

### **TITLE III: ADMINISTRATION**

Chapter

- 30. BOARD OF COUNTY COMMISSIONERS  
AND COUNTY COUNCIL**
- 31. DEPARTMENTS, BOARDS AND COMMISSIONS**
- 32. POLICE FORCE**
- 33. FINANCE AND TAXATION**
- 34. PERSONNEL POLICIES**
- 35. EMERGENCY MANAGEMENT**
- 36. COUNTY POLICIES**



Section

*General Provisions*

- 30.01 Rules for the transaction of business at council meetings
- 30.02 Procedure for scheduling and conduct of meetings and transaction of business

*Elections*

- 30.15 Councilmanic districts; County Commissioner districts
- 30.16 Election Sheriff abolished; transfer of duties

**GENERAL PROVISIONS**

**' 30.01 RULES FOR THE TRANSACTION OF BUSINESS AT COUNCIL MEETINGS.**

(A) *Rule #1: Filing of proposed resolutions or ordinance prior to meetings.*

(1) At any regular or special meeting of the County Council, the Council shall consider only proposed ordinances and resolutions which are placed upon the Council agenda in accordance with this Rule #1. A proposed ordinance or resolution shall not be placed upon the agenda for consideration by the Council unless:

(a) The original of such proposed ordinance or resolution has been filed with the County Auditor and a copy mailed to the Council President and the County Attorney ten days before the Council meeting at which its consideration is desired;

(b) The Council President has authorized the County Auditor to place such proposed ordinance or resolution upon the agenda; and

(c) It has been properly advertised, if required.

(2) Provided, that the Council may for good cause suspend this Rule #1 as to any such proposed ordinance or resolution by a two-thirds vote of all the elected members of the Council. Provided further that this Rule #1 shall not apply to ordinances or resolutions drafted or sponsored by the County Auditor, a County Council Member, the Board of County Commissioners or the County Attorney.

(B) *Rule #2: Distribution of Council agenda.* Prior to any regular or special meeting of the County Council, the County Auditor shall comply with the notice requirements of the Indiana Open Door Law (I.C. 5-14-1.5-1 et seq.). Additionally, at least three days prior to any such meeting, the County Auditor shall mail to each council member and the County Attorney a copy of the meeting agenda together with a copy of each ordinance or resolution on the agenda. Thereafter, the agenda shall not be amended or changed without the approval of the Council President.

(CC Ord. 1994-19, passed 4-26-94)

**' 30.02 PROCEDURE FOR SCHEDULING AND CONDUCT OF MEETINGS AND TRANSACTION OF BUSINESS.**

(A) *Rule No. 1: Scheduling of Meetings.* (Ref. I.C. 36-2-4-10)

(1) Regular meetings of the Howard County Board of Commissioners shall be held on the first

Monday of each month at 4:00 p.m. (commencing February 2, 2009) and the third Monday of each month at 8:30 a.m. When the first or third Monday falls upon a county holiday, the meeting shall be held on the following day. Annual notice of regular meetings shall be given by the Auditor as required by I.C. 5-14-1.5-5(c).

(2) A special meeting of the Board of Commissioners may be called by a member of the Board pursuant to I.C. 36-2-2-8. A six-day public notice shall be given as required by I.C. 36-2-2-8(b); and a 48-hour public notice shall be given as required by I.C. 5-14-1.5-5(a).

(3) An Executive Session of the Board of Commissioners may be called by a member of the Board pursuant to I.C. 5-14-1.5-6.1. A 48-hour public notice shall be given as required by I.C. 5-14-1.5-5(a) and I.C. 5-14-1.5-6.1(d).

(4) An Administrative Meeting of the Board of Commissioners as defined and limited by I.C. 5-14-1.5-5(f)(2) may be called by a member of the Board without public notice. However, all such meetings are open to the public and an agenda shall be posted as required by I.C. 5-14-1.5-4(a).

(5) An emergency meeting of the Board of Commissioners may be called by a member of the Board by giving such notice as is required by I.C. 5-14-1.5-5(d)

(B) *Rule No. 2: Minutes or Memoranda.* Minutes or memoranda of all meetings shall be kept as required by I.C. 5-14-1.5-4(b) and I.C. 5-14-1.5-6.1(d); and shall be submitted to the Board for approval at its next regular meeting.

(C) *Rule No. 3: Advance Execution of Documents.*

(1) *Definitions.* As used in this Rule;

**DOCUMENT** shall mean any written contract, notice, application, report, letter and the like requiring the approval and execution by the Board of 2010 S-7

Commissioners. It shall not include an ordinance or non-ceremonial resolution.

**CEREMONIAL RESOLUTION** shall mean a resolution or proclamation honoring or recognizing a person, event or organization (e.g., a resolution honoring a local sports team).

**TIME SENSITIVE** shall mean a situation where delay until the next regular Board meeting would materially prejudice the interests of Howard County (e.g., a deadline for submitting a grant application).

(2) *Execution of time-sensitive document.* Any one Commissioner may execute a time-sensitive document if he: (1) has good reason to believe that the Board will ratify his signature and approve the document at the next regular Board Meeting; and (2) obtains the prior approval of the County Attorney or Assistant County Attorney.

(3) *Execution of ceremonial resolution.* Any one or more of the Commissioners may execute a Ceremonial Resolution if it is to be read or presented prior to the next regular Board Meeting.

(4) *Confirmation.* The Commissioner executing a time-sensitive document, and all Commissioners executing a Ceremonial Resolution, shall be responsible for presenting it to the Board for ratification and approval at the next regular Board Meeting.

(Ord. BCC-2010-5, passed 3-15-10)

## **ELECTIONS**

### **30.15 COUNCILMANIC DISTRICTS; COUNTY COMMISSIONER DISTRICTS.**

(A) Pursuant to I.C. 36-2-3-4, the county is hereby divided into the following four councilmanic districts:

<i>District</i>	<i>City Precincts</i>	<i>County Precincts</i>
1	1HOW1 305, 405 4TAY1 5TAY1 5TAY2 5TAY3	Center B Center C Center D Howard A Howard B Jackson Liberty A Liberty B Liberty C Liberty D Taylor A Taylor B Taylor C Union
2	502, 503 5HAR1 5HAR2 5HAR3 605, 606, 607 6HAR1	Harrison A Harrison B Harrison C Honey Creek A Honey Creek B Monroe
3	102, 104, 106, 107, 108, 205, 301, 302, 303, 304, 306, 307, 401, 402, 403, 404, 501	None
4	101, 103, 105, 201, 202, 203, 204, 206, 601, 602, 603, 604, 1CLAY1 1CLAY2	Center A Clay A Clay B Clay C Ervin A Ervin B

(1) *District 1.* Clay, Ervin, Harrison, Honey Creek and Monroe Townships.

(2) *District 2.* Center Township.

(3) *District 3.* Howard, Jackson, Liberty, Taylor and Union Townships.  
(Ord. BCC-1997-54, passed 12-15-97; Am. Ord. 2011-BCCO-30, passed 12-5-11; Am. Ord. 2011-BCCO-31, passed 12-5-11)

**' 30.16 ELECTION SHERIFF ABOLISHED; TRANSFER OF DUTIES.**

(A) Pursuant to I.C. 3-6-6-5(b), all positions of Election Sheriffs are hereby eliminated from the election process in the county in all precincts until further order of the Board of County Commissioners.

(B) The Judges of each precinct in the county shall perform the duties and have the rights of Election Sheriffs in all precincts of the county until further order of the Board of County Commissioners.  
(Ord. BCC-1996-54, passed 9-3-96)

(^83 Code, ' 30.02) (Ord. 1981-26, passed 12-28-81; Am. BCC Ord. 1991-37, passed 12-16-91; Am. Ord. 2005-BCC-37, passed 8-3-05; Am. Ord. 2013-BCCO-34, passed 12-16-13)

(B) Pursuant to I.C. 36-2-2-4 and 36-2-2-4.7, the County Commissioner election districts for the county are hereby divided and established as follows:



Section

- 31.01 Building Department
- 31.02 Conventions, Visitors and Tourism Commission
- D** 31.03 Data Processing Study and Advisory Committee
- 31.04 Department of Parks and Recreation
- 31.05 Traffic Commission
- 31.06 Department of Redevelopment, Redevelopment Commission and the Redevelopment Authority
- 31.07 Department of Economic Development and the Economic Development Commission
- 31.08 Public Defender Board
- 31.09 Department of Stormwater Management; Special Stormwater Taxing District
- 31.10 Department of Emergency Management; Advisory Council

**Cross-reference:**

- Police Force, see ' 32.01*
- Sheriff=s Merit Board, see ' 32.02*
- Solid Waste Management District, see ' 50.01*

**' 31.01 BUILDING DEPARTMENT.**

(A) Under the provisions of I.C. 36-7-8-2, there is hereby established a Department of Buildings and the Office of Building Commissioner, which shall be composed of the Building Commissioner, inspectors and such other personnel as the Board of County Commissioners shall determine.

(B) The Building Commissioner shall have the power to administer and enforce any and all ordinances or codes adopted now or hereafter by the

Board of County Commissioners that regulate construction, enlargement, repair, alteration, relocation and use of building, heating, ventilation, air conditioning, and electrical and plumbing construction.

(C) For the purpose of carrying out the provisions of this section, the Board of County Commissioners may employ such additional personnel in the Department as may be necessary.

(83 Code, ' 32.04) (Ord. 1977-41, passed 1-30-78)

**Cross-reference:**

*Building regulations generally, see Chapter 150*

**' 31.02 CONVENTIONS, VISITORS AND TOURISM COMMISSION.**

(A) *Commission created.* Effective January 1, 2014 and pursuant to I.C. 6-9-18-5(a), there is hereby created the Howard County Conventions, Visitors and Tourism Commission (ACommission@).

(B) *Members.* The Commission shall consist of nine members meeting the following qualifications, requirements and/or restrictions:

(1) Each member must reside in Howard County;

(2) A simple majority of the members must be either:

(a) Engaged in a convention, visitor or tourism business (which may include a restaurant or catering business, a museum, or a hotel or motel business); or

**Howard County - Administration**

(b) Involved in promoting conventions, visitors or tourism;

(3) Not more than one member may be affiliated with the same business entity;

(4) No more than a simple majority of the members may be affiliated with the same political party; and

(5) If available and willing to serve, at least two members must be engaged in the business of renting or furnishing rooms, lodging or accommodations, which for the purposes of this section shall include a hotel or motel business.

(C) *Appointment.* Subject to division (B) of this section, the appointment of the members shall be made in the following manner:

(1) The Mayor of Kokomo shall appoint six members, three of whom must be engaged in a convention, visitor or tourism business or involved in promoting conventions, visitors or tourism; and at least one of those three members must be engaged in the business of renting or furnishing rooms, lodging or accommodations.

(2) The Howard County Board of Commissioners shall appoint three members, two of whom must be engaged in a convention, visitor or tourism business or involved in promoting conventions, visitors or tourism; and at least one of those two members must be engaged in the business of renting or furnishing rooms, lodging or accommodations.

(3) All appointments shall be reported in writing to the Howard County Auditor prior to the commencement of the terms. The Mayor and Board of Commissioners shall coordinate all appointments made to insure compliance with the requirements of divisions (B)(3) and (4) of this section; any disagreement regarding this coordination shall be resolved by the Board of Commissioners.

(D) *Terms, vacancies and removal.*

(1) All terms of office of Commission members shall commence on January 1, beginning January 1, 2014.

(2) The term of each member shall be two years; provided, however, the initial terms shall be staggered in the following manner:

(a) The Mayor of Kokomo shall appoint three members for one year and three members for two years; and

(b) The Howard County Board of Commissioners shall appoint one member for one year and two members for two years.

(3) A member whose term expires may be reappointed to serve another term at the discretion of the appointing authority.

(4) If a vacancy occurs, the appointing authority shall appoint a qualified person (whose appointment will maintain the requirements of division (B) of this section) to serve for the remainder of the term. If a vacancy is not filled within 30 days, the Commission shall appoint such a replacement by a majority vote.

(5) A member of the Commission may be removed for cause by his or her appointing authority.

(E) *Powers and organization.*

(1) The Commission shall have the powers enumerated in I.C. 6-9-18-6(a).

(2) The Commission shall meet after January 1 each year for the purpose of organization. It shall elect one of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their



election until their successors are elected and qualified. A majority of the Commission constitutes a quorum, and the concurrence of a majority of the Commission is necessary to authorize any action.

(3) The Commission may adopt such by-laws as it deems appropriate so long as they do not conflict with any provision of the Uniform Act or this section.

(F) *Expenditures.* The Commission shall adhere to the requirements of I.C. 6-9-18-6(b) with regard to all payments and expenditures. No expenditure shall be made by the Commission unless it is in accordance with an appropriation made by the Howard County Council in the manner provided by law.

(G) *Disposition of funds.* All money coming into possession of the Commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the Commission is subject to audit and supervision by the State Board of Accounts.

(H) *Meetings.* The Commission is deemed to be a governing body of a public agency and subject to the requirements of the Indiana Open Door Law (I.C. 5-14-1.5-1 *et seq.*).  
(Ord. 2013-BCCO-35, passed 12-16-13)

**' 31.03 DATA PROCESSING STUDY AND ADVISORY COMMITTEE.**

A Data Processing Study and Advising Committee is created consisting of the following members:

- (A) The County Auditor.
- (B) The County Treasurer.
- (C) The County Assessor.

(D) A member of the Board of County Commissioners.

(E) The City Controller of each city of the second class within the county.

(F) A representative of each municipal utility within the county.

(G) A representative of each municipal community school corporation and metropolitan school district within such county.

(H) Such other and further members as may be appointed or provided for by the Board of County Commissioners.  
( '83 Code, ' 32.08) (Res. passed 10-4-71)

**' 31.04 DEPARTMENT OF PARKS AND RECREATION.**

(A) *Establishment.*

(1) The Howard County Park and Recreation Board shall be re-established in accordance with I.C. 36-10-3, and the Board shall be composed of the following:

- (a) Two members appointed by the Judge of the Circuit Court.
- (b) One member appointed by the Board of County Commissioners.
- (c) Two members appointed by the County Council.
- (d) The County Extension Committee shall select one of its members, the County Extension Coordinator, or the County Extension Agent to serve as an ex officio board member.

