost; that includes all expenses to make the asset fully operational. If no cost is available, replacement cost or historical cost index may be used.

(b) Fixed assets will be capitalized when they exceed the sum of \$5,000.

(c) Donated or contributed assets should be recorded at their full market value on the date donated.

(C) (1) *Physical inventory.* All capital assets will be inventoried every year. A physical inventory will be the responsibility of the department head to account for all capital assets at year-end, as well as inventory items that are tracked and inventoried. The physical inventory will include the following items: asset description, year of acquisition, method of acquisition, funding source, cost or estimate cost and salvage value. This information will be housed in the county's financial reporting system.

(2) *Responsibility of department heads.* It is the responsibility of the department heads to act as or to designate a steward for each piece of property. The steward will become the focal point for questions regarding the availability, condition, and usage of the asset, as well as the contact during the physical inventory process. This includes recording the receipt of the asset and arranging for repairs and maintenance.

(D) *Capital asset acquisition and obsolescence.* Any newly acquired assets with a value of \$5,000 or more are to be reported on the asset form prescribed by the County Auditor's office. Any asset with a value of less than \$5,000 that is no longer in use will be removed from the documents provided to each office. Both reports adding and removing assets are due in the Auditor's office by the first Friday in January of each year.

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(E) *Capital asset disposition and transfer.* Property should not be transferred, turned in for auction, or disposed of without prior written approval from the department head. A capital asset notification form should be sent to the County Auditor's office in all cases. The form may be used for transfer (change in location, account, department, or building) or disposal (retirement) of property.

(F) To be considered a capital asset for financial reporting purposes, an item must be at or above the capitalization threshold and have a unit historical cost of \$5,000 or more. Assets will remain as part of the property record until they are retired or are disposed of, sold, traded in and the like, regardless of net book value amount.

(G) The capitalization threshold for the following classes of assets shall be:

- (1) Land: n/a;
- (2) Land improvements: \$50,000;
- (3) Building improvements: \$100,000;
- (4) Machinery and equipment and vehicles: \$5,000;
- (5) General infrastructure improvements: \$200,000;
- (6) Computer software \$50,000; and
- (7) Construction in progress: n/a.

(H) With regard to improvements to buildings and general infrastructure, a capital outlay must be significant and increase capacity, increase efficiency or extend the asset's estimated useful life beyond the original expectation.

(I) A change in capacity increases the level of service provided by the asset. A change in efficiency increases the level of service but without increasing the size of the asset or the change maintains the same level of service at a lower cost. For example, an addition to a building provides increased square footage, hence, the capacity is increased and the capital outlay is capitalized. Widening a road with additional lanes increases capacity and, hence, the capital outlay is capitalized. An extended estimated useful life involves a significant alternation, structural change or improvement.

(J) While substantial repairs and renovations will be reviewed for potential capitalization, it is anticipated that most will be expensed in the current year. These expenses often merely restore the asset to the original service potential but do not necessarily improve the asset.

(K) All land, including rights-of-way, is capitalized at the time of acquisition regardless of historical costs or fair value if donated.

(Ord. passed 6-5-2006; Ord. 2020-01, passed 1-6-2020)

**§ 31.53 HISTORICAL COST OR ESTIMATED HISTORICAL COSTS.***(A) Prospective reporting.*

(1) Capital assets are recorded at historical cost which includes any ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include, for example, freight and transportation charges, site preparation costs and professional fees.

(2) Engineering costs (internal and external) include related preliminary project and environmental studies; project estimating, design and planning (drawings and specifications); and construction engineering, construction management, construction inspection and project payment. Donated capital assets are recorded at their estimated fair value at the time of acquisition.

*(B) Retroactive reporting at transition of gasb statement no. 34.*

(1) When actual historical cost source data was unavailable, estimated historical cost was developed utilizing a normal costing approach.

(2) With this method of estimating historical cost, a current replacement cost was ascertained. An appropriate cost index (including Consumer Price Index and Federal Highway Price Trends) corresponding to an estimated date of acquisition/construction was then applied to 'deflate' the replacement cost to an estimated historical cost.

(Ord. passed 6-5-2006)

**§ 31.54 ESTIMATED USEFUL LIVES OF DEPRECIABLE ASSETS.**

(A) Capital assets have estimated useful lives extending beyond a single reporting period (one year) and are depreciated using the straight-line method with no allowance for salvage value.

(B) The estimated useful lives currently used were developed with the input of knowledgeable staff and reflect our government's experience with these assets:

- (1) Land: non-depreciable;
- (2) Land improvements: 20 years;
- (3) Buildings: 50 years;
- (4) Machinery and equipment: five years;
- (5) Vehicles:
  - (a) Autos: five years;

(b) Light trucks: ten years; and

(c) Heavy trucks: 15 years.

(6) General infrastructure; roads, bridges, storm sewers and the like: 50 to 100 years; and

(7) Computer software: five years.

(Ord. passed 6-5-2006)

### **§ 31.55 DEPRECIATION METHOD/CONVENTION.**

Depreciation will be calculated using the straight-line method and full-year convention. No salvage value or residual value will be recognized.

(Ord. passed 6-5-2006)

### **§ 31.56 RETIREMENTS.**

(A) Retirements apply to all capital assets including land, buildings, machinery and equipment, vehicles, and general infrastructure.

(B) When an asset is disposed of, scrapped, sold, subject to demolition and the like, it is to be removed from the property record and the appropriate reduction will be made to historical cost, accumulated depreciation and net book value amounts.

(C) Retirements will reflect the actual historical cost of the asset when the amount is ascertainable. When historical cost is not ascertainable, an estimated historical cost will be determined.

(Ord. passed 6-5-2006)

### **§ 31.57 RESPONSIBILITY FOR PROPERTY RECORD MAINTENANCE.**

(A) (1) The County Auditor will ensure that reporting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years.

(2) The County Auditor will further ensure that the capital asset report will be updated annually to reflect improvements, additions, retirements and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculations and net book value amounts.

(B) Day-to-day stewardship of personal property above the capitalization threshold of \$5,000 is the expressed responsibility of the department utilizing the property.

(C) For annual updating of the capital asset report, the departments have the responsibility to report improvements, additions, retirements and transfers in detail to the County Auditor. It is expected that this reporting will be in a timely manner, as the capital asset record must be updated annually.

(D) To restate, additions of assets at or above the unit capitalization threshold of \$5,000 are to be reported to the County Auditor by the departments upon purchase or receipt of the asset.

(1) These will be verified per the claims process by the County Auditor's office.

(2) Transfers and retirements of assets at or above the \$5,000 unit threshold are to be reported as such by the departments to the County Auditor at the time of the transaction.

(Ord. passed 6-5-2006)

#### **§ 31.58 PROPERTY CONTROL.**

(A) Capital assets below the capitalization threshold of \$5,000 on a unit basis but warranting 'control' shall be inventoried at the department level and an appropriate list will be maintained. Data elements are to include asset description, location, make, model, serial number and other information that assists control or deemed relevant.

(B) Assets below the capitalization threshold but considered sensitive may include, for example, weapons, radios, personal computers, laptop computers, printers, fax machines and small power tools. These minor but sensitive items shall be inventoried and controlled at the department level. Stewardship of these minor but sensitive items is the express responsibility of the departments utilizing these properties.

(C) The County Auditor shall determine appropriate means, level of detailed data elements, and the system to be utilized. Finally, the County Auditor shall have the right to request copies of the inventory and/or updated inventory of controllable items so as to periodically review the information and adherence to policy.

(Ord. passed 6-5-2006)

#### ***CONTRACTS INVOLVING FEDERAL PARTICIPATION***

#### **§ 31.70 PURPOSE.**

To prescribe the procedures of the County Board of Commissioners, hereinafter called the Commissioners, applicable to the retaining of consultants on contracts involving federal participation so

that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation.

(Ord. -, passed 6-16-1984)

### § 31.71 CONSULTANT; NECESSITY OF.

The services of a consultant may be requested for a project where:

(a) The in-house capabilities of the Commissioners are insufficient to accomplish the project within the desirable time;

(b) The complexity or nature of the project requires specialized expertise;

(C) It is more economical to engage such services; or

(D) It is otherwise in the public interest.

(Ord. -, passed 6-16-1984)

### § 31.72 CONSULTANT; EMPLOYMENT OF.

When determined at a regular meeting of the Commissioners that consulting services be used, the minutes shall show that the Commissioners have decided to use the services of a consultant.

(Ord. -, passed 6-16-1984)

### § 31.73 RECORDS.

(A) The County Auditor/Secretary of the Board of Commissioners will maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of their firm.

(B) The record of consultants will be based upon information provided by each consultant in a manner which may be prescribed, supplemented with such other information as is considered necessary to provide current data about the firm. The information shall include the name, address, list of principals, list of professional-technical-supportive staff, the qualifications and experience of individuals, the history and experience of the firm, the extent of involvement in noteworthy projects, and technical and financial references. From time to time supplemental information may be submitted by the consultant to keep their file current.

(C) The record of listing of consultants will include the firms previously and currently satisfactorily employed by the county, and all MBE/WBE firms known to the IDOH. The tabulation should produce a listing of four to eight firms for each type of work.

(Ord. -, passed 6-16-1984)



**§ 31.74 SELECTION BY COMMISSIONERS.**

The selection of consultants for specific projects will be made by majority decision of the Commissioners.

(Ord. -, passed 6-16-1984)

**§ 31.75 PROPOSALS; REQUEST FOR.**

(A) Prior to the consultant selection, the Commissioners will prepare a notice of projects for which consultant proposals are being requested. The listing is to provide the necessary project data for preparation of consultant proposals.

(B) The notice is to provide for a period of time, not to be less than 30 days from date of posting of the notice, during which consultant proposals will be accepted for the various proposed agreements described in the notice.

(C) The listing is to be posted in the Office of the Commissioners in the county courthouse.

(D) Also by regular mail, the notice will be sent to all firms that have met the requirements outlined in § 31.73 of these procedures, and which have requested in writing that notices covering specific types of projects be sent to them with the firm's request being renewed annually.

(Ord. -, passed 6-16-1984)

**§ 31.76 PROPOSALS; SUBMITTALS.**

Any consultant having on file in the Commissioners Office or submitted with their proposal current information on the firm's qualifications may submit proposal(s) for items noted in the notice of request for proposals during the period of time specified in the notice. The proposal must include:

(A) Description of the proposed project;

(B) Description of anticipated work elements;

(C) Proposed staffing for the work including designation of project manager;

(D) Proposed schedule of work; and

(E) Information concerning current overhead rate as prepared by a CPA or registered accountant or as approved by the IDOH.

(Ord. -, passed 6-16-1984)

**§ 31.77 SELECTION PROCESS.**

(A) The Commissioners after a review of the proposals received for a project will decide which firm the Commissioners, in its opinion, has found most suitable for employment for that project. In keeping with the intent of Indiana's MBE Affirmative Action Plan and Federal Regulations concerning employment of minority business enterprises, the greatest possible consideration for use of minority-owned firms will be given during the selection process.

(B) The minutes of the Commissioners meeting will note the reasons for selection of the recommended consultant.

(C) Upon the Board's approval, the proposal received from the selected consultant together with any necessary added information of breakdown of scope, schedule and proposed compensation with man-hour estimates overhead rate, direct costs and the like, will undergo a further technical review by the Board. As required, preliminary discussions between the consultant and Board will take place during these assessments.

(D) In those instances where FHPM 1-7-2 requires preaward audit evaluation on selected consultants which are expected to exceed \$50,000, the financial review will be made by the Board of Commissioners in conjunction with the Indiana Department of Highways Division of Accounting and Control. (Ord. -, passed 6-16-1984)

**§ 31.78 CONTRACT NEGOTIATIONS.**

(A) When the assessment of the consultant's proposal has been completed, negotiations of the contract for the work will take place with the Board of Commissioners in group negotiating the contract with documentation of the use of the evaluations during negotiations and a preliminary agreement developed and submitted for any necessary reviews and approvals. Upon receipt of needed approvals including local, county, IDOH and FHWA approvals, a final contract will be executed.

(B) If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the Board of Commissioners or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken. (Ord. -, passed 6-16-1984)

**§ 31.79 EXCEPTIONS TO PROCEDURE.**

Where a project is considered of any emergency nature, or where the scope of work is relatively small, or where consultant's fees for the work will be less than \$10,000, or when the specialized qualifications of a particular consultant appear needed for accomplishment of the work or when non-competitive negotiations are authorized by the Federal Highway Administration, a consultant may be selected with any necessary concurrence by the Indiana Department of Highways and the Federal

Highway Administration's Division Office, and only that firm requested to immediately submit a consultant proposal for the project.  
(Ord. -, passed 6-16-1984)

**§ 31.80 NOTICE TO PROCEED WITH WORK.**

When federal and state approvals have been received on the contract along with "authorization to proceed", a written notice to proceed with the work will be given to the consultant by the county. No compensation will be made for work undertaken prior to such notice to proceed.  
(Ord. -, passed 6-16-1984)

***AMERICANS WITH DISABILITIES ACT (ADA) PROCEDURES***

**§ 31.90 GRIEVANCE PROCEDURE.**

The Wells County ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached to Resolution 2012-06, passed 12-4-2012, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Wells County.  
(Res. 2012-04, passed 12-3-2012; Res. 2012-06, passed 12-4-2012)

**§ 31.91 ADA STANDARDS FOR ACCESSIBLE DESIGN.**

The Wells County Board of Commissioners hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design (ADAAG) and the 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and will adhere to any subsequent revisions.  
(Res. 2012-05, passed 12-3-2012)



## CHAPTER 32: EMERGENCY MANAGEMENT

### Section

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**GENERAL PROVISIONS**

**§ 32.01 PURPOSE.**

To establish in the county a Department of Emergency Management and to provide for the exercise of necessary powers during disaster emergencies.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.02 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 Wells 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 Wells County Emergency Management Advisory Council as established under this chapter, pursuant to I.C. 10-14-3-17.

**COUNTY.** Wells County.

**DEPARTMENT.** The County Department of Emergency Management as established under this chapter, pursuant to I.C. 10-14-3-17.

**DIRECTOR.** The County Emergency Management Director as established and appointed pursuant to this chapter in accordance with I.C. 10-14-3-17.

**DISASTER.** Has the meaning established in I.C. 10-14-3-1; which at the time this chapter is adopted means:

(1) An occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural phenomenon or human act.





(2) The term includes any of the following:

- (a) Fire;
- (b) Flood;
- (c) Earthquake;
- (d) Windstorm;
- (e) Snowstorm;
- (f) Ice storm;
- (g) Tornado;
- (h) Wave action;
- (i) Oil spill;
- (j) Other water contamination requiring emergency action to avert danger or damage;
- (k) Air contamination;
- (l) Drought;
- (m) Explosion;
- (n) Technological emergency;
- (o) Utility failure;
- (p) Critical shortages of essential fuels or energy;
- (q) Major transportation accident;
- (r) Hazardous material or chemical incident;
- (s) Radiological incident;
- (t) Nuclear incident;
- (u) Biological incident;

- (v) Epidemic;
- (w) Public health emergency;
- (x) Animal disease event requiring emergency action;
- (y) Blight;
- (z) Infestation;
- (aa) Riot;
- (bb) Hostile military or paramilitary action;
- (cc) Act of terrorism; and
- (dd) Any other public calamity requiring emergency action.

***EMERGENCY MANAGEMENT.***

(1) Has the meaning established in I.C. 10-14-3-2; which at the time this chapter is adopted means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters.

