

# TITLE 1

## ADMINISTRATION AND PERSONNEL

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# CHAPTER 1

## GENERAL PROVISIONS

### 1-1-1. Designation and Citation of Code.

The provisions embraced in this and following titles, chapters and sections shall constitute and be designated "The Code of the County of Delaware, Indiana, through December 2007" and may be so cited. The code may also be cited as the "county code" or in the provisions which follow, as "this code".

**(Joint Ordinance No. 2008, County Council Ordinance No. 2008-001, Commissioner and Council, 5/5/08.)**

### 1-1-2. Definitions and Rules of Construction.

In the construction of this code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of commissioners or the county council, or the context clearly requires otherwise:

Agency, when used to designate a subordinate element of government, shall mean and be construed as including all offices, departments, institutions, boards, commissions, and corporations of the county government and, when so specified, all offices, departments, institutions, boards, commissions, and corporations which receive or disburse county funds.

Council means the elected county council of Delaware County.

County shall mean and be construed as if the words "of Delaware, Indiana", followed it.

Definitions, given within a chapter, shall apply only to words or phrases used in such chapters unless otherwise provided.

Designee, when following an official of the county, shall mean the authorized agent, employee or representative of such official.

Gender, when importing the masculine gender only, shall intend and be applied to females and to firms, partnerships and corporations, as well as to males.

May means permissive and discretionary.

Month shall mean a calendar month unless otherwise expressed.

Number means a word importing the singular number only, may, where the context requires, intend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only, may, where the context requires, extend and be applied to one person or thing, as well as to several persons or things.

Oath shall mean any form of attestation by which a person signifies that he/she is bound in conscience to perform an act or to speak faithfully and truthfully and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

Ordinances and resolutions shall mean the ordinances and resolutions of the county of Delaware and all amendments and supplements thereto.

Person shall mean and extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property shall mean any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

Public place shall mean and include any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building or any other place commonly open to the public.

Real property shall mean land, together with all things attached to the land so as to become a part thereof.

Registered mail shall include certified mail with return receipt requested.

Shall/must, the words, mean mandatory.

Signature and subscription shall mean the name of a person, mark or symbol appended by him/her to a writing with intent to authenticate the instrument as one made or put into effect by him/her.

State shall mean the state of Indiana.

Words and phrases shall mean and be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

Year shall mean a calendar year unless otherwise expressed.

#### 1-1-3. Acts by Deputy or Designee.

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by any authorized deputy or designee or by any person duly authorized, unless this code expressly provides otherwise.

#### 1-1-4. Code Provisions as Continuance of Existing Ordinances.

- A. The provisions appearing in this code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the county and existing at the effective date of this code, shall be considered as restatements and continuations thereof and not as new enactments.
- B. No new ordinance shall be construed to repeal a former ordinance, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred or any right accrued, or claim arising before the new ordinance takes effect; save only that the

proceedings thereafter had shall conform, so far as practicable, to the ordinances in force at the time of such proceedings; and if any penalty, forfeiture, or punishment be mitigated by any provision of the new ordinance, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new ordinance takes effect.

1-1-5. Effect of Repeal of Ordinances; Revival.

- A. Neither the adoption of this code nor the repeal hereby of any ordinance of the county shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.
- B. Whenever any ordinance repealing a former ordinance, clause or provision is repealed, such repeal shall not be construed as reviving such former ordinance, clause or provision, unless expressly provided therein.

1-1-6. References Include Amendments and Penalties; Construction.

- A. Any reference in this code to an ordinance or provision of this code shall mean such ordinance or provision as may now exist or as hereafter amended.
- B. Any reference in this code to chapters and/or sections shall be to the chapters and/or and sections of this code unless otherwise specified.
- C. Any reference to any amendment of any section of this code containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

1-1-7. Conflicting Provisions.

- A. If the provisions of different chapters, or sections of this code conflict with or contravene each other, the provisions of each chapter, or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, or section.
- B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that chapter.

1-1-8. Catch Lines and Headings; Construction.

All designations and headings of chapters, and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, or sections, whether printed in boldface type or italics. They shall not be deemed or taken to be any part of title of such chapters, sections; nor unless expressly so provided, shall they be deemed upon amendment or re-enactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this code.



1-1-9. Interpretation of Section Numbers.

In reading a section from left to right, the digit or digits to the left of the first dash designate the title number. The digit or digits to the right of the first dash designate the chapter number, the digit or digits following the dash to the right of the chapter number designate the section number within the chapter.

1-1-10. Unlawful or Prohibited Acts Include Causing, Permitting, Concealing.

Whenever in this code any act or omission is made unlawful or prohibited it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

1-1-11. Code Severability.

It is declared to be the intention of the board of commissioners and the county council that the sections, subsections, paragraphs, sentences, clauses, phrases and words of this code are severable. If any section, subsection, paragraph, sentence, clause, phrase or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses, phrases and words of this code, since the same would have been enacted by the board of commissioners and/or the county council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause, phrase or word being incorporated into this code.

1-1-12. Introduction, Consideration and Approval.

1. Any ordinance, resolution or contract to be considered by the County Commissioners from any source must be presented to the County Attorney on or before the end of business on the Thursday before a regularly scheduled meeting of the Commissioners. Any contract, ordinance or resolution not provided to the County Attorney by that date will not be considered at the following regularly scheduled meeting after the impending meeting.
2. The County Attorney shall review any ordinance or resolution to ascertain that a document is in the proper format and style prior to consideration by the County Commissioners. The County Attorney may insist that the format and style be altered to conform with the County's requirements before the ordinance or resolution will be considered by the County Commissioners.
3. The County Attorney shall review any and all contracts to be signed by the County Commissioners and make a report to the Commissioners on the appropriateness of the contract.
4. Any ordinance, resolution or contract to be considered by the County Commissioners shall be presented to the offices of the Commissioners on or before the end of business on Thursday before a regularly scheduled meeting of the Commissioners.
5. Any ordinance or resolution to be considered by the County Commissioners shall be reviewed and approved by at least one Commissioner for content and appropriateness prior to the matter being placed on the agenda for consideration by all of the County Commissioners.
6. Any deviation from the terms and conditions set forth in this resolution shall require the unanimous consent of all of the County commissioners.  
**(Resolution No. 2005-017, Commissioners, 3/21/05)**

1-1-13. Publication of Ordinances and Resolutions.

1. The Delaware County Auditor is directed to not publish any proposed ordinance or resolution of the Delaware County Council prior to its final adoption by the Delaware County Council, except as provided in paragraph 2, below;
2. The Delaware County Auditor shall publish all ordinances or resolution of the Delaware County Council as required by statute or which may be required to comply with the budget procedures established by law;
3. Ordinances adopted by the Delaware County Council and which contain a penalty, or which shall expressly require publication, shall be published once in the Muncie Star-Press.
4. Ordinances and resolutions not published shall be distributed to the media monthly without charge.
5. Nothing in this resolution shall be construed to permit or require non-compliance with the provisions of the Indiana open Door Law (I.C. 5-14-1.5), the requirement of I.C. 5-14-3 (Access to Public Records), or any other provision of law providing for disclosure of public business, it being explicitly stated that the Delaware County Council believes in the public's right to know how its business id conducted.  
**(Resolution No. 2005-036, Council meeting, 10/25/05)**

1-1-14. Mediations.

1. All negotiations and participation in mediation shall be conducted in good faith with the sole purpose to resolve matters between parties as quickly and completely as possible.
2. Before commencing mediation, Delaware County shall discuss the disputes between all of the parties and negotiate toward a resolution to solve the problem.
3. It shall be the policy of Delaware County that in the event of any dispute between any other governmental entity or branch of government that can not be resolved by direct good faith negotiations or discussion, mediation shall be requested with a neutral mediator selected to assist both sides in the manner.
4. Mediation shall be sought prior to filing any lawsuit, except where certain legal requirements shall require suit to be filed.
5. Legal action shall be considered only in the event that discussion, negotiation and mediation have been conducted and those methods have failed to resolve the issues between the parties or in the event that certain rights or causes of action shall be lost if suit is not filed.
6. In the event certain legal requirements shall require suit to be filed, Delaware County shall instruct its legal representatives to schedule a mediation session as soon as practical and grant the opposing party an extension of time to file an answer until such time as mediation has been concluded.
7. All mediations shall be conducted between those elected officials necessary to dispose of the issues between the parties and their legal counsel.

8. Legal counsel shall be presented to serve in an advisory capacity for legal issues and questions, but shall not be involved in any policy determinations.
9. All mediations conducted shall conform to the rules for Alternative Dispute Resolution rules adopted by the Indiana Supreme Court.
10. Costs for all mediations shall be shared equally between all parties and there shall be no obligation for any entity to pay the mediation costs of the other party, unless otherwise agreed as part of a negotiated settlement.
11. In the event that Delaware County shall have a dispute with another governmental entity that has not adopted a similar resolution, Delaware County shall be obligated to seek prompt mediation and shall ask for court assistance, if necessary.
12. In the event that early mediation is not successful, nothing shall prevent Delaware County from seeking additional mediation sessions later in the litigation to reduce the overall costs of the action.
13. Discussion, negotiation and mediation shall be required to be attempted even in disputes brought in the name of the governmental entity by a third party such as an insurance company, bonding company or employee against another governmental entity.  
**(Resolution No. 2007-002, Commissioners, 3/3/07)**

## CHAPTER 2

### THE BOARD OF COMMISSIONERS

#### 1-2-1. Board of Commissioners - County Executive.

The three-member board of commissioners of Delaware County elected under IC 36-2-2-2 is the County Executive (IC 36-2-2-3).

- A. A member of the executive who wants to resign must send written notice to the president of the county council. The council shall then declare the office vacant (IC 36-2-2-5).
- B. The county executive will meet during the first week of January in each year to elect its president and vice president by a majority of the whole executive, and to conduct such other business as may come before it.
- C. The president and vice president shall serve for one year and until the election and qualification of their successors. The president shall preside over all meetings of the executive and by his/her signature thereto shall authenticate all ordinances passed by the executive in his/her presence.

#### 1-2-2. Meetings.

1. The Commissioners of Delaware County shall meet on the first and third Monday of each month, except where the Monday conflicts with a holiday, then the meeting shall move to the next business day.
2. The meetings of the Commissioners of Delaware County shall commence at 9:30 am., unless otherwise noted and shall be conducted in Room 309 of the County Building, unless otherwise noted.
3. Certain meetings of the County Commissioners shall be conducted at other locations commencing at 6:30 p.m. In locations as noted below:
4. The Commissioners of Delaware County shall adopt the following schedule:

Monday	January 7, 2008	Organized Meeting & regular business
Monday	January 28, 2008	Regular Meeting
Monday	February 4, 2008	Regular Meeting
Tuesday	February 19, 2008	Eaton Town Hall @ 6:30 pm.
Monday	March 3, 2008	Regular Meeting
Monday	March 17, 2008	Regular Meeting@ Sr. Citizens Center
Monday	April 7, 2008	Regular Meeting
Monday	April 21, 2008	Daleville Town Hall @ 6:30 pm.
Monday	May 5, 2008	Regular Meeting
Monday	May 19, 2008	Regular Meeting
Monday	June 2, 2008	Regular Meeting
Monday	June 16, 2008	Selma Town Hall @ 6:30 pm.
Monday	July 7, 2008	Regular Meeting
Monday	July 21, 2008	Regular Meeting
Monday	August 4, 2008	Regular Meeting

Monday	August 18, 2008	Yorktown High School @ 6:30 pm.
Tuesday	September 2, 2008	(September 1 Labor Day)
Monday	September 15, 2008	Regular Meeting
Monday	October 6, 2008	Regular Meeting
Monday	October 20, 2008	Cowan Schools @ 6:30 pm.
Monday	November 3, 2008	Regular Meeting
Monday	November 17, 2008	Regular Meeting
Monday	December 1, 2008	Regular Meeting
Monday	December 15, 2008	Albany Town Hall @ 6:30 pm.

**(Resolution No. 2008-001, 1/7/08 mending Resolution No. 2007-001, Commissioners, 3/3/07)**

5. Special meetings may be called by the executive if the public interest requires. At least six (6) days notice of the special meeting will be given unless the meeting is called to deal with an emergency under IC 5-14-1.5-5. The notice must include a specific statement of the purpose of the meeting and the executive may not conduct any unrelated business at the meeting (IC 36-2-2-8).  
**(Resolution No. 1991-RI, Commissioners' meeting, 1/6/91)**

1-2-3. Legislative Procedures.

The county executive adopting an ordinance, order, resolution or motion for the government of the county or the transaction of county business pursuant to IC 36-2-4-2 will adhere to the following legislative procedures:

- A. Quorum. Two members of the board shall constitute a quorum.
- B. Passage of Ordinance. A majority vote is required to pass an ordinance (IC 36-2-4-5).
- C. Continuation of Question. If only two (2) members of a county executive are present at a meeting of the executive and they disagree on a question that is before the executive, the question shall be continued until the next meeting (IC 36-2-4-6).
- D. Passage of Ordinance. Unanimous consent of the members present is required to pass an ordinance on the same day or at the same meeting at which it is introduced (IC 36-2-4-7).
- E. Adoption of Ordinances, Orders or Resolutions.
  - 1. An ordinance, order or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order or resolution must be promulgated or published according to statute before it takes effect.
  - 2. An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks (IC 5-3-1 and IC 36-2-4-8).
- F. Record of Ordinance Adopted. Within a reasonable time after an ordinance is adopted, the county auditor shall record it in a book kept for that purpose (IC 36-2-4-9).
- G. Timely Payments. The Delaware County Board of Commissioners pledge every concerted effort necessary to see that the payments be made on a timely basis pursuant to the applicable provisions as set forth by Indiana law.  
**(Resolution No. 1986-R-3, Commissioners' meeting, 4/21/86)**

- H. Public Employees' Retirement Fund. The Auditor of Delaware County is authorized to file any pertinent correspondence, and documents, and to respond to any inquiries of the same, with the Public Employee's Retirement Fund.  
**(Resolution No. 1985-R-5, Commissioners' meeting, 4/29/85)**
- I. Wire Transfers. The Delaware County Auditor and the Delaware County Treasurer are hereby authorized to execute by and for the Delaware County Council the necessary forms to allow for the use of and the acceptance of funds by Electronic Funds Transfers as provided by the Auditor of the State of Indiana. The Delaware County Auditor shall maintain a list of the accounts into which funds are to be transferred under this ordinance and shall, from time to time at the request of the Council, provide the Council with information concerning the use of said Electronic Fund Transfers.  
**(Ordinance No. 1998-033, Council meeting, 10/27/98)**
- J. Automatic Deposit. The Delaware County Treasurer is hereby authorized to execute an Authorization Agreement for Automatic Deposit with the State of Indiana through the Treasurer of the State for the distribution of any or all governmental funds received by Delaware County from the State of Indiana through the Treasurer of the State.  
**(Ordinance, Council meeting, 3/26/85)**
- K. Purchasing of supplies and goods. The Office of the Delaware County Auditor shall be the designated purchasing agent for paper, pencils, and other office supplies and related materials for county offices including the Office of the Commissioners of Delaware County.

The Office of the Sheriff of Delaware County shall be designated purchasing agent for goods and related supplies for the Delaware County Jail.

The Office of the Director of Emergency Medical Services shall be designated purchasing agent for all supplies for the emergency medical services, except the purchasing of vehicles and other motorized equipment.

The Office of the Delaware County Engineer shall be the purchasing agent for the Delaware County Highway Department for all goods and services.

The Office of the Delaware County Clerk shall be purchasing agent for the Delaware County Election Board and the Office of the Clerk of the Court. The Office of the Commissioners of Delaware County shall be the designated purchasing agent for all other supplies for other departments.

The Office of the Drainage Board shall be purchasing agent for drainage board projects.  
The Delaware County Court Administrator shall be purchasing agent for all Delaware County Courts.

All purchases made for twenty-five thousand dollars (\$25,000.00) or less shall be made by the purchasing agent on the open market without notice or bids, but said purchases shall be made by the lowest responsible and responsive supplier or vendors with an attempt to make at least three (3) contacts for each purchase.

All purchasing data and specifications shall provide supplies manufactured in the United States and such shall be specified unless the purchasing agent and/or governmental bodies determines any of the following apply:

- a. That the supplies are not manufactured in the United States in reasonably available quantities.
- b. The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside of the United States.
- c. The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside of the United States.
- d. The purchase of supplies manufactured in the United States and not in the public interest.  
**(Ordinance No. 1998-023, Commissioners' meeting, 6/29/98)**

L. Establishing a purchasing order system for Delaware County. The Commissioners and Council do accept the applicability of IC 36-1-10-1 thru 36-1-10-6.

The Purchase Order/Central Purchase system will allow for the orderly acquisition of merchandise.

The Purchase Orders/Central Purchase system will be applicable to all Delaware County Government.

That the Auditor of Delaware County is hereby designated as the Procurement Agent of Delaware County.

That the Auditor has discretion to select items to begin the program.

That the effective date of implementation of the program is the first (1<sup>st</sup>) business day of January 1996, and is to continue to be updated from said date forward.

**(Resolution No. 1995-008, Commissioners' meeting, 6/11/95, Council meeting)**

There shall be established in the office of the Auditor of Delaware County and upon the books and records thereof an account designated as Central Purchasing and that within said account, each county entity and office now having funds specifically set over to them in Accounts 210 and 211 for the purchase of office supplies and related items shall have an amount equal to the sum of both such accounts specifically included as a line item in the Central Purchasing Account. Such account shall be included in the annual budget of each such entity and office as determined at the submission of the annual budget to the County Council.

The Auditor shall establish written policies, procedure and guideline to be followed by each such entity and office in the purchase of the office supplies and related items needed during the current fiscal budget year and such guidelines shall be in conformance with the general operating procedures of the State Board of Accounts, Indiana Code Sections 5-22-1 and 5-23-1-1 and Delaware County Ordinance No. 1998-023.

**(Ordinance No. 1998-030, Council meeting, 9/9/98)**

M. Fixed Assets Inventory. Items with an appropriate value of less than one thousand dollars (\$1,000.00) shall not be listed on the annual inventory of county property normally prepared by elected officials and department heads and filed in the office of the Auditor of Delaware County.  
**(Ordinance No. 1998-017, Commissioners' meeting, 4/13/98; Supersedes Ordinance No. 1994-8, Commissioners' meeting, 3/28/94)**

N. Prohibit Possession of Deadly Weapons.

1. A new Section of the Delaware County code is added, reading as follows:
  - A. Deadly weapon means: a loaded or unloaded firearm; or a weapon, device, laser or electronic stun gun, equipment, chemical substance, knife or other material that in the manner it is used, could ordinarily be used or is intended to be used, is readily capable of causing serious bodily injury.
  - B. Firearm means any weapon which is capable of, designed to or that may readily be converted to expel a projectile by means of an explosion.
2. A person shall not possess in any vehicle on or about their person within the Delaware Council Building, the Delaware County Justice Center, and Community Corrections facility located at 115 South Walnut Street, Muncie, and all areas adjacent to them, any deadly weapon. Any person in violation of this section shall be subject to a fine up to one thousand dollars (\$1,000.00) per violation and confiscation of the weapon. The Delaware County Prosecutor is hereby authorized to enforce this ordinance through the Delaware County court system.  
**(Ordinance No. 1997-034 amending Ordinance No. 1993-30, Commissioners' meeting, 10/10/97)**
3. Excepted persons: Section 1 and 2 of this chapter does not apply to marshal, sheriffs, police officers, Judges, Magistrates and Master Commissioners, bailiffs, prosecutors, their deputies and investigators, law enforcement officers, employees of the United States duly authorized to carry deadly weapons, employees, of express companies when engaged in company business; former police or law enforcement officers, if serving as security for any agency or function of County government, also, the Delaware County Auditor or secretary of the Board of County Commissioners, with their express or implied consent; however, none of the above excepted persons shall be excepted in the courtroom during proceedings in which they are a party or a witness.  
**(Ordinance No. 1993-30, Commissioners' meeting, 6/11/95)**

O. Vendor County Tax Debt

Any individuals, corporations, partnerships, and other entities that Delaware County contracts, retains, purchases or hire goods and services' that owe outstanding real or personal property taxes, that said tax shall be debited, taken from and deducted from any amounts due them by Delaware County.

BE IT FURTHER ORDAINED that all bid specifications shall contain this ordinance and reference to the ordinance.

**(Ordinance No. 2010-014A, Commissioners, 4/5/10; Ordinance No. 1999-022, Commissioners' meeting, 8/16/99)**

P. Board, Commission, Task Force or Committee Appointments

1. The Delaware County Commissioners shall announce as soon as possible any vacancy or position availability which the County Commissioners appoint to any Board, Commission,



Task Force, Committee or other group designed to assist Delaware County Government with its duties and responsibilities.

2. An announcement as to any vacancy or position availability shall be made at a Commissioner's scheduled meeting.
3. The Commissioners shall make an appointment for any vacancy or position availability on any Board, Commission, Task Force, Committee or other group designed to assist the Delaware County Government with its duties and responsibilities at a subsequent Commissioner's meeting.
4. Any person appointed to any Board, Commission, Task Force, Committee or other group designed to assist the Delaware County Government with its duties and responsibilities shall not be absent from more than three (3) regularly scheduled meetings in any calendar year.
5. Any appointee of the Delaware County Commissioners who misses more than three (3) regularly scheduled meetings of any Board, Commission, Task Force, Committee or other group designed to assist the Delaware County Government with its duties and responsibilities, in any calendar year, shall be given the opportunity to justify such absences to the Commissioners upon the Commissioners request. Missing three (3) regularly scheduled meetings without justifiable reason may be just cause for the Commissioners to terminate the individual appointment to said Board, Commission, Task Force, Committee or other group designed to assist the Delaware County Government with its duties and responsibilities.
6. The Secretary of any Board, Commission, Task Force, Committee or other group designed to assist the Delaware County Government with its duties and responsibilities to which the Commissioners have an appointment, shall send the minutes of all meetings to the Commissioners office within thirty (30) days of such minutes being approved by members of said Board, Commission, Task Force, Committee or other group designed to assist Delaware County Government.

**(Resolution No. 2005-008, Commissioners, 1/18/05)**

#### 1-2-4. Purchasing.

Any office equipment approved for purchase by the Commissioners that costs less than \$1,000.00 may be purchased using the Delaware County 200 or 300 series spending account.

The term "capital item", as used by the Auditor's Office refers to office equipment costing more than \$1,000.00 and that these items shall be purchased using the County's 400 series spending accounts. **(Amended Resolution No. 2007-007A, Commissioners, 5/7/07, Resolution No. 2007-007, Commissioner, 4/16/07)**

#### 1-2-5. Legislative Body Authorizing Representatives to Act on Behalf to Certain Matters Related to Brownfields Financial Assistance.