(e) The Mayor of the City of Kokomo shall appoint one person as an ex officio board

member. The member appointed by the Mayor must be affiliated with a different political party than the member appointed by the Board of County Commissioners.

(2) Members appointed under divisions (1)(a), (1)(b), and (1)(c) shall be appointed on the basis of their interest in and knowledge of parks and recreation but no more than one member appointed under divisions (1)(a) and (1)(c) shall be affiliated with the same political party.

(3) Ex officio board members have all the rights of regular members, including the right to vote.

(B) *Terms.*

(1) Upon establishment of the Board, the terms of its members shall be as follows:

(a) The appointments by the Circuit Court Judge shall be one-and three-year terms, respectively.

(b) The appointment by the Board of County Commissioners shall be for a two-year term.

(c) The appointments by the Council shall be for two- and four-year terms, respectively.

(d) The appointment by the Mayor shall be coterminous with the Mayor's term of office.

(2) As a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. The appointing authorities shall make initial appointments within 90 days after the creation of the Department. If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

(C) *Officers.* At its first regular meeting in each year, the Board shall elect a President and a Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. The Board may select a Secretary either from within or without its own membership.

(D) *Powers.* The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in I.C. 36-10-3.

(E) *Annual budget.* The Board shall prepare and submit an annual budget in the same manner as other departments of the county government as prescribed by the State Board of Accounts. The Board may accept gifts, donations and subsidies for park and recreation purposes.

(<sup>83</sup> Code, ' 32.09) (Ord. 1966-27, passed 2-16-66; Am. Ord. 1972-2, passed 3-7-72; Am. Ord. 1976-3, passed 2-17-76; Am. Ord. 1982-23, passed 12-14-82)

***Cross-reference:***

*Parks and recreation, see Chapter 93*

***Statutory reference:***

*Composition of Department, see I.C. 36-10-3-4*

**' 31.05 TRAFFIC COMMISSION.**

A County Traffic Commission is created, and shall consist of the following members: the County Engineer-Supervisor, the County Sheriff, the Director of the County Plan Commission, a representative of the Kokomo Police Department, one citizen member appointed by the Board of County Commissioners, and a representative of the Board of County Commissioners.

(<sup>83</sup> Code, ' 32.15) (Res. passed 11-4-57)

***Cross-reference:***

*Traffic Code, see Title VII*



**' 31.06 DEPARTMENT OF REDEVELOPMENT, REDEVELOPMENT COMMISSION AND THE REDEVELOPMENT AUTHORITY.**

(A) Pursuant to I.C. 36-7-14-3, the Board of County Commissioners hereby establishes the County Department of Redevelopment for the purposes and to exercise the powers set forth in the Act, being I.C. 36-7-14-1 et seq., or otherwise granted by law. The Department of Redevelopment will be controlled by a board of five members to be known as the Redevelopment Commission, each of whom shall be appointed by the Board of County Commissioners.

(B) Pursuant to I.C. 36-7-14.5-7, there is hereby created as a separate body corporate and politic and as an instrumentality of the county the Redevelopment Authority for the purposes and to exercise the powers set forth in the Act, being 36-7-14.5-1 et seq., or otherwise granted by law. The Redevelopment Authority shall be governed by a Board of Directors consisting of three members, each of whom shall be appointed by the Board of County Commissioners.

(BCC Ord. 1996-35, passed 7-15-96)

***Cross-reference:***

*Economic development, see T.S.O. I*

**' 31.07 DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE ECONOMIC DEVELOPMENT COMMISSION.**

(A) Pursuant to I.C. 36-7-12-4, the County Council hereby establishes the County Department of Economic Development with the powers to finance economic development or pollution control facilities under the Act.

(B) Pursuant to I.C. 36-7-12-7, the Department will be controlled by a board to be known as the County Economic Commission. The Commission will consist of three members; one member to be selected by the Board of County Commissioners, one member nominated by the County Council and one member

nominated by the Common Council of the City of Kokomo, each of whom shall be appointed by the Board of County Commissioners.

(BCC Ord. 2001-14, passed 2-27-01)

***Cross-reference:***

*Economic development, see T.S.O. I*

**' 31.08 PUBLIC DEFENDER BOARD.**

(A) Pursuant to I.C. 33-40-7-3, the County Public Defender Board (ABoard@) is hereby established.

(B) The Board shall consist of three members appointed in accordance with I.C. 33-40-7-3(a) and (b), with terms as designated in I.C. 33-40-7-3(c).

(C) The Board shall have the duties and authority as set forth in I.C. 33-40-7-6, and shall conduct business as specified in I.C. 33-40-7-3(d) and (e).

(D) As set forth in I.C. 33-40-7-3(f), the County Executive may terminate the Board.  
(Ord. 2004-BCC-49, passed 12-20-04)

**' 31.09 DEPARTMENT OF STORMWATER MANAGEMENT; SPECIAL STORMWATER TAXING DISTRICT.**

(A) *Adoption of statutory provisions.* In compliance with I.C. 8-1.5-5-4.5 and I.C. 8-1.5-5-5, the Commissioners hereby adopt and incorporate herein by reference the provisions of I.C. 8-1.5-5-1 through I.C. 8-1.5-5-32, inclusive, as from time to time amended (AAct@).

(B) *Department of Stormwater Management.* Pursuant to I.C. 8-1.5-5-4.5, there is hereby created and established the Howard County Department of Stormwater Management (ADepartment@). The Department shall be controlled and managed by a Board of Directors consisting of the three members of the Board of Commissioners and the County Surveyor,

2010 S-7

all pursuant to I.C. 8-1.5-5-4.5(b) (ABoard@). The Board shall have the powers specified under I.C. 8-1.5-5-6, together with all other authority, powers, duties and responsibilities set forth in the Act.

(C) *Special taxing district.* Pursuant to I.C. 8-1.5-5-5, there is hereby created and established a special taxing district, to be known as the Howard County Stormwater Management District (ADistrict@). The jurisdiction of the District shall include all territory of Howard County that is not located within the territorial boundaries of the City of Kokomo, Town of Greentown, and Town of Russiaville. Under I.C. 8-1.5-5-5, the District shall have the power to levy a special user fee for the purposes of storm water collection and disposal, together with all other authority, powers, duties and responsibilities set forth in the Act. (Ord. 2008-BCC-29, passed 9-15-08)

### **' 31.10 DEPARTMENT OF EMERGENCY MANAGEMENT; ADVISORY COUNCIL.**

(A) *Creation of Department and Advisory Council.* Pursuant to I.C. 10-14-3-17(b)(1), there is hereby created and established the Howard County Department of Emergency Management (ADepartment@) and the Howard County Emergency Management Advisory Council (ACouncil@).

(B) *Council membership; Chairman.*

(1) Pursuant to I.C. 10-14-3-17(c), the Council shall consist of the following individuals or their designees:

(a) The President of the Howard County Board of Commissioners;

(b) The President of the Howard County Council;

(c) The Mayor of the City of Kokomo;

(d) An individual appointed jointly by and representing the Russiaville Town Council and the Greentown Town Council;

(e) Any representative or representatives of private or public agencies or organizations that the Council, in its sole discretion, deems necessary to assist the Department; and

(f) One commander of a local Howard County civil air patrol unit or the commander's designee, to be appointed by the Council in its sole discretion.

(2) The President of the Howard County Board of Commissioners or his or her designee shall serve as the Chairman of the Council. Any designee of a member shall be appointed in writing signed by the member and delivered to the Council Chairman.

(C) *Council responsibilities and powers.* The Council shall have the following responsibilities and powers:

(1) Exercise general supervision and control over the emergency management and disaster program of Howard County.

(2) Select or cause to be selected, with the approval of the Howard County Board of Commissioners, a county Emergency Management and Disaster Director (ADirector@) who:

(a) Has direct responsibility for the organization, administration, and operation of the Department and the emergency management program in Howard County; and

(b) Is responsible to the Chairman of the Council.

(D) *Department responsibilities.* Under the supervision of the Council and Director, the Department shall be responsible for operating and administering an emergency management program for Howard County.

(E) *Funding.* As required by I.C. 10-14-3-17(b)(1) and (g), the Howard County Council shall provide adequate funding for the effective operation of the Department.

(F) *County employees.* The Director and all employees of the Department shall be Howard County employees.

(Ord. 2012-BCCO-36, passed 12-27-12)

***Cross-reference:***

*Emergency management, see Ch. 35*





Section

- 32.01 Police Force created **CHAPTER 32: POLICE FORCE** hereby empowered to serve all process directed to the
- 32.02 Sheriff=s Merit Board Sheriff from the circuit court, superior court, or from
- 32.03 Sheriff=s work program the Board of County Commissioners, according to
- 32.04 Sheriff=s reserve deputy program law.

**Cross-reference:**

*Emergency management, see Chapter 35*  
*Sheriff=s School/Training Fund, see ' 33.31*

**' 32.01 POLICE FORCE CREATED.**

(A) There is created the County Police Force, whose members shall be employees of the county, and whose activities shall be directed by the County Sheriff according to law (see I.C. 36-8-10-2, 36-8-10-3, and 36-8-10-4). The expenses of the County Police Force herein created shall be a part of the Sheriff=s budget, and the salaries and number of its personnel shall be determined by the County Sheriff=s Merit Board with the approval of the County Council.

(B) Each member of the County Police Force shall have general police powers and be a conservator of the peace within the county; shall arrest, without process, all persons who, within his or her view, shall commit any crime or misdemeanor, take them before the nearest justice of the peace or magistrate of the county, and detain them in custody until the cause of the arrest has been investigated; and suppress all breaches of the peace within his or her knowledge. Each member is hereby given authority to call to his or her aid the power of the county; pursue and commit to the county jail all felons; execute all process directed to the County Sheriff by legal authority; attend upon and preserve order in all courts of record of the county, except justices= courts; and guard prisoners in the county jail. Each member is

(C) Any member of the County Police Force who becomes Sheriff either by election or by appointment shall, upon the expiration of the term and upon his or her written application, be appointed by the Sheriff=s Merit Board to the rank in the County Police Force which he or she held at the time of his or her election or appointment as Sheriff, provided there is a vacancy in the County Police Force. If the Sheriff during his or her tenure of office has qualified in accordance with promotional procedure, as prescribed by the Sheriff=s Merit Board in its rules and regulations, for any rank in the County Police Force which is higher than the rank he or she previously held, the Sheriff=s Merit Board shall upon expiration of his or her term as Sheriff, appoint him or her for the rank for which he or she has qualified, under promotional procedure; provided, however, that there is a vacancy in such rank.

(D) The County Sheriff shall, with the approval of the Sheriff=s Merit Board, establish a classification of ranks, grades and positions for county police officers in the County Police Force. For each rank, grade and position so established, the Sheriff, with the approval of the Sheriff=s Merit Board, shall set reasonable standards of qualifications and fix the prerequisites of training, education, and experience. The Sheriff, with the approval of the Sheriff=s Merit Board, shall devise and administer examinations designed to test applicants as to the qualifications required for the respective ranks, grades or positions, and only those applicants who, in the opinion of the Sheriff and the Sheriff=s Merit Board, best meet the

recognized standards and prerequisites shall be appointed. All county police officers appointed to the County Police Force under this section shall be

probationers and on probation for one year from the date of the appointment.

(E) The Sheriff may discharge, demote or temporarily suspend any county police officer for cause after preferring charges in writing and after a fair public hearing before the Sheriff=s Merit Board, reviewable by the circuit court, a notice of which charges and hearings shall be delivered by certified mail to the county police officer to be discharged, demoted or temporarily suspended. The county police officer may be represented by counsel. The Sheriff may temporarily suspend without a hearing before the Sheriff=s Merit Board any county police officer, after preferring charges of misconduct in writing delivered to the county police officer, for a period not to exceed 15 days. No county police officer shall be discharged, demoted or temporarily suspended because of political affiliation, nor shall any county police officer be discharged, demoted or temporarily suspended after his or her probationary period except as provided in this section. For the purpose of hearings provided in this section, the Sheriff=s Merit Board shall have subpoena powers enforceable by the circuit court. Probationers may be discharged by the Sheriff without right to hearing.

(F) All deputy sheriffs who, upon the taking of effect of this section, shall have served for more than one year shall be deemed qualified to serve as county police officers, except that all those holding superior rank, grade or position as deputy sheriffs, upon the taking of effect of this section, must be approved by the Sheriff and the Sheriff=s Merit Board before assuming such superior rank, grade or position as county police officer. Deputies having served one or more years upon the taking effect of this section shall be deemed to have passed their probationary period for county police officer.

(^83 Code, ' 32.13) (Ord. 1969-11A, passed 9-4-69)

## ' 32.02 SHERIFF=S MERIT BOARD.

(A) A Sheriff=s Merit Board is hereby created and shall hereafter be known as the AHoward County Sheriff=s Merit Board.@ The Board shall hereafter have all of the powers and duties set out in I.C. 36-8-10-3, and the terms of this statute shall be binding upon the County Sheriff, his or her successors, and the County Police Force created and defined in ' 32.01.

(B) The Sheriff=s Merit Board shall consist of five members. Three members shall be appointed by the Sheriff, and two members shall be elected by a majority vote of the members of the County Police Force under procedures established by the Sheriff=s Merit Board; however, no active county police officer may serve on the Sheriff=s Merit Board. The term of membership shall be as set forth in I.C. 36-8-10-3 (see also the ACompiler=s Notes@ following I.C. 36-8-10-3 for regulations as to the original term). No more than two members appointed by the Sheriff nor more than one of the members elected by the officers may belong to the same political party. All members shall reside in the county. All members shall serve during their respective terms and until their respective successors have been appointed and qualified. Any member may be removed for cause duly adjudicated by declaratory judgment of the circuit court.