- (2) The functions include the following:
- (a) Firefighting services;
  - (b) Police services;
  - (c) Medical and health services;
  - (d) Rescue;
  - (e) Engineering;
  - (f) Warning services;
  - (g) Communications;
  - (h) Radiological, chemical and other special weapons defense;

- (i) Evacuation of persons from stricken areas;
- (j) Emergency welfare services;
- (k) Emergency transportation;
- (l) Plant protection;
- (m) Temporary restoration of public utility services;
- (n) Other functions related to civilian protection; and

(o) All other activities necessary or incidental to the preparation for and coordination of the functions described in divisions (a) through (n) above.

**EMERGENCY MANAGEMENT VOLUNTEER.** Any person who serves without compensation in the Department of Emergency Management, being first duly given the Loyalty Oath mandated by I.C. 10-14-3-27 and rostered 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.

**IDHS.** The Indiana Department of Homeland Security established under I.C. 10-19-2-1.

**PARTICIPATING EMERGENCY SERVICE.**

(1) Any county department or agency designated in the emergency operations plan to participate in emergency management activities; and

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

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

**PLAN or EMERGENCY PLAN.** The current local Comprehensive Emergency Management Plan whose preparation and updating are mandated by I.C. 10-14-3-17.

**PRINCIPAL EXECUTIVE OFFICER.**

(1) Of the county, as referred to in I.C. 10-14-3-29(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the Wells County Board of Commissioners established under I.C. 36-2-2.

(2) If a quorum of the Wells County Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the following establishes the line of succession for the Principal Executive Officer:

(a) Regularly designated President of the Wells County Board of Commissioners. If a quorum of the Wells County Board of Commissioners (two of the three Commissioners as established under I.C. 36-2-4-3) is unavailable or is incapacitated, then the regularly designated President of the Wells County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this chapter until a time that a quorum of the Wells County Board of Commissioners is no longer unavailable or incapacitated;

(b) President Pro-Tem of the Board of Wells County Commissioners. If both a quorum of the Wells County Board of Commissioners and the regularly designated President of the Wells County Board of Commissioners are unavailable or are incapacitated, then the President Pro-Tem of the Wells County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this chapter until a time that either the regularly designated President or a quorum of the Wells County Board of Commissioners is no longer unavailable or incapacitated;

(c) Remaining Commissioner of the Board of Wells County Commissioners. If a quorum of the Board of Wells County Commissioners, the regularly designated President of the Board of Wells County Commissioners, and the President Pro-Tem of the Wells County Board of Commissioners are all unavailable or are incapacitated, then the remaining Commissioner of the Wells County Board of Commissioners shall serve as the Principal Executive Officer for the purposes of this chapter until a time that the President Pro-Tem, the regularly designated President, or a quorum of the Wells County Board of Commissioners is no longer unavailable or incapacitated; and

(d) Chain of command: if all of the Wells County Commissioners are unavailable or incapacitated, then the following Wells County officials shall serve in the order listed: Wells County Recorder, Wells County Auditor, Wells County Clerk. Then if none of those be available the Director of Emergency Management shall serve as the Principal Executive Officer. Each shall serve, in that order, until someone above them or a Wells County Commissioner is no longer unavailable or incapacitated (Ord. 2007-3, passed 4-16-2007)

### **§ 32.03 SCOPE AND INTENT; CONSTRUCTION OF POWERS.**

(A) 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.

(B) To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department and agencies.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.04 NONSUPERSESSION OF EMERGENCY POWERS OF COUNTY SHERIFF.**

Nothing in this chapter is intended to supersede or delimit any statutory powers of the Wells County Sheriff.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.05 NONSUPERSESSION OF EMERGENCY MANAGEMENT POWERS OF POLITICAL SUBDIVISIONS; CONFORMANCE OF POLITICAL SUBDIVISION EMERGENCY MANAGEMENT RULES; REGULATIONS WITH COUNTY'S EMERGENCY MANAGEMENT PROGRAM AND EMERGENCY PLAN**

Nothing in this chapter is intended to supersede or delimit the powers granted under I.C. 10-14-3-17 to any political subdivision to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in the advent of an actual emergency affecting the political subdivision. However, pursuant to I.C. 10-14-3-22, the regulations and procedures as promulgated by the political subdivision may not be inconsistent with the county emergency management program and emergency plan established in accordance with this chapter.  
(Ord. 2007-3, passed 4-16-2007)

***EMERGENCY MANAGEMENT ADVISORY COUNCIL; DIRECTOR; ORGANIZATION AND ADMINISTRATION OF DEPARTMENT OF EMERGENCY MANAGEMENT***

**§ 32.20 ADVISORY COUNCIL; ESTABLISHMENT.**

The County Emergency Management Advisory Council is established by I.C. 10-14-3-17(c) and under this statute consists of the following individuals or their designees:

(A) The President of the Board of County Commissioners or, if the Board of County Commissioners does not have a President, a member of the Board of County Commissioners appointed from the membership of the Board of County Commissioners;

(B) The President of the county fiscal body;

(C) The Mayor of each city located in the county;

(D) An individual representing the legislative bodies of all towns located within the county;

(E) One Commander of a local civil air patrol unit in the county or the commander's designee; and

(F) Representatives of the 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.

(Ord. 2007-3, passed 4-16-2007)

### **§ 32.21 POWERS AND DUTIES OF ADVISORY COUNCIL.**

The powers and duties of the County Emergency Management Advisory Council are established by I.C. 10-14-3-17(d) and under this statute consist of the following:

(A) The County Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the county;

(B) The County Advisory Council shall select, or cause to be selected, with the approval of the Board of County Commissioners, a County Emergency Management Director; and

(C) The statute establishing the powers and duties of the Advisory Council does not describe the procedure to be used to terminate a County Emergency Management Director. However, the statute does require the Advisory Council to select the Director and obtain approval for the Board for this selection before a Director can be appointed. Therefore, an Advisory Council may make a determination to terminate a Director, but this determination is subject to the approval of the Board before the termination is final.

(Ord. 2007-3, passed 4-16-2007)

### **§ 32.22 DIRECTOR; GENERAL POWERS AND DUTIES.**

The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department, and pursuant to I.C. 10-14-3-17(d)(2)(A) has direct responsibility for the organization, administration and operation of the Department, including the following specific powers and duties.

(A) The Director, pursuant to I.C. 10-14-3-17(d)(2)(B), is responsible to the Chairperson of the Advisory Council, and as such shall keep the Chairperson fully informed on emergency management activities and shall provide reports to the Advisory Council if so directed by the Chairperson of the Advisory Council.

(B) The Director shall keep the Board fully informed on EMA activities.

(C) The Director shall submit to the Advisory Council and the Wells County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come.

(D) The Director shall ensure that all of the duties and responsibilities of the Emergency Management Agency are completed.

(E) The Director shall ensure that all county employees and rostered volunteers with responsibilities as part of the Comprehensive Emergency Management Plan receive training in the functions that they are to perform under the plan.

(F) The Director shall design and conduct exercises of the Comprehensive Emergency Management Plan, as required by the State Department of Homeland Security.

(G) The Director shall ensure that the Comprehensive Emergency Management Plan addresses all hazards and includes all cities, towns and other population centers within the county.

(H) The Director shall submit to State Department of Homeland Security the assessment specified in IDHS's required format and within IDHS's required time frame for submission.

(I) The Director shall provide to the State Department of Homeland Security Executive Director annual reports and documentation as mandated.

(J) The Director shall competently manage the department's various functions, including among others financial, personnel and logistic.

(K) The Director shall timely obey the directives of superior state authorities.

(L) The Director shall ensure that the activities of the Department at all times comport with I.C. 10-14-3 and other applicable statutes, rules and county ordinances.

(M) The Director shall develop an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency.

(N) The Director shall attain certification as a Basic Professional Emergency Manager from the IDHS within two years of first assuming the position of Director; except that an individual appointed as a Director prior to January 1, 2005 shall attain this certification by no later than January 1, 2009. After the Director attains this certification, the Director shall complete the continuing emergency management education required by the State Department of Homeland Security to maintain this certification.

(O) The Director shall ensure that the Deputy Director attains certification as a Basic Professional Emergency Manager from the State Department of Homeland Security within four years of first assuming the position of Deputy Director. After the Deputy Director attains this certification, the Director shall ensure that the Deputy Director completes the continuing emergency management education required by the IDHS to maintain this certification.

(P) The Director shall attend, and shall ensure that the Deputy Director and all paid emergency management staff attend, emergency management training courses as needed to stay up-to-date on the latest advances in emergency management.

(Q) The Director shall assume responsibility for public relations, information and education regarding all phases of emergency management.

(R) The Director shall assure coordination within the county of all activities for emergency management.

(S) The Director shall maintain liaison and coordinate with all other affected agencies, public and private.

(T) The Director shall coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(U) The Director shall seek, negotiate and enter into (with the approval or ratification of the County Commissioners and consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with the arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties.

(V) The Director shall accept any offer of the federal government to provide for the use of the county any services, equipment, supplies, materials or funds for emergency management purposes by way of gift, grant or loan, when the Governor has approved the offer.

(W) The Director shall seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds or licenses or privileges to use real estate or other premises, to the county for emergency management purposes.

(X) The Director shall issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

(Y) The Director shall ensure that all volunteers meet the criteria set forth in this chapter prior to accepting them as members of the Department.

(Z) As soon as an emergency or disaster declaration has been made the Director shall make rapid and accurate assessment of:

- (1) Property damage;
- (2) Personal injuries;
- (3) Fatalities;
- (4) Basic needs; and
- (5) Special needs.



(AA) In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local Emergency Management Director as provided under I.C. 10-14-3. In particular, but not by limitation, the Director, through the Department, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by IDHS under I.C. 10-14-3.

(BB) The Director shall coordinate the activities of emergency management volunteers during emergency and non-emergency situations.

(CC) The Director shall coordinate and develop the necessary agreements with the state, other state political subdivisions, political subdivisions in adjoining states, and private businesses to ensure that the county will have access to the resources and personnel that may be needed during an emergency or disaster.

(DD) The Director shall write grant proposals and/or assist with the writing of grant proposals to promote emergency management, public safety and homeland security objectives.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.23 DEPARTMENT OF EMERGENCY MANAGEMENT; ESTABLISHMENT; STAFFING; OATH; PROHIBITION OF POLITICAL ACTIVITY.**

(A) There is hereby established a Department of Emergency Management 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 Director of Emergency Management shall be responsible for its organization, administration and operation.

(B) The Department shall consist of the following:

(1) The Director of Emergency Management;

(2) A Deputy Director appointed by the Director with the approval of the Advisory Council. The Deputy Director shall fulfill the duties of the Director in the absence or incapacity of the Director to serve; and assist the Director in the performance of Director's duties;

(3) Emergency management volunteers, as deemed necessary and appointed by the Director. In addition to the other requirements in this subchapter, the Director shall ensure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:

(a) Be at least 18 years of age or older;

(b) Not be convicted of a felony; and

(c) Have completed and have on file with the Department an application form.

(4) The employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the emergency plan to participate in emergency management activity;

(5) Staff officers with responsibility for communications and warning, radiological, health and medical care, law enforcement, fire and search and rescue, public works and public information in accordance with the Comprehensive Emergency Management Plan; and

(6) The assistants, clerical help and other employees as deemed necessary and appointed by the Director in accordance with the Comprehensive Emergency Management Plan.

(C) Pursuant to I.C. 10-14-3-27(a), no person shall be employed or associated in any capacity in any emergency management organization established under this chapter who:

(1) Advocates a change by force or violence in the constitutional form of the government of the United States or the overthrow of any government in the United States by force or violence; or

(2) Has been convicted of or is under indictment or information charging any subversive act against the United States.

(D) Pursuant to I.C. 10-14-3-27(b), each individual who is appointed to serve in an organization for emergency management shall, before entering upon the individual's duties, take a loyalty oath, in writing, before a person authorized to administer oaths in the state.

(1) The loyalty oath shall be substantially as follows:

"I, \_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the County Department of Emergency Management I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(2) In accordance with I.C. 10-14-3-27(c), the Executive Director of the IDHS and the County Emergency Management Director may administer this loyalty oath and may delegate the authority to administer the loyalty oath to designated deputies and assistants approved by the Executive Director of the State Department of Homeland Security.

(E) Pursuant to I.C. 10-14-3-26, the Department shall not:

- (1) Participate in any form of political activity; or
- (2) Be employed directly or indirectly for political purposes.

(F) 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 numbers of officers, deputies and employees of county departments, classify positions and adopt schedules of compensation pursuant to I.C. 36-2-5-3(a). Notwithstanding any other provision of this chapter, with the exception of the Director, a compensated position may not be established within the Department of Emergency Management nor shall any person be appointed to the position without authorization and sufficient funding from the County Council.

(Ord. 2007-3, passed 4-16-2007)

**§ 32.24 DUTIES OF DEPARTMENT.**

The Department, subject to the direction and control of the Director, shall prepare and implement the Comprehensive Emergency Management Plan, including the following specific duties:

(A) Prepare and distribute to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials and the disaster chain of command in accordance with I.C. 10-14-3-17(i);

(B) Work closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards;

(C) Write and implement the Comprehensive Emergency Management Plan, which shall conform to the guidelines contained in the most current state and federal guidance documents (the county cannot receive state and/or federal matching funds unless this is done), and the requirements established in this chapter. As part of the preparation of this plan, the Department shall:

- (1) Identify and analyze the effects of hazards that threaten the county;
- (2) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency;
- (3) Establish a system to alert key officials in event of a disaster or emergency;
- (4) Identify resource deficiencies and work with appropriate officials on measures to correct them;
- (5) Develop and maintain an emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including all cities and towns;

(6) Take all actions necessary to ensure the continuity of government procedures and systems in the event of a disaster;

(7) Establish and maintain a shelter and reception and care system for both people and animals;

(8) Develop a training program for emergency response personnel ensuring that mitigation, training and exercising have been performed for all the personnel; and

(9) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the Comprehensive Emergency Management Plan.

(D) Update the Comprehensive Emergency Management Plan as needed to keep it current, as required by I.C. 10-14-3-17(h); and

(E) Develop a program to test and exercise the emergency plan.  
(Ord. 2007-3, passed 4-16-2007)

#### **§ 32.25 BUDGET AND FINANCE.**

(A) The Advisory Council shall advise the Director in the preparation of the budget.

(B) The County Council shall appropriate funds, as it may deem necessary for the purpose of emergency management.

(C) All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.  
(Ord. 2007-3, passed 4-16-2007)

#### **§ 32.26 COMPREHENSIVE PLAN; FORMULATION; CONTENT AND ADOPTION.**

(A) A County Comprehensive Emergency Management Plan, referred to as the interjurisdictional disaster emergency plan by I.C. 10-14-3-17(h) shall be adopted by resolution of the County Board of Commissioners. In the preparation of this 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 Comprehensive Emergency Management Plan shall include, at minimum, the following:

(1) An administrative section which includes:

(a) Authorities and directives;

(b) Terms and definitions;

- (c) Acronyms/abbreviations; and
  - (d) Financial management.
- (2) A hazards specific section which includes:
- (a) Unique hazards; and
  - (b) Special events.
- (3) An operations section which includes:
- (a) Coordination and control emergency support function;
  - (b) Communications and warning emergency support function;
  - (c) Public information emergency support function;
  - (d) Resource management emergency support function; and
  - (e) Information and planning emergency support function.
- (4) An emergency services section which includes:
- (a) Military emergency support function;
  - (b) Law enforcement emergency support function;
  - (c) Firefighting emergency support function;
  - (d) Transportation emergency support function;
  - (e) Health and medical emergency support function;
  - (f) Search and rescue emergency support function; and
  - (g) Public works/engineering emergency support function.
- (5) A consequent effects section which includes:
- (a) Evacuation emergency support function;
  - (b) Shelter/mass care emergency support function;

- (c) Damage assessment emergency support function;
- (d) Hazardous materials emergency support function;
- (e) Radiological protection emergency support function; and
- (f) Energy emergency support function.