- Section 1. The Legislative Body of Delaware County hereby accepts the award of State Financial Assistance and acknowledges the terms and conditions associated with such State Financial Assistance, including but not limited to the requirement that certain "investment" (as defined in the State Financial Assistance Agreement) shall

need to be made in the Project or the State Financial assistance will be required to be repaid.

Section 2. The Legislative Body of Delaware County hereby acknowledges that the deadline to satisfy the investment requirement (as defined in the State Financial assistance Agreement) has been extended by the Indiana Finance Authority to three (3) years from the Execution Date of the State Financial Assistance Agreement, not two (2) years as indicated in the State Financial Assistance Agreement.

Section 3. The Legislative Body of Delaware County hereby authorizes the Delaware County Commissioners to act on behalf of Delaware County and to execute the Stipulated Assessment Grant Agreement and all other documents related to the award of State Financial Assistance with respect to the Project.  
**(Resolution No. 2009-003, Commissioners, 4/4/09)**

## CHAPTER 3

### THE COUNTY COUNCIL

#### 1-3-1. County Council - Fiscal Body.

The seven-member county council elected under IC 36-2-3-3 is the fiscal body. The fiscal body shall act in the name of "The Delaware County Council". (IC 32-2-3-2).

- A. The fiscal body will meet during the first week of January each year to elect a president and president pro-tempore from its members.
- B. The county auditor is the clerk of the fiscal body and shall:
  - 1. preserve the fiscal body's records in his/her office,
  - 2. keep an accurate record of the fiscal body's proceedings,
  - 3. record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy, and
  - 4. record the ayes and nays on other votes when requested to do so by two (2) or more members (IC 36-2-3-6).
- C. The county sheriff or a deputy shall attend the meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.
- D. The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties (IC 36-2-3-6).

#### 1-3-2. Meetings.

- A. The fiscal body shall hold a regular annual meeting, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate.
- B. Specific meeting times of the fiscal body shall be established annually by the fiscal body at the first meeting in January.
- C. Special meetings may be called by the county auditor, the president of the fiscal body or by a majority of the members of the fiscal body. At last forty-eight (48) hours before the meeting, the auditor, president or members calling the meeting shall give written notice of the meeting to each member of the fiscal body and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1. This does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.
- D. If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the fiscal body to discuss the matter.

The meeting shall be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time and place is sufficient if given by phone to the members of the fiscal body and given according to IC 5-14-1.5. (IC 36-2-3-7).

1-3-3. Rules and Procedures for the Operation of the Council.

- A. **AGENDA:** The Council shall cause to have printed an agenda of each regularly scheduled council meeting at least ten (10) days before each such meeting. The agenda shall contain the following information:
1. The time, date and location of the meeting.
  2. A schedule of the proceedings which shall include the roll call of council members, pledge to the flag, approval of minutes, ordinances requesting appropriations or transfers, resolutions to be considered by council, committee reports, unfinished business, new business and a period for the public to address the council, which period of time may be incorporated into the other scheduled items listed above.
  3. Items for appropriation and transfer which are included on the council's agenda and then tabled for further consideration are not required to be placed on succeeding council agendas. The agenda shall be prepared by the auditor who acts as council secretary. The agenda shall be sent to each member of the council and the council attorney and shall be posted by the auditor in the Delaware County courthouse at least ten (10) days prior to the council meeting. The auditor shall also make available to the public copies of the agenda in the auditor's office at least ten (10) days prior to the meeting and shall post the agenda on the door of the meeting room with copies available to the public on the day of the meeting.
- B. **APPROPRIATIONS:** All requests for appropriations of additional funds or requests for transfers shall be introduced to the financial agenda and submitted for consideration by the council. Such requests must be submitted to the auditor no later than noon on the Monday three (3) weeks preceding the regularly scheduled council meeting in which the ordinance is to be considered. The department head or designee of the department head making the request shall be present at the meeting in which the request is to be considered and at any subsequent meeting in which the request is to be discussed or acted upon.
- C. **NONAPPROPRIATIONS:** All ordinances and resolutions which do not deal with appropriations or transfers of moneys shall also be submitted no later than noon on the Monday three (3) weeks prior to the scheduled council meeting in which the ordinance, resolution or transfer is to be first considered. All such ordinances and resolutions will be tabled after introduction and presentation by the department head until the next meeting of council. Such ordinances and resolutions that are requested to be considered at a regularly scheduled council meeting but that are not submitted by the deadline may be introduced by the council if two-thirds (2/3) (five council members) vote that such an emergency exists so as to require consideration of the ordinance or resolution at that meeting. Further, in case of an emergency the council may consider the request at the same meeting as it is introduced if two thirds (2/3) of the council (five council members) vote that such an emergency exists so as to require consideration of the request for passage at the meeting in which it is introduced.
- D. **VOTE ON APPOINTMENTS:** On matters of appointments the council shall consider and vote on all persons who have submitted their names to the president of the council. The president of the council shall provide the names of all persons who submitted their names to council members at least fourteen (14) days prior to the meeting. The voting on such names shall continue with those receiving the least votes being dropped from consideration until one candidate receives a majority vote of the council.

- E. RULES: Unless contradicted by this ordinance, the rules and procedures of the current edition of ROBERT'S RULES OF ORDER shall govern the activities of the council.
- F. FILING OF ORDINANCES: All ordinances and resolutions of the council shall be maintained in separate files by subject matter and in chronological order by the auditor from and after date of passage of the ordinance.
- G. EFFECTIVE DATE: This ordinance shall remain in full force and effect from date of passage or until amended, modified, repealed or superseded by state statute or future council ordinance.
- H SEVERABILITY: This ordinance supersedes all other ordinances previously enacted by council governing the rules and procedures of council. Should any part of this ordinance be found to be invalid by a court of competent jurisdiction, all other parts of the ordinance not ruled invalid shall remain in full force and effect.  
**(Ordinance No. 1997-009 amending Ordinance No. 1995-16, Council meeting, 2/25/97)**

1-3-4. Expenditures from Budget.

- A. The County Council will not allow any expenditure made by a governmental entity, in which that governmental entity has an approved budget by the County Council that is in excess of the amount appropriated for that fiscal year in which the expenditure is incurred. In order to expend money in excess of the total amount appropriated from any fund, the governmental entity or department must have obtained the approval and complied with all of the requirements for an additional appropriation. Without prior proper approval of the additional appropriation in the year in which it was incurred, the expenditure shall not be approved nor shall it be encumbered for payment in any subsequent calendar year.
- B. The County Council will not approve any additional appropriations for monies to be paid at any time in a current calendar year unless the department can justify the additional appropriation is for reasons other than expenditures made in one year and paid in a subsequent year.  
**(Ordinance No. 2003-002, Council meeting, 01/25/03)**

1-3-5. Financial Requests.

1. All requests for approval of funds transfer or appropriations must be in writing and signed by the department head or elected official whose budget will be affected by the transaction;
2. If the request is in regard to a transfer or appropriation of funds within the general budget of the County Council, then such request must be signed by member of the Delaware County Council.
3. If the request is in regard to the salary or benefits of an employee of Delaware County, then the request must first be referred to the Personnel Committee for consideration and signed by the department head or elected official prior to presentation for consideration by the full Council.  
**(Resolution No. 2005-030, Council meeting, 6/28/05)**

## CHAPTER 4

### ELECTION DISTRICTS

#### 1-4-1. Establishment of County Commissioner Election Districts.

The County of Delaware is divided into three (3) county commissioner election districts designated numerically as follows:

District #1 - 7, 11, 12, 18, 28, 29, 35, 39, 41, 43, 46, 48, 60, 61, 63, 64, 65, 66, 67, 69, 75, 77, 90

District #2 - 1, 2, 4, 6, 8, 9, 13, 14, 15, 19, 20, 22, 23, 25, 27, 40, 44, 45, 47, 49, 56, 57, 70, 78, 92, 93

District #3 - 3, 10, 26, 33, 34, 36, 38, 50, 51, 52, 53, 54, 55, 59, 62, 68, 71, 73, 74, 81, 87, 88, 94, 95, 97, 98

**(Ordinance No. 2002-001, Commissioners' meeting, 01/14/02).**

#### 1-4-1.1. Enact Commissioner Districts and Amend Ordinance 2002-001.

##### 1. Amendments

A. Title 1, Chapter 4, Section 1, which now reads:

The County of Delaware is divided into three (3) County Commissioner Election Districts designated numerically as follows:

District #1 - 7, 11, 12, 18, 28, 29, 35, 39, 41, 43, 46, 48, 60, 61, 63, 64, 65, 66, 67, 69, 75, 77, 90

District #2 - 1, 2, 4, 6, 8, 9, 13, 14, 15, 19, 20, 22, 23, 25, 27, 40, 44, 45, 47, 49, 56, 57, 70, 78, 92, 93

District #3 - 3, 10, 26, 33, 34, 36, 38, 50, 51, 52, 53, 54, 55, 59, 62, 68, 71, 73, 74, 81, 87, 88, 94, 95, 97, 98

Shall be stricken and amended as follows:

District #1 includes precincts – 1, 5, 6, 9, 13, 14, 15, 19, 20, 22, 23, 25, 33, 44, 51, 52, 53, 54, 59, 71, 73, 81, 94

District #2 includes precincts – 3, 4, 8, 10, 26, 27, 34, 36, 38, 40, 42, 45, 47, 49, 50, 55, 56, 57, 58, 70, 74, 78, 87, 88, 95, 98

District #3 includes precincts – 2, 7, 11, 12, 18, 28, 29, 35, 39, 41, 43, 46, 48, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 75, 77, 90, 91, 92, 93

2. Repealer

A. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

3. Severability Clause

A. Should any section, paragraph, clause or phrase of this ordinance be declared unconstitutional or invalid, the remainder of said ordinance shall continue in full force and effect.

**(Ordinance No. 2011-041, Commissioners, 12/19/11)**

1-4-2. Establishment of County Councilman Election Districts.

From this date forward, the county of Delaware is divided into four (4) county councilman election districts designated numerically as follows:

District #1 - This District shall consist of the following precincts: 9, 13, 14, 15, 23, 25, 26, 33, 44, 51, 52, 53, 54, 71, 81, 94, 97

District #2 - This District shall consist of the following precincts: 2, 3, 4, 8, 34, 36, 38, 40, 45, 47, 49, 50, 55, 56, 68, 69, 70, 74, 87, 88, 90, 92, 93, 95, 98

District #3 - This District shall consist of the following precincts: 1, 6, 10, 11, 19, 20, 22, 27, 28, 29, 41, 46, 59, 73

District #4 - This District shall consist of the following precincts: 7, 12, 18, 35, 39, 43, 48, 57, 60, 61, 62, 63, 64, 65, 66, 67, 75, 77, 78

**(Ordinance No. 2002-002, Commissioners' meeting, 01/14/02).**

1-4-2.1 Enact Councilmatic Districts and Amend Ordinance 2002-002.

1. Amendments

A. Title 1, Chapter 4, Section 2, which now reads:

The County of Delaware is divided into four (4) County Councilmatic Election Districts designated numerically as follows:

District #1 - This District shall consist of the following precincts: 9, 13, 14, 15, 23, 25, 26, 33, 44, 51, 52, 53, 54, 71, 81, 94, 97

District #2 - This District shall consist of the following precincts: 2, 3, 4, 8, 34, 36, 38, 40, 45, 47, 49, 50, 55, 56, 68, 69, 70, 74, 87, 88, 90, 92, 93, 95, 98

District #3 - This District shall consist of the following precincts: 1, 6, 10, 11, 19, 20, 22, 27, 28, 29, 41, 46, 59, 73

District #4 - This District shall consist of the following precincts: 7, 12, 18, 35, 39, 43, 48, 57, 60, 61, 62, 63, 64, 65, 66, 67, 75, 77, 78

Shall be stricken and amended as follows:

District # 1 – This District shall consist of the following precincts: 1, 5, 9, 13, 14, 15, 19, 22, 23, 29, 44, 51, 52, 53, 54, 71, 81, 94

District #2. – This District shall consist of the following precincts: 3, 4, 6, 10, 25, 26, 33, 34, 36, 38, 50, 55, 56, 58, 74, 78, 87, 88, 95, 98

District #3 – This District shall consist of the following precincts: 7, 11, 12, 18, 20, 28, 35, 39, 40, 41, 43, 46, 48, 59, 62, 63, 64, 73, 75

District #4 – This District shall consist of the following precincts: 2, 8, 27, 42, 45, 47, 49, 57, 60, 61, 65, 66, 67, 68, 69, 70, 77, 90, 91, 92, 93

2. Repealer

A. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

3. Severability Clause

A. Should any section, paragraph, clause, or phrase of this ordinance be declared unconstitutional or invalid, the remainder of said ordinance shall continue in full force and effect.

**(Ordinance No. 2011-042, Commissioners, 12/19/11)**

1-4-3 Assignment of Precinct #100.

Precinct 100 shall be placed in district 3 for Delaware County commissioner districts.

Precinct 100 shall be placed in District 1 for Delaware County council manic districts.  
**(Ordinance No. 1998-004, Commissioners' meeting, 1/26/98)**



## CHAPTER 5

### COUNTY DRAINAGE BOARD

#### 1-5-1. The Delaware County Drainage Board.

There is established a drainage board, which shall act in the name of "The Delaware County Drainage Board" (IC 36-9-27-4).

#### 1-5-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Affected land means land within a watershed that is affected by the construction, reconstruction or maintenance of a regulated drain.

Board refers to the drainage board of the county.

Crossing means a drainage structure that passes over, under or through a location used for the passage of people, livestock or vehicles.

Mutual drain means a drain that: 1) is located on two (2) or more tracts of land that are under different ownership; 2) was established by the mutual consent of all the owners; and 3) was not established under or made subject to any drainage statute.

Open drain means a natural or artificial open channel that: 1) carries surplus water; and 2) was established under or made subject to any drainage statute.

Owner refers to the owner of any interest in land.

Private drain means a drain that: 1) is located on land owned by one (1) person or by two (2) or more persons jointly; and 2) was not established under or made subject to any drainage statute.

Regulated drain means an open drain, a tiled drain, or a combination of the two.

Rural drain means a regulated drain that provides adequate drainage for rural land.

Rural land means affected land that: 1) will not appreciably benefit from more drainage than is necessary to expediently remove water after frequent or periodic flooding; and 2) is generally used for crop production, pasture, forest or similar purposes.

Tiled drain means a tiled channel that: 1) carries surplus water; and 2) was established under or made subject to any drainage statute.

Urban land means affected land that: 1) will appreciably benefit from drainage that will provide the maximum practicable protection against flooding; and 2) is used or will in the reasonably foreseeable future be used generally for commercial, industrial, large estate, higher density residential, or similar purposes.

Watershed means an area of land from which all runoff water drains to a given point.

1-5-3. Composition.

The Delaware County Drainage Board consists of the county executive (IC 36-9-27-5).

1-5-4. Special Members; Appointment; Powers and Duties; Compensation.

- A. When the membership of the board is reduced to less than three (3) because of disqualifications, the board shall immediately certify that fact to the circuit court of the county. The court shall then restore the membership of the board to three (3) by appointing the appropriate number of resident freeholders of the county to serve as special members for the particular drainage proceedings.
- B. A special member of the board has the same duties and powers as a regular member of the board, and is entitled to a per diem, to be paid as an expense of the board, in an amount not to exceed the sum of thirty-five dollars (\$35.00) for each day or major part of a day spent in actual attendance at any meeting of the board or in the performance of official business of the board (IC 36-9-27-6).

1-5-5. Officers; Meetings; Quorum; Approval of Actions.

- A. The board shall organize at a meeting each January by electing one (1) of its members as chairman and one (1) of its members as vice chairman. At the same time, the board shall elect a secretary, who need not be a member of the board.
- B. The county surveyor may not hold an office on the board.
- C. Specific meeting times shall be established annually by the board at the first meeting in January.
- D. Special meetings of the board may be called by the chairman, any two (2) members, or the county surveyor, by mailing a written notice setting forth the time, date and place of the meeting to each member not less than five (5) days before the date of the meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the secretary or by his presence at the meeting.
- E. Meetings of the board may be adjourned from day to day or to a day certain without written notice being given.
- F. All meetings of the board must be open to the public, and the minutes of the meetings are open to public inspection.
- G. A majority of the voting members of the board constitutes a quorum, and the concurrence of a majority of the voting members present at a meeting is necessary to authorize any action under this chapter.

1-5-6. Power to Sue.

The board may bring civil actions in its own name to enforce any of the provisions of this chapter (IC 36-9-27-8).

#### 1-5-7. Conflict of Interest.

Whenever it appears in any proceeding for the construction, reconstruction or maintenance of a regulated drain, that a member of the board has an interest in the proceedings because of his/her ownership of real property affected by the drain, that member shall immediately disqualify himself/herself from serving on the board in those proceedings. However, the fact that county highways will be affected by any proceeding does not disqualify a regular member of the board (IC 36-9-27-12).

#### 1-5-8. Jurisdiction over Regulated Drains.

Each regulated drain in a county is under the jurisdiction of the board and subject to this chapter, except as otherwise provided by this chapter (IC 36-9-27-15)

#### 1-5-9. Private and Mutual Drains Exempt from Chapter.

Private and mutual drains are not subject to this chapter. However, land drained by a private or mutual drain is subject to assessment for the construction, or reconstruction, or maintenance of a regulated drain if the land is also drained by the regulated drain (IC 36-9-27-16).

#### 1-5-10. Maintenance Work By Delaware County Surveyor.

1. The Delaware County Drainage Board is to oversee the spending and approval of maintenance of regulated drains in Delaware County.
2. The Delaware Country Surveyor shall submit to the Drainage Board its Annual Maintenance Report designating those areas in need of maintenance and priority of work, with the exception of emergency repairs or sink holes interfering with the production of crops, prior to solicitation and receipt of three (3) quotes for any work order sought after.
3. Upon receipt of the Surveyor's Annual Maintenance Report, and presentation of a Work Order with the award of the lowest quote, upon completion of any maintenance work than shall any maintenance claim be paid.  
**(Ordinance No. 2010-031, Commissioners, 11/1/10)**

#### 1-5-11. Comprehensive Drainage Committee.

The Delaware County Commissioners hereby establish a seven member board to make recommendation and to create a comprehensive plan to address drainage problems in Delaware County. After completion, this plan will be given to the Drainage Board for consideration. Once approved by the Drainage Board, the plan will be forwarded to the County Commissioners who will give final approval through a binding Resolution. This plan will identify problem areas and prepare a list of projects to address those areas that are a top priority.

This Committee shall consist of one member of each of the following: Delaware County Drainage Board, County Highway Department, Storm Water Utility, County Engineering Department, and County Surveyor. One representative from the farming community and one resident of Delaware County will be appointed by the Delaware County Commissioners.

**(Ordinance No. 2009-030, Commissioners, 1/4/10)**

## CHAPTER 6

### OTHER BOARDS, COMMISSIONS, DEPARTMENTS, AND DISTRICTS

#### 1-6-1. County Tax Adjustment Board.

In accordance with IC 6-1.1-17, et al., the Tax Adjustment Board for Delaware County, is abolished.  
**(Ordinance No. 2002-017, Council meeting, 6/25/02).**

In accordance with IC 6-1.1-29-9, the Tax Adjustment Board for Delaware County is reestablished for the current year subject to the applicable provisions of the Indiana Code.  
**(Ordinance No. 2008-010, Council meeting, 4/1/08).**

Pursuant to Indiana Code 6-1.1-29-9, the County Board of Tax Adjustment created by Ordinance 2008-010 is hereby abolished.  
**(Ordinance No. 2010-019, Council, 5/25/10)**

#### 1-6-2. EDIT Board.

- A. It is the intention of the Delaware County council that its entire share of EDIT revenues will be used for the projects as specified by the Lessor Corporation, as defined and established below, with a board of directors.
- B. There shall be established a not-for-profit corporation (Lessor Corporation) to issue bonds for the projects, to serve as the coordinator of the expenditures for projects in the County, and to serve as lessor of the projects to municipalities and the County.
- C. The members of the board of directors of the Lessor Corporation shall be appointed as follows:
  - 1. The mayor of Muncie shall appoint two (2) members; the Muncie common council shall appoint three (3) members, for a total of five (5) members.
  - 2. The county commissioners shall appoint one (1) member.
  - 3. The presidents of each of the town councils, representing the incorporated six (6) towns in the country, shall collectively appoint one (1) member.
- D. The board of directors shall be named and in place and adopt a master plan for the projects in the county on or before December 31, 1991. The master plan must include substantially the projects listed in Exhibit A which is hereby adopted by reference.
- E. The board of directors' terms will be for two (2) years. To achieve staggered terms, the initial appointments will be as follows:
  - 1. Mayor of Muncie: One (1) appointment for two (2) years and one (1) appointment for one (1) year (initial appointment),
  - 2. Muncie Common Council: Two (2) appointments for two (2) years and one (1) appointment for one (1) year (initial appointment).

3. County Commissioners: One (1) appointment for two (2) years and one (1) appointment for one (1) year (initial appointment).
4. County Council: One (1) appointment for one (1) year (initial appointment).
5. Presidents of the six incorporated town councils outside of Muncie: One (1) appointment for two (2) years.

Appointments to the board after the initial appointments will become effective January 1 of each year beginning January 1, 1993. This resolution takes effect upon passage.

**(Resolution 1991-09, Council meeting, 1991)**

1-6-3. Personnel Advisory Committee.

- A. There is hereby established a personnel advisory committee to review the classification system and salary plan of Delaware County.
- B. The Personnel Advisory Committee shall have input with regard to the establishment of a personnel policy of Delaware County and to make recommendations to the board of commissioners of Delaware County with regard to the employer-employee relationship within Delaware County.  
**(Resolution 1987-, Commissioners' meeting, 11/30/87)**

1-6-4. Civic Center Authority.

- A. There is hereby established a civic center authority, composed of nine (9) members. The nine (9) members shall be appointed as follows:
  1. Four (4) members appointed by the mayor of the city of Muncie;
  2. Three (3) members appointed by the board of commissioners of the county of Delaware; and
  3. Two (2) members appointed by the Delaware County council; provided that no more than five (5) members of the civic center authority may be affiliated with the same political party and all members must reside in Delaware County.
- B. The civic center authority shall be known as the Delaware County Civic Center Authority and shall have all those powers given such authority under IC 6-9-2 1.
- C. This ordinance shall be in full force and effect upon adoption and thereafter a certified copy of the ordinance shall be sent to the commissioner of the Indiana Department of Revenue.
- D. The Delaware County council covenants with all persons with whom the Civic Center Authority enters into leases or contractual arrangements for the purpose of acquiring, operating, maintaining, and promoting the use of the civic center, that the taxes imposed by this ordinance shall not be repealed, amended, or altered in any manner that would reduce or adversely effect the levy and collection of such taxes or reduce the rates or amounts of such taxes, so long as such leases or contractual arrangements remain in effect.  
**(Ordinance No. 1986-0-20, Council meeting, 6/24/86)**

1-6-5. Department of Redevelopment.