(C) As compensation for his or her service, each member of the Sheriff=s Merit Board shall be entitled to receive from the county the sum of \$15 per day for each and every day, or fraction thereof during which he or she is engaged in transaction of the business of the Sheriff=s Merit Board. As soon as practicable after the members of the Sheriff=s Merit Board shall have been appointed, they shall meet upon the call of the Sheriff, and shall organize by the election of a President and a Secretary from among their own membership. Three members of the Sheriff=s Merit Board shall constitute a quorum for the transaction of business. The Sheriff=s Merit Board shall hold such regular monthly meetings throughout the year as may

(I.C. 36-8-10-3) (83 Code, ' 32.14) (Ord. 1969-11A, passed 9-4-69)

**' 32.03 SHERIFF=S WORK PROGRAM.**

(A) There is hereby established, and the County Sheriff is hereby authorized to operate and administer, a Howard County Sheriff=s Work Program.

(B) The County Sheriff=s Work Program shall be described and constituted as follows:

(1) To be eligible to participate in the Work Program, a person must meet all of the following qualifications:

(a) He or she must have been committed to the Howard County Criminal Justice Center upon conviction of a crime or adjudication of contempt;

(b) He or she must not have been restricted from participation in such program by the sentencing court and must not have been convicted of a sex offense under I.C. 35-42-4 or 35-46-3;

(c) He or she must volunteer for the Work Program; and

(d) He or she must be approved by the County Sheriff to participate in the Work Program.

(2) Eligible prisoners shall not be released from custody to participate in the Work Program, but shall at all times remain in the custody of a County Sheriff=s deputy or deputies assigned to supervise such Work Program.

(3) Eligible prisoners participating in the Work Program shall be paid from Work Program revenues the sum of \$1 for each day or part of a day during which they participate in the Work Program.

(4) Eligible prisoners shall not be required to perform any hazardous, demeaning or unreasonably strenuous work.

(5) To cover the expenses of the Work Program, the County Sheriff is hereby authorized to charge those for whom services are performed the sum of \$45 per hour per crew of prisoners. All sums collected by the County Sheriff under this provision shall be deposited in and disbursed from the fund established in ' 33.29.

(BCC Ord. 1997-44, passed 10-6-97; Am. Ord. BCC-2008-27, passed 8-18-08)

**' 32.04 SHERIFF=S RESERVE DEPUTY PROGRAM.**

(A) *Establishment.* The Howard County Sheriff=s Reserve Deputy Program is established to operate in accordance with I.C. 36-8-3-20 and this section.

(B) *Number.* The maximum number of reserve deputies is fixed at 20.

(C) *Qualifications.* To be eligible for appointment as a reserve deputy, a person must:

(1) Be at least 21 years of age;

(2) Not be an employee of the county;

(3) Successfully complete a pre-basic training course under I.C. 5-2-1-9(f) and any other training required by rules established under division (F) of this section; and

(4) Meet any other qualifications required by rules established under division (F) of this section.

(D) *Appointment and dismissal.* Subject to division (C) of this section, a reserve deputy shall be appointed by the County Sheriff and shall serve at the pleasure of the Sheriff. A reserve deputy appointment may be terminated by the County Sheriff at any time for any reason or for no reason at all.

(E) *Status.* A reserve deputy shall:

(1) Serve strictly as a volunteer without any compensation;

(2) Not be considered or construed as an employee of the County Sheriff=s Department or the county for any reason or purpose;

(3) Not be eligible to participate in any pension program or be entitled to any county benefits provided for regular members of the County Sheriff=s Department except as provided in division (D)(4) of this section;

(4) As a volunteer, be entitled to medical benefits under the county=s workers comprehensive coverage together with any extended accidental death or disability coverage the county, in its sole discretion, may choose to provide;

(5) Have the same police powers as the regular deputies of the County Sheriff=s Department except as modified or limited by rules or regulations established pursuant to division (F) of this section.

(6) At the same time of appointment, execute a written form acknowledging that he or she has read, understands and agrees to the provisions of this section, and, in particular, divisions (D) and (E).

(F) *Rules.* The County Sheriff may from time to time adopt such rules and regulations as he deems necessary and appropriate for the operation of the Reserve Deputy Program, so long as such rules and regulations are not contrary to or inconsistent with I.C. 36-8-3-20 or this section.

(G) *Reserve Deputy Fund.* Subject to the approval of the County Council, there is hereby established as a line item in the Sheriff=s budget a Reserve Deputy Fund. The purpose of this fund will be to receive and disburse monies to operate and sustain the Reserve Deputy Program. Any payment

received for services rendered by a Reserve Deputy shall be deposited into this Fund. Disbursements shall be made at the sole discretion of the Sheriff.

(Ord. BCC 2003-34, passed 8-4-03)

Section

*General Provisions* **CHAPTER 33: FINANCE AND TAXATION** *Taxation*

- |       |   |       |   |
|-------|---|-------|---|
| 33.01 | Membership dues; meeting expenses                               | 33.45 | Economic Development Income Tax imposed; capital improvement plan adopted           |
| 33.02 | Reproduction fees   | 33.46 | Vehicle taxes: excise surtax and wheel tax  |
| 33.03 | Emergency telephone system fee                                  | 33.47 | Innkeeper=s tax   |
| 33.04 | Property endorsement fee  | 33.48 | Mobile home and property taxes; single payment if \$25 or less                      |
| 33.05 | Tax sale list fees  | 33.49 | Fund for operation and maintenance of the County Jail and Juvenile Detention Center |
| 33.06 | Supplemental recording fees                                     | 33.50 | Application of property tax refunds to delinquent property taxes                    |
| 33.07 | Sheriff=s Department copying fees                               | 33.51 | Automatic monthly deductions for payment of property taxes                          |
| 33.08 | County Prosecutor=s copying fees                                |       |   |
| 33.09 | County Prosecutor=s bad check service charge collection fees    |       |   |
| 33.10 | Fees for providing electronic data                              |       |   |
| 33.11 | Sex or violent offender registration and change of address fees |       |   |

**Funds**

- 33.25 County Corrections Fund
- 33.26 Cumulative Capital Development Fund
- 33.27 Cumulative Bridge Fund
- 33.28 Law Enforcement Fund
- 33.29 Work Program Fund
- 33.30 Public Defender Supplemental Fund
- 33.31 Sheriff=s School/Training Fund
- 33.32 Identification Security Protection Fund
- 33.33 Sheriff Deputy Benevolent Fund
- 33.34 Supplemental Public Defender Services Fund
- 33.35 Revolving Loan Fund
- 33.36 Recorder=s Enhanced Access Fund
- 33.37 Emergency Management Donations Fund

**Cross-reference:**

- Community Redevelopment, see ' 31.06*
- Convention and Visitor Commission, see ' 31.02*
- Health Department service fees established, see ' ' 92.15 et seq.*
- Promotion fund, see ' 31.02(F)*

**GENERAL PROVISIONS**

**' 33.01 MEMBERSHIP DUES; MEETING EXPENSES.**

(A) The Board of County Commissioners is authorized to budget, and the County Council is authorized to appropriate, funds from the General Fund or from other funds to provide membership for

the county and for the elected and appointed officials and members of the county's boards, council, departments, or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of county government operations.

(B) The Board of County Commissioners is authorized to budget, and the County Council is authorized to appropriate, funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the county belongs.

(`83 Code, ' 34.08) (Ord. 1982-15, passed 7-26-82)

### ' 33.02 REPRODUCTION FEES.

The following fees are adopted for copies of county records:

(A) Accident reports, \$5 per copy.

(B) Film costs for abstract companies, \$.50 per foot.

(C) Theft, robbery, vandalism and B-cards, \$1 per sheet.

(`83 Code, ' 34.18) (Ord. 1985-16, passed 9-3-85; Ord. 1985-17, passed 9-3-85; Ord. 1985-20, passed 9-3-85)

### ' 33.03 EMERGENCY TELEPHONE SYSTEM FEE.

(A) The monthly enhanced emergency telephone system fee for each exchange access facility, as defined by I.C. 36-8-16-3, used in the county shall be \$0.91 per month, commencing August 1, 2008, and continuing monthly thereafter until further action by Council.

(B) All E911 fees collected pursuant to this section shall be used only to pay for those purposes specified and authorized by I.C. 36-8-16-14(a).

(C) Pursuant to I.C. 36-8-16-12, each service supplier that collects an E911 fee on behalf of the county is entitled to a 3% administrative fee as compensation for collecting the fee. Each service supplier shall remit to the County Treasurer the E911 fees it collects during a calendar quarter within ten days after the end of the quarter; and at the same time the service supplier shall provide a fee collection report to the County Auditor. Additionally, pursuant to I.C. 36-8-16-11(b), during January of each year, each service supplier shall provide the County Treasurer with a delinquent fee report and the Treasurer may initiate legal action to collect any delinquent fees.

(D) Pursuant to I.C. 36-8-16-13, the County Treasurer shall collect and deposit all E911 fees into a separate fund known as the AHoward County Emergency Telephone System Fund.@ The County Treasurer may invest money held in the fund and deposit any income earned back into the fund.

(E) Not later than January 31 of each year, the county fiscal body shall submit to each municipality within Howard County that operates a PSAP (as defined in I.C. 36-8-16.5-13) a report of all expenditures of E911 funds paid during the immediately preceding calendar year.

(CC Ord. 1988-17, passed 8-2-88; Am. CC Ord. 1989-4, passed 2-21-89; Am. BCC Ord. 1993-27, passed 8-2-93; Am. Res. 2007-BCC-20, passed 8-20-07; Am. Ord. 2008-CC-22, passed 7-24-08)

### ' 33.04 PROPERTY ENDORSEMENT FEE.

(A) As used in this section, the term **LEGAL DESCRIPTION** shall mean any description of real estate in a deed or affidavit presented to the Auditor under I.C. 36-2-11-14 which has a tax identification

number assigned, thus requiring transfer on the Auditor=s records.

(B) When a deed or affidavit of transfer is presented to the Auditor for endorsement under I.C. 36-2-11-14, the Auditor shall collect the following fee authorized by I.C. 36-2-19-18(d):

(1) Five dollars for the first legal description contained in the deed or affidavit; and

(2) Three dollars for each additional legal description contained in the deed or affidavit.





(C) The Auditor shall endorse each legal description for which a charge is made under this section.

(D) The fee provided for under this section is in addition to any other fee provided by law.

(E) The Auditor shall place revenue received under this section in the Auditor=s Plat Book Fund. (BCC Ord. 1991-7, passed 3-25-91; Am. BCC Ord. 2002-34, passed 8-19-02; Am. Ord. BCC-2004-39, passed 11-1-04; Am. Ord. BCC-2006-14, passed 4-3-06)

**33.05 TAX SALE LIST FEES.**

The Board of County Commissioners hereby establishes a charge for taxpayers requesting copies of tax sale lists. For each tax sale list requested, a fee of \$5 shall be collected. (BCC Ord. 1992-20, passed 6-1-92)

**33.06 SUPPLEMENTAL RECORDING FEES.**

(A) Pursuant to I.C. 36-2-7-10(b)(11), the County Recorder shall charge a supplemental fee of \$3 per document, which shall be paid at the time the document is recorded.

(B) The supplemental recording fee of \$3 is in addition to all other recording fees required by law for services rendered by the County Recorder.

(C) Pursuant to I.C. 36-2-7-10(b)(11), the supplemental fee shall be placed in the County Recorder=s Records Perpetuation Fund, along with the fees collected pursuant to I.C. 36-2-7-10(b)(5), (b)(6) and (b)(9), to be used by the County Recorder for the preservation of records and the improvement of record-keeping systems and equipment upon appropriation by the County Council. (BCC Ord. 1995-29, passed 8-14-95)

**33.07 SHERIFF=S DEPARTMENT COPYING FEES.**

(A) The following document copying fees are hereby established by and for the Sheriff=s Department:

- (1) Case reports, \$5 for the first page and \$3 for each additional page.
- (2) Case cards (3x5 cards), \$3 per card.
- (3) VHS-format videotapes, \$35 per tape; and CD-ROMs, \$12 per CD-ROM.
- (4) Standard size photographs, \$5 for the first photograph and \$3 for each additional copy.
- (5) Special size photographs, \$5 plus additional costs based on size.
- (6) Criminal records check, \$5 per check.
- (7) Criminal investigation report, \$5 for the first page and \$3 for each additional page.

(B) The Sheriff=s Department shall record and account for such fees collected as required by I.C. 36-2-7-15 and any other applicable laws and regulations, and such fees may be deposited as cost reimbursements to such Sheriff=s Department office accounts as the Sheriff shall deem appropriate.

(C) In accordance with I.C. 35-47-2-3(b), the Sheriff=s Department shall charge a \$10 fee for each handgun permit application and such fee shall be deposited in the Sheriff=s Department=s Firearms Training Fund and used for firearms training or firearms equipment purchase as authorized by the statute.

(D) This section shall not affect the Sheriff=s Department=s duty to disclose or not to disclose records as set forth in the Indiana Access to Records Act, being I.C. 5-14-3-1 et seq. (BCC Ord. 1995-6, passed 2-6-95; Am. Ord. BCC-2005-21, passed 5-16-05)

**' 33.08 COUNTY PROSECUTOR=S COPYING FEES.**

(A) The County Prosecutor may establish and charge a fee of \$0.50 per page to make copies of papers and documents to be provided to an individual and other agencies pursuant to the Indiana Access to Records Act, being I.C. 5-14-3-1 et seq.

(B) The copying fee shall become the property of the General Fund, and will be submitted to and received by the County Auditor for deposit on a yearly basis into the General Fund.

(C) Funds so received by the county into the General Fund may be expended by the County Prosecutor by appropriation by the County Council for the General Fund into a line in the County Prosecutor=s budget. Such appropriations may be made by regular budget appropriation or special appropriation, and the filing of claims after appropriation by the County Prosecutor.  
(BCC Ord. 1996-67, passed 12-16-96)

**' 33.09 COUNTY PROSECUTOR=S BAD CHECK SERVICE CHARGE COLLECTION FEES.**

(A) The County Prosecutor may establish an account into which the County Prosecutor may deposit service charge fees that are collected and permitted under I.C. 35-43-5-5(e) for the collection of bad checks.