(C) In addition, all emergency services within the county shall:

(1) Develop standard operating procedures, standard operating guides and checklists that are drafted subject to the requirements of the Comprehensive Emergency Management Plan;

(2) Coordinate standard operating procedures, standard operating guides and checklists with the Department of Emergency Management;

(3) Assure inclusion of the standard operating procedures, standard operating guides and checklists within the County Comprehensive Emergency Management Plan;

(4) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan; and

(5) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

(Ord. 2007-3, passed 4-16-2007)

### **§ 32.27 JURISDICTION; EMERGENCY MANAGEMENT PLAN; POLITICAL SUBDIVISIONS.**

(A) Except as provided by §§ 32.04 and 32.05 above, the jurisdiction of the County Department of Emergency Management shall be comprehensive and inclusive county-wide and effective in both the incorporated and unincorporated areas of the county.

(B) The jurisdiction and applicability of the County Comprehensive Emergency Management Plan, as adopted pursuant to § 32.26 above, and the exercise of any powers of the Principal Executive Officer of the county and of the County Board of Commissioners under §§ 32.40 through 32.48, shall be comprehensive and inclusive county-wide and effective in both the incorporated and unincorporated areas of the county.

(C) All political subdivisions in the county shall:

(1) If they develop a plan for their political subdivision:

(a) Ensure that the plan is consistent with the requirements of the County Comprehensive Emergency Management Plan;

(b) Coordinate the development of the plan with the Department of Emergency Management; and

(c) Ensure inclusion of the plan within the County Comprehensive Emergency Management Plan.

(2) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan; and

(3) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

(Ord. 2007-3, passed 4-16-2007)

**§ 32.28 TESTS OF THE PLAN; OTHER EMERGENCY TESTS.**

(A) Tests of the Comprehensive Emergency Management Plan may be conducted at any time with or without prior notification to persons other than the Director.

(B) All emergency tests conducted within the boundaries of the county shall be coordinated with the Department.

(Ord. 2007-3, passed 4-16-2007)

**§ 32.29 COUNTY BOARD OF COMMISSIONERS; ADMINISTRATIVE POWERS AND DUTIES.**

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

(A) Maintaining general supervision over the planning and administration for the Department;

(B) Adopting the Comprehensive Emergency Management Plan;

(C) Coordinating emergency management activities consistent with the Comprehensive Emergency Management Plan;

(D) Making assignments of county personnel to emergency management activities consistent with the Comprehensive Emergency Management Plan;

(E) 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 Comprehensive Emergency Management Plan;

(F) Taking all necessary action in coordination with the Department to conduct tests of the Comprehensive Emergency Management Plan; and

(G) Educating themselves as to their responsibilities under the Comprehensive Emergency Management Plan.

(Ord. 2007-3, passed 4-16-2007)

***EMERGENCY MANAGEMENT PROGRAM; EMERGENCY POWERS, REGULATIONS  
AND PROCEDURES***

**§ 32.40 APPLICABILITY OF SUBCHAPTER.**

This subchapter shall apply whenever:

(A) The Governor, pursuant to I.C. 10-14-3-12 has declared a disaster emergency affecting all or part of the county;

(B) The Principal Executive Officer of the county, pursuant to I.C. 10-14-3-29(a) and § 32.42 below, is preparing to, or has declared a local disaster emergency affecting all or part of the county; and/or

(C) The County Board of Commissioners has implemented a test of the county's Comprehensive Emergency Management Plan and procedures in accordance with and to the extent necessary or dispensable to the test.

(Ord. 2007-3, passed 4-16-2007)

**§ 32.41 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY.**

(A) In the event of an actual or threatened disaster emergency affecting the county, if feasible, the Principal Executive Officer of the county shall seek the advice and input of the Director as to the advisability of declaring a local disaster emergency.

(B) If the County Board of Commissioners, acting as the Principal Executive Officer of the county, is the entity declaring the local disaster emergency, then the statutory requirements contained in I.C. 36-2-2-8 and I.C. 5-14-1.5-5(d) regarding special and emergency meetings of the County Board of Commissioner must be met.



(C) The Principal Executive Officer of the county may, in the event of an actual or threatened disaster emergency affecting the county declare a local disaster emergency, pursuant to I.C. 10-14-3-29(a). This declaration shall:

- (1) Be in writing;
- (2) State the nature of the disaster;
- (3) State the conditions that have brought the disaster about;
- (4) State the area or areas threatened;
- (5) State the area or areas to which the local disaster emergency declaration applies (this may include the entire county or only designated parts thereof); and
- (6) (a) State the effective period of the local disaster emergency declaration.  
  
(b) The disaster declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the County Board of Commissioners.

(D) The declaration of a local disaster emergency, as well as any continuation or termination of the declaration shall be:

- (1) Announced or disseminated to the general public by the best means available; and
- (2) Filed promptly in the offices of the County Clerk, the County Auditor and the Clerk of any incorporated municipality located in the declared disaster area.

(E) The declaration shall not be invalidated or ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.

(F) Upon a declaration, County's Comprehensive Emergency Management Plan or component parts thereof as may be relevant to the emergency shall be activated and implemented.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.42 BOARD OF COMMISSIONERS; CONVENTION OF SPECIAL EMERGENCY MEETING.**

(A) As allowed by I.C. 36-2-2-8 and I.C. 5-14-1.5-5(d), a special meeting of the County Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the Principal Executive Officer of the county, to perform their legislative and administrative functions as the situation may demand.

(B) As required by I.C. 36-2-2-8(b) and I.C. 5-14-1.5-5(d), the following conditions must be met for this meeting:

- (1) The notice for the meeting must include a specific statement of the purpose of the meeting;
- (2) News media that have requested notice of meetings must be given the same notice as is given the members of the County Board of Commissioners;
- (3) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held;
- (4) The County Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration; and
- (5) All other requirements that are applicable to a meeting that is called to deal with an emergency.

(C) In addition, such a meeting may:

- (1) Be held in any convenient and available place;
  - (2) Continue without adjournment for the duration of the disaster emergency; and
  - (3) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.
- (Ord. 2007-3, passed 4-16-2007)

#### **§ 32.43 PRINCIPAL EXECUTIVE OFFICER; SPECIAL EMERGENCY POWERS AND DUTIES.**

(A) In the event that a disaster emergency has been declared that affects all or part of the county, and a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting needed under § 32.42 above, the Principal Executive Officer of the county shall have, on an interim basis, all powers of the County Board of Commissioners and may take all the actions with respect to the disaster emergency declaration that the County Board of Commissioners would have been authorized to take.

(B) When a quorum of the County Board of Commissioners is assembled, these interim powers of the Principal Executive Officer of the county shall cease.

(Ord. 2007-3, passed 4-16-2007)

**§ 32.44 BOARD OF COMMISSIONERS; SPECIAL EMERGENCY POWERS AND DUTIES.**

(A) At the meeting convened under § 32.42 above, the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

(B) In addition to the powers enumerated in division (A) above, the Board may also exercise any of the following special and extraordinary powers:

(1) The County Board of Commissioners may extend the period of a local disaster emergency declared by the Principal Executive Officer of the county, pursuant to § 32.41 above, to last more than seven days if necessary;

(2) The County Board of Commissioners may terminate the local disaster emergency;

(3) The County Board of Commissioners may assemble and utilize emergency management resources, including:

(a) Personnel of the Department of Emergency Management;

(b) Participating emergency services; and

(c) Any other resources at the disposal of the Commissioners hereunder for emergency management purposes.

(4) The County Board of Commissioners may order volunteer forces which have been activated pursuant to the Comprehensive Emergency Management 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;

(5) In order to control the local disaster emergency and provide for public health, safety and welfare, the County Board of Commissioners may, to the extent permitted by I.C. 10-14-3-31 and subject to its provisions, command services and/or requisition the use of:

(a) Equipment;

(b) Facilities;

(c) Supplies; or

(d) Other property.

(6) The County Board of Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:

- (a) Routes;
- (b) Modes of transportation; and
- (c) Evacuation destinations.

(7) The County Board of Commissioners may make 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;

(8) Except in accordance with division (B) above, the County Board of Commissioners shall not suspend any provisions of ordinances or procedures, which are mandated by statute;

(9) In the event of a disaster emergency that has been declared by the Governor, the County Board of 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, pertaining to:

- (a) The performance of public works;
- (b) The entering into contracts;
- (c) The incurring of obligations;
- (d) The employment of permanent and temporary workers;
- (e) The utilization of volunteer workers;
- (f) The rental of equipment;
- (g) The purchase and distribution of supplies, materials and facilities; and
- (h) The appropriation and expenditure of public funds.

(10) The County Board of Commissioners may assign any special emergency duties and functions to county:

- (a) Offices;
- (b) Departments; and
- (c) Agencies.

(11) Any unexpended and unencumbered monies budgeted and appropriated but not 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;

(12) Pursuant to I.C. 10-14-3-22, the County Board of Commissioners may make, amend and rescind the orders, rules and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the provisions of this chapter. Those orders, rules and regulations:

(a) Cannot be inconsistent with any orders, rules or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor;

(b) Cannot be inconsistent with the county's emergency management program or Emergency Plan;

(c) Shall have full force and effect of law when filed in the office of the County Clerk; and

(d) Are enforceable by any local or state law enforcing authority in accordance with I.C. 10-14-3-24.

(13) The County Board of Commissioners may, in accordance with the emergency plan, request the state or the United States or 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.

(C) All actions taken by the County Board of Commissioners under this subchapter shall be:

(1) Adopted by ordinance or resolution pursuant I.C. 10-14-3-22; and

(2) Consistent with, and subordinate to, any actions, orders or regulations made by the Governor or a state agency implementing the State Comprehensive Emergency Management Plan. (Ord. 2007-3, passed 4-16-2007)

**§ 32.45 OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY; GENERAL DUTIES DURING EMERGENCY.**

During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the county shall:

(A) Cooperate with and give active support to the County Board of Commissioners and the County Emergency Management Director; and

(B) Comply with all orders, rules and regulations issued pursuant to this chapter by the County Board of Commissioners or the County Emergency Management Director.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.46 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES AND REGULATIONS; OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; ENFORCEMENT.**

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

(1) Willfully obstruct, hinder or delay the County Board of Commissioners, the Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing the emergency plan;

(2) Fail 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

(3) Falsely wear or carry identification as a member of the County Department of Emergency Management or to otherwise falsely identify or purport to be a county emergency management authority.

(B) A person who knowingly, intentionally or recklessly violates this chapter commits a Class B misdemeanor pursuant to I.C. 10-14-3-34.

(C) 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.

(Ord. 2007-3, passed 4-16-2007) Penalty, see § 10.99

**§ 32.47 LIMITATION OF LIABILITY DURING DISASTER EMERGENCY OR EMERGENCY OR EMERGENCY MANAGEMENT TESTS.**

During an emergency management test or declared disaster emergency, the county, the county's assigned personnel, participating emergency services and rostered emergency management volunteers shall be immune from liability to the full extent provided by I.C. 10-14-3 and any other applicable law.  
(Ord. 2007-3, passed 4-16-2007)

**§ 32.48 COMPENSATION FOR PROPERTY COMMANDEERED OR USED DURING DISASTER EMERGENCY.**

Pursuant to I.C. 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was

ordered by the Governor or a member of the disaster emergency forces of the state. Any person claiming compensation for the use, damage, loss or destruction of the property shall make a claim for it. This claim shall be filed and adjudicated as provided in I.C. 32-24.  
(Ord. 2007-3, passed 4-16-2007)

***LOCAL DISASTER EMERGENCY DECLARATION AND TRAVEL ADVISORY***

**§ 32.50 TITLE.**

This subchapter shall be known as the Local Disaster Emergency Declaration Ordinance of Wells County, Indiana, and shall apply to all roads, highways or rights-of-way maintained by the County Highway Department (“roads”). The mandatory provisions of this subchapter and of any local disaster emergency issued pursuant to this subchapter, including the prohibitions on travel and the penalties for violating those prohibitions shall not apply to streets maintained by a city or town within the county nor to a state highway maintained by the Indiana Department of Transportation nor to a federal interstate highway situated within the county.  
(Ord. 2011-16, passed 12-19-2011)

**§ 32.51 PROCEDURE.**

(A) The Board, after consultation with: the County Emergency Management Advisory Council; the County Sheriff; the County Emergency Management/Homeland Security Director; and the County Highway Superintendent, if available, or the respective representative designated by each as the person to consult in his or her absence for the purpose of recommending a declaration of local disaster emergency, may declare a local disaster emergency which may also contain a “warning” level travel advisory by executive order when, in the Board’s judgment, by majority rule, such order would be appropriate under I.C. 10-14-3-29 and in the best interest of the public safety and welfare of the residents of the county.

(B) If only one member of the Board is available to sign the declaration of local disaster emergency, he or she can declare a local disaster emergency if he or she has obtained and documented the verbal or written concurrence of at least one other Board member.

(C) If, with or without the issuance of a declaration of local disaster emergency, the Board or the Emergency Management Agency Director determines that conditions require an “advisory” or “watch” level of advisory, the Board, by majority rule or the Emergency Agency Director, upon written notice to the Board may issue an “advisory” or a “watch” travel advisor.

(D) Pursuant to I.C. 10-14-3-29.5, a “warning” level travel advisory may be issued only after or as a part of declaration of local disaster emergency. Such emergency shall continue in effect until the above mentioned Board members and/or officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

(E) The Board may declare a “warning” level travel advisory upon its determination that the conditions are appropriate for the issuance of a local disaster emergency under I.C. 10-14-3-29, and the further determination that the criteria set forth in § 32.52, have been met.

(F) The President of the Board, or in the President's absence, any other Commissioner, is authorized to issue a local travel advisory as part of an emergency declaration under I.C. 10-14-3-29. If no Commissioner is available, the County Auditor is authorized to issue a local travel advisory that shall remain in effect for the shorter of seven days, until revoked by the County Auditor, or until revoked by a Commissioner. Any restriction on private travel shall be void after 24 hours unless it is authorized by at least two Commissioners.

(Ord. 2011-16, passed 12-19-2011; Ord. 2021-02, passed 3-1-2021)

### § 32.52 LOCAL TRAVEL ADVISORIES.

A local travel advisory shall be declared in accordance with I.C. 10-14-3-29.5, and this subchapter. The purpose of a local travel advisory is to keep the residents of Wells County informed of the weather and county road conditions, and to assist County Highway Department in the clearing of the county roadways by eliminating stranded vehicles.

(A) *Advisory level travel advisory.* This level may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution to avoid these areas. Schools and businesses may begin to implement their emergency action plans.

(B) *Watch level travel advisory.* This level may be declared when conditions are threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, and the like). At this level emergency actions plans should be implemented by businesses, schools, government agencies and other organizations.