- A. There is hereby established the County Department of Redevelopment. The department will be controlled by a board of five (5) members known as the Delaware County Redevelopment Commission.
- B. Pursuant to the state law all of the territory within the corporate boundaries of the county (except territory within a municipality that has a redevelopment commission) will be a taxing district to be known as the Redevelopment District of Delaware County for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the state law. The board of commissioners finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the state law to the extent of the special taxes levied under that law.
- C. All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this ordinance are hereby repealed.  
**(Order No. 2, Commissioners' meeting, 8/12/91)**

1-6-6. Convention and Tourism Commission.

- A. There is hereby created a commission for the purpose of promoting the convention, recreation and visitor industry in Delaware County and said commission shall be called the Delaware County Convention and Tourism Commission.
- B. Said Delaware County Convention and Tourism Commission shall have all powers given to it by statute, IC 6-9-18-6.
- C. Said Delaware County Convention and Tourism Commission shall be composed of nine (9) members, one of which shall be engaged in the hotel or motel business in Delaware County. The nine (9) members shall be appointed as follows:
  - 1. Five (5) members appointed by the executive of the largest municipality.
  - 2. Two (2) members appointed by the county executive body.
  - 3. Two (2) members appointed by the county fiscal body.
- D. No more than a simple majority of the commission members may be affiliated with the same political party, and all members must reside in the county.
- E. All terms of office of the commission members begin on January 1<sup>st</sup>. Initial appointments must be for staggered terms, with subsequent appointments for two (2) years.
- F. All other requirements to fill vacancies and appoint new members shall follow IC 6-9-18-5.
- G. This ordinance shall repeal all other ordinances that are inconsistent with the provisions and interests stated herein.  
**(Ordinance No. 1983-0-2, Commissioners' meeting, 8/15/83)**

1-6-7. Intergovernmental Commission on Domestic Violence.

- A. There is hereby created the Intergovernmental Commission on Domestic Violence. The commission shall consist of two (2) committees, the Prevention Committee and the Response Committee.
- B. The purpose of the commission is to eliminate violence in interpersonal relationships within the Muncie and Delaware County community.
- C. The commission shall consist of the Delaware County sheriff, the chief of the Muncie police department, and twenty (20) additional members, ten (10) of whom shall be appointed by the Delaware County commissioners and ten (10) whom shall be appointed by the mayor of the City of Muncie.
- D. All members of the commission appointed by the major of the city of Muncie shall serve for terms of two (2) years beginning in January of each odd-numbered year, except for initial appointments, who shall be appointed by the major upon creation of the commission and who shall serve until January of the next odd-numbered year. All members appointed by the Delaware County commissioners shall be appointed for a term of two (2) years in January of each even-numbered year. All members appointed by the major or by the board of commissioners shall serve at the pleasure of the person or board appointing them.
- E. The mayor shall designate one (1) of his/her appointees to serve as the president of the commission during odd-numbered years, and the board of commissioners shall designate one (1) of its appointees to serve as president during even-numbered years. At its first meeting in each year, the commission shall elect from its membership a vice-president, a secretary, and a treasurer. The president, or in his/her absence the vice president, shall preside at all meetings of both committees.
  - 1. Each appointing authority shall make half of its appointments to the Prevention Committee and half to the Response Committee. The mayor and board of commissioners shall coordinate their appointments so that the Prevention Committee shall have at least one (1) representative from each of the following organizations:

A Better Way  
Delaware County Health Department  
Open Door Community Services  
Bridges, Christian Ministries  
Delaware County Prevention of Child Abuse Council.

Additional appointments to the prevention committee shall be made from persons affiliated with:

local law enforcement agencies  
mental health professions  
the judicial system  
community services organizations  
the educational system  
social service organization  
the legal profession  
the medical profession  
victims of domestic violence  
the religious community

commercial and industrial establishments  
the community at large.

2. The mayor and the board of commissioners shall coordinate their appointments to the Response Committee so that the committee shall have at least one (1) representative from the following organizations:

Delaware County Prosecutor's office  
Delaware County Victim Advocate's office  
Muncie police department  
Mayor of Muncie or his/her designee  
the Board of Commissioners or the commissioners' designee  
A Better Way  
Delaware County Community Corrections  
Delaware County Probation  
the local physcoeducational Batterer's Program  
and the county judicial system.

- F. The commission shall have the following powers and duties:

1. To create bylaws, subcommittees, and advisory committees that the commission in its judgment believes will aid in effecting the purposes of this ordinance.
2. To recommend to the mayor, the board of commissioners, and all departments of city and county government such policies as the commission believes will tend to reduce or eliminate domestic violence within the community.
3. To assist a department of city or county government, or any person or entity within the community, in the implementation of such policies as to reduce or eliminate domestic violence.
4. To issue such publications and the results of investigation and research as will in its judgment tend to educate the public regarding all aspects of domestic violence.

- G. The Response Committee shall have the authority to investigate any incidents of domestic violence, and the responses thereto and the investigations thereof by the Delaware County police department or the Muncie police department. The committee shall have the authority to call to the attention of the Delaware County sheriff or the chief of the Muncie police department any deficiencies the committee believes exist with regard to the response to or investigation of such incidents and shall have the authority to make recommendations for improvements with regard to such responses or investigation. In carrying out the foregoing activities, the committee shall not publicly reveal the name of any victim, alleged perpetrator, responder or investigator of any incident of domestic violence. The committee may, however, publicly reveal any investigation or recommendation it may make with respect to any incidents of domestic violence.

- H. There is hereby created a special trust fund, which shall consist of donations to the commission. Expenditures from this fund may be made only by a majority vote of the members of the commission present and voting at any time expenditures are considered.



- I. The commission shall receive public funding to the extent that a budget is approved, and funds appropriated therefore, by the fiscal body of either the city of Muncie or Delaware County. Expenditures of such funds shall be made only upon by a majority vote of the members of the commission present and voting when such expenditures are considered and, in the case of county funds, after approval of such expenditures by claims filed with the county commissioners, or in the case of city funds, by approval of such expenditures by claims submitted to the board of public works.
- J. This ordinance shall be effective only upon its passage by the Delaware County commissioners and at the passage of a substantially identical ordinance by the common council of the city of Muncie, and approved by the mayor of Muncie.  
**(Ordinance No. 1998-035, Commissioners' meeting, 11/30/98)**

1-6-8. Solid Waste Management District.

- A. Delaware County does hereby join together with Grant and Madison counties in establishing a solid waste management district to be known as the East Central Indiana Solid Waste District (District), organized pursuant to IC 13-9.5, to perform all of the functions authorized and directed by said statute, as it is now promulgated or as the same may hereafter be modified. The district shall be controlled by a board of nine (9) members known as the East Central Indiana Solid Waste District board of directors.  
**(NOTE: Title 13, Articles 1-10 repealed.)**
- B. All of the incorporated and unincorporated territory of Delaware County shall be included in the district.
- C. The proposed agreement governing the operation of the district is hereby approved and made a part of this ordinance as Attachment A; and the county commissioners of Delaware County are hereby authorized to enter into the agreement and execute the same, attested by the Delaware County auditor, for and on behalf of Delaware County.  
**(Ordinance No. 1991, Commissioners' meeting, 5/20/91)**

1-6-9. Emergency Management Program.

- A. There is hereby established an Emergency Management Program for the county.
- B. For the purposes of this section, the following definitions apply:

The chief executive officer of the county as referred to in IC 10-4-1-23(a) for purposes of declaring a local disaster emergency and as referred to hereinafter means any member of the board of commissioners of Delaware County. In the absence or incapacity of all of the county commissioners, the EMA director may act and declare an emergency. In the absence or incapacity of the EMA director, the deputy director may act and declare a local emergency.

Council, unless clearly referring to the county council, means the Delaware County Emergency Management Advisory Council as established later in this section.

Director refers to the county director of Emergency Management.

Emergency shall mean a condition resulting from natural disaster, technological emergency, or local, state, or national incident which cannot be handled by normal operating personnel or facilities.

Emergency management shall mean the mitigation of, preparation for, response to, and recovery from all emergency functions pursuant to IC 10-4-1-3(1), other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plan protection, temporary restoration of public utility service, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and coordination of the foregoing functions.

Emergency management volunteer shall mean any person who serves without compensation in the Emergency Management Agency including persons and private agencies or government units offering services to the county during emergency situations of mutual aid to other emergency services who request assistance.

Natural disaster shall mean any condition affecting or threatening public health, welfare, or security as a result of flood, tornado, blizzard, or other natural cause.

Technological emergency shall mean incidents such as but not limited to, severe fire, explosions, hazardous material releases, radiological problems, communication failure, and energy or power failures.

Local, state, or national city incident shall mean any condition such as terrorist attacks, riots, strikes, insurrection or other civil disturbance.

Participating emergency service means:

1. any county department or agency designated by the commissioners to participate in emergency activities and;
2. any department or agency of the state, another county, a municipality or other municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to IC 10-4-1-9.

Personnel means county officers and employees and emergency management volunteers unless otherwise indicated.

The general intent of this ordinance is to provide for all necessary and dispensable powers and procedures reasonably needed to prevent, cope with, or make more tolerable emergency conditions. For this and all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, departments, and agencies.

Nothing in this ordinance is intended to supersede or delimit any statutory powers of the County Sheriff to determine, respond to, and provide for the control of public disasters and other emergency situations under the provisions of IC 10-2-4-6 and 7.

Nothing in this ordinance is intended to supersede or delimit the powers of any incorporated municipality under IC 10-4-1-10 to adopt and implement emergency plans and promulgate and enforce emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to IC 10-4-1-15, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the county emergency management program and emergency operations plan.

C. In accordance with IC 10-4-1-10, there is established a Delaware County Emergency Management Advisory Council, which shall consist of the following individuals or their designees:

1. The president of the county executive or his/her designee,
2. the president of the county fiscal body,
3. the mayor of each city located in the county,
4. an individual representing the legislative bodies of all towns located within the county,
5. the sheriff of Delaware County, and
6. a representative of law enforcement,
7. a representative of fire services,
8. a representative of emergency medical services,
9. a representative of general industry,
10. and a representative of general media, and
11. representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or may be added later by the county emergency management advisory council.

The advisory council shall have a chair who shall be the president of the county executive; a vice chair, recording secretary, and vice recording secretary.

With the exception of the President of the County Commissioners, members shall be appointed to two (2) year terms.

The County Emergency Management Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the county and shall select or cause to be selected a county director of the Emergency Management Agency who shall have direct responsibility for the organization, administration, and operation of the emergency management program in the county; shall be responsible to the chair of the Emergency Management Advisory Council; and shall not hold any other local or state government office.

The Advisory Council shall meet at least once quarterly.

D. There is hereby established an Emergency Management Agency within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to mitigate. Prepare, respond, and recover from any emergency as deemed in this ordinance. The county commissioners and the director of emergency management agency shall be responsible for the agency's organization, administration and operation. The agency shall consist of the following:

1. an executive head of the Emergency Management Agency who shall be known as the director of Emergency Management Agency;
2. a deputy director who shall be appointed by the director with approval of the Emergency Management Advisory Council;

3. emergency management volunteers, as deemed necessary and appointed by the director;
4. the employees, equipment, and facilities of all county departments and agencies suitable for, or adaptable to, emergency management and designated by the county commissioners to participate in the emergency management activity;
5. staff officers with responsibility for warning, communications, radiological, health, emergency care, police, fire, light rescue, public education and information, and transportation who may be appointed by the director but which positions shall be, so far as possible, additional duty assignments for existing personnel; and
6. such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the agency who may be appointed by the director.

However, notwithstanding any other provision of the section, no compensated position may be established within the Emergency Management Agency nor any person appointed to such position without the authorization of the county council pursuant to IC 36-2-5-3(a) and the making of sufficient appropriations to pay such compensation. This provision does not give the county council any power of approval over particular candidates for any position but refers only to their general statutory powers to determine the number of officers, deputies, and employees of county departments; classify positions; and adopt schedules of compensation. In addition, it is also the intent of this section that emergency management and disaster assignments shall be as nearly consistent with normal duty assignments as possible.

- E. The Director of Emergency Management shall be appointed by the County Emergency Management Advisory Council with the approval of the county executive. The director may hold no other local, state or federal office, but may be employed by another entity.

The appointment of the director shall be on going unless the Advisory Council determines the director to be:

1. incapable of fulfilling his/her duties due to physical or mental disability, or
2. unwilling to perform his/her duties as mandated below.

Advisory Council shall consult with the executive director of The State Emergency Management Agency (SEMA) to obtain his/her opinion on the abilities and competence of the director prior to the Advisory Council's termination of the director. The SEMA executive director's opinion hereunder shall be advisory only.

The Advisory Council shall have the power to terminate, with the approval of the county executive, a County Emergency Management director, under the circumstances delineated below.

- F. Any and all meetings of the Advisory Council shall be open meetings and shall be posted in accordance with IC 5-15-1.5.
- G. The director, subject to the direction and control of the county commissioners, shall be executive head of the Emergency Management Agency and shall have responsibility for the organization, administration, and operation of the emergency management organization, including the following specific powers and duties:
1. The director shall be responsible for public relations, information, and education regarding all phases of emergency management.

2. The director shall be responsible for the development of a County Emergency Operations Plan, and upon adoption, shall be responsible for such implementation and revision of the plan as to maintain it in a current state of readiness at all times.
3. The director shall submit to the advisory council and the county commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come.
4. The director shall write and implement the plan, which shall conform to the guidelines contained in the most current state and federal guidance documents if the county wishes to receive state and/or federal matching funds.
5. The director shall design and conduct exercises of the plan, as required by SEMA.
6. The director shall identify and analyze the effects of hazards that threaten jurisdiction.
7. The director shall work closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards.
8. The director shall inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.
9. The director shall identify resource deficiencies and working with appropriate officials on measures to correct them.
10. The director shall develop an emergency operating center (EOC) as a site from which key officials can direct and control operations during a disaster or emergency.
11. The director shall develop and maintain emergency communications systems.
12. The director shall establish a system to alert key officials in event of a disaster or emergency.
13. The director shall develop continuity of government procedures and systems.
14. The director shall establish and maintain a shelter and reception and care system.
15. The director shall develop a training program for emergency response personnel.
16. The director shall develop a test and exercise program.
17. The director shall coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the plan.
18. The director shall make rapid and accurate assessment of:
  - a. property damage;
  - b. personal injuries;
  - c. fatalities;
  - d. basic needs; and
  - e. special needs.
19. The director shall submit the required the assessment to SEMA, with the required format and time frame for submission.
20. The director shall provide to the SEMA director annual reports and documentation as mandated by SEMA.
21. The director shall competently manage the department's various functions, including among others financial, personnel, and logistic.
22. The director shall timely respond to the chairperson of the Advisory Council as mandated by IC 10-4-1-10(f).
23. The director shall timely abide to the directives of superior state authorities.
24. The director shall assure that the activities of the department at all times comport with IC 10-4-1, and other applicable statutes and county ordinances.

25. The director shall attend at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of director.  
**(Phrasing is as passed in ordinance.)**
26. The director shall assure the deputy director's attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one (1) year of first assuming the position of deputy director.  
**(Phrasing is as passed in ordinance.)**
27. The director shall assure the deputy director's and all paid emergency management staffs attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years.  
**(Phrasing is as passed in ordinance.)**
28. The director shall coordinate within Delaware County all activities for emergency management and shall maintain liaison and coordinate with all other affected agencies, public and private.
29. The director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.
30. The director may seek, negotiate, and enter into (with approval or ratification of the commissioners and to the extent consistent with the State Emergency Operations Plan and program) mutual-aid arrangements with other public and private agencies for emergency management purposes and take all steps in accordance with such arrangement to comply with or take advantage thereof in the event of an actual emergency affecting the parties.
31. The director may, when such offer has been approved by the governor, accept an offer of the federal government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan.
32. The director may seek and accept from any person, firm, or corporation any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or other privileges to use real estate or other premises to the county for emergency management purposes.
33. The director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.
34. In addition to the powers and duties expressly provided above, the director shall be construed to have all powers and duties of a director of local emergency management agency under IC 10-4-1. In particular, but not by limitation, the director, through the Emergency Management Agency, may perform or cause to be performed with respect to the county any function parallel or analogous to those performed on a statewide basis by the Indiana State Emergency Management Agency under IC 10-4-1-5.

H. If a deputy director has been appointed pursuant to this ordinance, he/she shall during normal times assist the director in the performance of his/her duties. During an emergency, the deputy director shall assist the director and fulfill the duties of the director in the absence or inability of the director to serve.

I. The powers and duties of the county commissioners pertaining to emergency management in time of normal county operation are to:

1. maintain general supervision over the planning and administration for the Emergency Management Agency;

2. adopt the emergency management and disaster plans; and
3. as related to county forces, coordinate the emergency management activities and make assignments of emergency management activities and make assignments of emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies. In addition, the county commissioners may take all necessary action to conduct tests of the emergency management plans. Emergency management tests may be conducted at any time with or without prior notification. All emergency tests conducted within the boundaries of Delaware County shall be coordinated with the Emergency Management Agency and the Delaware County sheriff.

J. The director shall make sure that each volunteer personnel meets the following qualifications before he/she is sworn in as a member:

1. be at least 18 years of age;
2. not be convicted of a felony;
3. complete and have on file an application form;
4. possess a high school diploma or General Equivalency Diploma (GED);
5. complete any assigned training or education.

Upon satisfaction of the above requirements, with the approval of the director of the Emergency Management Agency, and following the oath as described in IC 10-4-1-20(b) the applicant is officially a member of the Delaware County Emergency Management Agency.

K. Any paid employees of the Emergency Management Agency shall have the same employment status and shall be governed by the same uniform personnel policies, rules, and procedures that apply to other county employees. However, in the event that during such times as the county emergency management program may hereafter be directly supported by federal funding, the board of commissioners shall adopt and implement a merit system applicable only to paid employees of the agency other than the director. Such merit system shall conform to the standards and comply with other requirements set forth in *CPG 1-3: Federal Assistance Handbook: Emergency Management Direction and Control Programs (January 1984)* or subsequent editions thereof as may be in effect at the time.

L. The advisory council shall advise the director in preparation of the budget. The county council shall appropriate such funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Emergency Management Agency shall be administered by the director subject to the approval of the county commissioners in the same manner as provided by law or ordinance for other county funds except as otherwise provided under this article.

M. A Delaware County Emergency Operations Plan shall be adopted by resolution of the county commissioners. In the preparation of this plan, as it pertains to county organization, it is the intent that the services, equipment, facilities, and personnel or all existing departments and agencies shall be utilized to the fullest extent possible. The following content shall be adopted:

1. Basic Plan--to include:
  - a. purpose
  - b. situation/assumption

- c. concept of operations
- d. assignment of responsibilities
- e. direction and control
- f. continuity of government
- g. administrative and logistics
- h. execution

2. The following annexes will be required:

- a. direction and control (warning and communications)
- b. radiological protection
- c. law enforcement
- d. fire and rescue
- e. health and medical
- f. welfare
- g. shelter
- h. evacuation
- i. public works
- j. resource and supply
- k. hazardous materials response for SARA Title III releases (to be drafted by the Local Emergency Planning Committee, pursuant to IC 13-7-37-12)  
**(Note: Title 13, Article 7, Chapters 1-37 repealed.)**
- l. hazardous materials response for non-SARA Title M releases
- m. All participating emergency services who develop internal plans shall coordinate those plans with the Emergency Management Agency in order to include such plans within the county comprehensive plan. When approved, it shall be the duty of all county departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.
- n. Except as provided by elsewhere in this section, the jurisdiction of the County Emergency Management Agency and the jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to this section, and the exercise of any powers of the chief executive officer of the county and the county commissioners under this section, shall be comprehensive and inclusive countywide and effective in both the incorporated and unincorporated areas of the county.

N. This sub-section applies whenever a state of emergency affecting all or part of the county has been declared by the governor pursuant to IC 10-4-1-7; a state of emergency affecting all or part of the county has been declared by the chief executive officer of the county pursuant to IC 10-4-1-23(a) and the relevant provisions of this section; a presumptive state of emergency is deemed to exist affecting all or part of the county causing the director to invoke and implement emergency plans and procedures in accordance with this section; or, when the board of commissioners has implemented a test of the county's emergency plans and procedures in accordance with this section to the extent necessary or dispensable to such test.

- 1. The Emergency Management Agency's primary pre-disaster responsibility shall be the warning function as prescribed in the warning plan and emergency communications prescribed in the communication plan for the entire county including all cities and towns.



2. In the event of actual or threatened natural disaster, technological emergency or local, state, or national security incident affecting the county, the chief executive officer of the county may declare a local disaster emergency pursuant to IC 10-4-1-23(a) for any period not to exceed seven (7) days. The declaration shall be in writing and indicate the nature of the disaster, the conditions which have brought it about, and the area or areas threatened and to which the state of emergency applies (which may include the entire county or only designated parts thereof). The declaration shall be filed in the offices of the county clerk and the clerk of any incorporated municipality included in the declared disaster area and shall be announced or disseminated to the general public by the best means available. However, the declaration is not invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances. Such a declaration is not necessary if the governor, pursuant to IC 10-4-1-7, has already proclaimed a statewide or area wide state of emergency including the county.
3. As soon as possible after a disaster emergency affecting the county is declared either by the governor or by the chief executive officer of the county, the chief executive officer of the county shall convene a meeting of the county commissioners to perform their legislative and administrative functions as the situation may demand. If the chief executive officer fails or is unable to perform the above duty, the meeting shall be convened by some other member of the board of commissioners, or by the auditor, or the successively empowered county officer in accordance with IC 36-2-2-8(a). Any such meeting of the commissioners shall automatically be deemed an emergency meeting subject only to such procedural provisions of law as govern emergency meetings of the county commissioners including relaxation of any applicable notice requirements pursuant to IC 5-14-1.5-5(d) and may be held in any convenient and available place. The meeting shall continue without adjournment for the duration of the disaster emergency but may be recessed for reasonable periods of time as necessary and permitted by the circumstances.
4. In the event that a quorum of the board of commissioners cannot be assembled for purposes of the meeting required under this section, the chief executive officer of the county shall be considered a plenipotentiary representative of the board and shall have all powers and may take all actions of the full board until the assemblage of a quorum is possible.
5. At the meeting convened under N.3. above, the commissioners, with the consultation of the director, may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith. In addition, however, they may also exercise any of the following special and extraordinary powers:
  - a. The commissioners may extend the period of a state of emergency declared by the chief executive officer to last more that seven (7) days if necessary
  - b. The commissioners may terminate the state of emergency except for a state of emergency proclaimed by the Governor.
  - c. The commissioners may order the activation and implementation of the county's comprehensive emergency management and disaster control plan that has been adopted under this section or such several component parts thereof as may be relevant to the emergency.
  - d. The commissioners may assemble and utilize emergency management forces including personnel of the Emergency Management Agency, participating emergency services, and any other forces at the disposal of the commissioners hereunder for emergency management purposes.