(B) The service charge fees shall become the property of the General Fund and will be submitted to the County Auditor for deposit on a yearly basis into the General Fund.

(C) Funds so received by the county into the General Fund may be expended by the County Prosecutor by appropriation by the County Council for the General Fund into a line in the County

Prosecutor=s budget. Such appropriations may be made by regular budget appropriation or special appropriation, and the filing of claims after appropriation by the County Prosecutor.

(BCC Ord. 1995-8, passed 2-13-95; Am. BCC Ord. 1996-68, passed 12-16-96)

**' 33.10 FEES FOR PROVIDING ELECTRONIC DATA.**

(A) The county hereby establishes and imposes the fees to be charged for the furnishing of electronic data as set forth in this division (E) of this section. Division (E) of this section may be amended from time to time to add additional fees or to modify existing fees. Provided, however, that all fees listed in division (E) shall at all times be calculated and established in compliance with the requirements and limitations set forth in I.C. 5-4-3-8(g).

(B) All fees collected under this section shall revert to the County General Fund.

(C) Howard County hereby adopts the uniform *Request for Electronic Data* form in division (F) of this section. All requests for electronic data must be made in writing on this form, and no electronic data shall be furnished without this form first being completed and filed. All county officeholders, department heads, and employees shall follow the procedures set forth in I.C. 5-14-3-9 and other related public access laws in processing *Request for Electronic Data* properly filed.

(D) This section shall not affect or replace, but shall be in addition to, the following existing Ordinances with respect to the furnishing of certain electronic data:

(1) Section 36.08, Fees for Copies of Documents and Copies of Electronics Formatted Data.

(2) Section 36.09, Fees for Auditor=s Mapping.

(E) Schedule A.

<b>Electronic Data Provided</b>	<b>Fee</b>
<p>1. Standard CD or DVD, updated annually to a specific date after taxes are calculated, containing the following fields of information:</p> <ul style="list-style-type: none"> <li>Owner name</li> <li>Taxpayer name</li> <li>Location address</li> <li>Mailing address</li> <li>Brief legal description</li> <li>Parcel identification number</li> <li>Gross assessed value</li> <li>Net assessed value</li> <li>Exemptions</li> <li>Spring/Fall tax installments</li> <li>Total taxes, including delinquencies</li> <li>Special assessments</li> </ul>	<p>\$250.00 base fee</p>
<p>2. CD or DVD containing any or all of the fields from the Standard CD or DVD, current to date of request</p>	<p>\$250.00 base fee, plus \$25.00 per hour to extract data</p>
<p>3. Applicable exemptions: All media and all local, state and federal governmental entities shall be exempt from the \$250.00 base fee, but shall be subject to the \$25.00 hourly rate if special fields are requested pursuant to Paragraph 2 of this Schedule A.</p>	

2010 S-7

(F) Schedule B.

**Request for Electronic Data**

To: Howard County Government  
Attn. Terry Tribby

This is to request the following electronic data from Howard County (identify data requested with reasonable particularity):

I (we) understand that Indiana Code 5- 14-3-3(e) and Howard County Ordinance BCC-2005-32 prohibit a person who receives information on a disc or tape from using such information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services or sell, loan, give away, or otherwise deliver the information obtained to any other person. I (we) hereby certify to Howard County Government that I (we) will not use the information requested above for such commercial purposes. I (we) agree to pay the required fee for such information before the information is furnished.

Dated, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Requesting Party

Note: You may return this Request by:

(1) Fax to: (765) 456-2803  
OR

(2) Mail to:  
Howard County Government  
Howard County Administration Center  
220 North Main Street  
Kokomo, IN 46901  
Attn: Terry Tribby

(Ord. BCC-2005-32, passed 9-19-05)

**33.11 SEX OR VIOLENT OFFENDER REGISTRATION AND CHANGE OF ADDRESS FEES.**

(A) *Fund established.* The Howard County Sex or Violent Offender Administration Fund (AFund@) is hereby established. The purpose of the Fund is to defray the expenses incurred by the Howard County Sheriff in administering, and ensuring compliance with, the laws concerning the Indiana sex and violent offender registry. Accordingly, the Howard County Council shall periodically appropriate money from the Fund for the Howard County Sheriff to use for this purpose as he or she deems appropriate and according to law.

(B) *Imposition of fees.* The Howard County Sheriff is required to collect the following fees hereby imposed:

(1) An annual registration fee of \$50, payable upon the sex or violent offender=s initial registration with the Howard County Sheriff and upon each subsequent annual registration; and

(2) An address change fee of \$5 each time a sex or violent offender registers an address change with the Howard County Sheriff.

(C) *Disposition of fees.* The Howard County Sheriff shall promptly transfer all fees collected pursuant to this section to the Howard County Auditor, who shall monthly:

(1) Deposit 90% of all fees collected to the Fund for appropriation and use in accordance with division (A) above; and

(2) Transfer 10% of all fees collected to the Treasurer of the State of Indiana for deposit in the state sex and violent offender administration fund under I.C. 11-8-8-21.

(Ord. 2013-BCCO-3, passed 2-4-13)

**FUNDS**

**33.25 COUNTY CORRECTIONS FUND.**

(A) The County Council hereby elects to receive deposits from the Department of Corrections in accordance with I.C. 11-12-6-1 et seq.

(B) The County Council hereby elects to receive such deposits under I.C. 11-12-6-13 at Level III funding.

(C) There is hereby created a ACounty Corrections Fund@ for 1999, to be administered by the County Sheriff. the fund shall consist of deposits received from the Department of Corrections in accordance with I.C. 11-12-6-1 et seq.

(D) The County Corrections Fund may be used only for funding the operation of the county 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 the money shall remain in the County Corrections Fund.

(CC Ord. 1990-2, passed 2-12-90; Am. CC Ord. 1991-3, passed 2-26-91; Am. CC Ord. 1992-9, passed 3-24-92; Am. CC Ord. 1994-18, passed 3-22-94; Am. CC Ord. 1995-4, passed 1-24-95; Am. BCC Ord. 1996-8, passed 2-5-96; Am. CC Ord. 1996-11, passed 2-6-96; Am. CC Ord. 1997-07, passed - -97; Am. Ord. 1998-02, passed 1-20-98; Am. Ord. BCC 1999-07, passed 2-15-99; Am. Ord. BCC 2000-12, passed 3-6-00)

**33.26 CUMULATIVE CAPITAL DEVELOPMENT FUND.**

(A) There is hereby established a Cumulative Capital Development Fund, which fund may be used for any or all of the following purposes:

(1) To purchase, construct, equip or maintain buildings for public purposes;

(2) To acquire the land and any improvements on it that are necessary for the construction of public buildings; and

(3) To demolish any improvements on land acquired for a public building and to level, grade and prepare the land for the construction of the public building.

(B) For the purpose of this section, the following definitions shall apply:

**EQUIP.** Includes any capital expenditure relating to the furnishing or operation of public buildings including, by way of illustration and not by way or limitation, purchases of office equipment, office furnishings, computers and voting machines.

**MAINTAIN.** Includes repairing, remodeling or enlargement.  
(BCC Ord. 1989-7, passed 3-28-89; Am. BCC Ord. 1994-24, passed 4-25-94; Am. CC Ord. 1994-25, passed 4-26-94; Am. BCC Ord. 1997-41, passed 9-15-97; Am. CC Ord. 1997-51, passed 11-25-97)

### ' 33.27 CUMULATIVE BRIDGE FUND.

(A) A need now exists for the establishment of a Cumulative Bridge Fund to provide funds for the cost of construction, maintenance and repair of bridges, approaches and grade separations as defined in I.C. 8-16-3-1.5 and to make county-wide bridge inspections and safety ratings as stated in I.C. 8-16-3-1.

(B) The Board of County Commissioners will adhere to the provisions of I.C. 8-16-3. The total tax levied on all taxable real and personal property in the county for the fund, including the tax increase, shall not exceed \$0.0233 per \$100 of assessed valuation. Said increased tax rate shall be levied beginning with taxes payable beginning in the year 2008.  
(BCC Ord. 1995-19, passed 6-5-95; Am. Ord. BCC-2006-28, passed 7-17-06; Am. Ord. BCC-2007-29, passed 6-16-07)

### ' 33.28 LAW ENFORCEMENT FUND.

(A) There is hereby established a Law Enforcement Fund. The fund shall consist of deposits in the form of voluntary surrender fees, reimbursement for restitution, seizure of assets and other law enforcement related fees recovered by the office of the County Prosecutor which are not required to be deposited in the General Fund.

(B) The Law Enforcement Fund shall be appropriated from funding activities recovered by I.C. 34-4-30.1 and 34-4-30.5 and liquidation of personal or real property obtained from criminal defendants.

(C) Monies from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2.

(D) All money collected under this section shall be transferred to the County Treasurer, who shall deposit such funds and disburse as the County Prosecutor directs. Any money remaining in the fund at the end of the year does not revert to any other fund, but continues in the Law Enforcement Fund.  
(CC Ord. 1990-4, passed 2-13-90)

### ' 33.29 WORK PROGRAM FUND.

(A) There is hereby established the Howard County Sheriff=s Work Program Fund.

(B) All sums collected by the County Sheriff under ' 32.03(B)(5) shall be deposited initially in the Work Program Fund and disbursed without appropriation in the following order:

(1) First, to the payment of the prisoners as provided in ' 32.03(B)(3) at least monthly. A sufficient balance shall be maintained in the Work Program Fund at all times to cover all accrued obligations to prisoners;

(2) Second, the balance remaining after satisfaction of division (B)(1) of this section to the County Auditor for deposit in a special fund from which the County Auditor shall pay, upon proper request by the County Sheriff, expenses of the Work Program, including but not limited to the salaries of supervising deputies for the periods during which supervision is actually performed; and

(3) Third, any balance remaining after satisfaction of divisions (B)(1) and (B)(2) of this section shall be transferred by the County Auditor annually to the County General Fund.  
(BCC Ord. 1997-44, passed 10-6-97)

**' 33.30 PUBLIC DEFENDER SUPPLEMENTAL FUND.**

(A) Funds collected by the County Auditor in the fund known as the Howard County Public Defender Supplemental Fund shall be used to supplement the existing budget of the County Public Defender for the year 2010 for purposes and expenses to provide better quality services and more services available to those persons who have been appointed legal counsel in the county. These expenditures may be for items designated at the discretion of the County Public Defender such as equipment, special court reporter expenses, travel expenses, witness fees, expert witness fees, expert witness analysis, continuing legal education, both in Indiana and outside of Indiana, subscriptions, office expenses and for any other purposes deemed appropriate by the County Public Defender consistent with I.C. 33-9-11.5.

(B) Expenditures from the Fund shall be made by the County Auditor and County Treasurer upon submission to the County Auditor of a claim form indicating the service, equipment, supply, or other item of expenditure, which will be paid by the County Treasurer upon receipt of the claim without the need for ordinary advertising as other claims submitted for payment from the General Fund.  
(CC Ord. 2002-04, passed 1-23-02; Am. Ord. CC-2010-5, passed 1-26-10)

**' 33.31 SHERIFF=S SCHOOL/TRAINING FUND.**

(A) The Howard County Sheriff=s School/ Training Fund is hereby established.

(B) The Fund shall be administered by the County Sheriff. The Sheriff shall deposit into the Fund all fees collected from training schools conducted by the County Sheriff=s Department and any donations of money given to the Fund. The Sheriff shall disburse from the Fund, without appropriation, such sums as the Sheriff deems appropriate for the support and operation of the Special Teams of the County Sheriff=s Department including, but limited to, S.W.A.T., DIVE and CERT.

(C) The Sheriff shall make a written report to the County Board of Commissioners, on a calendar quarterly basis, of the receipts and disbursements from the Fund.

(Ord. BCC-2003-33, passed 8-4-03)

***Cross-reference:***

*Sheriff=s Reserve Deputy Fund, see ' 32.04*

**' 33.32 IDENTIFICATION SECURITY PROTECTION FUND.**

(A) The County Identification Security Protection Fund (AFund@) is hereby established pursuant to I.C. 36-2-7.5-6(b)(2), effective as of January 1, 2006.

(B) The Fund shall consist of money deposited into the fund under I.C. 36-2-7.5-6(b)(2), and shall be administered by the County Recorder.

(C) The County Recorder, upon appropriation by the County Council, may use money in the Fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the County Recorder.

(D) Money in the Fund does not revert to the General Fund.  
(Ord. BCC-2005-68, passed 12-5-05)





**' 33.33 SHERIFF DEPUTY BENEVOLENT FUND.**

(A) There is hereby established the Howard County Sheriff Deputy Benevolent Fund (AFund@).

(B) The Fund shall be maintained and operated in accordance with the guidelines attached to CC Ord. 2007-51 and incorporated herein as Exhibit A, as from time to time amended; provided, that any such amendment of the guidelines shall not become effective until approved by resolution of this Council.

(C) The Sheriff=s Department shall establish and maintain the Fund bank account(s) for the purposes authorized herein. The Fund Committee shall control, deposit to and disburse from the Fund account(s). The Fund and Fund account(s) shall be subject to annual audit by the Indiana State Board of Accounts.

(D) Disbursements from the Fund may be made without appropriation by the County Council; however, the Fund Committee shall report Fund income and disbursements to the County Council no less frequently than annually.  
(Ord. CC-2007-51, passed 12-11-07)

**' 33.34 SUPPLEMENTAL PUBLIC DEFENDER SERVICES FUND.**

(A) The funds collected by the Auditor of Howard County in the fund known as the Howard County Public Defender Supplemental Fund shall be used to supplement the existing budget of the Howard County Public Defender for the year 2011 for purposes and expenses to provide better quality services available to those persons who have been appointed legal counsel in Howard County. These expenditures may be for items designated at the discretion of the Howard County Public Defender including, but not limited to, equipment, special court reporter expenses, travel expenses, witness fees, expert witness fees, expert witness analysis,

investigation, continuing legal education, both in Indiana and outside of Indiana, subscriptions, office expenses, computers, copiers, fax machines, I-Pads, cell phones, and for any purposes deemed appropriate by the Howard County Public Defender consistent with I.C. 33-9-11.5.