(C) *Warning level travel advisory.* This level may be declared when roads have become impassable and the County Highway Department is not able to keep the roadways cleared due to extreme weather conditions such as a severe snow fall, high drifts, or blizzard like conditions are present. Travel may be restricted to emergency management workers only and essential emergency travel by members of the public as the Board may further direct, such as privately employed health care workers. Further restrictions that the Board deems necessary may be included within the local disaster declaration.  
(Ord. 2011-16, passed 12-19-2011)



**§ 32.53 PUBLICATION.**

Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision pursuant to I.C. 14-3-22(b)(2). Publication and broadcast of an advisory, watch or warning level travel advisory shall be made or caused to be made by the Board or other officials designating the level of travel advisory using a press release to all law enforcement agencies, fire departments, hospitals, and news media in the county. The declaration shall be promptly forwarded to the Indiana Department of Homeland Security and shall be kept on file by the Wells County Emergency Management Agency/Department of Homeland Security, County Clerk, and County Auditor.  
(Ord. 2011-16, passed 12-19-2011)

**§ 32.54 EXEMPTIONS.**

Vehicles which shall be exempt from the travel and parking restrictions imposed in a travel advisory pursuant to this subchapter shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicles violating this subchapter or any of the parking restrictions contained in local declaration of disaster emergency or a “warning” travel advisory are subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by a duly authorized representative of any one or more the following: the County Highway Department, the County Sheriff’s Department, a State Conservation Officer, or the Indiana State Police.  
(Ord. 2011-16, passed 12-19-2011)

**§ 32.55 PENALTY.**

Any persons violating any provisions of this subchapter or the vehicle use or parking restrictions contained in a local declaration of disaster emergency or a “warning” travel advisory shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$500 and such shall be enforceable in any court of law, duly authorized by state law, and in addition to such fine the Court shall be authorized to direct the violator to repay the county any monetary losses or expenses incurred in the incident.  
(Ord. 2011-16, passed 12-19-2011)



## CHAPTER 33: COUNTY OFFICIALS AND ORGANIZATIONS

### Section

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#### *Officials*

- 33.50 Director of Recycling

#### *Cross-reference:*

*See also Conflict of interest policy, § 31.06*

### **GENERAL PROVISIONS**

#### **§ 33.01 INDEMNIFICATION.**

(A) To the extent not inconsistent with state law as in effect from time to time, that every official, officer, board appointee and/or employee of the county shall, to the extent there is not coverage under insurance policies then existing in favor of the county, be indemnified by the county against all liability and reasonable expense that may be incurred by him or her in connection with or resulting from any claim, action, suit or proceeding if such official, officer, board appointee or employee is wholly successful with respect thereto or if not wholly successful, then if its official, officer, board appointee

or employee is determined to have acted in good faith, in what he or she reasonably believed to be the best interest of the county and the proper performance of his or her duties, and his or her actions were not determined to be criminal in nature.

(B) (1) The terms “claim, action, suit or proceeding” shall include every claim, action, suit or proceeding and all appeals thereof when of a civil or administrative nature, or threat thereof, in which an official, officer, board appointee or employee of the county may become involved, as a party or otherwise:

(a) By reason of his or her being or having been an official, officer or employee of the county, or a member of an appointed board, on which he or she was serving as such at the request of the county; or

(b) By reason of any action taken or not taken by him or her in such capacity, whether or not he or she continues in such capacity at the time such liability or expense shall have been incurred.

(2) The terms “liability” and “expense” shall include, but shall not be limited to, counsel fees and disbursements and amounts of judgments, fines or penalties against and amounts paid in settlement by or on behalf of the officials, officers, board appointees or employees of the county.

(3) The term “wholly successful” shall mean termination of any action, suit or proceeding against the person in question without any finding of liability or guilt against him or her, approval by a court, with knowledge of the indemnity herein provided, of a settlement of any action, suit or proceeding, or the expiration of a reasonable period of time after the making of any claim or threat of an action, suit or proceeding without the institution of the same; all without any payment or promise made to induce a settlement.

(C) Every official, officer, board appointee and/or employee claiming indemnification hereunder (other than one who has been wholly successful with respect to any claim, action, suit or proceeding) shall be entitled to indemnification if special independent legal counsel, which may be regular counsel for the county or other disinterested person or persons, in either case selected by a majority vote of the members of the Board of Commissioners and County Council, acting jointly, shall deliver to the Board of Commissioners and County Council a written finding that such official, officer, board appointee or employee has met the standards of conduct set forth in this section and if sufficient funds have not been theretofore appropriated for that purpose, a majority of the individual members of the County Council, acting upon such written finding passes the necessary appropriation. The person claiming indemnification shall, if requested, appear before the special independent legal counsel, answer questions which the counsel deems relevant and shall be given ample opportunity to present to the independent legal counsel evidence upon which he or she relies for indemnification.

(D) When insurance coverage is not present, the payment of claims or expenditure of funds in required indemnification from appropriated monies shall be made in accordance with existing statutory procedure.

(Res. 86-1, passed 6-16-1986)

**§ 33.02 BLANKET BOND OR CRIME INSURANCE POLICY.**

Wells County Council authorized the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, Commission members, and any person acting on behalf of the Wells County Government.  
(Ord. 2015-12, passed 12-8-2015)



**DEPARTMENTS, BOARDS AND COMMISSIONS**

**§ 33.20 COMMUNITY CORRECTIONS ADVISORY BOARD.**

There is established the Community Corrections Advisory Board.  
(Res. 89-1, passed 7-17-1989; Res. 90-1, passed 2-20-1990)

**§ 33.21 UPPER WABASH BASIN COMMISSION.**

The Board of Commissioners hereby designate their participation and membership in the Upper Wabash Basin Commission pursuant to I.C. 14-30-4-7. This designation shall remain in effect until revoked by similar resolution. The Board of Commissioners hereby appoint the following representatives of the county to serve as voting members of the Upper Wabash Basin Commission:

(A) The Wells County Board of Commissioners.

(B) The Chairman of the Wells County Soil and Water Conservation District.

(C) The Wells County Surveyor.

(Res. 2001-8, passed 11-19-2001)

**§ 33.22 SOLID WASTE MANAGEMENT DISTRICT AND BOARD.**

(A) *County designation.* Pursuant to I.C. 13-21-4-6, the county hereby designates itself as a single county solid waste management district. The Solid Waste Management District shall be governed by the Solid Waste Management District Board.

(B) *Formation of the County Solid Waste Management District Board.* The formation of the Solid Waste Management District Board shall be in a manner not inconsistent with I.C. 13-21-3.

(C) *Powers and duties of the Solid Waste Management District.* The Solid Waste Management District shall have all the powers and duties set forth in I.C. 13-21-3.  
(Ord. 2002-10, passed 8-19-2002)

**§ 33.23 DEPARTMENT OF REDEVELOPMENT.**

(A) The Board of Commissioners now deems it to be in the best interest of the county and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the county by establishing a Department of Redevelopment.

(B) The Board of Commissioners hereby establishes the Department of Redevelopment of the county. The Department will be controlled by a board of five members known as the County Redevelopment Commission.

(C) Pursuant to I.C. 36-7-14, all of the territory within the corporate boundaries of the county will be a taxing district to be known as the County Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in I.C. 36-7-14. The Board of Commissioners finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under I.C. 36-7-14 to the extent of the special taxes levied under I.C. 36-7-14.

(D) (1) The Board of Commissioners shall appoint all five of the members of the Redevelopment Commission.

(2) The term of office of the members of the Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 2007.  
(Order No. 2005-06, passed 10-3-2005)

#### § 33.24 HEALTH DEPARTMENT.

The County Health Department, managed by a seven-member Board of Health as an integral part of county government administratively responsible to the Board of Commissioners is hereby established.  
(Ord. 93-7, passed 5-17-1993)

#### § 33.25 CIVIL DEFENSE ADVISORY COUNCIL.

(A) In accordance with I.C. 10-4-1-10(b), there is established a Civil Defense Advisory Council which shall consist of a maximum of five members, each of which shall be appointed by the Board of Commissioners for two year terms, the Advisory Council to include the following:

- (1) Three members shall be the members of the Board of Commissioners;
- (2) One member shall be a member of the County Council;
- (3) One member shall be the Mayor of the City of Bluffton or a member of the Bluffton City Council.

(B) The Advisory Council shall be chaired by the President of the Board of Commissioners; the Advisory Council shall also have a vice-chairman and a recording secretary.

(C) The Advisory Council shall exercise general supervision and control over the Civil Defense and Disaster Program of the county and shall select or cause to be selected a County Civil Defense Director,



who shall have direct responsibility for the organization, administration and operation of the Civil Defense Program in the county. The Civil Defense Director shall be directly responsible to the chairman of the Civil Defense Advisory Council and he or she shall not hold any other local or state government office.

(D) The Advisory Council shall meet at least once every six months.  
(Ord. 88-1, passed 2-16-1988)

**§ 33.26 PUBLIC DEFENDER BOARD.**

(A) *Board established.* The Public Defender Board is hereby established for the purpose of providing legal representation to indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support, civil commitments and other proceedings where the right to counsel has been established by law.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOARD.** The Public Defender Board created by this section.

**INDIGENT DEFENDANT/RESPONDENT.** A person who requests legal representation and is determined by the court to be entitled to legal representation at public expense.

**LEGAL REPRESENTATION.**

(a) The services of an attorney provided to a defendant/respondent in a matter originating in a state court in the county involving;

1. A person charged with a crime as defined in state law;
2. An act of delinquency as defined in I.C. 31-37-1-2;
3. A violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;
4. Detention of a person subject to extradition to another jurisdiction;
5. Proceedings to collect unpaid child support pursuant to I.C. 31-2;
6. Civil commitment and contempt proceedings; or
7. Other proceedings where the right to counsel at public expense has been established by law.

(b) The term **LEGAL REPRESENTATION** includes services in connection with all pretrial, trial, and appellate proceedings in which an indigent defendant/respondent has a right to counsel.

(C) *Board membership and appointment.*

(1) The Board shall consist of three members: one member appointed by the County Commissioners; and two members from different political parties appointed by the majority vote of the judges who exercise felony or juvenile jurisdiction.

(2) The initial term of the member appointed by the County Commissioners shall expire on \_\_\_\_\_, 2001. The initial term of one member appointed by the judges shall expire on \_\_\_\_\_, 2002, and the initial term of the other member appointed by the judges shall expire on \_\_\_\_\_, 2003.

(3) After the initial term of each member; appointments shall be for three-year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.

(4) The following persons shall be ineligible to serve as members of the board: a city, town, or county attorney; a law enforcement officer; a judge; or a court employee.

(5) Board members shall serve without pay but may receive reimbursement for expenses incurred in connection with the member's duties if approved by the Board.

(6) Two members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.

(7) The Board shall meet at least quarterly or upon call of its chairperson or any two members of the Board.

(8) The Board shall elect its chairperson by a majority vote of the Board.

(D) *Powers and duties of the Board.* The Board shall have the following powers and duties:

(1) Prepare a comprehensive plan for providing legal representation to indigent defendants/respondents in the county in accordance with I.C. 33-9-15-5. The comprehensive plan shall, at a minimum, provide for:

(a) Legal representation to an indigent defendant/respondent at the earliest possible point in time;

(b) Legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of the matter to the greatest extent possible;

(c) Professional development, continuing legal education, and malpractice coverage for public defenders; and

(2) Establish policies and procedure for the provision of competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support and criminal contempt, and other matters pursuant to the comprehensive plan.

(3) Establish guidelines and procedures for the determination of indigence and for the appropriate reimbursement for legal representation provided at public expense in accordance with I.C. 33-9-11.5.

(4) Recommend an annual operating budget for the agency and monitor the expenditures of funds.

(5) Prepare and submit to the County Council and the general public an annual report on the operation of the agency.

(E) *Authority of judges.* Nothing contained in this section shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the state.

(F) *Scope of section.* Nothing contained in this section shall be deemed to create a right of reimbursement pursuant to I.C. 33-9-14, except to the extent that any claims for reimbursement comply with I.C. 33-9-14 and the standards of the Indiana Public Defender Commission.  
(Ord. 2001-11, passed 7-16-2001)

### § 33.27 REGIONAL DEVELOPMENT AUTHORITY.

(A) *Title.* This section is entitled the "County of Wells Development Authority Ordinance."

(B) *Purpose.* The 2015 Indiana General Assembly enacted HB 1403 which allows each county and qualified city to join with one or more counties and/or qualified cities in order to establish a development authority. The County Council of the County of Wells has determined that it would be in the best interest of the citizens of the County of Wells to establish the Northeast Indiana Regional Development Authority with the other Indiana counties listed in Exhibit "A" of Ord. 2015-03.

(C) *Establishment.* Pursuant to I.C. 36-7.6-2-3, the County of Wells, jointly with the other Indiana counties listed in Exhibit "A" of Ord. 2015-03, hereby establishes the Northeast Indiana Regional Development Authority ("Authority"). The Authority shall consist of the entire area located within the legal boundaries of the County of Wells, including incorporated and unincorporated territory, as well as the territory of the other counties, cities, and towns that are or will become members ("Members") of the Authority.

(D) *Membership period.* The County of Wells shall be a member of the Authority for a period of eight years commencing immediately upon the enactment of this County of Wells Development Authority Ordinance and ending on June 30, 2023.

(E) *Organization; powers.* The Authority shall be managed by a Development Board ("Board") consisting of five board members ("Board Members"). The nomination and appointment of the Board, the organization of the Authority, the scope of the powers to be exercised by the Board, the manner in which such powers are to be exercised, and all of the other functions of the Board shall be as set forth in I.C. 36-7.6-2-1 *et seq.* and all acts amendatory and supplemental thereto, as well as any other applicable laws of the state.

(Ord. 2015-03, passed 6-2-2015)

### § 33.28 COUNTY CEMETERY COMMISSION.

(A) There is hereby established a Wells County Cemetery Commission consisting of five residents of the county to provide for the care of cemeteries owned by the county.

(B) That the members of the Wells County Cemetery Commission shall be appointed for a term of five years, except that the terms of the initial members appointed to the Wells County Cemetery Commission shall be staggered to permit the appointment or a reappointment of one Commission member per year.

(C) This section shall become effective immediately upon its passage by the Board of Commissioner of Wells County, Indiana.

(Ord. 2016-08, passed 12-5-2016)

### § 33.29 E-911 ADVISORY BOARD.

(A) The E-911 Advisory Board shall be composed of the following individuals or their respective alternates:

- (1) One member of the Wells County Board of Commissioners or an alternate;
- (2) One member of the Wells County Council or an alternate;
- (3) The Sheriff of Wells County or an alternate;
- (4) The Wells County Emergency Medical Services Director or an alternate;
- (5) The Chief of the City of Bluffton Police Department or an alternate;
- (6) The Chief of the City of Bluffton Fire Department or an alternate;

- (7) The Wells County Emergency Management Agency Director or an alternate;
- (8) The Wells County 911 Director or an alternate;
- (9) One member from the Common Council of the City of Bluffton or an alternate;
- (10) One member volunteer fireman from a Wells County Volunteer Fire Department or an alternate; and
- (11) The Chief of the Town of Ossian Police Department or an alternate.

(B) The above representatives or recommended alternates shall be referred to the Board of Commissioners of Wells County which shall have the authority to make a formal appointment to serve on the E-911 Advisory Board. No individual may serve without his or her appointment being formally made by the Wells County Board of Commissioners. Any appointee or his alternate shall have full voting authority.