- e. The commissioners may order volunteer forces to the aid of the county, state, or political subdivisions thereof as soon as practicable. Those volunteer forces will be under the direction of the Emergency Management Agency.
- f. The commissioners may, to the extent permitted by IC 10-4-1-25 and subject to its provisions, command service from and/or requisition the use of equipment, facilities, supplies, or other property belonging to other organizations, corporations, or private persons as necessary to control the emergency and protect and provide for the public safety and welfare.
- g. The commissioners may order the evacuation of all or part of the population from stricken areas of the county and prescribe routes, modes of transportation and destinations for such evacuation.
- h. The commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.
- i. The commissioners may suspend for the duration of the state of emergency (or for a lesser period as they determine) any provisions of or procedures prescribed by ordinances of the county if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans, or would be inimical to actions necessary to protect the public safety and welfare; provided, however, that except in accordance with subsection (j) hereinafter the commissioners may not suspend any provisions of ordinances or procedures which are mandated by statute.
- j. In the event of natural disaster, technological emergency, or local, state, or national security incident effecting the county or when a state of emergency has been proclaimed by the governor, the commissioners may also in accordance with IC 10-4-1-10(1)(5) waive any procedures or requirements of statute or of county ordinances reflecting statutory requirements and mandates and pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into of contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment, or the purchase and distribution of supplies, material, and facilities.
- k. The commissioners may assign special emergency duties and functions to any county offices, departments, and agencies irrespective of their usual duties and functions and any unexpended and unencumbered monies budgeted and appropriated for the operation of such offices, departments, and agencies and not otherwise dedicated by law to different and specified purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.
- l. The commissioners may make and promulgate such emergency regulations as may be deemed necessary to protect life and property, preserve order, conserve critical resources or implement and carry out the provisions of the county's or state's disaster plans including but not limited to the power to order the roads closed, establish curfews, close business, or any action that they deem necessary to save lives and recover from a declared emergency. This power also includes the power to supplement, modify, or suspend any general contingency regulations which may have been incorporated as part of the county's previously adopted emergency operations plan. Any emergency regulations adopted under this subsection shall not be effective until promulgated, which promulgation shall be by written filing in the office of the county clerk as required by IC 10-4-1-15(b) provided, however, that should such

filing be impossible because of the emergency situation such regulations shall be effective and enforceable notwithstanding. Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with IC 10-4-1-17.

- m. The commissioners may request the state or the United States or agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

All actions and regulations under this section may be by executive order and need not be made or adopted by ordinance or resolution but shall be consistent with and subordinate to any actions, orders, or regulations made by the governor or state agency implementing State Emergency Operations Plan.

- O. It shall be the duty of the director of Emergency Management Agency to make recommendations and advise the board of commissioners or the chief executive officer on any actions which it would be necessary or desirable to take in the event of an emergency.
- P. In the event that an emergency clearly exists or is imminent within the county and a state of emergency has not been declared by the governor nor is any person having the powers of the chief executive officer of the county present to declare such an emergency the director may temporarily presume the existence of a state of emergency even though not officially declared and may, as his/her own judgment dictates, invoke, implement, and carry out such provisions of the county's adopted comprehensive emergency management and disaster plan as are necessary to cope with the emergency and protect the public safety and welfare and shall be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein until such time as a chief executive officer becomes available. This section also applies to the deputy director to the extent that the deputy director is required to assume the duties of the director as provided elsewhere in this section in the latter's absence or incapacitation during the emergency. Assistance from the Emergency Management Agency may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.
- Q. All officers and employees of the county shall cooperate with and give active support to the county commissioners and the county director of Emergency Management Agency in all emergency management operations and shall comply with all orders of the commissioners and county director of Emergency Management Agency issued pursuant to this chapter.
- R. At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as this latter may be inconsistent therewith.
- S. It shall be unlawful and a penal ordinance violation for any person to:
  - 1. willfully obstruct, hinder, or delay the commissioners, the director of Emergency Management Agency, participating emergency services, authorized emergency management staff or volunteers, or other authorities from implementing, carrying out, and enforcing emergency plans and procedures;
  - 2. fail to observe, abide by, or comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities;or

3. falsely wear or carry identification as a member of the county Emergency Management Agency or to otherwise falsely identify or purport him/herself to be a county emergency management authority.

Any regular or reserve police officer of the State of Indiana or any of its political subdivisions or any member of the county Emergency Management Agency or a participating emergency service is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above. Any person who commits an offense as described above shall be liable to a fine of \$2,500.00 such fine to be subject, however, to the discretion of the court of jurisdiction.

- T. The county, its assigned personnel, and participating emergency services shall be held blameless and without responsibility for the loss of life or injury to persons or the destruction of any property during an emergency management test or exercise or emergency as performed under the direction of the director of Emergency Management Agency .

(Compiler's note: For the statutory basis of the above section, see IC 10-4-1-8(a). IC 10-4-1-18(c) also limits the tort liability of private persons who volunteer the use of their property for emergency management purposes or tests or exercises.)

- U. Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county in a manner approved by the county council.
- V. This ordinance shall become in full force and effect upon passage and proper publication.  
**(Ordinance No. 1998-009, Commissioners' meeting, 3/2/98)**

#### 1-6-10. Economic Development Commission.

1. The Delaware County Department of Economic Development (the "Department"), controlled by a commission of three (3) members to be known as the "Delaware County Economic Development Commission" (the "Commission"), is hereby created and established.
2. The three (3) members of the Commission shall be appointed by the Board of Commissioners of the County of Delaware, Indiana, (the "board"), with one (1) member selected by the Board, one (1) member nominated by the County Council, and one (1) member nominated by the Common Council of the City of Muncie, Indiana (the "Common Council"), which is the most populous municipality located in the County.  
**(Ordinance No. 2005-002, Council meeting, 2/22/05)**

#### 1-6-11. Local Advisory Council on Polling Places.

1. There shall be established a Local Advisory Council comprised of representatives of the disabilities community and elderly voters to provide assistance to Delaware County in choosing polling places.
2. The Council shall include, as a minimum, two (2) representatives of the disabilities community or elderly voters, and one (1) representative from each political party.
3. The Delaware County Commissioners shall appoint the members of the Council for a period of three (3) years.

4. All County residents with a variety of backgrounds, partisan affiliations, and perspectives are encouraged to serve on said Council and all be given consideration for an appointment to said Council.
5. If County residents are not available to serve on the Council, the Delaware County Commissioners may partner with the Governor's Planning Council on Disabilities to carry out the functions of the Council and the Help America Vote Act State Plan.  
**(Ordinance No. 2005-019, Commissioners, 6/20/05)**

1-6-12. Storm Water Management.

1. Indiana Code 8-1.5-5 et seq. concerning "Storm Water Management Systems" is hereby adopted by the Delaware County Commissioners, Indiana, so as to make the Act and any and all amendments thereto effective and operative in Delaware County, Indiana; and
2. Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management shall be and is hereby created for the purpose of providing for the collection, disposal and drainage of surface water as required by the Indiana Municipal Separate Storm Sewer (MS4)-NPDES Permitting Program 327 IAC 15-13 with in the Delaware County; and
3. Pursuant to I.C. 8-1.5-5-4.5, the Department of Storm Water Management shall be controlled by the members of the County Executives and the County Surveyor as the Board of Directors of the Department; and
4. The term of office of a member of the Board who is appointed from the membership of the County Executive is coextensive with the members' term of office on the County Executive. The term of the Surveyor or the Surveyors designee as a member of the Board is coextensive with the Surveyor's term of office. A member of the Board of Directors is not entitled to a salary or per diem for serving on the Board. However, a member shall be reimbursed for any necessary expenses incurred by the member in the performance of their official duties; and
5. Pursuant to I.C. 8-1.5-5, the area governed by the Department of Storm Water Management shall include all of the territory within the corporate boundaries of Delaware County that is not located in a municipality; and
6. The Department of Storm Water Management Board shall have the powers as set forth in I.C. 8-1.5-3-4(a) and 8-1.5-5-6, as currently provided for below or which may hereafter be amended in the future:

Pursuant to I.C. 8-1.5-3-4(a) the Board has general supervisory powers over the utilities under its control, with responsibility for the detailed supervision of each utility to be vested in its superintendent, who is responsible to the Board for the business and technical operation of the utility. The Board shall:

1. Fix the number and compensation of employees;
2. Adopt rules governing the appointments of employees including making proper classification and rules to:
  - a. Determine the eligibility of applicants;

- b. Determine by competitive examination the relative fitness of applicants for positions;
  - c. Establish eligible lists arranged according to the ratings secured;
  - d. Provide for the appointment of those having the highest ratings; and
  - e. Provide for the promotion of employees.
3. Subject to I.C. 36-4-9-2, appoint a superintendent or manager of each utility under its control who is responsible to the Board for business and technical operation of the utility; the Board shall make the appointment on the basis of fitness to manage the particular utility to which the superintendent is to be assigned, taking into account his or her executive ability and his or her knowledge of the utility industry.
  4. Subject to I.C. 36-4-9-12, hire attorneys when required for the operation of the utility.
  5. Hire professional or expert personnel when required for operation of the utility.
  6. Submit a budget of its financial needs for the next year in the detail required by the legislative body;
  7. Recommend to the legislative body reasonable and just rates and charges for services to the patrons of each utility. (See exhibit B).
    - a. The proposed rate schedule is hereby approved, and the Department may levy the user on all property in the storm water district based on this schedule.  
**(Resolution No. 2007-021, Commissioners, 7/24/07)**
  8. Appropriate, lease, rent, purchase, and hold all real and personal property of the utility.
  9. Enter upon lands for the purpose of surveying or examining the land to determine the location of any plant or appurtenances.
  10. Award contracts for:
    - a. The purchase of capital equipment;
    - b. The construction of capital improvement; or
    - c. Other property or purposes that is necessary for the full and efficient construction, management, and operation of each utility.
  11. Adopt rules for the safe, economical and efficient management and protection of each utility.
  12. Deposit at least weekly with the municipal fiscal officer all money collected from each utility to be kept in a separate fund subject to the order of the Board.
  13. Make monthly reports to the fiscal officer of the receipts and disbursements of money belonging to each utility and an annual report of the condition of the utility.

Additional powers of the Board as per I.C. 8-1.5-5-6, include:

1. Holding hearings following public notice.
  2. Make findings and determinations.
  3. Install, maintain, and operate a storm water collection and disposal system.
  4. Make all necessary or desirable improvements of the grounds and premises under its control.
  5. Issue and sell bonds of the district in the name of the unit served by the department for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the Board.
7. The Storm Water Management Board shall prepare a budget for the operation of the Department on an annual basis which budget shall contain funds to maintain the Indiana Municipal Separate Storm Sewer System (MS4)-NPDES Permitting Program 327 IAC 15-13 and shall include but not necessarily be limited to:
1. General Administration
  2. Public Education and Outreach
  3. Public Participation and Involvement
  4. Illicit Discharge Detection and Elimination
  5. Construction Site Runoff Control
  6. Post-Construction Site Runoff Control<sup>3</sup>
  7. Pollution Prevention and Good Housekeeping
  8. Tracking & monitoring Storm Water Quantity into the Sanitary Storm Sewer System and into Delaware County Legal Drains.
8. Any Delaware County ordinance or provision of any ordinance in conflict with the provisions of this ordinance is hereby repealed; and
9. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given without such invalid part or parts; and

This Ordinance shall be in full force and effect from and after its adoption and approval by the Delaware County Commissioners.

**(Ordinance No.2006-032, Commissioners, 12/20/06)**

The Delaware County Commissioners hereby designate the MS4 Operator and Staff to enforce the provisions of the Construction Site and Post Construction Site Storm Water Control Ordinance, Ordinance 2010-13A

**(Ordinance No. 2010-046, Commissioners, 1/3/11)**

1-6-12 A. Storm Water Illicit Discharge and Connection.

Section 1. Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Delaware County, Indiana through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of

the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal or County separate storm sewer system (MS4) by storm water discharge by any user; and
2. To prohibit Illicit Connections and Discharges to the municipal or County separate storm sewer system; and
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

## Section 2. Definitions

For the purpose of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the Delaware County Commissioners, Muncie, Indiana.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. sec. 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances of one (1) acre or more, as defined in 327 IAC 15-5. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any materials, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristic may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 Paragraphs (1-4) of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following:

- a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said



drains or connections had been previously allowed, permitted, or approved by an authorized enforcement agency or,

- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

MS4: The regulatory definition of an MS4 [(40 CFR 122.26(b)(8))] is “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States, (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 327 IAC 15-6.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: Means a permit issued by EPA [or by a State under authority delegated pursuant to 33 USC 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either owner or as the owners’ agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that the same may cause or contribute to pollution; floatable; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and participating metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharge to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Waste Water: Any water or other liquid, other than uncontaminated storm water, discharge from a facility.

### Section 3. Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### Section 4. Responsibility for Administration

MSD shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Delaware County Commissioners to persons or entities acting in the beneficial interest of or in the employ of the Delaware County Commissioners.

### Section 5. Severability

The provisions of this ordinance are hereby declared to be severable. If any provisions, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance.

### Section 6. Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure or warrant that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

### Section 7. Discharge Prohibitions

#### Prohibition of Illegal Discharges

No person shall discharge, or cause to be discharged, into the municipal storm drain system, or watercourses, any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any legal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance; water line flushing or other potable water source, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, spring, non-commercial washing of vehicles, natural riparian habitat or wet-land flow, swimming pools (if de-chlorinated-typically less than one PPM chlorine), fire fighting activities, irrigation water, street wash water, and any other water source not containing Pollutants.
2. Discharge specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or water discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying any direct or indirect non-storm water discharge to the MS4, or allows such a connection to continue except as exempted in Section 7 Paragraphs (1-4) of this Ordinance. Such conveyance may include, but not limited to, sewage, hazardous materials, pollutants or wastewater.

### Section 8. Suspension of MS4 Access

#### Suspension Due to Illicit Discharges in Emergency Situations.

The County may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take steps as deemed necessary to prevent or minimize damage to the MS4 or Water of the United States, or to minimize danger to persons.

### Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorize enforcement agency for a reconsideration and hearing.

A person commits a violation if the person reinstates MS4 access to a premise terminated pursuant to this Section, without prior approval of the authorized enforcement agency.

### Section 9. Industrial or Construction Activity Discharge.

Any person subject to an individual or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to the allowing of discharge to the MS4.

### Section 10. Monitoring of Discharges

#### 1. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

#### 2. Access to Facilities

1. The County shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow authorized enforcement agency ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The County shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The County has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampling shall be promptly removed by the operator at the written or oral request of the County and shall not be replaced. The costs of the clearing such access shall be borne by the operator.
6. Delays in allowing the County reasonable access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits a violation of this ordinance if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
7. If the county has been refused access to any part of the premises from which storm water is discharged, and the authorized enforcement agency is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance, or any other issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek appropriate relief from any court of competent jurisdiction.

#### Section 11. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The County will establish requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution of contamination of storm water, the storm water drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into storm drain systems or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provision of this section. These BMPs shall be part of a storm water pollution prevention program (SWPPP) as necessary for compliance with requirements of the NPDES permit.

#### Section 12. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

### Section 13. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting, or may result in illegal discharge or pollutants discharging into storm water, the storm drain system, or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone, or facsimile, no later than the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency, within three (3) business days of the phone notice. If the discharge or prohibited materials emanates from commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

### Section 14. Enforcement.

#### 1. Notice of Violation.

Whenever the County finds that a person has violated a prohibition, or failed to meet requirements of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Emergency notifications may be made by an authorized County employee. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharge, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by the designated governmental agency or contractor and the expense thereof shall be charges to the violator.

### Section 15. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination to the Delaware County Commissioners or their designee. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or their designee shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Delaware County Commissioners or their designee shall be final.

Section 16. Enforcement Measures after Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the authority upholding the decision of the authorized enforcement agency, the representatives of the authorized enforcement agency may seek injunctive relief in any court or competent jurisdiction and may request a court order to enter upon the subject private property to take any and all measures necessary to abate the violation and/or restore the property. Costs including attorney fees for injunctive relief may be assessed against the violator.

Section 17. Costs of Abatement of the Violation.

The owner of the property will be notified of the costs of enforcement, including administrative costs. If the amount due is not paid within sixty (60) days after the abatement of the violation, the County may pursue any remedies available to it under law.

Section 18. Injunctive Relief.

It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation as noted in Section 16 and 17. Costs including attorney fees for injunctive relief may be assessed against the violator. Costs may constitute a lien upon the property.

Section 19. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may request the violator perform alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and other appropriate or remedies.

Section 20. Violation Deemed a Public Nuisance.

In addition to the enforcement process and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. A civil action to abate, enjoin, or otherwise compel the cessation or remediation of such nuisance may be taken in any court of competent jurisdiction all pursuant to Section 18.

Section 21. Civil Penalty.

Any person that has violated or continues to violate this ordinance shall be liable for civil penalties to the fullest extent of the law, and shall be subject to a fine of up to \$2,000.00 per violation per day.

Section 22. Remedies not Exclusive.

Whereas, the County operates its storm water system under the provisions of I.C. 8-1.5-5-1; Now therefore be it hereby ordained by the County Commissioners of Delaware County, Indiana, that the municipal code be amended as follows:

Now Therefore be it Ordained by the Commissioners of Delaware County, Indiana that:  
**(Ordinance No. 2006-034, Commissioners, 12/20/06)**

1-6-12 B. Construction Site & Post Construction Site Storm Water Control.

Section 1. Purpose/Intent.

A. Site Construction Control

The purpose of this ordinance relative to Site Construction Control is to establish requirements for storm water discharges from construction activities of one acre or more so that the public health, existing water uses, and aquatic biota's are protected. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutants Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate construction activities disturbing more than one (1) acre of land as governed by 327 IAC 15-5.
2. To require construction site operators to develop and implement a Construction Plan including a Storm Water Pollution Prevention Plan in order to receive a grading permit from the County.

B. Post-Construction Control

The purpose of this ordinance relative to Post-Construction Control is to promote and implement planning procedures that improve water quality. The planning procedures will include, at a minimum, the post-construction requirements of 327 IAC 15-5-6.5(a)(8). The County may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on storm water runoff. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

1. Buffer strip and riparian zone preservation.
2. Filter Strip creation.
3. Minimization of land disturbance and surface imperviousness.
4. Minimization of directly connected impervious areas.
5. Maximization of open space.
6. Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality.

Section 2. Definitions.

For the purpose of this ordinance, the following shall mean:



Authorized Enforcement Agency: employees or designees of the Delaware County Commissioners, Muncie, Indiana.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. sec. 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances of one (1) acre or more, as defined in 327 IAC 15-5. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: Any materials, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristic may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 Paragraphs (1-4) of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following:

- a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drains or connections had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

MS4: The regulatory definition of an MS4 [(40 CFR 122.26(b)(8)] is “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States, (ii)

Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

Indiana Storm Water Quality Manual: A reference manual developed by the State of Indiana that provides guidance on planning principals, as well as criteria for specific structural and non-structural storm water management practices.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 327 IAC 15-6.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: Means a permit issued by EPA [or by a State under authority delegated pursuant to 33 USC 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general are-wide basis.

Non-Strom Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either owner or as the owners’ agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that the same may cause or contribute to pollution; floatable; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and participating metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan (SWP3): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharge to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Waste Water: Any water or other liquid, other than uncontaminated storm water, discharge from a facility.

Watercourse: The path taken by flowing surface water.

### Section 3. Applicability.

This ordinance covers any new development or re-development construction site resulting in the disturbance of one (1) acre or more of total land area. Persons must meet the general permit rule applicability requirements under 327 IAC 15-2-6. This ordinance also applies to disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land within the corporate limits of the County.

All terms, conditions, definitions, and other measures defined in 327 IAC 15-5 shall apply except for state permitting process references and submittal deadlines of construction plan.

This Ordinance does not apply to persons who obtain an individual NPDES permit under 327 IAC 15-2-6.

This ordinance does not apply to Indiana Department of Transportation when it conducts its business within the County corporate limit under its NPDES permit pursuant to 327 IAC 15

This ordinance does not apply to the following types of activities:

1. Agricultural land disturbing activities.
2. Forest harvesting activities.

This ordinance does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

1. Landfills that have been issued a certification of closure under 329 IAC 10.
2. Coal mining activities permitted under IC 14-34.
3. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

### Section 4. Responsibility for Administration.

The County shall administer, implement, and enforce the provisions of this ordinance. Any powers granted, or duties imposed upon the authorized enforcement agency, may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the agency.

### Section 5. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person,

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

#### Section 6. Ultimate Responsibility.

The standards set forth herein, and promulgated pursuant to this ordinance, are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will not be violations of NPDES permits.

#### Section 7. Responsibility of Construction Site Owner.

The project site owner has the following responsibilities:

1. Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the County.
2. Complete a sufficient notice of intent letter submitted to the County with a copy sent to the Indiana Department of Environmental Management.
3. Make applications for a grading permit in accordance with the procedures established by the County.
4. Ensure compliance with this ordinance during construction activity and the implementation of the construction plan.
5. Ensure that all persons engaging in construction activities, on a permitted project site comply with the applicable requirements of this rule and the approved construction plan.
6. Notify the County with a sufficient notice of termination letter and send a copy to the Indiana Department of Environmental Management.

For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.

For an individual lot where land disturbance is to be expected to be one (1) acre or more, and the lot lies within a project site permitted under this rule, the individual lot owner shall:

- A. Ensure that a sufficient construction plan is completed and submitted in accordance with 327 IAC 15-5, as well as procedures established by the County.
- B. Complete his or her own notice of intent letter and submit it to the County.
- C. Apply for a building permit in accordance with the procedures established by the County.

For an individual lot where the land disturbance is less than one (1) acre and the lot lies within a project site permitted under this rule, the individual lot operator shall:

1. Comply with the provisions and requirements of the construction plan developed by the project site owner in accordance with the procedures established by the County.
2. Comply with the provisions set forth in Section 11 of this ordinance.

3. Apply for a building permit in accordance with the procedures established by the County.

(NOTE: There is no need to submit a notice of intent letter under the above subsection.)

#### Section 8. General Requirements for Storm Water Quality Control.

All storm water quality measures and erosion and sediment controls necessary to comply with this ordinance must be implemented in accordance with the construction plan and sufficient to satisfy the following conditions.