(B) The expenditures from the Fund shall be made by the Howard County Auditor and Treasurer of Howard County upon submission to the Auditor of a claim form indicating the service, equipment, supply, or other item of expenditure, which will be paid by the Treasurer of Howard County upon receipt of the claim without the need for ordinary advertising as other claims submitted for payment from the General Fund.

(Ord. 2011-HCCO-5, passed 2-22-11)

**' 33.35 REVOLVING LOAN FUND.**

Pursuant to I.C. 5-1-14-14(b), the Auditor of Howard County is hereby authorized and directed to establish a Revolving Loan Fund for the purpose of loaning money to local government entities for economic development purposes. The name of the fund shall be AThe Howard County Revolving Loan Fund,@ hereinafter referred to as the ARLF.@  
(Ord. 2013-HCCO-08, passed 4-23-13)

**' 33.36 RECORDER=S ENHANCED ACCESS FUND.**

(A) There is hereby established a Recorder=s Enhanced Access Fund No. 1154 (AFund@), which shall consist of the access fees collected by the Howard County Recorder under I.C. 5-14-3-8(h). The Recorder shall pay from the Fund the vendors= portion of the access fees as an operating expense authorized by I.C. 5-14-3-8.3.

(B) Pursuant to I.C. 5-14-3-8(h), the Fund is a dedicated fund with the following purposes:



(1) The replacement, improvement, and expansion of capital expenditures; and

(2) The reimbursement of operating expenses incurred in providing enhanced access to public information.

(C) Consistent with these stated purposes, the Recorder in his or her discretion and upon appropriated by the Council, is hereby authorized to use and expend the Fund:

(1) For the replacement, improvement, and expansion of equipment used to maintain the Howard County Recorder=s Document Indexing System upon which enhanced access depends; and/or

(2) For the reimbursement of operating expenses incurred in providing enhanced access to public information by the Howard County Recorder=s Office.

(D) The Howard County Recorder shall administer the Fund in a manner consistent with the terms of this section.

(E) The Council authorizes and confirms the Recorder=s authority to collect the access fees pursuant to I.C. 5-14-3-8(h). (Ord. 2013-HCCO-16, passed 8-20-13)

**33.37 EMERGENCY MANAGEMENT DONATIONS FUND.**

(A) There is hereby established the Emergency Management Donations Fund (AFund@), which shall consist of all monetary donations received by the Department. The Director shall immediately deposit all donations in the Fund.

(B) Upon annual appropriation by the Howard County Council and periodic approval by the Department=s Advisory Council, the Director may use the AFund@ (as a supplement to the Department=s

annual budget) for the purchase of items directly related to the Department=s mission, such as (by way of example and not limitation):

(1) Radio/portable/fire pager repair- batteries;

(2) Car washes;

(3) Medical supplies for ambulances;

(4) Vehicle accessories;

(5) Uniforms for volunteers;

(6) Badges;

(7) Office supplies for departments;

(8) Food for volunteers and members in the course of duty;

(9) Food for special dinners when specified by a donor;

(10) Water and soft drinks for members and volunteers;

(11) Pepper spray;

(12) EMT classes for volunteers;

(13) EVOC training;

(14) Fire equipment and gear;

(15) Plaques for volunteers; and

(16) IVFA membership dues.

(C) The Director, under the supervision of the Advisory Council, shall administer the Fund in a manner consistent with the terms of this section. (Ord. 2014 BCCO-14, passed 5-5-14)



**TAXATION**

**' 33.45 ECONOMIC DEVELOPMENT INCOME TAX IMPOSED; CAPITAL IMPROVEMENT PLAN ADOPTED.**

(A) The County Income Tax Council imposes the County Economic Development Income Tax (EDIT) on the county taxpayers. Such tax is imposed at a rate of 0.2% on the county taxpayers. This tax takes effect on July 1, 1996. (CC Ord. 1996-1, passed 2-6-96)

(B) Pursuant to the requirements; of I.C. 6-3.5-7-15, the Board of Commissioners, as the executive of the county, hereby adopts a capital improvement plan for the county, to provide for the expenditure of at least 75% of the fractional amount certified distribution expected to be received by the county from EDIT revenues for the year 2010 and 2011. (BCC Res. 1996-28, passed 7-15-96; Am. BCC Res. 1996-36, passed 9-9-96; Am. BCC Res. 1999-16, passed 4-26-99; Am. Res. BCC-2008-01, passed 1-7-08; Am. Res. 2010-BCCR-23, passed 11-15-10; Am. Res. 2011-BCCR-2, passed 1-4-11; Am. Res. 2011-BCCR-07, passed 3-21-11; Am. Res. 2011-BCCR-13, passed 6-6-11; Am. Res. 2011-BCCR-27, passed 9-6-11)

**' 33.46 VEHICLE TAXES: EXCISE SURTAX AND WHEEL TAX.**

(A) *Excise surtax.* Beginning January 1, 1984, and until further amended by ordinance, all passenger vehicles, motorcycles and trucks with a declared gross weight that does not exceed 11,000 pounds, registered in the county, that are now subject to an excise tax (in lieu of a property tax) shall also be subject to an annual excise surtax of 10%. The surtax on a vehicle shall not be less than \$7.50, to be paid with the registration of the motor vehicle. (^83 Code, ' 70.20)

(B) *Wheel tax.*

(1) Beginning January 1, 1984, and until further amended by ordinance, all of the following six classes of vehicles and vehicles within those classes based on weight classification of those vehicles that are established by the Bureau of Motor Vehicles for use throughout the state, registered in this county, shall be subject to an annual wheel tax as set out in the following schedule, to be paid with the registration of those vehicles:

<i>Vehicle Classification</i>	<i>Annual Wheel Tax</i>
Buses .....	\$15
Recreational vehicles.....	20
Semitrailers .....	15
Tractors .....	\$20
Trailers	
Gross weight of less than 3,000 pounds .....	5
Gross weight of 3,000 pounds or more and less than 5,000 pounds.....	5
Gross weight of 5,000 pounds or more and less than 7,000 pounds.....	5
Gross weight of 7,000 pounds or more and less than 9,000 pounds.....	5
Gross weight of 9,000 pounds or more .....	5
Trucks.....	15

(2) As provided by I.C. 6-3.5-5-4, the following motor vehicles are exempt from the annual wheel tax: vehicles owned by the state, a state agency or a political subdivision; buses owned and operated by a religious or non-profit youth organization and

used to haul persons to religious services or for the benefit of their members; and vehicles subject to the annual excise surtax.

(<sup>83</sup> Code, ' 70.21)

(C) *Use of funds.* Beginning January 1, 1984, all of the excise surtax and wheel tax collected on motor vehicles registered in this county shall be distributed, as provided for in I.C. 6-3.5-4-13 and 6-3.5-5-15, to the county, city and town units of this county and shall be used only to construct, reconstruct, repair or maintain streets and roads under their jurisdiction.

(<sup>83</sup> Code, ' 70.22) (Ord. 1983-17, passed - -83)

**' 33.47 INNKEEPER=S TAX.**

(A) Commencing January 1, 2014, a tax is hereby levied on every person engaged in the business of renting or furnishing, for periods of less than 30 days, any room or rooms, lodgings or accommodations in any hotel, motel, boat motel, inn, college or university memorial union, college or university hall or dormitory, or tourist cabin that is located in the county. The tax shall be imposed at a rate of 5% commencing January 1, 2014.

(B) The County Treasurer shall continue to maintain a Convention and Visitor Fund as provided by I.C. 6-9-18-4. The innkeeper=s tax shall be reported on forms as issued and approved by the County Treasurer and shall provide that the tax shall be paid monthly to the County Treasurer. Pursuant to I.C. 6-9-18-3, the innkeeper=s tax is to be paid to the County Treasurer not more than 20 days after the end of the month the tax is collected. The County Council acknowledges and confirms that all the provisions of I.C. 6-2.5 relating to the rights, duties, liabilities, procedures, penalties, definitions, exemptions and administration are applicable to the imposition and administration of the tax imposed.

(<sup>83</sup> Code, ' 32.06(E), (F)) (Ord. 2013-HCCO-27, passed 10-22-13)

**Statutory reference:**

*Tax authorized by state law, see I.C. 6-9-15-6*

**' 33.48 MOBILE HOME AND PROPERTY TAXES; SINGLE PAYMENT IF \$25 OR LESS.**

(A) Effective January 1, 1987, an owner of a mobile home is hereby required to pay his or her property tax liability for his or her mobile home in one installment if the tax liability for a particular year is less than \$25.

(B) Whenever a tax statement shows that an owner=s property tax liability for a particular year for a mobile home is less than \$25, the owner shall pay the entire tax liability for the mobile home for that year on May 10 of that year.

(C) Effective January 1, 1987, a person is hereby required to pay his or her property tax liability in one installment if the tax liability for a particular year is less than \$25.

(D) Whenever a tax statement shows that the person=s property tax liability for a year is less than \$25 for the property covered by that statement, the tax liability for that year is due in one installment on May 10 of that year.

(CC Ord. 1986-18, passed 12-2-86)

**' 33.49 FUND FOR OPERATION AND MAINTENANCE OF THE COUNTY JAIL AND JUVENILE DETENTION CENTER.**

(A) *Funding.* The County Council hereby finds and determines that revenues from the county option income tax authorized by I.C. 6-3.5-6-28 are needed in the county to fund the operation and maintenance of both the county jail and juvenile detention center.

(B) *Agreement.* Pursuant to I.C. 6-3.5-6-28(d)(2), the Council hereby covenants and agrees to freeze the part of any property tax levy imposed in the county for the operation of both the jail and juvenile detention center at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under I.C. 6-3.5-6-28, for the term in which this section is in effect.

(C) *Adoption of tax.* Based upon the foregoing finding and agreement, the County Council hereby adopts and imposes a county option income tax at a rate of 0.2% on the adjusted gross income of resident county taxpayers; and (to the extent authorized by I.C. 6-3.5-6-8(e)) 0.2% on the adjusted gross income of the nonresident county taxpayers of the county.

(D) *Jail Revenue Fund.* The County Treasurer shall establish a County Jail Revenue Fund to be used only for the purpose described in I.C. 6-3.5-6-28. County option income tax revenues derived from the tax rates imposed under this section shall be deposited in the County Jail Revenue Fund before making a certified distribution under I.C. 6-3.5-6-18. This fund shall also include the frozen property tax levy determined under division (B) of this section.

(E) *Uses restricted.* County option income tax revenues derived from the tax rates imposed under this section:

(1) May be used only for the purposes described in I.C. 6-3.5-6-28; and

(2) May not be considered by the Department of Local Government Finance in determining the county's maximum permissible property tax levy limit under I.C. 6-1.1-18.5.

(F) *Application.* This section shall apply to the imposition of county income taxes after June 30, 2007.

(Ord. CC-2007-12, passed 3-27-07; Am. Ord. CC-2007-26, passed 6-26-07)

**' 33.50 APPLICATION OF PROPERTY TAX REFUNDS TO DELINQUENT PROPERTY TAXES.**

(A) The County Auditor and Treasurer are hereby authorized and directed to apply the amount of all refunds first against any delinquent property taxes owed in the county by the taxpayer.

(B) If so authorized and/or advised, either orally or in writing, by the Indiana Department of Local Government Finance, the Indiana Department of State Revenue or the Indiana Property Tax Replacement Fund Board, the Auditor and Treasurer may interpret delinquent property taxes owed, as that term is used in the Act, as including penalties, special assessments and/or liens.

(Ord. BCC-2007-48, passed 12-17-07)

**' 33.51 AUTOMATIC MONTHLY DEDUCTIONS FOR PAYMENT OF PROPERTY TAXES.**

(A) Pursuant to I.C. 6-1.1-22-9.7(e), Howard County hereby allows all county taxpayers to pay one or more installments of property taxes by means of an AMD.

(B) This section shall take effect immediately upon its adoption and signature by the President; and shall apply to the Spring 2012 installment of property taxes and each consecutive installment indefinitely, unless terminated by action of the Council.

(C) As required by I.C. 6-1.1-22-9.7(f), the Treasurer shall give such notice, and provided such forms, to taxpayers as are necessary to implement the AMD option.

(D) The Howard County Board of Commissioners acting for and on behalf of the Treasurer and Auditor, is hereby authorized to enter into any contracts with financial institutions necessary to implement the AMD options, so long as such contracts conform to the requirements of I.C. 6-1.1-22-9.7.

(Ord. 2010-HCCO-32, passed 11-23-10; Am. Ord. 2011-HCCO-29, passed 11-22-11)



Section

- 34.01 Employee Handbook adopted
- 34.02 Additional employee contributions to state employees= retirement fund
- 34.03 Policy prohibiting nepotism
- 34.04 Policy requiring disclosure of contracts with relatives

employee contributions made by employees through a binding irrevocable payroll deduction authorization.

No additional employee contributions prior to August 26, 2003 shall be picked-up.

(B) Such additional employee contributions for state law purposes, are being paid by the county in lieu of said contributions by the employee.

(C) The county shall comply with all of the terms and provisions of the Pick-Up Regulation and applicable provisions of the Internal Revenue Code. (Ord. 2003-HCC-16, passed 8-26-03)

**Statutory reference:**

*For statute authorizing employer pick-up of additional employee retirement contributions, see I.C. 5-10.2-3-2*

**' 34.01 EMPLOYEE HANDBOOK ADOPTED.**

The current County Employee Handbook, as may be amended from time to time, is hereby adopted by reference and made a part of this code as if set forth in full herein.