(C) *Terms of appointment.* Each member shall serve on an annual basis from January 1 to December 31 of that year. For the purposes of the initial Board, all members shall serve from the time of their appointment until December 31, 2022. Thereafter, all appointments shall be made on an annual basis. The E-911 Advisory Board shall meet as frequently as it deems necessary, but not less than quarterly.

(D) The E-911 Advisory Board will have the following duties and responsibilities:

(1) The Board shall assist the Board of Commissioners in all matters relative to personnel of the E-911 system. This assistance shall include, but not be limited to, the process of taking applications and interviews for employment, supervision of current employees advice and recommendations regarding discipline and resolution of employee performance and employee disputes.

(2) Recommend operational policies and administrative regulations regarding the operations of E-911.

(3) Coordinate the participation of all member agencies and public emergency response agencies in the county in the E-911 System.

(4) Said E-911 Advisory Board shall mediate disputes as and if they arise among the public emergency response agencies. Said agencies include all fire and police departments, EMS, and other agencies participating in the E-911.

(5) The actions of the E-911 Advisory Board are advisory in nature and their recommendations or findings shall be reported to the Board of Commissioners of Wells County immediately after said finding or recommendations have been made.

(Ord. 2021-06, passed 6-7-2021)

*OFFICIALS*

**§ 33.50 DIRECTOR OF RECYCLING.**

The Director of Recycling for the county shall be an annual appointment, the same to be made on January 1 of each year and extending to December 31 of the same year.  
(Res. 98-6, passed 12-28-1998)

## CHAPTER 34: ADMINISTRATIVE CHARGES AND FEES

### Section

34.01	Jail fees
34.02	Geographic Information System fees
34.03	Real Property Endorsement fee
34.04	Plat Book Maintenance fee
34.05	Foreclosure sales fee
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34.07	Accident report fee
34.08	Copy fees
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34.10	Vehicle Inspection Fee
34.11	Sex and violent offender registration fee
34.12	Drainage Board/Office of Wells County Surveyor fees
34.13	Stormwater nuisance investigation fee

### § 34.01 JAIL FEES.

#### (A) *Holding fees.*

(1) The County Sheriff is hereby authorized at his or her discretion to hold prisoners for authorized private organizations and other municipalities in the county jail.

(2) The County Sheriff is hereby authorized to charge the sum of \$35 per day per prisoner for the holding of the prisoners for municipalities.

(3) The County Sheriff is hereby authorized to charge the sum of \$50 per day per prisoner for the holding of prisoners for private organizations.

(4) The County Sheriff is hereby authorized to change the fee charged under this section with the permission and consent of the Board of Commissioners.

(5) All funds collected under this section shall be deposited in the general fund of the county upon or shortly after receipt thereof.

(Ord. 2004-08, passed 4-19-2004)

(B) *Medical costs co-payment.*

(1) The Board of Commissioners hereby adopts the amendment legislated in I.C. 11-12-5-1 *et seq.*, and more specifically the addition of I.C. 11-12-5-5 (House Enrolled Act No. 1059) as the policy of the county.

(2) The Board of Commissioners authorizes and directs the Sheriff of the county to inform all inmates of the adoption of this policy and to set forth for them a schedule of payments and procedures.

(3) The Board of Commissioners hereby authorizes and directs the Sheriff of the county to make any necessary changes in the inmate manual to implement a policy of an addition to charging for co-payments for medical expense to also charge for dental, optical and other health-related services.

(4) The Board of Commissioners further directs that the fees paid pursuant to this division for dental, optical and other health-related services shall be dedicated to inmate medical, dental and optical care.

(5) This section does not apply to a person confined to a county jail who:

(a) Maintains a policy of insurance from a private company covering:

1. Medical care;
2. Dental care;
3. Eye care; or
4. Any other health care related service

(b) Who is willing to pay for his or her own medical care.

(6) A person confined to the county jail is not required to make the co-payment if:

(a) The person does not have funds in the person's commissary account or trust account at the time the service is provided.

(b) The person does not have funds in the person's commissary account or trust account within 60 days after the service is provided.

(c) The service is provided in an emergency or is a result of an injury received in the county jail.

(d) The service is provided at the request of the Sheriff or jail administrator.



(7) If the person does have funds in the person's commissary account or trust account within 60 days after the service, the charge may be made.

(8) The Board of Commissioners hereby authorizes and directs the Sheriff of the county to raise the amount of fees pursuant to the new legislation from \$10 to \$15.

(Ord. 94-7, passed 8-15-1994; Ord. 95-13, passed 5-1-1995; Ord. 2002-14, passed 10-7-2002)

*(C) Destruction of property reimbursement fee.*

(1) If an inmate is found guilty of intentionally destroying or losing county property after a hearing conducted under I.C. 11-11 -5-5, the Sheriff may disburse from the inmate's trust fund or commissary account sums of money as reimbursement to the county for the inmate's intentional destruction or loss of county property, including but not limited to clothing, bedding, and other nondisposable items issued by the county to the inmate.

(2) Before disbursing money under this division, the Sheriff shall adopt rules to administer this procedure.

(3) The Sheriff shall maintain a record of each trust fund's receipts and disbursements.

(Ord. 2002-13, passed 10-7-2002)

**§ 34.02 GEOGRAPHIC INFORMATION SYSTEM FEES.**

*(A) Printing fees.*

(1) Each of the following prints created by the County Geographic Information System (GIS) Office shall be assessed printing fee in the amounts listed below:

<i>Paper Size</i>	<i>Printing Fee</i>
8½" x 11"	\$1.00
8½" x 14"	\$1.00
11" x 17"	\$1.00
24" x 36"	\$15.00
36" x 36"	\$22.50
36" x 48"	\$30.00
36" x 60"	\$37.50
36" x 72"	\$45.00

(2) All other paper sizes will be charged a printing fee of \$2.50 per square foot.

(3) This printing fee established under this section shall be a supplementary fee for the printing costs accrued by the County GIS Office.

(B) *GIS data layer creation or modification fees.* Requests for customized map projects will be assessed a fee of \$25 per hour spent on the project. This GIS data layer creation or modification fee established under this section shall be a supplementary fee for the staff salary, computer software licensing fees and the cost of the data collection equipment needed to complete the customized map projects accrued by the County GIS Office.

(C) *GIS data layer sales fee.* Requests for electronic GIS data layer sales will be assessed a fee of \$200 per GIS data layer. This GIS data layer sales fee established under this section shall be a supplementary fee for the staff salary, computer software licensing fees, cost of the data collection equipment, shipping costs and cost of packaging materials needed to create, maintain, enhance and ship the electronic data layers accrued by the County GIS Office.

(D) *Use of fees.* All fees collected pursuant to this section for the County GIS shall be distributed to and paid into the County General Fund.  
(Ord. 2008-11, passed 12-1-2008)

### **§ 34.03 REAL PROPERTY ENDORSEMENT FEE.**

The County Auditor shall have the authority to collect a fee of \$5 for each legal description of each parcel contained in the deed for which the Auditor makes a real property endorsement. The fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining and updating the Geographical Information System (GIS). All previous ordinances regarding endorsement fees are full and void.

(Ord. 2008-3, passed 3-17-2008)

### **§ 34.04 PLAT BOOK MAINTENANCE FEE.**

(A) The County Auditor shall collect a fee for each of the following for which the County Auditor makes a real property endorsement:

(1) Deed; or

(2) Legal description of each parcel contained in the deed.

(B) The fee is in addition to any other fee provided by law. The County Auditor shall place the revenue received under this section in a dedicated fund for use in maintaining plat books, in traditional or electronic format.

(Ord. 2008-2, passed 3-17-2008; Ord. 2019-04, passed 5-20-2019)

**§ 34.05 FORECLOSURE SALES FEE.**

(A) The County Sheriff is hereby authorized to collect an administrative fee of \$140 per foreclosure.



(B) Fees collected shall be deposited into the County General Fund for appropriation to the operating expenses of the County Sheriff's Department.  
(Ord. 2008-01, passed 1-22-2008)

**§ 34.06 ELECTRONIC MAPS FEE.**

(A) The Board of Commissioners hereby authorizes the County Auditor to collect a fee of \$1 for each 8½" x 11", \$2 for each 8½" x 14" and \$3 for each 11" x 17" sheet of paper that a purchaser requests for the production of an electronic map.

(B) The Board of Commissioners hereby authorizes the County Auditor to collect a fee for each plot map printed on paper that a purchaser requests for the production of an electronic map. For an 18" x 18", \$12; for a 24" x 36", \$16 and for a 36" x 36", \$20. For anything longer than previously stated, it shall be calculated at \$2.50 per square foot above and beyond the closest applicable size.

(C) The Board of Commissioners hereby authorizes the County Auditor to collect a fee of \$30 for each plot map printed on vellum or mylar.

(D) For the purpose of this section, the term "plot map" is defined to be an electronic map with a width of 18" or greater.

(E) For the production of an electronic map that requires the County Geographic Information System Manager or his or her designee to assemble data sets or complete specific analysis requests, the Board of Commissioners hereby authorizes the County Auditor to collect a fee of \$35 plus \$35 per hour, rounded to the nearest quarter-hour. The fee specified in this division shall be based on the direct cost of retrieving and providing the information requested, the time and labor employed by the request and the medium in which the information is requested.

(F) Nothing in this section shall be construed to require any employee of the county to provide information contained on or within public document of an agency or department by telephone. Department heads and elected officials may, but are not required to, take requests for documents by phone.

(G) Payment for information under this section shall be made at the time of delivery. However, an office may agree to invoice a person for the charge if that person or company has promptly paid invoices in the past. Any person or their designee who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees and costs of collection.

(H) Nothing in this section shall compel any office to charge a fee for copies if the fee imposed by the ordinance is contrary to state law. In the event the fees in this section are contrary to any charges established by state statute, the state statute shall apply.

(I) Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access, deliver or sell any information obtained from any department

or office of the county to any other person, partnership or corporation. In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses or databases for the purpose of selling, advertising or soliciting the purchase of merchandise, goods, services or to sell, loan, give away or otherwise deliver the information obtained by the request to any other person.

(J) A copy of division (I) and fee schedule shall be conspicuously posted in all offices where electronic data is sold and the restriction contained in division (I) shall be offered to any persons who obtain copies of any public information from the county.

(K) Any person who violates the terms and conditions of this section by failing to pay or by violating division (I) shall be guilty of a Class B infraction. In the event that there is a violation of division (I), each violation shall be deemed a separate offense.

(L) The County Prosecutor or the County Attorney are authorized to prosecute and proceed with all matters herein at their discretion.

(M) The county is also granted the right through their attorney to seek recoupment of losses incurred by violation of this section.

(N) The County Auditor shall place all revenue received under this section in a dedicated fund for use in maintaining, upgrading and enhancing the county's electronic Geographic Information System. This fund shall be subject to appropriation by the County Council.

(O) Any unit of government within the county which has provided electronic data used by the county to create the electronic data covered by this section shall receive copies of the data for that unit's exclusive use free of charge.

(P) Any person or unit of government who has a dispute or seeks relief from the terms of this section may seek resolution of that dispute or relief from the Board of Commissioners. The Board of Commissioners may grant such relief as is reasonable after recommendation of the County GIS Manager. (Ord. 2002-02, passed 2-19-2002)

#### **§ 34.07 ACCIDENT REPORT FEE.**

(A) The County Council authorizes the County Sheriff to charge \$5 for each accident report that it issues.

(B) There is established an accident report account which may be expended at the discretion of the County Sheriff for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents. (Ord. 2002-04, passed 4-2-2002)

§ 34.08 COPY FEES.

(A) All county agencies shall follow I.C. 5-14-38-8, 36-2-7-10 and 36-2-7-10.1, as amended.

(B) Based upon the amended legislation, it is the directive of the County Council that all county agencies comply with the law and charge a fee not to exceed the average costs of copying records or \$.10 per page, which ever is greater.

(C) The actual cost means the cost of paper and the per page cost of use of copying or facsimile equipment and does not include labor costs or overhead costs.

(D) Excepted from this section are those exceptions set out in I.C. 5-14-3-8, 36-2-7-10 and 36-2-7-10.1, as amended.

(E) The County Auditor shall provide each county office with a copy of this section and a copy of the amendments referred to in this section.

(F) *Bulk form copies to a bulk user.*

(1) *Definition.* The following definitions shall apply throughout this division:

***BULK FORM COPY.*** An aggregation of:

1. Copies of all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year;
2. The indices for finding, retrieving, and viewing all recorded documents received by the County Recorder for recording in a calendar day, week, month, or year; or
3. Both divisions 1. and 2.

***BULK USER.*** An individual, a corporation, a partnership, a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the County Recorder.

***COPY.*** A reproduction, including an image of a recorded document or indices created by:

1. Duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
2. Reproducing on microfilm.

***INDICES.*** All of the indexing information used by the County Recorder for finding, retrieving, and viewing a recorded document.

**RECORDED DOCUMENT.** A writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the County Recorder or the County Recorder's designee.

(2) *Manner and form of production.* It is hereby established that the Wells County Recorder may provide bulk form copies to a bulk user:

- (a) On a disk, tape, drum, or any other medium of electronic data storage or microfilm;
- (b) By electronically transmitting the copies using an electronic transfer process; or
- (c) Under both subdivisions (1) and (2).

(3) *Procedure for requesting bulk form copies.* A bulk user must submit a written request to the County Recorder that identifies the requested bulk form copies with reasonable particularity. Unless the request is refused under division (4), upon receipt of a valid written request the County Recorder or the County Recorder's designee shall provide the bulk form copies to the bulk user by the method or methods established by ordinance. The bulk form copies shall be provided within a reasonable time after the later of the following events:

(a) The Recorder's archival process is completed and bulk form copies become available in the County Recorder's office.

(b) The bulk form user executes a contract that meets the requirements of division (5) with:

- 1. The County Recorder; and
- 2. If the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee.

(c) The County Recorder or the County Recorder's designee shall work with reasonable diligence to ensure that bulk form copies are timely produced to the bulk user.

(4) *Fees charged for bulk form copies.*

(a) Based on a cost study dated June 15, 2017, performed by the Wells County Recorder, (which is incorporated herein by reference), this Board finds and determines that the costs incurred by the Wells County Recorder of producing bulk form copies (including applying a watermark or other protective feature) substantially exceed both the standard fee of ten cents (\$0.10) per page or per recorded document fixed by I.C. 36-2-7-10.1(d), and the fee hereafter fixed. Accordingly, the following fee schedule is hereby adopted:



1. Thirteen cents (\$0.13) per page for a copy of a recorded document, including the instrument's book and page, if applicable.

2. Thirteen cents (\$0.13) per recorded document for a copy of the indices used by the County Recorder for finding, retrieving, and viewing a recorded document.

(b) The fees charged by the County Recorder are subject to the following requirements:

1. The County Recorder shall pay the fees into the County Treasury at the end of each calendar month.

2. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the County Recorder to bulk users.

3. All revenue generated by the County Recorder under this section shall be deposited in the County Recorder's Records Perpetuation Fund and used by the Recorder in accordance with I.C. 36-2-7-10(f).

4. The Recorder shall periodically update and verify the cost study referred to in division (a) immediately above.

(5) *Bulk user contract-termination.*

(a) A bulk user must enter into a contract with the County Recorder and if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee, in order to receive bulk form copies. The contract must be in writing and must require that the bulk user agree not to do any of the following:

1. Except as provided in division (4), provide, transfer, or allow the transfer of any copy of a recorded document obtained by the bulk user under this section to a third party.