A project site owner shall, at least, meet the following minimum requirements:

1. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.
2. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be managed and disposed of in accordance with all applicable statutes and regulations.
3. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
4. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
5. Storm water run-off leaving a project site must be discharged in a manner that is consistent with all applicable state or federal law.
6. The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be maintained in a legible condition and contain the following information:
  - a. Copy of the completed NOI letter and the NPDES permit number, where applicable.
  - b. Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contract person.
  - c. Location of the construction plan if the project site does not have an on-site location to store the plan.

7. This permit, and posting of the notice under subdivision (6), does not provide the public with any reason to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.
8. The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with 327 IAC 15-5, all measures necessary to adequately prevent polluted storm water run-off.
9. The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots, of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan, and the schedule for proposed implementation.
10. Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.
11. Appropriate measures shall be planned and installed as part of an erosion and sediment control system.
12. All storm water quality measures must be designed and installed under the guidance of a trained individual.
13. Collected run-off, leaving a project site, must either be discharged directly into a well-defined and stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
14. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
15. Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with the storm water run-off.
16. Un-vegetated areas that are scheduled, or likely to be left inactive for fifteen (15) days or more, must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner, or their representative, can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas, with a density of less than seventy percent (70%) shall be destabilized using appropriate methods to minimize the erosion potential.
17. During the period of construction activities, all storm water quality measures necessary to meet the requirements of 327 IAC 15-5 shall be maintained in working order.
18. A self-monitoring program that includes the following must be implemented:

- A. A trained individual shall perform a written evaluation of the project site by the end of the next business day following each 0.5 inch of rain; and at a minimum of one time per week.
  - B. The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly and identify additional measures necessary to remain in compliance with all applicable laws and ordinances.
  - C. Written evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of corrective actions recommended and completed.
  - D. All evaluation report for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.
19. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures, shall be implemented to minimize the potential for pollutants to contaminated surface or ground water or degrade soil quality.
20. Final stabilization of a project site is achieved when:
- A. All and disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
  - B. Construction projects on land used for agricultural purposes are returned to it preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in clause (A).

**Section 9. General Requirements for Individual Building Lots within a Permitted Project.**

All storm water quality measures, including erosion and sediment control, necessary to comply with this ordinance must be implemented in accordance with the plan and sufficient to satisfy the following conditions.

Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

- 1. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on an individual lots
- 2. Installation and maintenance of a stable construction site access for ingress and egress.

3. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbances.
4. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved.
5. Clean-up of sediment that is either tracked or washed unto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable laws and ordinances.
6. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
7. For individual residential lots, final stabilization meeting the criteria in section 8 (20) of this rule will be achieved when the individual lot operator completes final stabilization or has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

#### Section 10. Monitoring of Discharges.

The County shall have the authority to monitor discharge from construction sites covered under this ordinance as described in County Ordinance Number \_\_\_ entitled Storm Water Illicit Discharge and Connection Ordinance.

#### Section 11. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The County will establish requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may not be, the source of an illicit discharge, may be required to implement, at the responsible person's expense, additional structural and non-structural BMPs to prevent further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

#### Section 12. Post-Construction Controls for New Development or Redevelopment.

On areas that undergo new development or redevelopment, site construction resulting in disturbance of one (1) acre or more total land area, post-construction control measures in the form of structural and/or non-structural best management practices are required.



Specifically, post-construction storm water pollutants loading should not exceed pre-construction pollutant loading. Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred. Post-construction pollutant loadings will be controlled through the six minimum control measures under the County's storm water NPDES permit. Post-construction storm water best management practices (BMPs) shall follow Indiana's Storm Water Quality Manual as a guidance document. The County shall have the full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans and specifications and other related documents. The minimum measures are implemented to meet the terms defined in IAC 15-5-6.5(a)(8) which are enumerated below.

The Post-construction Storm Water Pollution Prevention Plan (SWP3). The SWP3 must include the following information:

- A. A description of potential pollutant source for the proposed land use that may reasonably be expected to add a significant amount of pollutants to storm water discharge.
- B. Location, dimensions, detailed specifications, and construction details of all post-construction storm water quality measures.
- C. A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depression, buffer strip and riparian zone preservation, filter strip creation, maximization of open space, and storm water retention and detention ponds.
- D. A sequence describing when each post-construction storm water quality measure will be installed.
- E. Storm water quality measures that will remove or minimize pollutants from storm water run-off.
- F. Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- G. Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
- H. A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long term function. This narrative BMP description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction storm water quality measures.

### Section 13. Enforcement.

Enforcement of this ordinance shall be subject to the severity of the violation and the construction site operator's efforts to comply. The County shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the County's discretion. The tiered may include:

1. Verbal warning to the construction site operator to make corrections.
2. Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
3. Warning of Non-Compliance with directions to the construction site operator that site conditions require action.
4. Stop Work Order.

### Section 14. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated, or continues to violate, the provisions of the ordinance, the authorized enforcement agency may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities which would create further violations. Such enforcement may also include requesting the violator to perform abatement or remediation of the violation. Costs, including attorney fees, for injunctive relief may be assessed against the violator.

### Section 15. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, or other actions promoting the goals of the ordinance.

### Section 16. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. Costs, including attorney fees, for injunctive relief may be assessed against the violator.

### Section 17. Remedies not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 18. Adoption of Ordinance.

This ordinance shall be in full force and effect \_\_\_\_\_ days after its final passage and adoption. All prior ordinances in conflict with this ordinance are hereby repealed.

**(Ordinance No. 2006-035, Commissioners, 12/20/06)**

1-6-13. Delaware County Board of Aviation Commissioners.

A fifth member shall be added to the Board of Aviation Commissioners pursuant to IC 8-22-2-1, that this fifth member shall be added with an initial term of four (4) years, effective from January 1, 2007, and that the Board shall have no more than three (3) members of the same political party, with party affiliation to be determined by ballot selected by the Board member at the last primary election in which he/she voted.

**(Ordinance No. 2007-007, Commissioners, 4/16/07)**

1-6-14. City/County Council for Persons with Disabilities.

1. The purpose of the City/County Council for People with Disabilities (CCPD) shall be to:
  - a. Advocate for citizens with disabilities, review policies and practices related to disability awareness, barriers and compliance issues; assist employers and promote employment opportunities for disabled persons
  - b. Make recommendations to the Mayor and County Commissioners for modifications or changes necessary to improve the efficiency and effectiveness of programs and services and to assist in developing local legislative policies and ordinances affecting citizens with disabilities
  - c. Ensure that the program and policy implementation is consistent with the goals of inclusion articulated in the ADA
  - d. Work with the ADA coordinator to achieve these purposes
  - e. Serve as an advisory board to review grievances and make recommendations to the Mayor or County Commissioners.
  
2. There is created a City/County Council for People with Disabilities with the above stated purposes.
  - a. The CCPD shall consist of 11 members appointed for a term of three (3) years.
  - b. The Mayor of the City of Muncie must adopt an Executive Order which also creates the CCPD with similar terms and purposes.
  - c. The Mayor of the City of Muncie shall appoint six (6) members of the CCPD.
  - d. The Board of Commissioners shall appoint five (5) members of the CCPD.
  - e. The Board of Commissioners shall appoint the initial Chairperson of the CCPD and they shall serve for a period of one (1) year from their appointment. Subsequent chairpersons shall be elected by a majority of the members of the CCPD.
  
3. All members of the CCPD shall serve without compensation for their service to the Community.  
**(Resolution No. 2008-024, Commissioner, 10/6/08)**

1-6-15. Establish Economic Development District

The Delaware County Board of Commissioners does hereby resolve to support the Energize-ECI Regional Planning Commission/Economic Development District through active participation on the Board of Directors, and by financial participation (\$34,625.70 per capita appropriation to be waived for 2009) and

partnership in programs and activities including regional planning, grant resource procurement and cooperative economic development efforts.

**(Resolution No. 2009-007, Commissioners, 4/3/09)**

1-6-16. Designating Arts Place, Inc. for Regranting

Arts Place, Inc., a multi-county arts council, is hereby designated to operate on behalf of the County of Delaware for the purposes of regranting or subgranting of local governmental, federal, and state governmental funds for the support of the arts in the County of Delaware.

**(Resolution No. 2009-010, Council, 3/24/09)**

1-6-17. Redevelopment Agreement Between Delaware County Redevelopment Commission and Muncie Redevelopment Commission

1. The Redevelopment Agreement as set forth as Exhibit A is hereby approved.
2. The Board hereby pledges property tax proceeds in an amount of One Million One Hundred Ten Thousand Dollars (\$1,110,000) that have been allocated to the Commission's allocation fund in the Area to the Muncie Redevelopment Commission, in order to provide for the monies necessary for the Project, provided that the Board agrees that the personal property described in Exhibit A may be of a similar type or kind as described therein, so long as the amount of the Project does not exceed One Million One Hundred Ten Thousand Dollars (\$1,110,000).
3. The Auditor of the County is hereby directed to forward this Resolution and the Redevelopment Agreement to the Muncie Redevelopment Commission and the Common Council of the City for its approval.

**(Resolution No. 2009-012, Commissioners, 4/27/09)**

1-6-17 A. Amendment to the Plan for the Morrison Road Redevelopment Area

1. The Board of Commissioners hereby approves the amendment to the Plan as provided in the 2010 Resolution, and hereby approves the order of the Plan Commission approving the 2010 Resolution.
2. This Resolution shall be in full force and effect from and after its passage by the Board of Commissioners as required by law.

**(Resolution No. 2010-003, Commissioners, 2/26/10)**

1-6-18. Central Indiana Regional Transportation Authority

1. The Delaware County Council hereby approves that the Central Indiana Regional Transportation Authority shall be expanded to include Delaware County, Indiana, subject to all of the rights, responsibilities and authority as established by Indiana Code Chapter 36-9-3 as limited by the ordinance of the City Council of Indianapolis and Marion County, Indiana, creating the Authority.
2. The expansion of the Authority to include Delaware County shall be effective upon the adoption of this Resolution, July 28, 2009, and the adoption of resolution approving the expansion by a majority of the counties and municipalities already in the Authority.

3. If the Delaware County Council as the fiscal body finds that the county should be removed from the authority, it shall adopt a resolution favoring the removal of Delaware County from the authority. The resolution must establish a date upon which the membership ceases, but that date must be at least six (6) months after the date of the adoption of the resolution.  
**(Resolution No. 2009-014, Council, 7/28/09)**

1-6-19. Adopting Definitions and Procedures for the Job Evaluation Committee

The attached Exhibit A shall be the accepted Definitions and Procedures for the Job Evaluation Committee.  
**(Resolution No. 2010-002, Council, 1/26/10)**

1-6-20. Endorsing the Muncie Action Plan/Council

Section 1: That the Muncie Action Plan shall be acknowledged as the official action plan for the City of Muncie and that its 47 actions therein be fully embraced by the citizens, students, civic groups, neighborhood organizations, churches, fraternal groups, businesses, and Boards and commissions as they join the effort to implement MAP.

Be it further resolved, that this Resolution shall be in full force and effect from and after passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.  
**(Resolution No.2010-017, Council, 8/24/10)**

1-6-20(A). Endorsing the Muncie Action Plan/Commissioners

Section 1: That the Muncie Action Plan shall be acknowledged as the official action plan for the City of Muncie and that its 47 actions therein be fully embraced by the citizens, students, civic groups, neighborhood organizations, churches, fraternal groups, businesses, and Boards and commissions as they join the effort to implement MAP.

Be it further resolved, that this Resolution shall be in full force and effect from and after passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.  
**(Resolution No.2010-015, Commissioners, 7/19/10)**

1-6-21. Establishing the Delaware County Public Defender's Office

**Section 1. Board established**

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

**Section 2. Definitions**

When used herein, the following terms shall be defined as follows:

- (1) *Board* means the Delaware County Public Defender Board created by this ordinance.
- (2) *Indigent defendant/respondent* means a person who request legal representation and is determined by the Court to be entitled to legal representation at public expense.
- (3) *Legal representation* means the services of an attorney provided to a defendant/respondent in matter originating in a state court in Delaware County involving:
  - (a) a person charged with a crime as defined in I.C. 35-41-1-6;
  - (b) an act of delinquency as defined in I.C. 31-37-1-2;
  - (c) a violation of a condition of probation established as part of a sentence in a juvenile or criminal matter;
  - (d) Detention of a person subject to extradition to another jurisdiction;
  - (e) proceedings to collect unpaid child support pursuant to I.C. 31-16-17-12;
  - (f) civil commitment and contempt proceedings; or
  - (g) other proceedings where the right to counsel a public expense has been established by law.

The term *legal representation* includes services in connection with all pre-trial, trial, and appellate proceedings in which an indigent defendant/respondent has a right to counsel.

### **Section 3. Board membership and appointment**

- (1) The Board shall consist of three (3) members; one (1) member appointed by the Delaware County Commissioners; and two (2) members jointly appointed by the judges of the Delaware Circuit Courts. The two (2) members appointed by the judges shall be from different political parties.
- (2) The initial term of the member appointed by the Delaware County Commissioners shall expire on December 31, 2011. The initial term of the first member appointed by the judges of the Delaware Circuit Courts shall expire on December 31, 2012, and the initial term of the second member appointed by the judges of the Delaware Circuit Courts, shall expire on December 31, 2013.
- (3) After the initial term of each member, appointments shall be for three (3) year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the members = vacating the position and shall be for the remainder of the unexpired term.
- (4) The following persons shall be ineligible to serve as members of the Board: a city, town, or county attorney, a law enforcement officer, a judge, or a court employee.
- (5) Board members shall serve without pay but may receive reimbursement for expenses incurred in connection with the member's duties, if approved by the Board.
- (6) Two members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.

- (7) The Board shall meet at least quarterly or upon call of its chairperson or any two (2) members of the Board.
- (8) The Board shall elect its chairperson by a majority vote of the Board.

#### **Section 4. Powers and duties of the Board**

The Board shall have the following powers and duties:

- (1) The Board shall prepare a comprehensive plan to provide legal defense services to indigent persons by the continued use of the Delaware County Public Defender's Office in accordance with I.C. 33-40-7-5. The comprehensive plan, at a minimum, shall provide:
  - (a) The plan shall consist of at least three (3) deputy public defenders for each circuit court and a juvenile court deputy public defender;
  - (b) Legal representation to an indigent defendant/respondent at the earliest possible point in time;
  - (c) Legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of a matter to the greatest extent possible, and
  - (d) Professional development, continuing legal education, and malpractice coverage for public defenders.
- (2) Establish policies and procedures for the provisions of competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violations, extradition, child support, and criminal contempt, and other matters pursuant to the comprehensive plan.
- (3) Establish guidelines and procedures for the determination of indigency and for the appropriate reimbursement for legal representation provided at public expense in accordance with I.C. 33-40-7.11.
- (4) Recommend an annual operating budget for the agency and monitor expenditures of funds.
- (5) Prepare and submit to the Delaware County Council and the general public an annual report on the operation of the agency.
- (6) Appointment of a County Public Defender also known as the Delaware County Managing Public Defender or Chief Public Defender. A County Public Defender/Managing Public Defender/Chief Public Defender shall be appointed for a term not to exceed four (4) years and may be reappointed. The County Public Defender/Managing Public Defender/Chief Public Defender may be removed from office only upon a showing of good cause. An Attorney must be admitted to the practice of law in Indiana for at least two (2) years before the attorney is eligible for

appointment as a County Public Defender/Managing Public Defender/Chief Public Defender.

- (7) The County Public Defender shall be chosen from the existing deputy defenders. If the Board removes/replaces the County Public Defender, that individual will automatically become a deputy public defender at the lower rate of pay.
- (8) Duties of County Public Defender.
  - (a) Maintain on office as approved by the Board;
  - (b) Hire and supervise staff necessary to perform the services of the office after the staff positions are recommended by the Board and approved by the county executive and the fiscal body; and
  - (c) Keep and maintain records of all cases handled by the office and report at least annually to the Board and the Indiana Public Defenders Commission concerning the operating of the office, costs, and projected needs.
- (9) The Board shall request for payment reimbursement in accordance with I.C. 33-40-7-11.

**Section 5. Authority of judges**

Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana.

**Section 6. Scope of Ordinance**

Nothing contained herein shall be deemed to create a right of reimbursement pursuant to I.C. 33-40-7-11, except to the extent that any claims for reimbursement comply with I.C. 33-40-7-11 and the Standards of the Indiana Public Defenders Commission.

**Section 7. Limitation on authority to contract**

This program and the authority of the Board are subject to appropriation of the Delaware County Council and the program may be terminated or canceled by ordinance of the Delaware County Commissioner at their discretion upon annual review and pursuant to the notice requirements of I.C. 33-40-7-3(f). All contracts entered by the Board to provide indigent representation shall be made subject to this provision and are subject to review and approval of the Delaware County Board of Commissioners.

**Section 8. Effective date**

This ordinance shall be in full force and effect upon passage, approval, and publication.  
**(Ordinance No. 2010-027, Commissioners)**



## 1-6-22. Delaware County Fair Board

### 1. Governance

- a. The Fair Board shall become part of the Delaware County Government.
- b. The Delaware County Commissioners and the Delaware County Council shall appoint all member of the Fair Board. The Fair Board may consist up to a total of twenty-one (21) members; no more than a simple majority shall be from any one political party.
- c. The Fair Board shall elect officers at the first meeting of each year from the members appointed on the Board. The officers shall consist of President, Vice-President, Secretary, Treasurer, and Executive Board Member.
- d. The Fair Board shall create and maintain those committees it deems necessary to accomplish the responsibilities assigned by the Commissioners. At a minimum there shall be an Executive Committee, Planning Committee, Entertainment Committee, and Operations Committee.
- e. The Fair Board shall also have certain members that are “ex-officio” members shall be a representative of the Delaware County Sheriff, County Extension Office, County Council member, and others as determined by the County Commissioners from time to time.

### 2. Operations

- a. All income and expenditures of the Delaware County Fair and Exposition Center (Fairgrounds) shall be subject to appropriation by County Council and payment shall be made for any expenditures as any other claim or expenditure in county government, using the appropriate form.
- b. The Fair Board (as further defined herein) shall be responsible for the operations of the annual Delaware County Fair, the operation of the facilities and other aspects of the Exposition Center throughout the year.
- c. The Fair Board may contract with any group, department, or entity to accomplish the operations as set forth herein, subject to the approval of the County Commissioners.
- d. The Fair Board shall submit their budgets to the County Auditor, no later than July 1, of every year to be acted upon by the County Council at their regular scheduled Budget Hearings, to fund the operations of the county fair and Exposition Center.
- e. The Fair Board shall submit a report to the County Commissioners and County Council on its operations at least annual as soon as practicable after the conclusion of the County Fair.
- f. There shall be a fund created with the Delaware County Auditor to be known as the “*Delaware County Fair and Exposition Center*” Fund. The purpose of the fund shall be to assist with the operations and conduct of the annual county fair as well as the operation of the fairground facility.
- g. Income, grants, gifts, and other assets received as a result of the operations of the Delaware County Fair and fairground facility shall be deposited in a dedicated, non-reverting fund known as the “*Delaware County Fair and Exposition Center*” fund and shall be used only for activities related to the annual county fair and/or the fairground facilities.
- h. Any additional funds may be appropriated to supplement activities or capital improvements at the fairgrounds from time to time from the County General Fund by the Delaware County Council. Any and all unused funds, by the end of the calendar year, appropriated from the County General Fund shall revert back to the County General Fund.

**(Ordinance No. 2009-09A, mending Ordinance No. 2007-09, Commissioners, 2/2/09)**

The Board of County Commissioners of Delaware County that the Fair Board shall become part 6 the Delaware County government.

The funds of the Fair Board shall be expanded, that the term of each member shall be three (3) years, that there shall be a term limit of three (3) total terms, and that the terms of the four (4) new members shall be staggered with the existing members.

**(Ordinance No. 2009-09A, mending Ordinance No. 2007-09, Commissioners 2/2/09)**

The Fair Board shall be able to accept gifts, donation and funds, and that these gifts will be placed in a dedicated, non-reverting fund to be used only for fair activities, and that all funds currently held by the Fair Board shall be transferred to this new Delaware County account immediately.

The sole purpose of the Fair Board shall be to conduct the annual Delaware County Fair, and for purposes related to that activity.

**(Ordinance No. 2007-009, Commissioners)**

## CHAPTER 7

### FUNDS

#### 1-7-1. County Jail/Courthouse Funds.

- A. There is hereby established a Cumulative Building Fund, Sinking Fund, and Debt Service Fund for County Jail and/or Delaware County Building (Courthouse) Maintenance Fund for the following purpose or purposes:

For the obtaining of land, construction, repair, remodeling, enlarging and equipping of a county jail, and/or Delaware County building (courthouse).

- B. There is hereby established a levy of four cents (\$.04) on each one hundred dollars (\$100.00) of the assessed value of real and personal property within the taxing district to provide monies for said fund, said tax to be first levied in 1984, payable in 1985, and five cents (\$.05) on each one hundred dollars (\$100.00) of assessed valuation in 1985, payable in 1986, and six cents (\$.06) on each one hundred dollars (\$100.00) of assessed valuation in 1986, payable in 1987, and seven cents (\$.07) on each one hundred dollars (\$100.00) annually thereafter until reduced or rescinded, as provided for in IC 36-9-15-5 and 36-9-14.

**(Resolution No. 1984-R-9, Commissioners' meeting, 7/9/84)**

#### 1-7-2. Children's Home Capital Improvement Account.

There is hereby established a new account through the auditor's office of Delaware County, to be entitled Delaware County Children's Home Capital Improvement Account and that in said account shall be deposited one-third (1/3) share of funds received by Delaware County for the County General Fund from the state of Indiana representing Delaware County's percentage share of Title 4-D monies collected and also all per diem fees paid by other counties in the state of Indiana to Delaware County for purposes of housing juveniles from other counties in Delaware County Juvenile Detention and Children's Home facilities.

The said Children's Home Capital Improvement Account shall also include additional funds transferred at the request of the Delaware County clerk and the Delaware County prosecutor and that all of the funds so held in said Children's Home Capital Improvement Account shall only be appropriated for the purpose of making capital improvements to the Delaware County Children's Home.

**(Resolution, Commissioners' meeting, 3/26/90, Council meeting, 3/27/90)**

#### 1-7-3. Photography Fund.

- A. The Photography Fund is hereby created for the purpose of receiving moneys from the sale of photographs and video tapes.

The sheriff may expend from said fund, costs incurred in the purchase of photography equipment, supplies and costs incurred for training, as the sheriff deems necessary.

- B. This fund shall be perpetual in nature and the funds non-reverting at years end, and upon the repeal of this ordinance or the termination of the fund, any balance shall revert to the general fund.

**(Ordinance No. 1991-26, Commissioners' meeting, 7/15/91)**

1-7-4. Tax Sale Fund.