- (Am. 2004-BCC-18, passed 8-16-04; Am. Ord. BCC-2004-45, passed 12-6-04; Am. Ord. BCC-2005-05, passed 1-18-05; Am. Res. 2005-BCC-06, passed 4-18-05; Am. Ord. 2005-BCC-10, passed 2-21-05; Am. Ord. BCC-2005-19, passed 5-2-05; Am. Ord. 2006-BCC-12, passed 3-20-06; Am. Ord. 2006-BCC-48, passed 12-18-06; Am. Ord. 2007-BCC-31, passed 7-2-07; Am. Ord. 2008-BCC-20, passed 6-16-08; Am. Ord. 2009-BCC-11, passed 3-16-09; Am. Ord. 2009-BCC-16, passed 5-18-09; Am. Ord. 2010-BCC-29, passed 10-18-10; Am. Ord. 2011-BCCO-17, passed 7-5-11; 2013-BCCO-24, passed 10-7-13; 2013-BCCO-30, passed 11-18-13; 2014-BCCO-36, passed 12-1-14)

**' 34.02 ADDITIONAL EMPLOYEE CONTRIBUTIONS TO STATE EMPLOYEES= RETIREMENT FUND.**

(A) Effective as of September 1, 2003, the county desires to pick-up all of the additional

**' 34.03 POLICY PROHIBITING NEPOTISM.**

(A) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section.

(1) **EMPLOYED.** An individual who is employed by the county on a full time, part time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the county. The performance of the duties of a precinct election officer (as defined in I.C. 3-5-2-40.1) that are imposed by I.C. Chapter 3 is not considered employment by the county.

(2) **DIRECT LINE OF SUPERVISION.** An elected officer or employee who is in a position to affect the terms and conditions of another individual=s employment, including making decisions about work

assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the County Council or Board of County Commissioners to make decisions regarding salary ordinances, budgets or personnel policies of the county.

(3) **RELATIVE.**

(a) Any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

(b) An adopted child of an individual is treated as a natural child of the individual. The terms *Abrother* and *Asister* shall include a brother or sister by half blood (a common parent).

(B) *Nepotism prohibited.*

(1) Individuals who are relatives shall not be employed by the county in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of that individual.

(C) *Exceptions to prohibition against nepotism.*

(1) This section does not abrogate or affect an employment contract with the county that an individual is a party to and is in effect on the date the individual=s relative begins service of a term of an elected office of the county.

(2) This section does not apply to individuals who are employed by the county on the date the individual=s relative begins serving a term of an elected office in the county and the individual is in the direct line of supervision of the newly elected official.

(3) This section does not apply to a spouse of the County Sheriff employed by the county as prison matron for the county under I.C. 36-8-10-5.

(4) This section does not apply to an individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6 Section 2(b) of the Constitution of the State of Indiana, has received certification under I.C. 36-2-14-22.3, and whose successor in the office of County Coroner is a relative.

(D) *Impact of section of those individuals employed by county on July 1, 2012.* An individual who is employed by the county on July 1, 2012, is not subject to this section unless the individual has a break in employment with the county. The following are not considered a break in employment with the county:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker=s compensation.

(2) The individual=s employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

(E) *Certification by elected officers of the county.* Each elected officer of the county shall annually certify in writing, subject to the penalties

for perjury, that the officer has not violated this section. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year. (Res. 2012-BCCR-17, passed 6-28-12)

**34.04 POLICY REQUIRING DISCLOSURE OF CONTRACTS WITH RELATIVES.**

(A) *Definitions.* The following definitions shall apply in the interpretation and the enforcement of this section:

(1) **ELECTED OFFICIAL.** A County Commissioner or County Council member.

(2) **RELATIVE.**

(a) Any of the following:

- 1. Spouse;
- 2. Parent or step parent;
- 3. A child or step child;
- 4. Brother, sister, step brother or step sister;
- 5. A niece or nephew;
- 6. An aunt or uncle; or
- 7. A daughter-in-law or son-in-law.

(b) An adopted child of an individual is treated as a natural child of the individual. The terms Abrother and Asister shall include a brother or sister by half blood (a common parent).

(B) *Application to certain contracts.*

(1) The county may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this section are satisfied,

(2) Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

(C) *Disclosure of contracts with relatives.*

(1) An elected official whose relative enters into a contract with the county shall file a full disclosure of that contract.

(2) Disclosure statement must be in writing, describe the contract or purchase to be made by the county, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

(3) Disclosure statement must be submitted to the Board of County Commissioners and be accepted by the Board in a public meeting prior to final action on the contract or purchase.

(4) Disclosure statement must be filed not later than 15 days after final action on the contract or purchase with the State Board of Accounts, and the Howard County Clerk of the Circuit Court.

(D) *Actions by Board of Commissioners or appropriate agency.* The Board of County Commissioners or an appropriate agency of the county designated by the Board of County Commissioners shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

(E) *Certification by elected officers of the county.* Each elected officer of the county shall

annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.

(Res. 2012-BCCR-19, passed 6-28-12)

Section

- 35.01 Definitions **CHAPTER 35: EMERGENCY MANAGEMENT** he or she shall forthwith proclaim with the approval
- 35.02 Proclamation; curfew of the Board of Commissioners, in writing, the
- 35.03 Orders of the Sheriff existence of the civil emergency.
- 35.04 Time limit of curfew
- 35.05 Application of chapter

**Cross-reference:**

*Department of Emergency Management and  
Advisory Council, see ' 31.10  
Police Force, see ' 32.01*

(B) After proclamation of a civil emergency by the Sheriff with the approval of the Board of Commissioners, the Sheriff may order a general curfew applicable to such unincorporated geographical areas of the county, or to the county as a whole with the exception of the incorporated areas, as he or she deems advisable and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(`83 Code, ' 90.02) (Ord. 1969-7, passed 7-2-69)  
Penalty, see ' 10.99

**' 35.01 DEFINITIONS.**

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

**CIVIL EMERGENCY.** A riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without power of law.

**CURFEW.** A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, sidewalk, public property or vacant premises within the unincorporated limits of the county, except officers or persons designated as not subject to such curfew. (`83 Code, ' 90.01) (Ord. 1969-7, passed 7-2-69)

**' 35.02 PROCLAMATION; CURFEW.**

(A) When, in the judgment of the Sheriff, a civil emergency as defined in ' 35.01 is deemed to exist,

**' 35.03 ORDERS OF THE SHERIFF.**

After proclamation of a civil emergency by the Sheriff with the approval of the Board of Commissioners, the Sheriff may also, in the interest of public safety and welfare, make any or all of the following orders:

(A) Closing of all liquor stores.

(B) Closing of all beer taverns.

(C) Closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted.

(D) Discontinuance of the sale of beer.

(E) Discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or

combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(F) Closing of gasoline stations and other establishments, the chief activity of which is to the sale, distribution or dispensing of liquid flammable or

combustible products.

(G) Discontinuance of the sale, distribution and dispensing or giving away of any firearms or ammunition of any character whatsoever.

(H) Closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

(I) Issue such other orders as are eminently necessary for the protection of life and property.

(`83 Code, ' 90.03) (Ord. 1969-7, passed 7-2-69)  
Penalty, see ' 10.99

#### **' 35.04 TIME LIMIT OF CURFEW.**

The curfew authorized in this chapter or the orders authorized in ' 35.03 shall remain in effect until rescinded by the Sheriff, but for a period not to exceed 72 hours from the time they became effective unless approved by the Board of Commissioners.

(`83 Code, ' 90.04) (Ord. 1969-7, passed 7-2-69)

#### **' 35.05 APPLICATION OF CHAPTER.**

This chapter shall not apply to any of the incorporated cities and towns of the county.

(`83 Code, ' 90.05) (Ord. 1969-7, passed 7-2-69)

Section

- 36.01 (Reserved)
- 36.02 Medical care co-payments by certain jail inmates
- 36.03 Use and access to the County Courthouse lawn
- 36.04 Business travel procedure
- 36.05 Prisoner reimbursement of incarceration costs
- 36.06 Purchasing practices
- 36.07 Commercial reproduction of electronic data restricted
- 36.08 Fees for copies of documents and copies of electronics formatted data
- 36.09 Fees for auditor=s mapping
- 36.10 Fees for photocopies and facsimile transmissions
- 36.11 Veterans= burial allowances
- 36.12 Rules for use of Government Center meeting rooms
- 36.13 Advance payment of claims and payment of membership dues and subscriptions
- 36.14 County Courthouse security rules
- 36.15 Uniform categories for travel emergencies

**CHAPTER 36: COUNTY POLICIES**  
**36.03 MEDICAL CARE CO-PAYMENTS BY CERTAIN JAIL INMATES.**

(A) As used in this section, the term **JAIL INMATE** shall include and apply to all persons confined to the County Criminal Justice Center except that it shall not include or apply to any person who:

- (1) Maintains a policy of insurance from a private company covering medical care, dental care, eye care or any other health care-related service, including but not limited to prescription drugs and non-prescription medications.
- (2) Is willing to pay for the person=s own medical care; or
- (3) Is committed to the Department of Correction.

(B) (1) Except as provided in division (C), every jail inmate shall be required to make co-payments of up to \$15 for each provision of any of the following services provided by the county: medical care, dental care, eye care or any other health care-related service, including but not limited to prescription drugs and non-prescription medications.

(2) The County Sheriff shall prepare, maintain and post a listing of the exact co-payment charges to be made under this division, which list may be amended from time to time by the Sheriff.

(C) A jail inmate is not required to make the co-payment required under division (B) if:

(1) The jail inmate does not have funds in his or her commissary account or trust account at the time the service is provided;

**Cross-reference:**  
*Firearms prohibited in the County Courthouse, see ' 130.02*  
*Personnel policies adopted, see ' 34.01*

**' 36.01 (RESERVED)**

(2) The jail inmate does not have funds in his or her commissary account or trust account within 60 days after the service is provided;

(3) The service is provided in an emergency;

(4) The service is provided as a result of an injury received in the County Criminal Justice Center; or

(5) The service is provided at the request of the County Sheriff or his or her authorized staff. (BCC Ord. 1995-13, passed 4-3-95; Am. Ord. BCC-2003-16, passed 4-7-03)

**' 36.03 USE AND ACCESS TO THE COUNTY COURTHOUSE LAWN.**

*(A) Findings and determinations.*

(1) A review of the board minutes and other investigations discloses the to the best of the Board of County Commissioner=s knowledge that:

(a) With apparently but one exception, the Board of County Commissioners has maintained strict control over access to the Courthouse lawn, and such access has been limited in nature.

(b) In the limited instances there access has been permitted, it has been granted by the Board of County Commissioners to civic, non-profit organizations such as the United Way and Chamber of Commerce.

(c) For the past few years, a small gas torch has been erected on the northeast corner of the Courthouse lawn and lit in observance of Domestic Abuse Week. This torch burns for a few days annually and no signage or any sort accompanies the torch. Apparently, the Board of County Commissioners has never authorized this display by formal resolution.

(d) In December 1996, the Courthouse maintenance staff place Christmas lights on the evergreen trees growing on the Courthouse Lawn.

(e) It does not appear that the Board of County Commissioners has ever authorized, either formally or informally, any religious displays or symbols to be placed on the Courthouse lawn.

(f) The Board of County Commissioners is currently considering beautification of the Courthouse lawn and has caused the shrubs bordering the lawn to be removed as a first step in such beautification project.

(g) It does not appear that the Board of County Commissioners has ever acted by formal resolution to establish any written policy with regard to use of or access to the Courthouse lawn.

(h) It does not appear that the Courthouse lawn has ever been an open public forum, but rather any request for a display or other temporary use of the Courthouse lawn has been considered by the Board of County Commissioners on a limited request-by-request basis.

(i) The Board of County Commissioners does not believe that the Courthouse Lawn has been either a traditional or designated public forum.

(j) It does not appear that the Board of County Commissioners has ever declared the Courthouse lawn to be either a traditional public forum or a designated (limited) public forum and no such declarations appear in any board minutes.



(2) The Board of County Commissioners has been advised by the County Attorney that the United States Supreme Court case of *Lambert Chapel v. Center Moriches*, 124 L.Ed.2d 352 (1993), and the Seventh Circuit Court of Appeals cases of *Rabbi Grossbaum v. Indianapolis - Marion County Building Authority*, 63 F.3d 581 (7th Cir. 1995) and 100 F.3d 1287 (7th Cir. 1996), have only recently clarified the extent to which it is constitutionally permissible for a government authority to restrict access to public property, and this Board of County Commissioners seeks to clarify its position with respect to the use of and access of the County Courthouse lawn consistent with the legal principles set forth in these and other applicable court decisions.

(B) *Declarations.* Based upon the foregoing findings and determinations, be it ordained by the Board of County Commissioners that:

(1) The Board of County Commissioners does not now declare the Courthouse lawn to be a traditional public forum or to be a designated (limited) public forum, but now hereby declares the County Courthouse lawn (excluding the sidewalks and any benches which the county may erect and maintain for public seating purposes only, contiguous to and as an extension of the sidewalks) to be a non-public forum.

(2) As a non-public forum, the Board of County Commissioners hereby declares that the Courthouse lawn (excluding the sidewalks and any benches which the county may erect and maintain for public seating purposes only, contiguous to and as an extension of the sidewalks) shall be used exclusively by the government for governmental purposes, and no displays, signs or similar structures shall be permitted or authorized to be erected by any non-governmental private group upon the Courthouse lawn for any purpose.

(BCC Ord. 1997-8, passed 3-3-97) Penalty, see ' 10.99

#### ' 36.04 BUSINESS TRAVEL PROCEDURE.

The county will reimburse employees and officials for reasonable business travel expenses necessary to conduct county business based upon budgeted allocation. All employees must receive advance travel authorization from their elected official or department manager for any travel to be reimbursed.

##### (A) *Mileage.*

(1) Employees utilizing their personal vehicle for County business shall be reimbursed up to \$.44 per mile. Mileage for out-of-town or out-of-state travel and/or meetings/conferences will be paid from the place of work or home to the destination, or in the case of air travel, the airport in which the travel will be initiated, in all cases whichever is the lesser amount. Travel from home to work and work to home is not considered reimbursable mileage. All claims for mileage shall be filed on a Mileage Claim, General Form 101.