2. Engage in unauthorized access to recorded documents.

3. Engage in unauthorized alteration of recorded documents.

(b) A contract required under this subsection may not include any restrictions on a bulk form user's use of the bulk form copies other than those contained in this section.

(c) If a bulk user does not comply with a contract, the County Recorder may terminate the contract, immediately stop providing bulk form copies to the bulk user, and refuse to provide the bulk form copies required by the bulk user if all termination provisions and procedures in the contract have

been met by the County Recorder. The County Recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:

1. The bulk user is a person that has had a previous bulk form copy contract terminated by the County Recorder because the Recorder determined that the bulk user failed to comply with the contract.

2. The bulk user is a corporation or limited liability company in which a person has a majority or controlling interest and:

A. The person requested bulk form copies under a previous contract with the County Recorder; and

B. The contract was terminated by the County Recorder because the County Recorder determined that the person failed to comply with the contract.

(6) *Resale of bulk form copies by bulk user.*

(a) A bulk user that is licensed under I.C. 27-1-15.6-6(d) or holds a certificate of authority under I.C. 27-7-3-6 may provide bulk form copies related to the specific order for a title search (as defined in I.C. 27-7-3-2) when operating as:

1. A title plant for the issuance of title insurance (as defined in I.C. 27-7-3-2); or

2. A title company (as defined in I.C. 27-7-3-2).

(b) A bulk user that meets the requirements of this section may charge its customers a fee for using the bulk form copies obtained by the bulk user that may not exceed the costs incurred by the bulk user for obtaining the bulk form copies. A bulk user that meets the requirements of this subsection may not resell, provide, transfer, or allow the transfer of any copy of a recorded document, whether in bulk form or as individual copies or images, to any other bulk user or title plant.

(c) A bulk user that does not meet the requirements of division (a) immediately above is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, provide, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

(Res. 99-4, passed 8-3-1999; Am. Ord. 2017-07, passed 7-5-2017)

**§ 34.09 ADULT PROBATION USER FEES; INTEREST.**

The County Commissioners pursuant to I.C. 5-13-9-1 and 5-13-9-6 et seq., allow the County Probation Department and the County Treasurer to earn interest on their adult probation users fees and to have the interest earned from those funds be credited to that account.  
(Res. 2007-4, passed 7-2-2007)

**§ 34.10 VEHICLE INSPECTION FEE.**

(A) The County Sheriff or any duly authorized deputy who is required to make a vehicle inspection in connection with state law as found in I.C. 9-17-2-1 et seq. and 9-29-4-1 et seq. shall perform the inspection and make a record of the same on forms prepared and provided by the Bureau of Motor Vehicles and shall verify all matters set out in this section.

(B) The officer conducting the inspection shall charge and collect an inspection fee in the amount of \$5.

(C) Any officer collecting the fee shall issue a receipt for each fee collected and shall remit all fees so collected to the County Auditor every 30 days.  
(Ord. 92-3, passed 3-2-1992)

**§ 34.11 SEX AND VIOLENT OFFENDER REGISTRATION FEE.**

(A) *Registration fee.* The annual fee for sex and violent offenders registering in Wells County shall be \$50. Payment of the fee shall be made upon the offender's initial registration in Wells County and subsequently on or before each annual registration date.

(B) *Change of address fee.* A fee of \$5 shall be charged and collected each time a sex or violent offender registers an address change with the Wells County Sheriff's Department.

(C) *Payment of fees.* All fees under this section shall be collected by the Wells County Sheriff's Department when a sex or violent offender registers with the Wells County Sheriff's Department.

(D) *Procedure.* All fees collected under this section by the Wells County Sheriff's Department shall be transferred to the Wells County Auditor in a timely manner. On a monthly basis, the Wells County Auditor shall:

(1) Deposit 90% of any fees collected under this section in the Wells County Sex and Violent Administration Fund; and

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(2) Transfer 10% of any fees collected under this section to the state for deposit in the State Sex and Violent Offender Administration Fund under I.C. 11-8-8-21.  
 (Ord. 2011-4, passed 4-18-2011)

**§ 34.12 DRAINAGE BOARD/OFFICE OF WELLS COUNTY SURVEYOR FEES.**

<b>Residential</b>	
Crossing of a regulated drain	\$150
All fees collected shall be distributed to and paid into the Wells County General Drain Improvement Fund	
Encroachment of a regulated drain (Actual cost to review by PE/LS)	\$150
All fees collected shall be distributed to and paid into the Wells County General Fund	
<b>Fine</b>	
Approval after completion regulated drain (Plus cost of actual damage if any)	\$300
All fees collected shall be distributed to and paid one-half into the Wells County General Fund and one-half into the Wells County General Drain Improvement Fund.	
<b>Subdivision/Commercial/Industrial</b>	
Crossing of a regulated drain per affected lot	\$150
Encroachment of a regulated drain per affected lot (Actual cost to review by PE/LS)	\$150
<b>Fine</b>	
Approval after completion regulated drain (Plus cost of actual damage if any)	\$300
All fees collected shall be distributed to and paid into the Wells County General Drain Improvement Fund.	

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<b>Utility</b>	
Crossing of a regulated drain	\$150
Encroachment of a regulated drain	\$150 per 500 feet
<b>Fine</b>	
Approval after completion regulated drain (Plus cost of actual damage if any)	\$300
All fees collected shall be distributed to and paid into the Wells County Annual Maintenance Fund.	
<b>Storm Water Nuisance</b>	
Investigate site	\$50
All fees collected shall be distributed to and paid into the Wells County General Drain Improvement Fund.	
<b>Obstruction</b>	
Removal of obstruction application	\$750
All fees collected shall be distributed to and paid into the Wells County General Drain Improvement Fund.	
<b>Alcoholic Beverage</b>	
Review and certify location	\$100
All fees collected shall be distributed to and paid into The Section Corner Perpetuation Fund #81-99.	
<b>Sizing of Culverts</b>	
Crossing of a regulated drain	\$100
All fees collected shall be distributed to and paid into the Wells County General Drain Improvement Fund.	

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<b>Miscellaneous Fees:</b>	
20 lb copy paper	
8-1/2 x 11 or 8-1/2 x 14	\$0.10
11 x 17	\$0.20
Color add	\$0.50
Vellum	
18 x 24	\$3.75
24 x 36	\$7.50
Color add	\$2.00
Bond	
18 x 24	\$2.00
24 x 36	\$4.00
36 x 48	\$8.00
Color add	\$1.00
Mylar	
18 x 24	\$6.00
24 x 36	\$12.00
36 x 48	\$24.00
Color add	\$3.00
All fees collected shall be distributed to and paid into the Wells County General Fund.	
All fees are non-refundable unless waived by the Drainage Board of Surveyor.	

(Ord. 2013-03, passed 5-20-2013)

### § 34.13 STORMWATER NUISANCE INVESTIGATION FEE.

The Board of Commissioners of Wells County adopts a fee of \$50 for a storm water nuisance investigation pursuant to I.C. 36-9-28.7-9.

(Ord. 2011-10, passed 8-1-2011)

## CHAPTER 35: FINANCE AND TAXATION

### Section

- 35.01 Motor vehicles; taxes
- 35.02 Economic Development Tax
- 35.03 Economic Revitalization Areas; tax abatement
- 35.04 Income tax to provide tax relief
- 35.05 Income tax to fund property tax replacement amounts; assessed value growth quotient levy
- 35.06 Income tax and property tax deduction to fund public safety costs
- 35.07 Deduction for assessed value of inventory
- 35.08 Payment of certain claims
- 35.09 Electronic transmission for property taxes and special assessments
- 35.10 [Reserved]
- 35.11 Minimum internal control standards and procedures and materiality threshold

### § 35.01 MOTOR VEHICLES; TAXES.

(A) Beginning January 1, 2007, and until further amended by ordinance, all passenger vehicles, motorcycles, trucks with a declared gross weight that does not exceed 11,000 pounds, and motor-driven cycles registered in Wells County, that are now subject to an excise tax shall also be subject to an annual excise surtax of 6% to be paid with the registration of said motor vehicles; however, the surtax on a vehicle may not be less than \$7.50.

(B) (1) The following 11 classes of motor vehicles, registered in the county, shall be subject to an annual wheel tax as set on the following schedule, to be paid with the registration of vehicles:

<i>Motor Vehicle Classification</i>	<i>Annual Wheel Tax</i>
Buses	\$20
Recreation vehicles	\$5
Semi-trailers	\$10
Semi-tractors	\$25
Light trailers	\$5 (up to and including 11,999 pounds)
Heavy trailers	\$20 (12,000 pounds and greater)

<i>Motor Vehicle Classification</i>	<i>Annual Wheel Tax</i>
Trucks	\$25 (up to and including 29,999 pounds)
Farm vehicles	\$5
Heavy trucks	\$25 (30,000 pounds and greater)
Recovery vehicles	\$25

(2) As provided by I.C. 6-3.5-5-4, a vehicle is exempt from the annual wheel tax if the vehicle is:

- (a) Owned by this state;
- (b) Owned by a state agency of this state;
- (c) Owned by a political subdivision of this state;
- (d) Subject to the annual license excise surtax imposed under I.C. 6-3.5-4;
- (e) A bus owned and operated by a religious or nonprofit youth organization and used to haul persons to religious services or for the benefit of their members;
- (f) A school bus; or
- (g) A motor vehicle that is funeral equipment and that is used in the operation of funeral services (as defined in I.C. 25-15-2-17).

(C) All of the excise surtax and wheel tax collected on motor vehicles registered in the county shall be distributed, as provided in I.C. 6-3.5-5-4, to the county, city and town units of the county by the County Auditor and shall be used only to construct, reconstruct, repair or maintain streets, roads and bridges under their jurisdiction.  
(Ord. 2005-11, passed 12-22-2005; Res. 2006-8, passed 11-20-2006; Ord. 2014-14; passed 11-5-2014; Ord. 2020-02, passed 1-7-2020)

### § 35.02 ECONOMIC DEVELOPMENT TAX.

(A) (1) The certified distribution received by the county as a result of the Homestead Credit EDIT (“Homestead Credit Certified Distribution”) shall be used after the 2003 assessment year and through the 2005 assessment year to provide increased homestead credits allocated to each taxing district in the



county in the same proportion that the amount of the county deduction in the taxing district for the immediately preceding year's assessment date bears to the total county deduction in the county for the immediately preceding year's assessment date.

(2) The Homestead Credit Certified Distribution received by the county shall be used after the 2005 assessment year to provide increased homestead credits allocated to each taxing district in the county in the same proportion that the amount of the state deduction in the taxing district for the immediately preceding year's assessment date bears to the total state deduction in the county for the immediately preceding year's assessment date.

(B) The Homestead Credit Certified Distribution shall be retained by the County Auditor and used to increase the percentage of the homestead credit allowed in the county under I.C. 6-1.1-20.9 for a year to offset the effect on homesteads in the county resulting from the county deduction through the 2005 assessment year and the state deduction after the 2005 assessment year.

(C) (1) Through the 2005 assessment year, the County Auditor shall, for each calendar year in which an increased homestead credit is authorized, determine:

(a) The amount of the Homestead Credit Certified Distribution that is available to provide an increased homestead credit for the year; and

(b) An increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under that the amount of the county deduction in the taxing district for the



immediately preceding year's assessment date bears to the total county deduction in the county for the immediately preceding year's assessment date.

(2) After the 2005 assessment year, the County Auditor shall, for each calendar year in which an increased homestead credit is authorized, determine:

(a) The amount of the Homestead Credit Certified Distribution that is available to provide an increased homestead credit for the year; and

(b) An increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under that the amount of the state deduction in the taxing district for the immediately preceding year's assessment date bears to the total state deduction in the county for the immediately preceding year's assessment date.

(3) The County Auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(a) The amount of the certified distribution that is available to provide an increased homestead credit for the year;

(b) The amount of the uniformly applied homestead credits for the year in the county that equals the amount determined under division (a) above; and

(c) The increased percentage of homestead credit that equates to the amount of homestead credits as determined under division (b) above.

(d) This division (C)(3) shall apply to the homestead certified distribution received from and after October 1, 2010.

(D) This section shall apply to the Homestead Credit Certified Distribution received in 2004 and thereafter.

(Ord. -, passed 3-17-1997; Ord. 2003-2, passed 2-4-2003; Ord. 2004-05, passed 3-2-2004; Ord. 2010-, passed 9-30-2010)

**§ 35.03 ECONOMIC REVITALIZATION AREAS; TAX ABATEMENT.**

(A) Whenever a property owner(s) desires that the area in which his or her property is located be designated an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1), he or she shall initiate the procedure as follows: First, the property owner(s) shall file an application for designation as an Economic Revitalization Area with the County Auditor. The County Auditor shall furnish an appropriate form for such application upon request. The application shall be signed by all property owners of record within the area defined in the application. The application shall be accompanied with a filing fee in the

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amount of \$100 to be paid to the County Auditor upon submission of the application, except where the subject property is an owner-occupied single-family project as provided in I.C. 6-1.1-12.1-2(f). In the case where the subject property is an owner-occupied single-family project, the applicant shall be required to pay the cost of the required legal notice and provide the County Auditor with proof of payment of such notice prior to final County Council action on the application for designation. In those instances where the \$100 filing fee is required, the County Auditor shall provide receipt for same.

(B) The property owner(s) shall note on the application whether the petition is being made for:

- (1) Only for tax abatement on real property improvements;
- (2) Only for tax abatement on new manufacturing equipment as defined in I.C. 6-1.1-12.1-1;

or

- (3) Both of the above categories.

(C) Upon receipt of the application, the County Auditor shall:

- (1) Note the time and date of the filing thereof on the face of the application and in a special register kept by the County Auditor for such purpose;

- (2) Forward the application to the Attorney for the County Council who shall prepare a declaratory resolution which designates the Economic Revitalization Area petitioned for;

- (3) The Attorney for the County Council shall return the declaratory resolution to the County Auditor who shall schedule the resolution for consideration by the County Council; and

- (4) If the application is found by the County Auditor to be in complete form and to have been signed by all property owner(s) of record within the area proposed for designation, then the declaratory resolution shall be placed for consideration before the County Council within 60 days of the date of acceptable submission.

(D) Upon receipt of an application for designation as an Economic Revitalization Area, the County Auditor shall, in addition to the provisions of division (C), forward a copy of the application to the Director of the County Area Plan Commission, who shall in turn:

- (1) Provide the County Council with appropriate maps and plats necessary to identify the area for which the petition requests designation;

- (2) Provide the County Council with a simplified description of the boundaries of the area by describing its location in relation to public ways, streams or otherwise; and

- (3) The information to be provided in subsections (1) and (2) above shall be provided to the County Auditor who shall permanently affix them to the original of the application for designation. This material shall be so affixed prior to the County Council's consideration of the declaratory resolution.

(E) The County Council shall not consider an application for designation of an area as an Economic Revitalization Area if an improvement location permit for development of the area has been issued by the County Area Plan Commission or any manufacturing equipment has been installed prior to receipt of an application for designation by the County Auditor.

(F) If the County Council finds that an area in its jurisdiction is an Economic Revitalization Area, it shall approve the declaratory resolution and cause the actions set forth in division (G) to occur. If the County Council determines that there is insufficient information, it may defer action on the resolution and within ten days provide the applicant with written notice of the reasons for the deferral.