- A. There is hereby established the Tax Sale Expense Fund. Said fund shall receive the payments received by the county from said tax sales and pay for the advertising and abstract expenses and other necessary expenses including contracted for expense payments, in direct relation to the annual tax sales.
- B. Receipts shall be accepted at the time of the payment of taxes and expenses before, during or after the annual tax sale or sales. This fund shall expedite the contractual payments to vendors associated with the annual tax sale. As to the A or B sale, the primary contractual expense is the additional fee or cost added to each parcel for the professional services. The funds generated or received by the sales to date may be used to pay said expenses upon presentation to the auditor of a written claim form approved in the usual fashion by the county commissioners.
- C. Said fund shall not require appropriation by the county council and shall be spent in accordance with the general rules as to which other funds of the county are subject.

All amounts placed in the fund shall be invested and reinvested pursuant to the standard procedures followed by the county, and said funds shall not revert to the county's general fund at the end of the year, unless so decreed by ordinance or resolution of the board of county commissioners.

**(Ordinance No. 1994-35, Commissioners' meeting, 11/21/94)**

1-7-5. EMS Capital Improvement Fund.

- A. There is hereby established the Emergency Medical Services Capital Improvement Fund and that beginning with the date of August 1, 1991, the auditor is directed to place within said fund the amount of forty dollars (\$40.00) based on the percentage of collections derived from providing basic life support and advance life support services.  
**(Ordinance No. 1991-60, Council meeting, 8/27/91)**
- B. The Delaware County Emergency Service, with prior approval of the county council may use such funds for the purchase of emergency medical vehicles and emergency equipment, such as heart monitors, pulse oximeters, intubation equipment, oxygen therapy equipment, suction units, hazardous material equipment or other such equipment regularly used by the EMS in, for and during the performance of such services.

Further, the Delaware County Emergency Service, with approval of the county council, may use such funds for the purchase and/or construction of facilities to house Emergency Services in other locations within the County.

**(Ordinance No. 2001-006, Council meeting 7/24/01; Amending Ordinance No. 1991-60 and Ordinance No. 2002-014, Council meeting 7/23/02).**

1-7-6. Corrections Fund.

- A. There is hereby created the Delaware County Corrections Fund consisting of deposits received from the Indiana Department of Corrections, pursuant to IC 11-12-6-13, which funds shall be used for those purposes delineated in IC 11-12-6-7, and which funds shall be administered by the Delaware County council.

- B. Delaware County elects to receive deposits from the Indiana Department of Corrections, pursuant to the provisions of IC 11-12-6-13 at Level 3 funding.
- C. This ordinance shall be in full force and effect upon passage, and that two copies of this ordinance shall be forwarded to the Delaware County auditor, and the Indiana Secretary of State pursuant to the provisions of IC 11-12-6-9.  
**(Ordinance No. 1998-005, Commissioners' meeting, 1/26/98)**

1-7-7. Settlement Fund for Benefits.

- A. Connecticut National Bank is appointed a depository of Delaware County and an account is hereby opened to settle claims for benefits under certain of Delaware County's employee health benefit plans benefit payment services which are provided by the Travelers Insurance Company. That account shall be designated the Delaware County Employee Health Benefit Plan Account.
- B. Connecticut National Bank is hereby authorized to accept and execute instructions from the Travelers Insurance Company relative to disposition of funds residing in the Delaware County's Health Benefit Plan Account.  
**(Resolution No. 1985-R-9, Commissioners' meeting, 9/9/85)**

1-7-8. Cumulative Bridge Fund.

- A. A need exists for the establishment of a Cumulative Bridge Fund for the following purposes: to provide funds for the cost of construction, maintenance and repair of bridges, approaches, and grade separations.
- B. Consistent with the provisions of IC 8-16-3, the fund will not exceed nineteen cents (\$.19) on each one hundred dollars (\$100.00) of assessed valuation for a period not to exceed five (5) years. Said levy will be levied beginning with taxes payable beginning in the year 2000.
- C. Proofs of publication of the public hearing held on this 2nd day of August, 1999 and a certified copy of this resolution be submitted to the State of Indiana Board of Tax

Commissioners as provided by law. Said Cumulative Fund is subject to the approval of the State of Indiana Board of Tax Commissioners.

**(Ordinance No. 1999-024, Commissioner's meeting, 8/9/99; supersedes Ordinance/Resolution No. 1993-27, Commissioners' meeting, 7/6/93)**

1-7-9. Prosecutor's Diversion Fund.

There is hereby established a Prosecutor's Diversion Fund. Pursuant to IC 33-19-8-7, the Delaware County prosecutor, shall at least annually, and more often if so required, certify to the fiscal body of Delaware County that there are excess funds in the pre-trial diversion funds requesting the same to be appropriated to the office of the prosecuting attorney and that such certification set forth the amount of the excess funds, the amount requested to be appropriated, and the specific purpose and use of the appropriated funds.

**(Ordinance No. 1993-34, Council meeting, 9/10/93)**

1-7-10. K-9 Fund.

- A. A Drug Interdiction and K-9 Fund is hereby established in the office of the Delaware County auditor.
- B. Expenditures from said fund shall be used only to pay for the purchase and training of a police dog or dogs for use by the Delaware County police department. No money shall be spent from the said fund without approval of the Delaware County council.  
**(Ordinance No. 1996-011, Council meeting, 8/17/96)**

1-7-11. D.A.R.E. Fund.

- A. A D.A.R.E. Expansion Grant Fund is hereby established in the office of the Delaware County auditor.
- B. Expenditures from such fund shall be use only for the Delaware County D.A.R.E. program by the Delaware County sheriff's department. No money shall be spent from the said fund without approval of the Delaware County council.  
**(Ordinance No. 1996-011, Council meeting, 8/17/96)**

1-7-12. Cumulative Building Fund.

- A. There is hereby created a non-reverting Cumulative Building Fund for said rental income, which amounts shall only be used to pay for demolition, repair and remodeling of Delaware County buildings.
- B. This ordinance is retroactive to January 1, 1995. No money shall be spent from this Cumulative Building Fund without the approval of the Delaware County council.  
**(Ordinance No. 1995-055, Council meeting, 11/11/95)**
- C. The County Auditor shall provide a list of all property acquired by the County under the tax sale statutes to the County Council at its meeting in December of each year.
- D. The County Auditor shall provide a report to the County Council of all funds received by the county for all property sold pursuant to IC 6-1.1-25-9. The report shall also state any and all costs of maintenance, preservation, administration of the property before the sale or offer for sale of the property, the unpaid costs of the sale or offering for sale of the property, preparation of the property for sale, advertising and appraisal. The report shall also be required to inform the County Council of the proceeds that were deposited in the County General Fund pursuant to IC 6-1.1-25-9 for the year.
- E. The Delaware County Council shall at its first regularly scheduled meeting, after its organizational meeting, appropriate from the general fund of Delaware County to the Delaware County Building Cumulative Fund as created in ordinance 1995-55 an amount of money equal to or greater than the total amount of proceeds deposited in the General Fund by the Delaware County Auditor from the sale of surplus real estate.
- F. No money shall be spent from the Cumulative Building Fund without the approval of the Delaware County Council.  
**(Ordinance No. 2003-016, 12/9/03).**

1-7-13. Consultants Donation Fund.

- A. The auditor will establish upon his/her books and records a special account hereinafter to be referred and known as Consultants Donation Fund and that any funds received from any public or private source designated for the purpose of payment of fees for services for a consultant as set out herein, be accepted and placed into said account.
- B. Any funds accepted and placed into said account shall be under the exclusive control of the council and shall be used only for that purpose designated and set forth herein.

Upon proper authorization and the submittal of appropriate documents and requests, the council shall from time to time as required and without further appropriation or action, pay said claims.  
**(Ordinance No. 1994-11, Council meeting, 6/28/94)**

1-7-14. Longevity Fund.

- A. A longevity fund account is hereby established within the auditor's office.
- B. The longevity account will receive payments of moneys appropriated by the county council for payment of longevity pay, to invest and reinvest those funds from their time of receipt until such moneys are paid to eligible employees, to accumulate earnings from such investments and to reinvest those earnings and to pay from the fund the longevity pay to eligible county employees in the manner and at the times as may be provided by ordinance of the county council.
- C. This shall be a non-reverting fund account and all investments made by the auditor of the funds held in this account shall be in conformity with the laws of the State of Indiana which govern the investment of public funds.
- D. This ordinance shall become effective on the 1st day of January 1997.  
**(Ordinance No. 1996-018, Council meeting, 9/6/96)**

1-7-15. Industrial Development Grant Fund.

- A. A Delaware County/State of Indiana Industrial Development Grant Fund is hereby established in the office of the Delaware County auditor wherein the proceeds of said grant in the sum of thirty-nine thousand dollars (\$39,000.00) are to be placed for use by the Delaware County commissioners.
- B. The county council shall appropriate the money contained within said fund for the purposes specified within the grant proposal.  
**(Ordinance No. 1996-031, Commissioners' meeting, 10/11/96)**

1-7-16. CPR Equipment Fund.

- A. The CPR Equipment Fund is hereby established in the office of the Delaware County auditor, into which proceeds of the grant from the Community Foundation of Muncie and Delaware County, Inc. in the sum of three thousand dollars (\$3,000.00) shall be placed for use by the Delaware County health department.

- B. Expenditures from such funds shall be used only to pay for the purchase and operation of CPR mannequins and related equipment. No money shall be spent from the said CPR Equipment Fund without approval and appropriation of the Delaware County council.  
**(Ordinance No. 1996-033, Council meeting, 10/11/96)**

1-7-17. Cumulative Capital Development Fund.

- A. There is hereby established a Cumulative Capital Development Fund under the authority of IC 8-16-3.
- B. The board of commissioners will adhere to the provisions of IC 36-9-14.5. The proposed fund will not exceed five cents (\$.05) on each one hundred dollars (\$100) of assessed valuation for a period not to exceed three (3) years. Said levy will be levied beginning with taxes payable in the year 1995.
- C. Proofs of publication of notice of the public hearing held on the 1st day of August, 1994, and a certified copy of this resolution submitted to the Indiana State Board of Tax Commissioners as provided by law. Said Cumulative Fund is subject to the approval of the Indiana State Board of Tax Commissioners.  
**(Resolution/Ordinance No. 1994-15-A, Commissioners' meeting, 8/1/94)**

1-7-18. Special Non-Reverting Property and Casualty Insurance Fund.

- A. There is hereby created a non-reverting fund for the county's partially self-funded property and casualty insurance fund, which fund shall be known as the Special Non-reverting Property and Casualty Insurance Fund.  
**(Ordinance No. 93-07, Commissioners' meeting, 1/25/93)**

1-7-19. Medical Care for Inmates Fund.

- A. Subject to the exceptions noted briefly below, a person confined in the Delaware County jail shall be required to make a co-payment in the sum of fifteen dollars (\$15.00) for each and every provision of medical care, dental care, eye care or any other health care related service, effective July 1, 2002.  
**(Ordinance No. 2002-021, Commissioners' meeting, 7/8/02).**
- B. Any money collected shall be deposited into the county medical care for inmates' fund.
- C. Rules for implementation of this ordinance may be proposed by the sheriff of Delaware County, and are subject to the approval of the county council.
- D. The exceptions per said statute are as follows:
  - 1. This ordinance does not apply to a person confined to the Delaware County jail who maintains a policy of insurance from a private company covering medical care, eye care, dental care and any other health care related services; or, an inmate who is willing to pay for his or her own medical care; or an inmate who is committed to the Indiana Department of Corrections;
  - 2. A person confined to the Delaware County jail is not required to make the co-payment as set forth above if: the person does not have funds in his or her commissary account or trust account at the time the service is provided; or, if the person does not have funds in his/her



commissary account or trust account within thirty (30) days after the service is provided; or, if the service is provided in an emergency; or, if the service is provided as a result of an injury received in the County jail; or, if the service is provided at the request of the sheriff or jail administrator.

**(Ordinance No. 1994-21, Commissioners' meeting, 8/8/94)**

1-7-20. Funds for Lease/Rental Payments.

- A. In the event that, during the term of the lease, EDIT revenues for any reason are insufficient to make lease rental payments, rather than utilizing the property tax back-up, the commissioners hereby commit the use of any other available funds that are not based upon property taxes, including but not limited to building funds, Build Indiana funds, and COIT revenues, to the extent permitted by law.
- B. The board of commissioners hereby commits such other funds as the primary source of back-up funds to secure the payment of lease rentals for the Juvenile Detention Center and Juvenile Facilities Building. This resolution shall commit and obligate the County to use such identified funds prior to the imposition of any property tax to meet required lease rental payments, and this resolution shall become a part of the documentation and transcript of the bond issue.
- C. This resolution shall continue in effect during the term of the lease for this project.  
**(Resolution No. 1996-004, Commissioners' meeting, 4/8/96)**

1-7-21. Coroner Cumulative Equipment Fund.

- A. There is hereby created a non-reverting Cumulative Equipment Fund to receive copy fees under 1-8-1. E. fee income. Said funds shall only be used to pay for the purchase and leasing of equipment for the Coroner and service and repair on the equipment of the Coroner.
- B. No money shall be spent from this Cumulative Building Fund without the approval of the Delaware County Council.  
**(Joint Ordinance No. 1996-013, Commissioners' meeting, 6/17/96 and Council meeting, 6/15/96)**

1-7-22. Plat Book Maintenance Account.

- A. There is hereby created a Plat Book Maintenance Account to receive fees collected for each property endorsement as set forth in 1-8-1.C.
- B. Such fees in this account shall remain in this account and accumulate from year to year.
- C. Expenditures from the Plat Book Maintenance Account may be made without appropriation, subject only to laws governing expenditure of funds, and only for the purpose of maintaining the plat books in the office of the auditor.  
**(Ordinance No. 1991-30, Commissioners' meeting, 7/6/91)**

1-7-23. Recorder's Perpetuation Fund.

- A. There is hereby created a Recorder's perpetuation Fund to receive fees collected for recording a document with the Office of the County Recorder.

- B. The fund shall receive fees as specified in 1-8-2.C.  
**(Ordinance No. 1995-034, Commissioners' meeting, 8/11/95)**

1-7-24. Data Processing Maintenance, Equipment and Supplies Account.

- A. There is hereby created a Data Processing Maintenance, Equipment and Supplies Account to receive user fees as authorized under 1-8-2.D.
- B. Such fees shall remain in this account and accumulate from year to year.
- C. Expenditures from the Data Processing Generated Maintenance, Equipment and Supplies account, may be made without appropriation subject only to the laws governing expenditure of funds, and only for the purpose of equipping, maintaining and supplying the Data Processing Department.  
**(Ordinance No. 1990-011, Commissioners' meeting, 11/6/89)**

1-7-25. Emergency Telephone System Fund.

- A. There is hereby created an Emergency Telephone System Fund, in accordance with IC 36-8-16-8.
- B. The county fiscal officer shall deposit the remitted fees authorized in this code in 1-8-2.E, in the fund and shall invest fund moneys in the same manner that other moneys are invested with the interest earned from such investment to be deposited in the fund.  
**(Ordinance No. 1988-, Council meeting, 6/18/88)**

1-7-26. Prosecutor's Service Charge Fund.

- A. There is hereby created a Prosecutor Service Charge Fund, in accordance with IC 35-43-5-5. All service charges for bad checks collected by the prosecutor's office are considered County General Fund Miscellaneous Revenue. The charges shall be remitted by the prosecutor's office on a monthly basis to the auditor.
- B. The fund shall receive monies as authorized by this code in 1-8-3.
- C. The county council may only appropriate monies on deposit in said fund for the purposes of the prosecutor's office, although such appropriations may be made for any purpose for which county monies lawfully may be appropriated to the prosecutor's office and need not necessarily be limited to directly attributable costs of the functions and services from which the changes derive.  
**(Ordinance No. 1995-018, Commissioners' meeting, 7/31/95; Ordinance No. 1995-018-A, Commissioners' meeting, 8/7/95)**

1-7-27. Corrections Fund.

- A. The Board of Commissioners of the County of Delaware hereby elect to receive deposits from the Department of Correction in accordance with IC 11-12-6.
- B. The Board of Commissioners of the County of Delaware hereby elect to receive such deposits at Level 3 funding.

- C. There is hereby created a "Delaware County Correction Fund" to be administered by the Delaware County Sheriff. The fund shall consist of deposits received from the Department of Correction in accordance with IC 11-12-6.
- D. The Delaware County Corrections Fund may be used only for funding the operation of the Delaware County Jail, Delaware County Jail programs, or other local correctional facilities. Any money remaining in the Delaware County Corrections Fund at the end of the year does not revert to any other fund but remains in the Delaware County Corrections Fund.  
**(Ordinance No. 1999-009, Commissioners' meeting, 2/1/99)**

1-7-28. Emergency Management Agency Donation/Gift Fund.

- A. The Board of Commissioners of Delaware County hereby elect to receive deposits from persons, firms and corporations as gifts and donations to the Delaware County Emergency Management Agency.
- B. The Auditor of Delaware County is hereby authorized to collect said funds and maintain them in an interest bearing account.
- C. That said funds shall be known as the Delaware County Emergency Management Agency Donation/Gift Fund.
- D. That said funds may be used and expended only by the Delaware County Emergency Management Agency, and any money remaining in the fund at the end of the year shall remain the property of the Delaware County Emergency Management Agency.
- E. That said funds may be expended at the request of the Director of the Delaware County Emergency Management Agency and as approved by the Board of Commissioners of Delaware County.  
**(Ordinance No. 2000-018, Commissioners' meeting, 7/17/00)**

1-7-29. County Prosecutor's Computer and Video Equipment Fund.

The Board of Commissioners hereby elects to receive deposits from the Indiana Criminal Justice Institute for purpose of purchasing computer and video equipment as outlined in the Federal Grant Award #99LB-033, for use by the Delaware County Prosecutor's office.

That the Auditor of Delaware County is hereby authorized to collect said funds and pay said funds to the vendors selected to supply said equipment for the Delaware County's Prosecutor's office.

That said funds shall be known as the Delaware County Prosecutor's Computer and Video Equipment Fund.

That said funds may be used only for the purchase of computer and video equipment as specified in the Federal Grant Award made under Grant Award #99LB-033.

That said funds shall consist of the sum of eleven thousand one hundred and eleven dollars (\$11,111.00) total, and that disbursement from said fund shall not exceed the sum of eleven thousand one hundred and eleven dollars (\$11,111.00).

**(Ordinance No. 2000-027, Commissioners' meeting, 11/13/00; Ordinance No. 2000-031, Council meeting, 11/28/00)**

1-7-30. Soil Conservation Technician Fund.

- A. The Board of Commissioners of Delaware County hereby elect to receive deposits from the Delaware County Soil and Water Conservation District for the purpose of hiring a person as a temporary part time Soil Conservation Technician.
- B. That the Auditor of Delaware County is hereby authorized to collect said funds and pay said funds to the Soil Conservation Technician at the rate of nine dollars and sixty cents (\$9.60) per hour, not to exceed thirty (30) hours per week.
- C. That said funds shall be known as the Soil Conservation Technician Fund.
- D. That said funds may be used only for the funding of a part time Soil Conservation Technician, and any money remaining in the fund at the end of the year shall revert to the Delaware County Soil and Water Conservation District.
- E. That said funds shall consist of the sum of five thousand dollars (\$5,000.00) and disbursement from said fund shall not exceed the sum of five thousand dollars (\$5,000.00) including any employer benefits that must be paid.

**(Ordinance No. 2000-017, Commissioners' meeting, 6/19/00)**

1-7-31. EMS Pension Supplement Plan Fund.

That, within the records of the County Auditor's office, there is now established an account designated as the Delaware County EMS Pension Supplement Plan Fund and that beginning on October 1, 2000, the Auditor is directed to place within said fund the amount of eleven dollars and no cents (\$11.00) from each user fee charged and collected by the County EMS for providing the following services:

- A. Basic Life Support
- B. Advanced Life Support

That, should further contributions to the County EMS Pension Supplement Plan Fund be made by EMS personnel, said contributions shall be automatically removed each pay period from their compensation by the Auditor without further approval from this body.

That contributions to the County EMS Pension Supplement Plan Fund made by Delaware County, as employer, shall automatically be provided by the Auditor without further approval from this body.

That payments made to the Pension Supplement Plan holder shall be automatically provided by the Auditor from the County EMS Pension Supplement Plan Fund, as required by the Pension Supplement Plan holder, without further approval from this body.

That there exists in the fund the excess sum of Six Hundred Twenty-five Thousand and 00/100 Dollars (\$625,000.00) which sum is not necessary for the purpose of funding the accounts. Such excess funds may be used in the discretion of the Commissioners, subject to appropriation by the County Council for purposes and activities to benefit the residents of Delaware County,

That should any portion of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.

**(Ordinance No. 2010-007A, Commissioners, 3/1/10) (Amended Ordinance No. 2007-003A, Commissioners, 6/18/07) (Amended Ordinance No. 2007-003, Commissioners, 4/16/07) (Ordinance No. 2006-01, Commissioners, 2/6/06, Ordinance No. 2000-025, Council meeting, 10/24/00; amending Ordinance No. 2000-024, Council meeting, 9/26/00)**

1-7-31 A. EMS Medical Supply Fund.

1. That the County Council hereby adopts and approves of the Delaware County Commissioners Ordinance 2010-007A.
2. That to effectuate the changes and revisions under said ordinance, the amount of \$400,000.00 shall be transferred from the EMS Pension Supplement Fund 258 to the EMS Capital Improvement Fund 263.
3. That \$75,000.00 be transferred from the EMS Pension Supplement Fund 258 to the Delaware County EMS Medical Supplies Fund 322.
4. That said Delaware County EMS Medical Supplies Account shall be a non-reverting Fund and will not need Council approval to pay claims submitted.
5. That the account shall be used for the purpose of purchasing medical supplies.
6. That this Ordinance shall be effective when adopted.  
**(Ordinance No. 2010-018A, Council)**

1-7-31.2. EMS Ambulance Replacement Fund.

That, with in the records of the County Auditor's Office, there is now established an account designated as the EMS Ambulance Replacement Fund and that beginning thirty (30) days after adoption of this Ordinance the Auditor is directed to place within said fund the amount of Eleven dollars and no cents (\$11.00) from each run fee charged and collected by the County EMS for providing the following services:

- A. Basic Life Support
- B. Basic Life Support Emergency
- C. Advanced Life Support 1
- D. Advanced Life Support 1 Emergency
- E. Advanced Life Support 2
- F. Specialty Care Transport
- G. Treatment, Non Transport

1-7-31.2 A. Additional Participation in the Fund.

That, should further contributions to the EMS Ambulance Replacement Fund be made by other county EMS services, said contributions shall be automatically deposited into said fund by the Auditor without further approval from this body.