(2) *Mileage for Howard County courts - home visits outside normal business hours (I.C. 11-13-1-1(c)).* Mileage shall be reimbursable for business purposes such as conducting home visits on probation clients with the prior approval of the Court or the Chief Probation Officer/Department Head. In the case of home visits for probation clients, mileage shall only be reimbursable for travel within Howard County.

(a) Please attach a copy of the Google Map, which shows the beginning and ending destination of your travel. If a detour is active in your travel, please add the mileage to your Google Map and initial.

(b) *Howard County Board of Health.* Mileage shall be reimbursable for business purposes such as conducting inspections with the prior approval of the Administrator of the Health Department. Mileage shall only be reimbursable for travel within Howard County.

(B) *Transportation.* Whenever practical, travel will be accomplished in a county owned vehicle or via common carrier. Employees are expected to limit travel expenses to reasonable and economical amounts. Air travel shall be reimbursable for coach class only. The expense of parking and or tolls will be reimbursed based upon a supported receipt. The cost of renting a vehicle, excluding personal usage, shall be reimbursable if suitable local public transportation is not available or practicable. The least expensive practical vehicle shall be rented. Collision Damage Waiver (CDW) or Liability Damage Waiver (LDW) insurance covering the rented vehicle is a reimbursable expense.

(C) *Subsistence.* Employees may be reimbursed for meals including gratuity for travel up to \$50 per day. However, for travel days, the per diem for meals shall be reduced depending upon the departure time. For a departure time after 6:00 a.m. the per diem will be reduced by \$8; for a departure time after 12:00 p.m., the per diem shall be reduced by \$23; and, if the departure time is after 6:00 p.m., no per diem can be reimbursed. Upon returning, per diem for meals shall be reduced depending upon arrival times. For an arrival time prior 6:00 a.m. a per diem will not be reimbursed; for an arrival time after 6:00 a.m. the per diem will be reduced by \$42; for an arrival time after 12:00 p.m., the per diem shall be reduced by \$23; and, if the arrival time is after 6:00 p.m., a full per diem can be reimbursed. If eligible for full day reimbursement, no limits on meals are required but reimbursement for meals will not exceed the maximum daily subsistence amount. The conference/ meeting agenda and fully itemized receipts for meals are required. No alcoholic beverages are allowed for reimbursement. The employee is not eligible to receive any reimbursement for meals, if the conference/meetings include meals with their agenda. Pre-paid conference meals are assigned the following values in order to determine remaining per-diem for non-paid meals at the same conference/meeting: breakfast \$8; lunch \$15; Dinner \$27.

(D) *Lodging.*

(1) *In-state.* An employee may be reimbursed up to a single occupancy room rate of \$99.99 plus applicable tax per day or the presumed conference rate for lodging plus applicable tax for double occupancy. Employees of the same sex are encouraged to share a room when traveling to the same destination. Itemized receipts must still be submitted for lodging expenses.

(2) *Out-of-state.*

(a) An employee may be reimbursed for lodging at the presumed conference rate (for conferences or training) for lodging plus applicable tax or the rate established by the United States General Services Administration for other lodging (not inclusive of conferences or training). Whenever possible, employees of the same sex are encouraged to share a room when traveling to the same destination. Itemized receipts must still be submitted for lodging expenses.

(b) An employee is not entitled to lodging or a subsistence allowance the night before any conference, training seminar, and the like, within the County limits of Marion County, Indiana or within 50 miles from the place of work or home, whichever is the lesser amount.

(c) An employee is entitled to lodging or a subsistence allowance for over-night travel for a two-day or longer conference, training seminar, and the like, or more in Marion County, Indiana, in order to reduce the total cost of the travel expenses.

(3) *State called meetings.*

(a) State called meeting are meetings that attendance is required by the State Board of Accounts of certain county officials due to their employment or elected position. An employee

attending a state called meeting shall be reimbursed an allowance based upon the state directive specific to such meeting. Itemized receipts must still be submitted for all travel expenses.

(b) When state statutes govern the amounts of allowable travel reimbursements, those statutes supersede our travel policy. Itemized receipts must still be submitted for all travel expenses.

(E) *Return of fugitive.* A travel expense advance will be issued based upon an authorized claim form. All reasonable travel expenses will be paid at the rate listed on supported receipts. Completed travel expense reports and receipts for all related expenses must be submitted to the Auditor's Office within 30 days after travel.

(F) *General.*

(1) Employees must submit, to the Auditor's Office, completed Howard County Government Travel Expense Report Form, standard properly itemized receipts, and a Mileage Claim -General Form 101 (applicable to mileage expenses) for all individual expenses within 30 days after travel.

(2) In the instance of a reimbursement request that does not apply with the travel policy the Auditor's Office may make immediate payments for all approved charges. A second payment for contested expenses will be reimbursed after review and approval by the Howard County Board of Commissioners.

(3) With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel; as long as time away from work is approved, non-business and family related expenses are the responsibility of the employee. Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee,

can be grounds for disciplinary action up to and including termination of employment. Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

(4) Exceptions to this travel policy may be approved by the Howard County Board of Commissioners.

(Res. 1998-CC-21, passed - -98; Am. Res. 2014-HCCR-12, passed - - )

### **' 36.05 PRISONER REIMBURSEMENT OF INCARCERATION COSTS.**

(A) Pursuant to I.C. 36-2-13-15, the Board hereby elects to implement the provisions of the Act, effective July 1, 1998.

(B) Pursuant to I.C. 35-50-5-4 and 36-2-13-15, a court may order persons meeting the qualifications set forth in the Act, to execute a reimbursement plan as directed by the court and make repayments under the plan to the county for the costs permitted by the Act.

(C) The County Council of the county shall fix a per diem payable by the prisoners which is reasonably related to the average daily cost of housing a prisoner in the county's facilities. Pursuant to the Act, the amount of reimbursement shall be the sum of the lesser of such per diem determined by the Council or \$30 per day multiplied by each day or part of that such person is lawfully detained for more than six hours, the direct cost of investigating whether the person is indigent, and the cost of collecting the amount for which the person is liable.

(D) The Board of Commissioners hereby directs the Sheriff of Howard County to develop and implement a plan to collect and account for prisoner reimbursements pursuant to the Act. With respect to reimbursement payments which the Sheriff fails to collect, the Board of Commissioners hereby authorizes the County Attorney or the Assistant County Attorney



to institute legal proceedings to collect such reimbursements. As an alternative, the Board of Commissioners may enter into a contract for collection services under I.C. 5-22-6.5-1 et seq. In either event, costs of collection may be recovered pursuant to I.C. 36-2-13-15(d)(3).

(E) The Board of Commissioners hereby establish a separate, non-reverting fund for the placement of the funds collected pursuant to the Act, to be designated as the AHoward County Prisoner Reimbursement Fund. Such fund may be used for any purposes now or in the future permitted by law, which purposes currently include the operation, construction, repair, remodeling, enlarging, and equipment of a county jail or a juvenile detention center.

(Ord. 1998-BCC-30, passed 6-15-98; Am. Ord. 1998-CC-32, passed 7-21-98)

#### ' 36.06 PURCHASING PRACTICES.

(A) Designation of purchasing agency. The

Howard County Board of Commissioners is hereby designated as the APurchasing Agency@ for all boards, offices, commissions, councils, departments or other establishments of Howard County, Indiana.

(B) Powers of the purchasing agency. The purchasing agency designated in division (A) of this section shall:

(1) Assume the duties, powers and responsibilities assigned to purchasing agencies under the Act, I.C. 5-22-1-1 et seq.

(2) Establish procedures, not inconsistent with the Act or this section, for obtaining supplies or services in a manner which will obtain the greatest economic value for Howard County.

(3) Prepare specifications and notice to bidders and ascertain that required notices are published where bidding and publication of notices are required by law.

(4) Designate in writing a purchasing agent to carry out the purposes of this section. Such purchasing agent shall act as the agent for the purchasing agency in the administration of the duties of the purchasing agency under the Act. The purchasing agent may not make purchases except as provided in division (C) below.

(5) Designate in writing such ALimited Purchasing Agents@ as the purchasing agency deems appropriate and define in writing the limitations of their authority consistent with division (C) below.

(6) To make or authorize all purchases pursuant to the Act not delegated to the purchasing agent or limited purchasing agents under subdivisions (4) and (5) of this division (B).

(C) Purchases under \$150,000.

(1) A **SMALL PURCHASE** is a purchase of supplies (as defined by I.C. 5-22-2-38) with an expected cost of less than \$50,000.

(2) The Purchasing Agency may make a small purchase without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as it shall in its sole discretion deem appropriate.

(3) A Purchasing Agent is hereby authorized to make a small purchase not to exceed an expected cost of \$10,000 without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as he shall in his sole discretion deem appropriate.

(4) A Limited Purchasing Agent is hereby authorized to make a small purchase not to exceed an expected cost of \$5,000 without competitive bidding under I.C. 5-22-7-1 et seq. or quotes under I.C. 5-22-8-1 et seq. upon such terms and conditions as he shall in his sole discretion deem appropriate.

(5) If a purchase of supplies is expected to be at least \$50,000 but not more than \$150,000, the Purchasing Agency may, in its sole discretion, opt to proceed with receiving quotes pursuant to I.C. 5-22-8-3 rather than competitive bidding under I.C. 5-22-7-1 et seq.

(D) Preference for supplies manufactured in the United States. Supplies manufactured in the United States shall be specified for all purchases by the purchasing agency and shall be purchased unless the purchasing agency determines in writing that:

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

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

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

(4) The purchase of supplies manufactured in the United States is not in the public interest.

(E) Purchase of services. As used in this division, the term **SERVICES** means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance, including (but not limited to) legal, medical, architectural, accounting, engineering, appraisal and insurance services. The purchasing agency may purchase services in whatever manner the purchasing agency determines to be reasonable and appropriate.

(Ord. 1998-BCC-29, passed 6-15-98; Am. Ord. 1998-BCC-44, passed 10-19-98; Am. Ord. 1998-BCC-53, passed 11-16-98; Am. Ord. 2008-BCC-09, passed 3-17-08)

#### **' 36.07 COMMERCIAL REPRODUCTION OF ELECTRONIC DATA RESTRICTED.**

(A) Pursuant to the provisions of I.C. 5-14-3-3(e), a person who makes a request pursuant to I.C. 5-14-3-3 and receives information from the county on disk or tape may not use such information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods or services; or sell, loan, give away, or otherwise deliver such information obtained by the request to any other person for these purposes. For purposes of this section, the term **DISK** or **TAPE** shall include any form of electronic transmission of the information requested, where such information does not require manual re-entry by the recipient (e.g., emailing information on attached file).

(B) The prohibition contained in division (A) shall not apply to:

(1) A request for electronic data to be used in connection with the preparation or publication of

news, for nonprofit activities, or for academic research; or

(2) A request by title companies to obtain a disk from the County Recorder pursuant to ' 36.08.

(C) Any person who violates the terms and conditions of this section:

(1) Is prohibited from obtaining any further electronic data from the county without specific approval by the Board of County Commissioners; and

(2) Is subject to a fine of not more than \$2,500, imposed in accordance with the procedures set forth in I.C. 36-1-6-3(b).

(Ord. BCC-1999-01, passed 1-6-99; Am. Ord. BCC-2005-52, passed 9-19-05; Am. Ord. BCC-2007-45, passed 12-3-07)

#### **' 36.08 FEES FOR COPIES OF DOCUMENTS AND COPIES OF ELECTRONICS FORMATTED DATA.**

(A) The Howard County Recorder shall charge the following amount in addition to all filing fees mandated by statute. The County Recorder shall charge at the rate of \$2.35, per megabyte (payable on a monthly basis) for documents retrieved on magnetic disk, plus a \$5.00 handling fee per disk to compensate for personnel=s time, plus 105% of the cost of the disk, if a disk has not been provided.

(B) The Howard County Recorder shall deposit all such fees received in the Recorder=s perpetuation fund maintained by the Howard County Auditor to be used for perpetuation of records in the office.  
(Ord. HCC-1999-04, passed 1-26-99)

#### **' 36.09 FEES FOR AUDITOR=S MAPPING.**

It is hereby ordained by the Board of Commissioners and County Council that the Auditor shall charge for mapping as follows:

(A) Map, orthophotos, and data sales.

- (1) \$25 per CD.
- (2) \$1 per 3.5" floppy disk.

(B) Electronic data reproduced on laser, ink jet printing, or any other copies shall be sold as follows:

- (1) 82 x 11 - \$.50 per sheet per side.
- (2) 82 x 14 - \$.50 per sheet per side.
- (3) 11 x 17 - \$1 per sheet one side.
- (4) 24 x 36 photocopy prints - \$3.
- (5) 32 x 36 photocopy prints - \$4.

(C) The following shall be charged for Inkjet Plotter Costs. These charges will be based on the width of the stock paper available at the department times the length used, and not the size of the original:

- (1) Film - \$3 per square foot.
- (2) Heavy coated bond - \$.90 per square foot.
- (3) Regular bond - \$.50 per square foot.

(D) Reimbursement for mailing costs: (not including copy costs)

- (1) Less than or equal to 4 oz. - \$.50 for envelope and postage;
- (2) First class greater than 4 oz., and less than or equal to 2 lbs. - \$5;
- (3) All other - cost plus \$5.

(E) Nothing herein shall be construed to require any employee of Howard County to provide information contained on or within a 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.

(F) 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, requesting data shall be liable for the total charges for the request. 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.

(G) Nothing herein shall compel any office to charge a fee for copies if the fee imposed by this section 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.

(H) 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 data bases 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.

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

(J) Any person who violates the terms and conditions of this section by failing to pay or violating division (H), shall be guilty of an infraction and may be fined up to \$2,500. In the event there is a violation



of division (H), each violation shall be deemed a separate offense.

(K) Pursuant to I.C. 5-14-3-8.5, the Howard County Council hereby establishes the Howard County Electronic Data Fund. All fees charged under this section shall be deposited in the fund. All funds in the Electronic Data Fund shall be used only for the purposes set out in I.C. 5-14-3-8.5 and shall be subject to appropriation by the Howard County Council.