(G) Upon approval of the declaratory resolution as provided under division (F), the County Auditor shall cause the following to occur:

(1) A description of the affected area shall be attached to the declaratory resolution and both the resolution and the description shall be filed with the County Assessor; and

(2) Notice of the adoption and substance of the resolution shall be published in accordance with I.C. 5-3-1. The notice shall state that a description of the affected area is available and can be inspected in the office of the County Assessor. The notice shall also state the date, time and location of a meeting of the County Council in which the County Council will receive and hear all remonstrances and objections from interested persons.

(H) (1) Upon considering the evidence presented to the County Council at the hearing as advertised in division (G), the County Council shall take final action determining whether the qualifications for an Economic Revitalization Area has been made and shall confirm, modify and confirm, or rescind the declaratory resolution. In its deliberations, the County Council may give consideration to the following general standards:

(a) Will the designation improve utilization of vacant under-utilized land designed as appropriate for industrial development in the County Comprehensive Plan or currently zoned for industrial use?

(b) Is the proposed use of the real estate being petitioned for designation consistent with the land use policies in the County Comprehensive Plan?

(c) Will the designation encourage the improvement of a deteriorated structure or the replacement of an obsolete structure?

(d) Will the project preserve a historically or architecturally significant structure?

(e) Will the designation assist in the inducement of a project providing substantial employment opportunities relative to the value of the improvements to be made and/or the new manufacturing equipment to be installed?

(f) Will the designation assist in the inducement of a project which would provide long-term benefits to the tax base of the county warranting the granting of the annually decreasing percentage of property tax abatement as provided in I.C. 6-1.1-12.1?

(2) In all instances, the County Council shall find that evidence has been presented either in the application or during the public hearing that the real estate proposed for designation is in an area "which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, sub-standard buildings or other factors which have impaired values or prevent a normal development of property or use of property." For the County Council's consideration purposes, the Economic Revitalization Area also includes any area where a facility or a group of facilities that are technologically, economically or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

(I) As a part of its authority to confirm, or modify and confirm, a declaratory resolution for designation of an Economic Revitalization Area, the County Council, pursuant to I.C. 6-1.1-12.1-2 (g), may qualify its designation by:

(1) Limiting the time period of the designation to a certain number of calendar years during which the area shall be so designated; or

(2) Limiting the type of deductions that will be allowed within the Economic Revitalization Area to either the deduction allowed under I.C. 6-1.1-12.1-3 or the deduction allowed under I.C. 6-1.1-12.1-4.5.

(J) The determination on the declaratory resolution made pursuant to division (G) shall be final except that an appeal may be taken as provided in I.C. 6-1.1-12.1-2.5(d) and 6-1.1-12.1-2.5(e).

(K) Upon confirming, or modifying and confirming, a declaratory resolution by the procedure set forth in division (G), the County Auditor shall keep a permanent record of the designation of the subject Economic Revitalization Area. The County Auditor shall also forward to the Director of the County Area Plan Commission a complete copy of the resolution as approved by the County Council. The Director shall cause to be maintained a current map(s) delineating all Economic Revitalization Areas designated by the County Council.

(L) Notwithstanding the procedure set forth in this section, the County Council shall not approve an application for designation of an area as an Economic Revitalization Area if any portion of the subject property is located within an "allocation area," as defined in I.C. 36-7-14-39, unless the commission that designated the "allocation area" has first adopted a resolution approving the application.

(Res. 84-1, passed 1-10-1983)

**§ 35.04 INCOME TAX TO PROVIDE TAX RELIEF.**

(A) The county hereby imposes an additional rate of the county adjusted income tax at the rate of 0.20%, in accordance with I.C. 5-3.5-1.1-26 to raise income tax revenue to provide property tax relief to political subdivisions in the county.

(B) Property tax relief shall take the form of uniformly increase the homestead credit percentage for all homesteads (as defined in I.C. 6-1.1-20.9-1) in the county. The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state homestead credit under I.C. 6-1.1-20.9. The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under I.C. 6-1.1. The Department of Local Government Finance shall determine the additional homestead credit percentage for a particular year based on the amount of tax revenue that will be used pursuant to this section to provide additional homestead credits in that year.

(C) The tax revenue may be used to provide local property tax replacement credits at a uniform rate for all qualified residential properties (as defined in I.C. 6-3.5-1.1-1) in the county. The local property tax replacement credit shall be treated for all purposes as property tax levies. The County Auditor shall determine that local property tax replacement credit percentage for a particular year based upon the amount of tax revenue that will be used under this section to provide local property tax replacement credits in that year.

(Ord. 2007-10, passed 9-5-2007; Ord. 2009-13, passed 6-2-2009; Ord. 2010-2, passed 9-30-2010)

**§ 35.05 INCOME TAX TO FUND PROPERTY TAX REPLACEMENT AMOUNTS; ASSESSED VALUE GROWTH QUOTIENT LEVY.**

(A) *Income tax to fund property tax replacement amounts.*

(1) The county hereby imposes an additional rate of the county adjusted income tax in accordance with I.C. 6-3.5-1.1-24 to raise income tax revenue to provide the replacement amount.

(2) The year one rate imposed in the county from October 1 of the year in which it is imposed through September 30 of the following year is 0.4%.

(3) The replacement rate imposed in the county from October 1 of the year following year through September 30 of the year after the following year is 0.4%.

(4) The replacement rate may not otherwise be decreased or rescinded.

(B) *Assessed value growth quotient levy.*

(1) The Council hereby imposes the assessed value growth quotient levy as set by the DLGF for the calendar year 2018, to be funded by the property tax levy.

(2) This rate will be set as \$0.04 in 2018.

(3) The assessed value growth quotient levy for years after 2018 will annually be set by the DLGF.

(4) The determination of the Council to impose the assessed value growth quotient levy as set by the DLGF to be funded by the property tax levy shall continue until otherwise modified by the Council.

(5) The auditor shall immediately transmit a certified copy of this section to the Commissioner of the Department of Revenue, the Director of the Budget Agency and the Commissioner of the Department of Local Government Finance in electronic format.

(6) The Auditor and any officer of the Council are hereby authorized and directed to take any and all other action on behalf of the county as may be necessary, appropriate or desirable to carry out the purposes of this section in accordance with the act and this section.  
(Ord. 2007-12, passed 9-5-2007; Ord. 2009-14, passed 6-2-2009; Ord. 2017-10, passed 9-13-2017)

**§ 35.06 INCOME TAX AND PROPERTY TAX DEDUCTION TO FUND PUBLIC SAFETY COSTS.**

(A) The county hereby imposes an additional rate of the county adjusted income tax at the rate of .05%, in accordance with I.C. 6-3.5-1.1-25 to provide funding for public safety in the county (“public safety rate”).

(B) (1) The County Auditor shall distribute income tax revenues attributable to the public safety rate to the county and to each municipality in the county.

(2) The amount distributed to the county or municipality is equal to the result of the portion of the income tax revenues attributable the public safety rate; multiplied by a fraction equal to the attributed allocation amount (as defined in I.C. 6-3.5-1.1-15) of the county or municipality for the calendar years; divided by the sum of the attributed allocation amounts of the county and each municipality in the county for the calendar year.



(C) (1) A person receiving a deduction against the assessed value of the structure and foundation of a heritage barn for property tax under I.C. 6-1.1-12-26.2 shall be required to pay an annual public safety fee of \$50 for each heritage barn for which the person receives a deduction under I.C. 6-1.1-12-26.2.

(2) The County Auditor shall distribute any public safety fees collected under I.C. 6-1.1-12-26.2 equitably among the police and fire departments in whose territories each heritage barn is located.

(Ord. 2007-11, passed 9-5-2007; Ord. 2009-15, passed 6-2-2009; Ord. 2014-05, passed 9-2-2014)

**§ 35.07 DEDUCTION FOR ASSESSED VALUE OF INVENTORY.**

(A) A deduction equal to 100% of the assessed value of inventory applies to inventory located in the county beginning with the 2003 assessment year.

(B) The County Auditor is hereby authorized and directed to provide a certified copy of the ordinance to the Department of Local Government Finance and to the assessor of each township located in the county before February 1, 2003.

(Ord. 2002-18, passed 12-23-2002)

**§ 35.08 PAYMENT OF CERTAIN CLAIMS.**

(A) Notwithstanding I.C. 5-11-10, with the prior written approval of the Board having jurisdiction over the allowance of claims, the County Auditor may make payments in advance of Board allowance for the following kinds of expenses:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

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- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State or federal taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(B) The Wells County Sheriff has requested the Commissioners to be allowed to have the Sheriff's Department's credit card bills and utility payments paid prior to Commissioners' approval so that they do not incur interest charges and late fees. The Wells County Commissioners agree that the credit card bills and utility bills of the Wells County Sheriff's Department should be pre-paid.

(C) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the County Auditor.

(D) The Wells County Board of Commissioners shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.  
(Ord. 2010-01, passed - -2010; Ord. 2011-2, passed 2-7-2011)

**§ 35.09 ELECTRONIC TRANSMISSION FOR PROPERTY TAXES AND SPECIAL ASSESSMENTS.**

(A) The Wells County Board of Commissioners hereby authorizes the electronic transmission of statements and other information for property taxes and special assessments first due and payable after 2009.

(B) Wells County Board of Commissioners hereby authorizes each Wells County taxpayer (hereafter the person) to direct the Wells County Treasurer and the Wells County Auditor to transmit the following to the person by electronic mail and as applicable:

(1) A statement that would otherwise be sent by the Wells County Treasurer to the person by regular mail under I.C. 6-1.1-22-8.1(a)(1), including a statement that reflects installment payment due dates under I.C. 6-1.1-22-9.5 or I.C. 6-1.1-22-9.7;

(2) A provisional tax statement that would otherwise be sent by the Wells County Treasurer to the person by regular mail under I.C. 6-1.1-22.5-6;

(3) A reconciling tax statement that would otherwise be sent by the Wells County Treasurer to the person by regular mail under any of the following:

(a) I.C. 6-1.1-22-9;

(b) I.C. 6-1.1-22-9.7;

(c) I.C. 6-1.1-22.5-12, including a statement that reflects installment payment due dates under I.C. 6-1.1-22.5-18.5.

(4) A statement that would otherwise be sent by the Wells County Auditor to the person by regular mail under I.C. 6-1.1-17-3(b);

(5) Any other information that:

(a) Concerns the property taxes or special assessments; and

(b) Would otherwise be sent:

1. By the Wells County Treasurer or the Wells County Auditor to the person by regular mail; and

2. Before the last date the property taxes or special assessments may be paid without becoming delinquent.

(C) This section takes effect with the first installment of property taxes of 2011 and shall continue indefinitely.

(D) Notice shall be given to Wells County taxpayers of the option to direct electronic transmission of statements and other information for property taxes and special assessments in compliance with all applicable statutory provisions.

(E) The Wells County Treasurer and the Wells County Auditor shall have the authority to electronically submit to Wells County taxpayers their statements and other information for property taxes and special assessments first due and payable after 2009.

(F) The Wells County Auditor and the Wells County Treasurer are authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical and related services (E-billing services) in order to implement a program for the electronic transmission of statements and other information for property taxes and special assessments.

(G) The E-billing services contract shall provide for the delivery of such services by a contractor in compliance with all applicable statutory provisions for the electronic transmission of statements and other information for property taxes and special assessments. The E-billing services contract shall also provide for the payment of fee(s) for each parcel that a county taxpayer elects to participate in the electronic transmission of statements and other information for property taxes and special assessments. (Ord. 2011-3, passed 2-7-2011)

**§ 35.10 [RESERVED].**

**§ 35.11 MINIMUM INTERNAL CONTROL STANDARDS AND PROCEDURES AND MATERIALITY THRESHOLD.**

(A) The acceptable minimum level of internal control standards and procedures developed under I.C. 5-11-1-27(e) by the SBOA contained in the Uniform Internal Control Standards for Indiana Political Subdivisions manual, are hereby adopted by Wells County and that county personnel receive training concerning the internal control standards and procedures hereby adopted.

(B) Wells County establishes the following materiality policy under I.C. 5-11-1-10, 5-11-1-21, and 5-11-1-27:

Materiality, in Wells County Government, is defined as \$500 per occurrence. That is, if one occurrence of a loss or shortage or other irregularity is equal or greater than \$500, it must be reported to the state Board of Accounts. The materiality definition is not limited to defalcations or suspicious activity involving only cash or cash transactions. If supplies, equipment or other fixed assets belonging to the county are suspected of being misappropriated or stolen or used in a manner not authorized by Wells County officials and the value of those supplies, equipment or fixed assets are approximately \$500, that misuse or series of misuse should be reported. That is not to say that if a loss or shortage is less than \$500 it should be ignored. If there is a series of events, within the same office or department that appears to be a structuring event to defraud or misappropriate county funds or property, that event or series of events should be reported.

(C) All erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the state Board of Accounts. For all material variances, losses, shortages, or thefts, the state Board of Accounts shall:

(1) Determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;

(2) Determine the internal control weakness that contributed to or caused the condition; and

(3) Make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:

(a) The method of correcting the condition; and

(b) The necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition.

(D) Pursuant to I.C. 5-11-1-27(1), if any Wells County employee knows or suspects that other County employees are engaged in fiscal misconduct, it is his/her responsibility to immediately notify their Supervisor or the Board of Commissioners or if the Supervisor or a Commissioner is involved the County Attorney, or if the employee has concerns about informing the County Attorney, then the County Auditor and Prosecuting Attorney are to be contacted.

(E) The Wells County Ethics Policy/Internal Control/Materiality Declaration regarding establishment of a policy on materiality and a process for reporting material items, which was reviewed and approved by the Wells County Board of Commissioners on April 4, 2016, and the Wells County Council on April 5, 2016, is hereby adopted.  
(Ord. 2016-03, passed 4-18-2016)



## CHAPTER 36: COUNTY FUNDS

### Section

- 36.01 Plat Book Maintenance Fund
- 36.02 Drug/Buy Money Fund
- 36.03 Federal Asset Seizure Fund
- 36.04 RICO Fund
- 36.05 Abandoned Vehicle Fund
- 36.06 County Corrections Fund
- 36.07 Public Employees Retirement Fund
- 36.08 Vehicle Inspection Fund
- 36.09 Maintenance Funds for Drains
- 36.10 Rainy Day Fund
- 36.11 Project Lifesaver Donation/Operation Fund
- 36.12 Sheriff's Educational Programs Fund
- 36.13 Wells County Jail Employee Meal Fund
- 36.14 Income tax account
- 36.15 Motor vehicle funds
- 36.16 Wells County Solid Waste District Donation Fund
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- 36.21 Bridge 193 Fund
- 36.22 County Highway Garage Fund
- 36.23 Clearing account for Wells County Area Plan Commission
- 36.24 Cumulative Bridge Fund
- 36.25 State Road 301 Road Transfer Fund
- 36.26 County Health Reimbursement Account Fund

### § 36.01 PLAT BOOK MAINTENANCE FUND.

(A) Pursuant to I.C. 36-2-9-18(e), the County Auditor shall establish a fund entitled Plat Book Maintenance Fund and deposit all amounts received under this section to the Plat Book Maintenance Fund.

(B) The County Auditor shall collect a fee of \$5 for each real property endorsement made by the County Auditor and an additional \$5 for each additional parcel.