Any payments made from the EMS Ambulance Replacement Fund shall be appropriated by the County fiscal body. The participating EMS service shall enter into a written agreement with the County indicating that they desire to participate in the Ambulance Reimbursement Fund, will contribute the same amount per run as Delaware County EMS, days and length of service requirements as set forth in this ordinance and the use of the Ambulance after the participating service has discontinued its use of the Ambulance or gone out of service.

1-7-31.2 B. Receipt of Funds for Ambulance and Use of Ambulance.

The Albany EMS service, Eaton EMS service, Gaston EMS service and Daleville/Salem township EMS service may obtain money from this fund for the replacement of an ambulance or similar type vehicle to operate their service. Each identified and participating service shall have one representative along with a representative from Delaware County EMS which shall constitute an EMS Ambulance Council that reviews and recommends approval for each request for an ambulance. Any money that is requested from this fund shall be subject to appropriation by the County's fiscal body.

1-7-31.2 C. Participation Requirements.

Any EMS service that makes a request for money from the EMS Ambulance Replacement Fund shall be required to be "in service" for a total of 365 days prior to the requested funds and shall remain "in service" for a period of 1,825 days after receiving said ambulance reimbursement funds. The failure of an EMS service to remain "in service" for all 1,825 days shall require that the funds received or the ambulance purchased to be removed from the EMS service and then provided to one of the other county EMS services that qualify. In the event that any EMS service shall obtain an ambulance pursuant to this fund and shall not remain in-service for the required time, then the non complying EMS service shall be required to present information to the EMS Ambulance Council created in this ordinance. Said council shall review the information provided and determine if the EMS service shall retain the ambulance provided.

All ambulances purchased from the proceeds of this fund shall be titled in the name of "Delaware County" and then shall be leased to the participating agency for a nominal amount per year. At the end of the useful life of the ambulance, the participating agency shall determine if they want to purchase the ambulance for continued use at its fair market value or obtain another ambulance. The "useful life" of an ambulance shall be considered to be no more than ten (10) years. Any proceeds received from the sale of any ambulance to a participating service shall be deposited into the EMS Ambulance Replacement Fund.

1-7-31.2 D. Ambulance Turn Over after Useful Life.

Any participating and identified service that is eligible may qualify to participate in the EMS Ambulance Reimbursement Fund that does not want to keep an ambulance after its useful life said ambulance shall be turned over to Delaware County EMS for the sum of \$1 to be used in its service. In the event that the Delaware County EMS shall not desire to use said ambulance, said ambulance shall be sold as county surplus material and the proceeds deposited into the EMS Ambulance Replacement Fund.

**(Ordinance No. 2006-01, Commissioners, 2/6/06)**

1-7-32. Electronic Map Generation Fund.

- A. The Electronic Map Generation fund is hereby established which shall consist of Electronic Map Maintenance and Processing Fees collected by Delaware County Offices on behalf of the Delaware County Geographic Information Systems Management Committee. The Electronic Map Generation Fund shall be a dedicated fund administered by the Delaware County Geographic Information Systems Management Committee, for the Board of Commissioners of Delaware County, Indiana with the following purposes:
1. The maintenance, upgrading and enhancement of GIS mapping and data, hardware, software, and other activities deemed beneficial to the development of a Countywide Geographic Information System.
  2. A depository for funds transferred from other public sources and donated by other private entities and utilities
- B. That payment for information under this ordinance 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 request. Any person who fails to pay the charges shall be liable for the charges, attorney's fees, and costs of collection.
- C. Pursuant to the provisions of the IC 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 the any department or office in the County to any other person, partnership or corporation. In addition, any person who receives an electronic map and its attribute data from the County shall not be permitted to use any mailing lists, addresses, or databases, for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person. No person or entity shall be entitled to obtain a copy of Delaware County GIS Mapping or any portion thereof for use for any purpose other than Noncommercial purposes until such time as such person or entity has paid all applicable Electronic Map Inspection or Copying Fees and has entered into a copyright licensing agreement with the Delaware County Geographic Information Systems Management Committee in the form hereto attached as Exhibit A. No person or entity shall be entitled to obtain a copy of Delaware County GIS Mapping or any portion thereof for use for Noncommercial Purposes until such time as such person or entity has paid all applicable Processing Fees and has entered into a copyright licensing agreement with the Delaware County Geographic Information Systems Management Committee in the form attached hereto as Exhibit A. Any person who violates the terms and conditions of this ordinance by failing to pay or violating the terms of this section, shall be guilty of an infraction and may be charged up to two thousand five hundred dollars (\$2,500.00). In the event there is a violation of this section, each violation shall be deemed a separate offense.  
**(Ordinance No. 1999-006, Council meeting, 2/23/99)**

1-7-33. Delaware County Police Department Local Law Enforcement Block Grant No. 16.592 FY 2000, 2000-LB-BX-1876.

The Delaware County Auditor shall establish upon the books and records on account referred to as the Delaware County Police Department Local Law Enforcement Block Grant No. 16.592 FY 2000, 2000-LB-BX-1876, and that upon proper application by the Delaware County Police Department and Delaware

County Commissioners and appropriation by the County Council, said funds be expended in the manner provided in said grant.

**(Ordinance No. 2001-001, Council Meeting, 4/24/01)**

1-7-34. Delaware County Police Department Bulletproof Vest Account.

The Delaware County Auditor shall establish upon the books and records an account referred to as the Delaware County Police Department Bulletproof Vest Partnership Grant Program #16-607 and that upon proper application by the Delaware County Police Department and Delaware County Commissioners and appropriation by the County Council, said funds be expended in the manner provided in said grant.

**(Ordinance No. 2001-005, Council Meeting, 6/26/01).**

1-7-35. Integrated Justice System Account.

The County Auditor shall establish upon the books and records an account referred to as the Delaware County/City of Muncie Integrated Justice System Mobile Data Project grant #2001CKWX0039, said funds be expended in the manner provided in said grant.

**(Ordinance No. 2001-015, Council Meeting, 8/28/01).**

1-7-36. Watershed Coordinator Fund.

- A. The Board of Commissioners of Delaware County hereby elect to receive deposits from the Delaware County Soil and Water Conservation District for the purpose of hiring a person as a full time Watershed Coordinator for the period of the grant.
- B. That the Auditor of Delaware County is hereby authorized to collect said funds and pay said funds to the Watershed Coordinator, not to exceed \$35,000.00 annually, and said benefits, not to exceed \$8334.00 annually, to be paid from the grant funds.
- C. That said funds shall be known as the Watershed Coordinator Fund.
- D. That said funds may be used only for the funding of a full time Watershed Coordinator, and any money remaining in that fund at the end of the year shall revert to the Delaware County Soil and Water Conservation District.
- E. That said funds consist of the sum of One-Hundred and Thirty Thousand Dollars (130,000.00), for the period of July 2001 through July 2004. Distribution from said funds shall not exceed the sum of One-Hundred and Thirty Thousand Dollars (130,000.00), including any employer benefits that must be paid.

**(Ordinance No. 2001-019, Commissioner's Meeting, 10/15/01).**

1-7-37. Quality Housing Development Fund.

- A. The Board of Commissioners of Delaware County hereby elect to receive deposits from the Indiana Housing Finance Authority.
- B. That the Auditor of Delaware County is hereby authorized to collect said funds and pay said funds to the Quality Housing Development, Inc.



- C. That said funds may be used only to address conditions related to Housing needs in Delaware County, Indiana, pursuant to regulations of Indiana Housing Finance Authority and the United States Department of Housing and Urban Development.  
**(Ordinance No. 2001-023, Commissioner's meeting, 11/19/01).**

1-7-38. County Misdemeanant Fund.

Pursuant to IC 11-12-6-6, there is hereby created the County Misdemeanant Fund for the payment and deposit of monies.

**(Resolution No. 2003-015, Commissioners' meeting).**

1-7-39. Pass-Through Grant Money Fund.

There is hereby created a fund called the Pass-Through Grant Money Fund for the purpose of depositing and paying grant monies received by County Departments that do not need Council approval.

**(Resolution 2003-019, Council meeting 12/9/03).**

1-7-40. Rainy Day Fund.

- A. There is hereby established a rainy day fund to receive transfers of all unused and all unencumbered funds under:
1. Funds raised by general or special tax levies pursuant to IC § 36-1-8-5;
  2. County adjusted gross tax pursuant to IC § 6-3.5-1.1-21.1;
  3. County option income tax pursuant to IC § 6-3.5-6-17.3; and
  4. County economic development income tax pursuant to IC § 6-3.5-7-17.3.
- B. The County Council may transfer not more than ten percent (10%) of the County's annual budget for each fiscal year to the rainy day fund.
- C. The purposed use of the rainy day fund is for payment of any of the following expenditures as follows:
1. The purchase of furniture and fixtures for county facilities and offices, or
  2. Maintenance or construction of any buildings or improvements owned by the County, or
  3. The operation and control of animals.
  4. Unexpected acts of nature or acts of God.  
**(Mending Ordinance No. 2005-013, Commissioners, 6/28/05)**
  5. The purchase of state mandated hardware and software so long as said purchases do not exceed 25% of the then current fund balance.  
**(Mending Ordinance No. 2008-031, Commissioners)**
- D. No more than Twenty five percent (25%) of the total balance of the fund may be used for any single category of appropriations. The "balance of the fund" is defined as the total amount in the Rainy Day Fund as of January 1 of each year. Therefore, no more than Twenty five percent (25%) of the total balance of the fund may be used for any single category described in section C, subparagraphs 1 through 3 or as amended by the County Council.
- E. Expenditures from the rainy day fund are subject to the same appropriation process as other funds that receive tax money.

- F. Any request for appropriation of money to be paid from the Rainy Day Fund shall be submitted to the County Council for review and a determination if said request for appropriation meets the criteria of this ordinance. If the County Council determines that the appropriation meets the intent of this ordinance, the request for appropriation from the Rainy Day Fund shall then be sent to the Finance Committee for review and recommendation to the full County Council as to the appropriateness of the funding request.
- G. After the funding request has been reviewed and issued a recommendation by the Finance Committee, the County Council shall then determine whether the funding appropriation shall be approved.
- H. Before making an appropriation from the Rainy Day Fund, the Delaware County Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund which is to use the funds to benefit the County Council.
- I. The County Council may use only the funding sources specified in this Ordinance to fund the Rainy Day Fund unless the Council adopts a subsequent Ordinance authorizing the use of another funding source to fund the Rainy Day Fund.
- J. This Ordinance shall be effective ten (10) days after publication.  
**(Ordinance No. 2004-001, Council meeting 2/24/04).**
  - 1. That Ordinance No. 2009-42 is hereby amended by the addition of paragraph 3(g) to read as follows:
    - a. A one-time payment to the Delaware County Sheriff Department's Pension Trust Fund.
  - 2. This Ordinance shall be effective upon its passage by the County Council, in accordance with procedures as required by law.  
**(Ordinance Mending 2010-28, Rainy Day Ordinance 2009-42, Council, 9/28/10)**
  - 3. Funding, that will be reimbursed by the Economic Development Administration and Indiana Economic Development Corporation, to pay for the cost of the rail spur economic development project.  
**(Mending Ordinance No. 2010-041, Council, 11/23/10)**
- 1. That Ordinance No 2009-042 is hereby amended by the addition of paragraph 3 (g) to read as follows:
  - a. "A one-time payment to the Delaware County Reassessment fund."
- 2. This Ordinance shall be effective upon its passage by the County Council, in accordance with procedures as required by law.  
**(Ordinance Amending Rainy Day Ordinance No. 2011-005, Council, 3/8/11)**

1-7-41. Delaware County Health Department Unemployment Compensation Fund.

- 1. The Auditor of Delaware County shall create a special fund known as the Delaware County Health Department Unemployment Compensation Fund.

2. The Delaware County Health Department shall deposit commencing on passage of this Ordinance any and all management fees as received from the Indiana State Department of Health pursuant to its contracts.
3. Said funds shall be maintained in the account herein created and subject to appropriation by the Delaware County Council for unemployment compensation claims that arise as a result the Delaware County Health Department's involvement with the Indiana State Department of Health contracts.
4. That said funds shall remain in this account until such time as the Indiana State Department of Health and the Delaware County Health Department chooses to terminate its contractual relationship and a proper and appropriate period of time has expired for potential unemployment claims to be filed against Delaware County. The Health Department shall then place said funds in the "Health Fund" for use.

**(Ordinance No. 2004-005, Council meeting, 5/25/04)**

1-7-41 A. Creating a Public Health Vaccine Fund.

1. The Delaware County Auditor shall take the funds currently held under Ordinance No. 2004-005 and deposit them in the "public Health Vaccine Fund" which fund is hereby established.
2. That said fund shall be used to purchase vaccines for the public.
3. That nay donations collected shall be placed in said fund to be used for the purchase of vaccines.

**(Ordinance No. 2010-002, first reading 1/26/10, Council, 2/23/10)**

1-7-42. Delaware County Sheriff Block Grant, 2004-LB-BX-1300.

1. The Delaware County Auditor shall establish upon her books and records an account hereinafter referred to as the Delaware County Sheriff Block Grant, 2004-LB-BX-1300.
2. That upon roper application by the Delaware County Sheriff's Office and Delaware County Commissioners and appropriation by the County Council, said funds be expended in the manner consistent in said grant.

**(Ordinance No. 2004-012, Council meeting, 9/28/04)**

1-7-43. County Assessor Copy Fund.

1. The Delaware County Auditor shall create a new fund entitled "County Assessor Copy Fund".
2. The Delaware County Auditor shall deposit all monies received form the County Assessor into that fund from the date of the enactment of the original ordinance.
3. The County Assessor shall be permitted to withdraw funds from the afore described fund for the purpose of the cost of making copies, maintenance and purchase of equipment to make copies and the necessary and related expenses therein.

**(Ordinance No. 2004-018, Council meeting, 11/23/04)**

1-7-44. Delaware County Economic Development Revolving Fund.

1. The Board of Commissioners hereby establishes the Fund pursuant to Indiana Code 5-1-14-14(b), which Fund shall be funded from EDIT Revenues in amounts to be approved by the Board of Commissioners from time to time in accordance with law.
2. The fund shall be initially funded with EDIT Revenues in an amount up to Five Hundred Thousand Dollars (\$500,000), with the final amount to be finally determined by the Board of Commissioners pursuant to this Section 2. The Auditor of the County is hereby directed to cause to be transferred from the County's Economic Development Income Tax Fund to the Fund, within three (3) business days of a written request executed by a majority of the Board of Commissioners, the amount designated in such request; provided, however, that the combined amount of such transfers shall not exceed Five Hundred Thousand Dollars (\$500,000).
3. Notwithstanding anything herein to the contrary, monies may not be loaned from the Fund unless the use of such EDIT Revenues has been included in the economic development income tax capital improvement plan of the County pursuant to Indiana Code 6-3.5-7 and are otherwise legally available and appropriated for such purposes.
4. The Board of Commissioners hereby authorizes the loan in an amount not to exceed Five Hundred Thousand Dollars (\$500,000) to the Borrower, subject to the County Council making prior findings that such loan will be used by the Borrower for one or more of the economic development purposes set forth in the Act.
5. Upon the County Council making the findings as described in Section 4 hereof, the Board of Commissioners may make one or more loans to the Borrower in a combined amount not to exceed Five Hundred Thousand Dollars (\$500,000) for purposes set forth in one or more loan agreement. Such loan or loans shall be evidenced by one or more loan agreements between the County and the Borrower substantially in the form of the loan agreements attached hereto as Exhibit A, with such changes as may be approved by a majority of the Board of Commissioners, such approval to be conclusively evidenced by the execution of a loan agreement by a majority of the Board of Commissioners. The Board of Commissioners are hereby authorized to execute and the Auditor of the County is authorized to attest each loan agreement, subject to the terms and conditions of this Resolution.

The obligation of the Borrower to repay the loan or loans shall be evidenced by one or more promissory notes from the Borrower to the County substantially in the form of the promissory note attached hereto as Exhibit B, with such changes as may be approved by a majority of the Board of Commissioners, such approval to be conclusively evidenced by the execution of an acknowledgement of receipt of a promissory note by a majority of the Board of Commissioners. The promissory note or notes shall be in a combined principal amount equal to the combined principal amount borrowed by the Borrower under the loan agreement or loan agreements, shall bear interest at an interest rate of 0%, and shall have a repayment date not later than December 31, 2005.

6. The Board of Commissioners and the Auditor of the County are, and each of them is, hereby authorized and directed to take all such actions and to execute all such instruments, including, without limitation, each loan agreement, as are desirable to carry out the transactions contemplated by this Resolution, in such forms as the Board of Commissioners and the Auditor of the County executing the same shall deem proper, to be conclusively evidenced by the execution thereof.

7. This Resolution shall be in full force and effect from and after its adoption by the Board of Commissioners.

**(Resolution No.2005-005, Commissioner, 1/18/05)**

1-7-44 A. EDIT Project 35.

1. Set aside annual monies out of the Project 35 EDIT Funds to cover any shortages the Delaware County Fair Board/Exposition Center may have in their payments on its annual debt account for as long as any related Bond Issuance or Installment Loan is open.
2. This Resolution will remain in effect for as long as the related Bond Issuance or Installment Loan is open.

**(Resolution No. 2012-003, Commissioners)**

1-7-45. Delaware County Sheriff Bulletproof Vest Grant.

1. The above mentioned grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff Bulletproof Vest Grant Fund, Award #2003-LB-BX-1433.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, and appropriation by the County Council, said funds shall be expended in the manner consistent with said grant.

**(Ordinance No. 2005-026, Commissioners, 10/3/05)**

1-7-46. Delaware County Hazardous Material Clean-up and Clean-up Cost Reimbursement.

1. That there shall be created a non-reverting account by the Delaware County Auditor for the deposit of all monies collected under Ordinance No. 2005-10, entitled Delaware County Hazardous Material Clean-up and Clean-up Cost Reimbursement Ordinance.
2. Expenditures from said non-reverting account shall only be distributed for the following costs:
  - a. Reimbursement to the Delaware County Emergency Management Agency for any costs incurred by them in responding to and/or taking action in response to hazardous material release.
  - b. Reimbursement to a response agency for any cost associated with responding to and/or taking action in responding to a hazardous material release.
  - c. Reimbursement to the Delaware County Emergency Management Agency, LEPC CEC or response agency, including attorney fees, incurred to maintain an action against a responsible person in connection for a hazardous material release that caused the costs to be incurred.
  - d. Replacement of any material supplied by, provide by, or used by a response agency in response to a release of hazardous material.

**(Ordinance No. 2005-020, Commissioners, 7/5/05)**

1-7-47. Delaware County Sheriff 2005 Local Law Enforcement Block Grant.

1. The Delaware County Sheriff 2005 Local Law Enforcement Block Grant shall be accepted.

2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff 2005 Local Law Enforcement Block Grant.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, and appropriation by the County Council, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-003, Commissioners, 2/21/06)**

1-7-48. Delaware County General Obligation Bond 2004 Proceeds.

1. There is established a fund entitled "Delaware County General Obligation Bond 2004 Proceeds" and given a fund number of 403.
2. Any and all proceeds received from the sale of the bonds and their subsequent draw shall be deposited in said fund.
3. Any and all amounts paid for the E 911 Center radio equipment and telephones shall be deducted from the amounts in said fund.  
**(Ordinance No. 2006-006, Commissioners, 2/21/06)**

1-7-49. Delaware County Emergency Management 2005 Law Enforcement Terrorism Prevention Program.

1. The above mentioned grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Emergency Management 2005 Law Enforcement Terrorism Prevention Program.
3. That upon proper application by the Delaware County Emergency Management Agency and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-013, Commissioners, 7/3/06)**

1-7-50. Delaware County Emergency Management 2005 State Homeland Security Program.

1. The above mentioned grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Emergency Management 2005 State Homeland Security Program.
3. That upon proper application by the Delaware County Emergency Management Agency and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-014, Commissioners, 7/3/06)**

1-7-51. Delaware County Emergency Management 2004 Law Enforcement Terrorism Prevention Program Border Grant.

1. The above mentioned grant shall be accepted.

2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Emergency Management 2004 Law Enforcement Terrorism Prevention Program Border Grant.
3. That upon proper application by the Delaware County Emergency Management Agency and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-015, Commissioners, 7/3/06)**

1-7-52. Delaware County Emergency Management 2004 Community Emergency Response Team Program.

1. The above mentioned grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Emergency Management 2004 Community Emergency Response Team Program.
3. That upon proper application by the Delaware County Emergency Management Agency and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-024, Commissioners, 7/3/06)**

1-7-53. Delaware County Emergency Management 2004 State Homeland Security Program Computer Grant.

1. The above mentioned grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Emergency Management 2004 State Homeland Security Program Computer Grant.
3. That upon proper application by the Delaware County Emergency Management Agency and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-025, Commissioners, 11/6/06)**

1-7-54. Industrial Redevelopment Fund.

1. An Industrial Redevelopment Fund shall be used by the Delaware County Advisory Commission on Industrial Development (CReED Board) and the Delaware County Auditor's office is hereby authorized to see that said fund is established and account for said fund as they do for all other Delaware County accounts and funds.
2. Once created, the Industrial Redevelopment Fund shall be used by the Delaware County Advisory Commission on Industrial Development (CReED Board) to create opportunities for new jobs and investment in the CReED District in accordance with all applicable laws, ordinances and statutes that regulate same.  
**(Ordinance No. 2006-026, Commissioners, 11/20/06)**

1-7-55. Delaware County Sheriff's G.R.E.A.T. Grant Fund.

1. The Delaware County Sheriff's G.R.E.A.T. Grant shall be accepted.

2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's G.R.E.A.T. Grant Fund, Award #2006-JV-FX-0128.
3. That upon proper application by the Delaware County Sheriff's Office, and Delaware County Commissioners, and appropriation by the Delaware County Council, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2006-030, Commissioners, 12/4/06)**

1-7-56. Tower Space for Wireless Voice and Data Communications Account.

1. There shall be created a non-reverting account by the Delaware County Auditor's office for the deposit of all monies collected under lease agreement that provide tower space for wireless voice and data communication.
2. Expenditures from non-reverting account shall only be distributed for the maintenance of the site, tower, and related equipment at 2550 South Sampson Avenue, Muncie, Indiana.  
**(Ordinance No. 2006-016, Commissioners, 7/3/06, mending Ordinance No. 2006-016A, Commissioners, 9/5/06)**

1-7-57. Delaware County Sheriff's 2006 Technology/MDT Grant Fund.

1. The Delaware County Sheriff's 2006 Technology/MDT Grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's 2006 Technology/MDT Grant Fund, Award # 2006CKWX0304.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant and are exempt from needing appropriation.  
**(Ordinance No. 2009-014A, mending Ordinance No. 2007-004, Commissioners, 4/20/09)  
(Ordinance No. 2007-004, Commissioners, 3/3/07)**

1-7-58. Delaware County Sheriff's 2006 Technology/Radio Grant Fund.