(L) Any unit of government within Howard County which has provided electronic data used by Howard 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.

(M) 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 of Howard County. (Ord. BCC 2000-17, passed 4-3-00; Am. Ord. BCC 2000-16, passed 5-1-00)

### ' 36.10 FEES FOR PHOTOCOPIES AND FACSIMILE TRANSMISSIONS.

(A) *Definitions.* As used in this section:

**COPY.** A hard paper reproduction of a public record produced by a photocopy machine such as a Xerox or similar machine.

**PUBLIC RECORD.** Any writing, paper or document made public under I.C. 5-14-3-1, et seq. and which can be reproduced on a photocopy machine or transmitted on a facsimile machine.

(B) *Application.* This section shall apply to the furnishing of copies and facsimile transmission of public records in all Howard County offices, agencies, commissions and departments.

(C) *Copy fee.* The fee for providing a copy of a public record is hereby fixed at \$.20 per page.

(D) *Facsimile transmission fee.* The fee for providing facsimile transmission of a public record is hereby fixed at \$.00 per page.

(E) *Exception.* The fees fixed in divisions (C) and (D) hereof shall not apply where Indiana statutes establish or authorize a different fee. (Ord. CC 1999-29, passed 6-22-99)

### ' 36.11 VETERANS= BURIAL ALLOWANCES.

Pursuant to I.C. 10-5-3-1, the maximum burial allowances provided for therein are fixed as follows:

(A) One-hundred dollars where the claim is for setting a Veterans= Administration-supplied marker only;

(B) One-hundred dollars where the claim is for burial expenses only;

(C) Two-hundred dollars where the claim is for both the setting of a marker and burial expenses. (Ord. BCC-2003-25, passed 7-7-03)

### ' 36.12 RULES FOR USE OF GOVERNMENT CENTER MEETING ROOMS.

(A) Rooms are available for use by county officers or county employees for the conduct of county business. Any other informational or educational meeting use must have prior approval from the Building Superintendent and the use will be limited. County office use shall have scheduling priority. The current non-county organizations approved for use are as follows:

(1) Bankruptcy court: One day per month, Room 101, Government Center.

(2) Workers= compensation hearings: One day per month, Room 101, Government Center.

(3) AARP tax help training: Five days in January, Room 101, Government Center.

(4) AARP individual tax help: One day per week, February through April, Room 107, Government Center.

(B) A county employee will be responsible for the meeting held in the building.

(C) All meetings must be scheduled 48 hours in advance. The Howard county Extension Office, Room 105 of the Government Center, is responsible for scheduling meeting rooms in the government Center and shall maintain a calendar for such purpose. The Howard County Auditor, Room 222 in the Administration Center, is responsible for scheduling meeting rooms in the Administration Center and shall maintain a calendar for such purpose.

(D) Scheduling conflicts will be handled on a first scheduled, first served basis.

(E) Canceled meetings are to be removed from the calendar immediately, so someone else may use the room and doors are not unlocked unnecessarily.

(F) With respect to weekends and official holidays when county offices are closed:

(1) All entrance doors are to remain locked. At no time are the entrance doors to be left unlocked or propped open.

(2) The county employee using the building during these periods is responsible for the building=s security. Meetings that require entry into the building, by anyone other than the employee(s) using the building, must have someone posted at the door to allow entry to authorized persons.

(G) It is the responsibility of the group using the meeting room to clean up. While food and drinks are allowed, it is the group using the room=s responsibility to clean up any spills or food on the floor or tables. Cleaning supplies and sweepers are available in the kitchen area of the Government Center, and through the maintenance department at the Administration Center.

(H) Chairs, tables and other room arrangements will be the total responsibility of the office holding the meeting, and to return the room to its previous condition.

(I) Any item (i.e. TV, DVD player, books, papers, charts, maps and the like) brought into a meeting must be removed from the room at the conclusion of the meeting. Any item left in the room will be considered unwanted waste and will be discarded by the maintenance employees.

(J) Any meeting requiring the entrance door to be unlocked after 4:00 p.m. will be monitored. If any meeting concludes well ahead of the scheduled ending time, the night maintenance staff should be notified so that doors can be locked. The night maintenance supervisor=s cell phone number is : 765-432-8260.

(K) Any proposed meeting that does not comply with these rules must receive special approval from the Extension Office or Auditor, as applicable, whose decision shall be final.

(L) No animals will be allowed in the meeting rooms with the exception of service animals.

(M) Use of the meeting room is a privilege and the County Board of Commissioners reserves the right to suspend the privilege for any group that does not adhere to these rules.  
(Ord. 2005-BCC-34, passed 12-19-05; Am. Res. 2011-BCCR-11, passed 5-2-11; Am. Res. 2014-BCCR-3, passed 2-3-14)

**' 36.13 ADVANCE PAYMENT OF CLAIMS AND PAYMENT OF MEMBERSHIP DUES AND SUBSCRIPTIONS.**

*(A) Advance payment of claims.*

(1) Pursuant to I.C. 36-2-6-4.5, the Auditor may make claim payments in advance of Board

allowance (under I.C. 36-2-6-4) for the following kinds of expenses (hereinafter referred to as *Aexpenses*), so long as the requirements set forth hereafter are first met:

(a) Expenses for authorized county-related travel which are required to be paid in advance, including registration fees and transportation tickets.

(b) Insurance premiums, if necessary to procure or continue coverage.

(c) Expenses that must be paid because of emergency circumstances.

(2) Each payment of expenses under this division (A) must be supported by a fully itemized invoice or bill (i.e., claim) and certification by the County Auditor as required under I.C. 5-11-10-1.6(c)(1) through (4), inclusive.

(3) Before payment is made, the Board must give its prior written approval endorsed on the invoice or bill submitted. The Board hereby delegates to the President (or in his or her absence, the Vice-President) the authority to grant such approval on behalf of the Board.

(4) Payment of expenses under this section must be published in the manner specified in I.C. 36-2-6-3(d) (i.e., one publication in *The Tribune* and *The Herald*).

(5) The Board shall review and allow the claim at its next regular meeting following the preapproval made under division (A)(3) above.

*(B) Payment of membership dues and subscriptions.*

(1) County funds may be used to provide memberships and subscriptions to publications for the county and its elected and appointed officials in local, regional, state and national organizations of a civic, educational or governmental nature which have as their stated purpose the betterment and improvement of county government operations.

(2) Attached as Exhibit A to Ordinance BCC 2005-60 is the list of approved organizations and subscriptions designated by the County Council as meeting the criteria set forth in division (B)(1). The Council may appropriate funds to pay memberships and subscriptions for the county and its elected and appointed officials in these, and only these, organizations. Likewise, the Board may allow properly documented claims for such membership dues and subscriptions.

(3) Dues in legal professional associations, such as the Indiana State and American Bar Associations, as well as disciplinary fees payable to the Supreme Court Disciplinary Commission, shall not be paid from county funds.

(Ord. 2005-BCC-60, passed 11-7-05)

**' 36.14 COUNTY COURTHOUSE SECURITY RULES.**

*(A) Identification.* All county employees shall be issued an identification badge that shall include the employee's picture. State employees whose offices are located within the County Courthouse shall also be issued Howard County ID badges. Employees are to wear their ID badge at all times while in the Courthouse. Employee shall not wear their ID badges outside the Courthouse. Lost or stolen badges must be reported to security immediately, and there is a \$10 fee for replacement of lost or stolen badges.

*(B) Employee entrance to the Courthouse.* All employees who have been provided with an ID badge,

properly coded for entrance to the Courthouse, who enter through the west employee door, must swipe their badge at the entrance card reader (ECR), even if the door is already open. Employees entering through the east door must follow the same process as frequent visitors, as described below, including swiping their ID badge at the ECR, and are subject to security screening.



(C) *Employee exit from the Courthouse.* All employees, when leaving for the day, using the west door, must swipe their ID badge at the exit card reader (XCR), even if the door is already open. Employees may leave through the east door during the day, swiping their ID badge at the XCR.

(D) *Visitor entrance to the Courthouse.* All visitors shall enter only through the east door and must pass through security.

(E) *Frequent visitor passes.* Certain frequent visitors may be issued frequent visitor passes (FVP). Frequent visitors must use the east entrance and swipe their FVP at the entrance card reader station. The card reader station shall be equipped with a green and red light system. Once the FVP is read and a green light is displayed, the visitor may bypass security. If the system displays a red light, the visitor must go through security, including X-Ray and magnetometer. Any person entering through the east door shall be subject to security screening, at the sole discretion of the security officers. Lost or stolen passes must be reported immediately to security.

(F) *Visitor exit from the Courthouse.* All visitors shall exit through the east door only. Frequent visitors shall swipe their FVP at the exit card reader when exiting.

(G) *Requirements for frequent visitors.* Individuals who wish to be considered a frequent visitor and obtain a FVP must apply at the Courthouse security office. The application for a FVP will be reviewed by the Security Committee prior to issuing a pass. The Security Committee may revoke a FVP at any time at its sole discretion. There shall be a \$50 fee for a FVP, payable to Howard County. There is a \$10 fee for replacing lost or stolen badges.

(H) *Restricted items, masks and disruptive conduct.*

(1) *Weapons.* Except as provided in division (I), weapons are prohibited in the

Courthouse. **WEAPONS** include firearms; knives; tasers and stun guns; clubs; explosives; hazardous materials; toxic chemicals; signs, posters or placards larger than ten inches by 15 inches excepting court exhibits; or any other item or instrument deemed by security officers to present an immediate threat to the safety and security of the Courthouse.

(2) *Masks.* Facial coverings that hide a person=s identity (excepting medical devices used for bona fide medical reasons which can be removed to allow identification) are prohibited in the Courthouse.

(3) *Disruptive conduct.* Disruptive conduct is prohibited in the Courthouse; and any person engaging in disruptive conduct is subject to removal from the Courthouse by security officers. Disruptive conduct includes any actions, noises or sounds which, in the judgment of security officers, is disrupting or interfering with the normal course of judicial and administrative business conducted in the Courthouse. Provided, however, recognizing that the first floor rotunda is a public forum, security officers will make every reasonable effort to balance the public=s right to assemble in the rotunda with the decorum necessary to effectively operate the Howard County judicial system.

(I) *Exceptions to restricted items.* On-duty law enforcement and Courthouse security officers shall be allowed to carry their weapons while on official business in the Courthouse. Law enforcement officers (Police Officer, Sheriff and deputies, Town Marshal and deputies, Conservation Officers, State Excise Officers, any Federal Enforcement Officer, as defined by I.C. 35-41-1-17(b)) must sign in at the security office. Law enforcement officers who are off-duty or involved in a civil case shall place their weapons in the weapons lockers in the security office.

(J) *Violations and sanctions.*

(1) *County employees.* These rules are hereby added to the work rule violations set forth in Section 6.12.2 of the Howard County Employee

Handbook. Thus, any county employee violating these rules shall be subject to discipline under Section 6.12.1 of the Handbook, up to and including termination from employment.

(2) *Non-county employees.* Any other person violating these rules shall be subject to fines of up to \$2,500 in accordance with ' 10.99 of the Code of Howard County.

(3) *Confiscation of passes.* In addition to the sanctions set forth in (1) and (2) above, security officers are hereby empowered to confiscate and deactivate the pass of any employee or frequent visitor who has violated this section or any rules or procedures established by the Security Committee pursuant to this section.

(Ord. BCC-2007-30, passed 7-2-07; Am. Ord. BCC-2007-34, passed 8-6-07; Am. Ord. BCC-2009-14, passed 4-20-09; Am. Ord. 2013-BCCO-2, passed 2-4-13)

### ' 36.15 UNIFORM CATEGORIES FOR TRAVEL EMERGENCIES.

(A) This section shall be known as the AHoward County all hazards travel section@ and shall apply to all roads maintained by the Howard County Highway Department within the unincorporated areas of Howard County.

(B) Pursuant to I.C. 10-14-3-29.5(a), Howard County hereby adopts the following three uniform categories of travel advisories:

(1) AAdvisory,@ the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(2) AWatch@ means that conditions are threatening to the safety of the public. During a watch@ local travel advisory, only essential travel,

such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.

(3) AWarning,@ the highest level of local travel advisory, means that travel may be restricted to emergency management workers only.

(a) During a Awarning@ local travel advisory, individuals are directed to:

1. Refrain from all travel;
2. Comply with necessary emergency measures;
3. Cooperate with public officials and disaster services forces in executing emergency operations plans; and
4. Obey and comply with the lawful directions of properly identified officers.

(b) Further and more specific restrictions, including parking restrictions, may be included in a Awarning@ local travel advisory.

(C) Before issuing a local travel advisory, to the extent reasonably possible under existing conditions, the Commissioners shall consult with any one or more of the following county officials or their representatives: the Howard County Sheriff, the Howard County Highway Superintendent and/or the Howard County Emergency Management Director.

(D) If the Commissioners determine that a local travel advisory should be issued as part of an emergency declaration under I.C. 10-14-3-29, they shall designate such travel advisory as falling into one of the three categories specified in division (B) above.

(E) If the Commissioners or the Howard County Emergency Management Director, acting individually or jointly, determine that conditions within the





unincorporated areas of Howard County have created the need for travel advisory restrictions without an emergency declaration under I.C. 10-14-3-29, either the Commissioners or Howard County Emergency Management Director may issue an "advisory" or "watch level" travel advisory. However, a "warning" level travel advisory may be issued only after the Commissioners have declared a local disaster emergency under I.C. 10-14-3-29.

(F) Publication and broadcast of the issuance and cancellation of any local travel advisory shall be released to the media as soon as reasonably possible for the Commissioners or the Howard County Emergency Management Director.

(G) Pursuant to I.C. 10-14-3-34, any person who knowingly, intentionally or recklessly violates the restrictions imposed by the issuance of a "watch" or "warning" travel advisory under divisions (D) and (E) above commits a class B misdemeanor.  
(Ord. 2012-BCCO-4, passed 2-6-12)