(C) All amounts in the Plat Book Maintenance Fund shall be used only for the purpose of maintaining the county plat books, the computer equipment and records used to maintain the title transfer books listing grantor/grantee record (plat book) as part of and necessary for maintaining the county plat books in the office of the County Auditor, and for training of any and all personnel of the County Auditor in the use or operation of any computer services used to maintain the county plat books and the title transfer books listing the grantor/grantee records of the County Auditor.

(D) The use of the fees collected by the County Auditor under this section shall be duly appropriated by the County Council prior to any actual expenditure by the County Auditor.  
(Ord. 2004-01, passed 1-5-2004; Ord. 2010-02, passed 2-1-2010)

### **§ 36.02 DRUG/BUY MONEY FUND.**

(A) There is hereby established a Drug/Buy Money Fund.

(B) The use of this Fund will be governed by the guidelines for expenditure of confidential funds published March 27, 1992, by the Indiana Criminal Justice Institute and guidelines for obtaining an accounting for confidential funds used in support of criminal investigations.  
(Res. 2002-05, passed 9-3-2002; Ord. 2002-11, passed 9-3-2002)

### **§ 36.03 FEDERAL ASSET SEIZURE FUND.**

(A) There is hereby established a Federal Asset Seizure Fund.

(B) The purpose of the Fund shall be to receive and disperse county federal forfeiture income and to comply with federal requirements for the same.

(C) The Fund shall be administered by the County Sheriff. The Fund shall be appropriated and spent in accordance with the general rules to which other funds of the county are subject. No funds from any other source shall be deposit in the Fund. Funds shall only be spent to supplement the Sheriff's Department and not supplant funding of the same. The County Sheriff shall be charged with compliance with all other aspects of the federal forfeited property rules.

(D) All amounts placed in the Fund shall be invested and reinvested pursuant to the standard procedures followed by the county and interest earned shall be credited to the account. The funds shall not revert to the county's general fund at the end of the year.  
(Ord. 2001-14, passed 12-17-2001)



**§ 36.04 RICO FUND.**

(A) The Board of Commissioners acknowledges that it may be the recipient of funds coming into the county by virtue of the sale and forfeiture of property used in violation of certain criminal statutes pursuant to I.C. 34-4-30.1-1.

(B) The Board of Commissioners hereby create a new fund to be entitled "Wells County RICO Fund."



(C) The Board of Commissioners may use the Fund for any purpose related to county business.

(D) The Board of Commissioners may desire to share some of the funds received pursuant to I.C. 34-4-30.1-4(d) with the County Prosecutor's Office.

(E) The Board of Commissioners directs the County Auditor to make known to them when funds are received into the general fund pursuant to this section.

(F) The Board of Commissioners agrees that their option, when notified of funds being received, that they may allocate a portion of those funds from the county general fund to the County Prosecutor's Office.

(Ord. 97-2, passed 1-27-1997)

**§ 36.05 ABANDONED VEHICLE FUND.**

(A) The Board of Commissioners acknowledges that it may be the recipient of funds coming into the county by virtue of the abandoned vehicle ordinance and state statute.

(B) The Board of Commissioners hereby creates a new fund to be entitled "County Abandoned Vehicle Fund."

(C) The Board of Commissioners may use the Fund only in conformance with state statute and the abandoned vehicle ordinance.

(Ord. 98-12, passed 7-20-1998)

**§ 36.06 COUNTY CORRECTIONS FUND.**

(A) The Board of Commissioners hereby elects to receive deposits from the Department of Correction in accordance with I.C. 11-12-6.

(B) The Board of Commissioners hereby elects to receive such deposits at level 3 funding.

(C) There is hereby created a "County Corrections Fund" to be administered by the County Council. The Fund shall consist of deposits received from the Department of Correction in accordance with I.C. 11-12-6.

(D) The County Corrections Fund shall be used for funding the operation of the county's jail, jail programs or other local correctional facilities. Any money remaining in the County Corrections Fund at the end of the year does not revert to any other fund but remains in the County Corrections Fund. (Ord. 91-1, passed 3-18-1991; Ord. 95-2, passed 2-6-1995; Ord. 96-1, passed 1-29-1996; Ord. 98-2, passed 2-2-1998; Ord. 99-1, passed 2-16-1999)

**§ 36.07 PUBLIC EMPLOYEES RETIREMENT FUND.**

(A) The county elects to become a participant in the Public Employee's Retirement Fund as established by the Acts of 1945, Chapter 340 and all acts amendatory and supplemental thereto.

(B) The county agrees to make the required contributions under the Public Employee's Retirement Fund Act which is the Acts of 1945, Chapter 340 and all acts amendatory thereof and supplementary thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as the "Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefits Act."

(C) The following are declared to be covered by the Fund: all full-time highway, health and county employees.

(D) It is hereby declared that none of the classifications or positions specified in division (C) are compensated on a fee basis or of an emergency nature or in a part-time category.

(E) The active participating membership of the county shall begin on January 1, 1977.  
(Res. -, passed 9-27-1976)

**§ 36.08 VEHICLE INSPECTION FUND.**

(A) There is hereby established a fund entitled "Special Vehicle Inspection Fund," into which the County Auditor shall deposit all inspection fees collected pursuant to this section.

(B) The fiscal body of the unit must appropriate the money collected from the inspection only for law enforcement purposes.  
(Ord. 92-3, passed 3-2-1992)

**§ 36.09 MAINTENANCE FUNDS FOR DRAINS.**

(A) The Board of Commissioners acknowledges that the Wells County Drainage Board has funds consisting of:

- (1) Money received from annual assessments upon land benefited by the periodic maintenance of a drain;
- (2) Penalties received on collection of delinquent annual assessments made for the periodic maintenance of drains;
- (3) Money received from any person as compensation for damages suffered to a drain;
- (4) Monies held in the General Drainage Improvement Fund; and

(5) Any other monies received pertaining to drainage.

(B) The Board of Commissioners further acknowledges that those funds should and will bear interest.

(C) The Board of Commissioners further acknowledges that the interest earned on those funds should more properly be credited to the General Drain Improvement Fund as opposed to the County General Fund.

(D) The Board of Commissioners desires that the County Treasurer credit any interest earned from the investment of those funds into the General Drain Improvement Fund.

(E) Each drain shall be credited with the interest earned on the funds coming from that drain.

(F) The Board of Commissioners hereby directs that action be taken pursuant to I.C. 36-9-27-113 beginning upon the passage of this chapter.  
(Ord. 98-8, passed 11-1-1998; Ord. 98-16, passed 11-2-1998; Ord. 01-02, passed 2-2-2002; Ord. 2015-01, passed 2-17-2015)

#### **§ 36.10 RAINY DAY FUND.**

(A) There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds under I.C. 36-1-8-5.

(B) Not more than 10% of any fiscal year's total budget shall be transferred into the Rainy Day Fund.

(C) The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money.

(D) The County Council hereby intends to utilize its decision-making power regarding fiscal affairs and set priorities for allocation and expenditure of the Rainy Day Fund as deemed necessary to best serve the residents of the county.  
(Res. 2004-02, passed 2-20-2004)

#### **§ 36.11 PROJECT LIFESAVER DONATION/OPERATION FUND.**

(A) A fund is hereby established under the home rule statute found at I.C. 36-1-3-1 et seq. called the "Project Lifesaver Donation/Operation Fund."

(B) The Fund is to be created by solicited donations and is to be used under the supervision of the County Sheriff.

(C) The Fund may be used to purchase equipment and other necessary items to help assist emergency personnel and caregivers to locate lost individuals who suffer from Alzheimer's and other physical and mental disabilities.  
(Ord. 2007-14, passed 9-17-2007)

#### **§ 36.12 SHERIFF'S EDUCATIONAL PROGRAMS FUND.**

(A) The Board of Commissioners hereby adopts this section to allow the County Sheriff to receive donations for educational purposes for the general public, including juveniles.

(B) The Board of Commissioners authorizes and directs the County Sheriff to set up a Sheriff's fund for receipt of those donated funds and authorizes the County Sheriff to use those funds for the good of the general public.

(C) The Board of Commissioners further directs and authorizes the County Sheriff to set up a separate fund dedicated to that purpose only, and from time to time to account to the Board of Commissioners and the State Board of Accounts for the receipt and the use of those funds.  
(Ord. 95-15, passed 6-19-1995)

#### **§ 36.13 WELLS COUNTY JAIL EMPLOYEE MEAL FUND.**

(A) The Board of Commissioners hereby adopts this section to allow the County Sheriff to collect payment for meals he or she provides to employees, county officials and other members of the general public when necessary.

(B) The Board of Commissioners authorizes and directs the County Sheriff to collect and account for monies he or she receives for meals.

(C) The Board of Commissioners further directs and authorizes the County Sheriff to pay fees on a monthly basis into the County General Fund.  
(Ord. 95-17, passed 9-18-1995)

#### **§ 36.14 INCOME TAX ACCOUNT.**

The County Council elects to reduce the required county income tax special account balance from a six-month balance to a three-month balance within 90 days after the adoption of this section.  
(Ord. 2001-5, passed 5-8-2001)

**§ 36.15 MOTOR VEHICLE FUNDS.**

The County Treasurer is hereby directed to create a fund to be known as the “Wells County Surtax Fund” and a fund to be known as the “Wells County Wheel Tax Fund” for the deposits of the respective revenues collected for motor vehicle taxes under § 35.01.  
(Ord. 2005-11, passed 12-22-2005)

**§ 36.16 WELLS COUNTY SOLID WASTE DISTRICT DONATION FUND.**

(A) *Fund created.* There is hereby established a Wells County Solid Waste District Donation Fund.

(B) *Donations collected.* Donations collected by the Wells County Solid Waste District may be used by the Solid Waste District to provide funds for any activity that promotes recycling.  
(Ord. 2010-6, passed 4-19-2010; Ord. 2010-36, passed 9-7-2010)

**§ 36.17 SEX OR VIOLENT OFFENDER ADMINISTRATION FUND.**

The Wells County Sex or Violent Offender Administration Fund is hereby established. The purpose of the Fund is to defray the expense of administering or ensuring compliance with the laws concerning the Indiana Sex and Violent Offender Registry. The Wells County Council may appropriate money from the Fund for this purpose.  
(Ord. 2011-4, passed 4-18-2011)

**§ 36.18 COUNTY ELECTED OFFICIALS TRAINING FUND.**

(A) The Fund refers to a County Elected Officials Training Fund established under I.C. 36-2-7-19(b).

(B) The Board of Commissioners of Wells County hereby establishes a County Elected Officials Training Fund.

(C) The Wells County fiscal body shall appropriate money from the Fund.

(D) The Fund hereby created consists of money deposited under I.C. 36-2-7.5-6(c)(3) and other sources required or permitted by law.

(E) Money in this Fund does not revert to the County General Fund.

(F) Money in this Fund shall be used solely to provide training of county elected officials required by I.C. 36-2-11-2.5, I.C. 36-2-12-2.5, I.C. 33-32-2-9, and other similar laws.  
(Ord. 2011-5, passed 5-2-2011)

### **§ 36.19 WIND FARM ECONOMIC DEVELOPMENT FUND; WIND FARM EXPENSE FUND.**

(A) There is hereby established two separate funds of the county to be designated as the Wells County, Indiana Wind Farm Economic Development Fund (the Economic Development Fund), into which all economic development payments shall be deposited upon receipt by the county, and the Wells County, Indiana Wind Farm Expense Fund (the Expense Fund) into which all expense payments shall be deposited upon receipt by the county.

(B) All amounts on deposit in the Economic Development Fund shall be expensed for the payment of the costs of county for the construction, repair, or maintenance of infrastructure, the improvement of the park systems, economic development projects or other services provided in the county, including related professional fees and incidental expenses, or other purposes which improve the quality of life in the county, and thereby foster economic development in the county.

(C) All amounts on deposit in the Expense Fund shall be expended for the payment of legal, financial advisory, and other expenses related to the negotiation, execution and implementation of the agreement (including the incentives and other agreements described in the agreement) and any other agreement related to the development, construction, and implementation of wind-powered electric generating facilities in the county.

(D) Any member of the Board of Commissioner or the County Council, the Auditor of the county, and the County Attorney are hereby authorized, empowered and directed, on behalf of the county to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions and any actions heretofore made or taken be, and hereby are, ratified and approved.  
(Res. 2011-14, passed 11-9-2011)

### **§ 36.20 BOARD OF HEALTH FEDERAL ACCREDITATION GRANT FUND.**

(A) A Board of Health Federal Accreditation Grant Fund is hereby established.

(B) The monies collected and disbursed from this Fund may only be used in accordance with the rules and regulations set up in the professional services contract, a copy of which is attached to Ordinance 2012-3, passed 5-7-2012 and made a part hereof.  
(Ord. 2012-3, passed 5-7-2012)



**§ 36.21 BRIDGE 193 FUND.**

The Board of Commissioners of the county hereby creates and establishes a fund to be known and designated as the Bridge 193 Fund for the purpose of accumulating funds necessary for the reconstruction or replacement of Bridge 193 from the county's EDIT distributions pursuant to the Economic Development Income Tax Capital Improvement Plan of Wells County, and shall designate sufficient funds from the county's EDIT distributions for the required county's portion of the cost of the project to be placed in the Bridge 193 Fund.

(Ord. 2013-06, passed 8-19-2013)

**§ 36.22 COUNTY HIGHWAY GARAGE FUND.**

Pursuant to I.C. 36-1-3, the Auditor of Wells County shall establish a fund entitled the County Highway Garage Fund and deposit and invest the net proceeds from the sale of that portion of the real estate commonly known as the Wells County Farm, located east of County Home Road, containing 16.93 acres to the County Highway Garage Fund.

(Ord. 2017-02, passed 4-3-2017)

**§ 36.23 CLEARING ACCOUNT FOR WELLS COUNTY AREA PLAN COMMISSION.**

(A) *Clearing account created.* There is hereby established a clearing account for receipt of fee collection by the Wells County Area Plan Commission and remittance to the Wells County Treasurer monthly of all collections.

(B) *Fees collected.* Fees collected by the Wells County Area Plan Commission shall be remitted to the Wells County Treasurer monthly. The Wells County Area Plan Commission would have no authority to issue checks other than to the Wells County Treasurer.

(C) *Checking account.* The Director of the Wells County Area Plan Commission is authorized and directed to open a checking account for deposit of those fee collections and remittance to the County Treasurer monthly of all collections.

(Ord. 2017-11, passed 10-16-2017)

**§ 36.24 CUMULATIVE BRIDGE FUND.**

(A) There is hereby established a Cumulative Bridge Fund for all uses as set out in I.C. 8-16-3.

(B) The Board will adhere to the provisions of I.C. 8-16-3. The Fund will not exceed \$.025 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2018 payable 2019.

(Ord. 2018-02, passed 3-5-2018)

**§ 36.25 STATE ROAD 301 ROAD TRANSFER FUND.**

(A) The Commissioners hereby create and establish a fund to be known and designated as the State Road 301 Road Transfer Fund for the purpose of accumulation and use of the funds for any lawful purpose at the discretion of the Commissioners in accordance with the terms of the Road Transfer Memorandum of Agreement dated January 29, 2019.

(B) It shall be the responsibility of the county to comply with all state and local laws in the use of the funds.

(Ord. 2019-03, passed 5-6-2019)

**§ 36.26 COUNTY HEALTH REIMBURSEMENT ACCOUNT FUND.**

Pursuant to I.C. 36-1-3, the County Auditor shall establish a fund entitled the County Health Reimbursement Account Fund and deposit and invest the county's contributions to the Fund.

(Ord. 2019-24, passed 12-16-2019)