1. The Delaware County Sheriff's 2006 Technology/Radio Grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's 2006 Technology/Radio Grant Fund, Award # 2006CKWX0759.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, said funds shall be expended in the manner consistent with said grant and are exempt from needing appropriation.  
**(Ordinance No. 2009-013A, mending Ordinance No. 2007-005, Commissioners, 4/20/09)  
(Ordinance No. 2007-005, Commissioners, 3/3/07)**

1-7-59. Delaware County Sheriff's 2006 J.A.G. Grant Fund.

1. The Delaware County Sheriff's 2006 J.A.G. Grant shall be accepted.



2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's 2006 J.A.G. Grant Fund, Award # 2006-DJ-BX-1111.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, and the appropriation by the Delaware County Council, said funds shall be expended in the manner consistent with said grant.  
**(Ordinance No. 2007-006, Commissioners, 3/3/07)**

1-7-60. Delaware County Emergency Management Department Grant Fund.

The Auditor shall establish three (3) new funds for the following:

*2006 DHS Exercise Grant*

*2006 Homeland Security Grant*

*FEMA Hazard Mitigation Plan Grant*

And shall issue budget fund numbers with respect to these funds.

**(Ordinance No. 2007-024, suspended, Commissioners, 10/1/07)**

1-7-61. Delaware County Emergency Management Department Grant Fund.

The Auditor shall establish two (2) funds, a FEMA Mitigation Grant Fund and a DHS 2006 Grant Fund, and shall issue a budget fund number with respect to these funds.

**(Resolution No. 2007-024, Commissioners, 8/20/07)**

1-7-62. Health Care Expenses.

The Auditor shall establish a non-reverting fund for Health Care Expenses.

This ordinance supersedes any prior ordinance in effect for the purpose of establishing such a grant.

**(Ordinance No. 2007-026, suspended, Commissioners, 10/1/07)**

1-7-63. Sex Offender Administration Fund.

That the Auditor shall set up a separate account as the Delaware County Sex Offender and Violent Offender Account for each deposit of such funds.

**(Resolution No. 2007-023, Commissioners, 8/20/07)**

1-7-64. Delaware County Sheriff's 2008 ABA Grant Fund.

1. The Delaware County Sheriff's 2008 ABA Grant Fund shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's 2008 ABA Grant Fund.

3. That upon proper application by the Delaware County Sheriff's Office, and Delaware County Commissioners, and appropriation by the Delaware County Council, the funds shall be expended in the manner consistent with the grant.  
**(Ordinance No. 2008-002, Commissioners' meeting, 1/28/008, rules suspended)**

1-7-65. Weed and Seed Fund.

The Weed and Seed Fund is created for the purpose of receiving money designated for the Weed and Seed project with Delaware County Community Corrections being the fiscal agent for this project.

Delaware County Community Corrections may expend the said fund, the costs incurred to implement the projects of the Weed and Seed proposal.

This fund shall be perpetual in nature and the funds are non-reverting at the years' end.  
**(Ordinance No. 2008-007, Commissioner meeting, 3/3/08)**

1-7-66. Delaware County Sheriff's 2007 J.A.G. Grant Fund, Award #2007-DJ-BX-1062.

1. The Delaware County Sheriff's 2007 J.A.G. Grant shall be accepted.
2. The Delaware County Auditor shall establish an account hereinafter referred to as the Delaware County Sheriff's 2007 J.A.G. Grant Fund, Award #2007-DJ-BX-1062.
3. That upon proper application by the Delaware County Sheriff's Office and Delaware County Commissioners, and appropriation by the Delaware County Council, said funds shall be expended in the manner consistent with said grant.

**(Ordinance No. 2008-006, Commissioners meeting, 3/3/08)**

1-7-67. 2007 Homeland Security Law Enforcement Terrorism Prevention Program Grant.

The Auditor shall establish a new fund for the 2007 Homeland Security Law Enforcement Terrorism Prevention Program Grant and shall issue a budget fund number with the respects to this fund.

**(Ordinance No. 2008-011, Suspended, Commissioners, 4/7/08).**

1-7-68. Delaware County Asset Forfeiture Fund.

1. There is hereby created the "Delaware County Asset Forfeiture Fund" hereinafter referred to as "the Fund". This non-reverting fund shall consist of deposits in the form of voluntarily surrendered assets and reimbursements of law enforcement costs (as defined in I.C. 34-6-2-73) and other law enforcement-related fees recovered by the Office of the Delaware County Prosecutor under I.C 34-24-1, I.C. 34-34-2, and/or Federal Adoptive Forfeiture and Equitable Sharing programs (as enumerated in I.C. 34-24-1-9), as generated from law enforcement activities of the Delaware County Drug Task Force. Any State forfeiture funds shall be handled in accordance with this ordinance.
2. The Fund shall be appointed on a yearly basis in accordance with I.C. 36-2-5-2.
3. The purpose for which funds may be expended are limited to:
  - a. Purchase of equipment and material to aid law enforcement within Delaware County.

- b. Training and education expenses for law enforcement officers.
  - c. Satisfaction of “matching funds” as required by State and Federal granting authorities for the operation of the Muncie-Delaware County Task Force.
  - d. Actual operating expenses of the Muncie-Delaware County Drug Task Force.
  - e. Attorney fees for the collection of these seized assets as directed by the Delaware County Prosecutor.
  - f. Expenses for the sale of seized assets pursuant to State statute.
  - g. Any other expenditures permitted by the U.S. Department of Justice under 21 U.S.C Sec. 81 *et seq.* and their Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.
4. All money to be disbursed under this Ordinance shall be disbursed subject to the prior written approval of the Delaware County Prosecutor, and the chiefs of the two law enforcement agencies which contribute the largest percentage of manpower to the Drug Task Force.
  5. Any money remaining in the Fund at the end of the year shall not revert to any other fund, but shall remain in the Asset Forfeiture Fund.  
**(Ordinance No. 2008-014, Commissioners, 5/19/08)**

1-7-69. Projector – District 6 Emergency Management Services

The Auditor shall establish a non-reverting fund for Emergency Management Services for the funds for the projector.

**(Ordinance No. 2008-016, Commissioners, 6/5/08)**

The Auditor shall establish a fund entitled the Indiana Homeland Security Foundation Grant, EDS# PSF1-8-96, and has issued a budget fund number of 328 with respects to these funds. Said funds are exempt from needing appropriation.

**(Mending Ordinance No. 2009-003A, Commissioners, 2/2/09)**

1-7-70. Health Department Grant for Childhood Obesity Fund.

The Auditor shall establish a non-reverting fund called the Childhood Obesity Fund for the deposit of these grant funds. Said Ordinance as amended exempts the Delaware County Council from appropriating money from the Childhood Obesity Fund.

**(Mending Ordinance 2008-017A, Commissioners, 7/21/08; Ordinance No. 2008-017, Commissioners, 6/2/08)**

1-7-71. Pandemic Preparedness Project Fund.

The Auditor shall establish a non-reverting fund called the Pandemic Preparedness Project Fund for the deposit of these funds.

**(Ordinance No. 2008-020, Commissioners, 7/7/08)**

1-7-72. 2006 Law Enforcement Terrorism Prevention Program Fund.

The Auditor shall establish a fund entitled the 2006 Law Enforcement Prevention Program, EDS# C44P-9-178A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2008-027, Commissioners, 10/20/08)**

1-7-73. 2007 Public Safety Interoperable Communications Grant Program

The Auditor shall establish a fund entitled the 2007 Public Safety Interoperable Communications Grant Program, EDS# C44P-9-258A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2008-028, Commissioners, 10/20/08)**

1-7-74. Sheriff's A.C.E. Grant.

The Auditor shall establish a fund entitled the 2008 Advanced Criminal Enforcement Initiative (A.C.E.), Grant 07-DJ-082 and shall issue a budget fund number with respects to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2008-032, Commissioners, 11/17/08)**

1-7-75. Court Improvement Program Grant.

The Auditor shall establish a non-reverting fund for the Court Improvement Program Grant.

**(Ordinance No. 2008-033, Commissioners, 12/1/08)**

1-7-76. Weed and Seed Sustainability Fund.

The Weed and Seed Sustainability Fund is created for the purpose of receiving money designated for the Weed and Seed project within Delaware County Community Correction being the fiscal agent for this project.

Delaware County Community Corrections may expend the said sustainability fund, the costs incurred to implement the projects of the Weed and Seed proposal.

This fund shall be perpetual in nature and the funds are non-reverting at the years' end.

**(Ordinance No. 2008-038, Commissioners, 12/15/08)**

1-7-77. Alternative Dispute Resolution Fund.

The Auditor shall establish a non-reverting fund for the Alternative Dispute Resolution proceeds, and that the proceeds, and that the proceeds from the extra filing fee costs with respect to domestic relations cases shall be paid into that fund and shall then be available for the Court system's Alternative Dispute Resolution program.

**(Ordinance No. 2008-039, Commissioners, 12/15/08)**

1-7-78. CAPTA Grant Monies.

The Auditor shall establish a non-reverting fund for the CAPTA grant funds.

**(Ordinance No. 2008-040, Commissioners, 12/15/08)**

1-7-79. Fund Number for 2008 Homeland Security Grant Program.

The Auditor shall establish a new fund for the *2008 Homeland Security Grant Program, C44P-9-574A* and shall issue a budget fund number with respects to this fund. Said fund is exempt from needing appropriation.

**(Ordinance No. 2009-006, Commissioners, 3/2/09)**

1-7-80. 2008 Hazardous Materials Emergency Preparedness Grant ESD#44P-9-601A.

The Auditor shall establish a non-reverting fund titled the 2008 Hazardous Materials Emergency Preparedness Gran/Ball State Exercise EDS#C44P-9-601A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Resolution No. 2009-006, Commissioners 4/20/09)**

1-7-81. Emergency Management for Money Regarding the Sprint Nextel Rebanding Project

The Auditor shall establish a non-reverting fund titled the Sprint Nextel Rebanding Project, and shall issue a budget fund number with respects to this fund. Money received from Sprint Nextel for the Sprint Nextel Rebanding Project shall be deposited into this non-reverting fund.

Said funds are exempt from needing appropriation by the County Council as the funds shall be limited to costs associated with the Reconfiguration and Rebanding of the public safety agencies within Delaware County. The costs shall include, but not limited to: Communication Equipment Reconfiguration Services; Administrative Costs of Delaware County EMA Staff, Muncie PD and other 800 MHz User agencies; Contract and Legal.

The funds shall only be used for the express purpose of paying for costs associated and related to the Sprint Nextel Rebanding Project and for no other purpose

**(Ordinance No. 2009-012, Commissioners, 5/4/09)**

1-7-82. 2007 Homeland Security State Wide Exercise.

The Auditor shall establish a non-reverting fund titled the 2007 Homeland Security State Wide Exercise EDS#C44P-9-464A in the amount of \$17, 400.00, and shall issues a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-020, Commissioners, 6/1/09)**

1-7-83. 2007 Homeland Security State Wide Exercise.

The Auditor shall establish a non-reverting fund titled the 2007 Homeland Security State Wide Exercise EDS#C44P-9-464A in the amount of \$17,400.00 and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Resolution No. 2009-020, Commissioners, 6/1/09)**

1-7-84. Sheriff's JAG Grant.

The Auditor shall establish a fund entitled the 2008 J.A.G. Grant "G" 2008-DJ-BX-0196 and shall issue a budget fund number with respects to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-021, Commissioners, 5/18/09)**

1-7-85. Establishing Sheriff's DTF Grant.

The Auditor of Delaware County shall establish a fund entitled the 2008 IICJI – DTF Grant 06-DJ-072 and shall issue a budget fund number with respects to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-022, Commissioners, 5/18/09)**

1-7-86. Homeland Security Grant Program/Ball State Exercise.

The Auditor shall establish a non-reverting fund titled the 2007 Homeland Security Grant/Ball State Exercise EDS#C44P-9-763A in the amount of \$12,500.00, and shall issue a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-023, Commissioners, 5/18/09)**

1-7-87. Emergency Management 2007 Homeland Security Grant.

The Auditor shall establish a non-reverting fund titled the 2007 Homeland Security Grant/District Planning Administrator #C44P-9-031A in the amount of \$36,220.00, and shall issue a budget fund number with respects to these funds. Said fund are exempt from needing appropriation

**(Ordinance No. 2009-029, Commissioners, 6/20/09)**

1-7-88. Emergency Management 2007 Law Enforcement Terrorism Prevention Fund.

The Auditor shall establish a non-reverting fund titled the 2007 Homeland Security Grant/Law Enforcement Terrorism Prevention Program EDS#C44P-9-756A in the amount of \$14,381.38, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-031, Commissioners, 9/8/09)**

1-7-89. Tobacco Settlement Fund.

The Auditor shall establish a fund entitled Tobacco Settlement Fund and has issued a budget fund number of \_\_\_\_\_ with respects to these funds and such funds are not reverting, further the expenditure of said funds shall not require appropriation by County Council.

**(Ordinance No. 2009-033, Commissioners, 9/8/09)**

1-7-90. H1N1 Influenza Fund.

The Auditor shall establish a fund entitled the H1N1 Influenza Fund and has issued a budget fund number of \_\_\_\_\_ with respects to these funds and such funds are not reverting, further the expenditures of said funds shall not require appropriation by County Council.

**(Ordinance No. 2009-034, Commissioners, 1/8/09)**

1-7-91. Edward Byrne Sheriff Grant.

The Auditor shall establish a fund titled the 2009 Recovery Act Equipment Program, Grant 2009-SB-B9-2257 and shall issue a budget fund number with respect to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2009-036, Commissioners, 10/19/09)**

1-7-92. 2007 Homeland Security Grant, EDS# C44P-9-196A.

That the Auditor shall establish a fund entitled the 2007 HOMELAND SECURITY GRANT, EDS# C44P-9-196A, and shall issue a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-002, Commissioners, Suspended rules, Introd 2/1/10, approved 2/1/10)**

1-7-93. 2009 Homeland Security Foundation Grant, EDS# PSF1-0-61.

That the Auditor shall establish a fund entitled the 2009 HOMELAND SECURITY FOUNDATION GRANT, EDS# PSF1-0-61, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-003, Commissioners, 2/16/10)**

1-7-94. Creating a public Health Vaccine Fund.

1. The Delaware County Auditor shall take the funds currently held under Ordinance No. 2004-005 and deposit them into the “public Health Vaccine Fund” which fund is hereby established.
2. That said Funds shall be used to purchase vaccines for the public.
3. That any donations collected shall be placed in said Fund a= to be used for the purchase of vaccines.

**(Ordinance No. 2010-004, Commissioners, 2/1/10)**

1-7-94.1 Amending 2010-004.

The purchase of immunization supplies and the cost of disposal of bio hazardous waste may and shall be paid from the Public Health Vaccine Fund.

**(Amending Ordinance No. 2011-016, Commissioners, 6/6/11)**

1-7-95. Ham Radio Grant.

That the Auditor shall establish a non-reverting fund titled the 2007 Homeland Security Grant/Ham Radio Enhancement/ #C44P-9-225A/ CFDA 97.073 in the amount of \$4,710.62, and shall issue a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-005, Commissioners, 2/16/10)**

1-7-96. 2007 Homeland Security EDS# C44P-0-241A.

That the Auditor shall establish a non-reverting fund titles the 2007 Homeland Security EDS #C44P-0-241A in the amount of \$44,000.00, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-010, Commissioners, 3/1/10)**

1-7-97. Sheriff DTF Grant.

That the Auditor shall establish a fund entitled the 2009 DTF Training Grant 09-SU-B9-0047 and shall issue a budget fund number with the respect to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-011, Commissioners, 3/15/10)**

1-7-98. EMS Medical Supply Fund.

The Commissioner of Delaware County establish a non-reverting fund from which to purchase Medical Supplies by way of the normal claims process established by the Delaware County Auditor's office and; \$14.00 from each user fee, charged and collected, by the County EMS be placed in said "Medical Supply Fund" in accordance to the same manner as the Capital Improvement Fund, the EMS Pension Fund, and the Ambulance Replacement Fund for the EMS Volunteer agencies and;

All other charges for EMS fees will continue unchanged and enforced as follows:

DCEMD Capital Improvement fund \$40.00  
DCEMS Ambulance replacement fund \$11.00  
DCEMS 457 Pension Fund \$11.00  
DCEMS Medical supplies fund \$14.00

That any and all Ordinances in conflict with the provisions of this ordinance is hereby repealed. That should any portion of this ordinance be declared unconstitutional or invalid the remainder of said ordinance shall continue in full force and effect.

**(Ordinance No. 2010-007A, Commissioners, 3/1/10)**

The County Council of Delaware County, State of Indiana, that:

1. That the County Council hereby adopts and approves of the Delaware County Commissioners Ordinance 2010-007A.
2. That to effectuate the changes and revisions under said ordinance, the amount of \$400,000.00 shall be transferred from Delaware County Emergency Medical Services 258 2585 00000 390 account to the EMS Capital Improvement Fund 263.
3. That \$75,000.00 be transferred from the Delaware County Emergency Medical Services 258 2585 00000 390 account to the Delaware County EMS Medical Supplies account.
4. That said Delaware County EMS Medical Supplies Account shall be a non-reverting account and will not need Council approval to pay claims submitted.
5. That the account shall be used for the purpose of purchasing medical supplies.
  - a. To pay the data and technology fees associated with the communication technology to be installed in the ambulances and used to enhance the communication between the vehicles and hospitals and communication center

**(Mending Ordinance No, 2011-018, Council, 5/24/11)**



6. That this Ordinance shall be effective when adopted.  
**(Ordinance No. 2010-018, Council, 5/25/10)**

1-7-98.1 Amending Ordinance 2010-018.

1. That Ordinance No. 2010-018 is hereby amended by the addition of paragraph 5(a) to read as follows:
  - a. To pay the data and technology fees associated with the communication technology to be installed in the ambulances and used to enhance the communication between the vehicles and hospitals and communication center.
2. This Ordinance shall be effective upon its passage by the County Council, in accordance with procedures as required by law.  
**(Ordinance Amending 2010-018 No. 2011-018, Council, 5/24/11)**

1-7-99. Establishing a Revolving Fund.

1. The Board of Commissioners hereby establishes the Fund pursuant to Indiana Code 5-1-14-14(b), which Fund shall be funded from Surplus Bond Proceeds in amounts to be approved by the Board of Commissioners from time to time in accordance with law.
2. The Fund shall be initially funded with Surplus Bond Proceeds in an amount up to Three Hundred Twenty-Five Thousand Dollars (\$325,000), with the final amount to be finally determined by the Board of Commissioners pursuant to this Section 2. The Auditor of the County is hereby directed to cause to be transferred from the Surplus Bond Proceeds to the Fund, upon receipt of a written request executed by a majority of the Board of Commissioners, the amount of money designated in such request; provided, however, that the combined amount of such transfers shall not exceed Three Hundred Twenty-Five Thousand Dollars (\$325,000).
3. Notwithstanding anything herein to the contrary, moneys may not be loaned from the Fund unless such Surplus Bond Proceeds are legally available and appropriated for such purposes.
4. The Board of Commissioners hereby authorizes the loan in an amount not to exceed Three Hundred Twenty-Five Thousand Dollars (\$325,000) to the Borrower, subject to the County Council making prior findings that such loan will be used by the Borrower for one or more of the economic development purposes set forth in this Act.
5. Upon the County Council making the findings as described in Section 4 hereof, the Board of Commissioners may make one or more loans to the Borrower in a combined amount not to exceed Three Hundred Twenty-Five Thousand Dollars (\$325,000) for purposes set forth in one or more loan agreements. Such loan or loans shall be evidenced by one or more loan agreements between the County and the Borrower substantially in the form of the loan agreement attached hereto as Exhibit A, with such changes as may be approved by a majority of the Board of Commissioners, such approval to be conclusively evidenced by the execution of a loan agreement by a majority of the Board of Commissioners. The Board of Commissioners are hereby authorized to execute and the Auditor of the County is authorized to attest each loan agreement, subject to the terms and conditions of this Resolution.

The obligation of the Borrower to repay the loan or loans shall be evidenced by one or more promissory notes from the Borrower to the County substantially in the form of the promissory note attached hereto as Exhibit B, with such changes as may be approved by a majority of the Board of Commissioners, such approval to be conclusively evidenced by the execution of an acknowledgment of receipt of a promissory note by a majority of the Board of Commissioners. The promissory note or notes shall be in a combined principal amount equal to the combined principal amount borrowed by the Borrower under the loan agreement or loan agreements, shall bear interest at an interest rate of 0%, and shall have a repayment date as set forth in said note.

6. The Board of Commissioners and the Auditor of the County are, and each of them is, hereby authorized and directed to take all such actions and to execute all such instruments, including, without limitation, each loan agreement, as are desirable to carry out the transactions contemplated by this Resolution, in such forms as the Board of Commissioners and the Auditor of the County executing the same shall deem proper, to be conclusively evidenced by the execution thereof.
7. This Resolution shall be in full force and effect from and after its adoption by the Board of Commissioners.  
**(Resolution No. 2010-011, Commissioners, 6/21/10)**

1-7-99 (A). Approving a Revolving Fund Loan.

1. The County Council hereby finds that the proposed loan by the Board of Commissioners to the Borrower will be used by the Borrower solely for the following economic development purposes: (1) promoting significant opportunities for the gainful employment of the County's residents; (2) attracting a major new business enterprise to the County; and (3) retaining or expanding a significant business enterprise in the County. In particular, the Borrower intends to apply the proceeds of the loan solely to building and remodeling activities, which are expected to create an additional 56 full-time jobs in the County with an average annual payroll per job of \$34,042.
2. This Resolution shall be in full force and effect from and after its adoption by the County Council.  
**(Resolution No. 2010-012, Council, 6/22/10)**

1-7-100. 2009 JAG Grant H 2009-DJ-BX-0101.

The Auditor shall establish a fund entitled the 2009 JAG Grant H 2009-DJ-BX-0101, and shall issue a budget fund number with respects to those funds. Said funds are exempt from needing appropriation.  
**(Ordinance No. 2010-017, Commissioners, 5/3/10)**

1-7-101. EPA Asthma Grant Fund.

The Auditor shall establish a fund entitled EPA Asthma Grant Fund and has issued a budget fund number of \_\_\_\_\_ with respects to these funds and such funds are non reverting, further the expenditure of said funds shall not require appropriation by County Council.  
**(Ordinance No. 2010-034, Commissioners, 11/1/10)**

1-7-102. ITPC Tobacco Minority Fund.

The Auditor shall establish a fund entitled ITPC Tobacco Minority Fund and has issued a budget und number of \_\_\_\_\_ with respects to these funds and such funds are non reverting, further the expenditures of said funds shall not require appropriation by County Council.

**(Ordinance No. 2010-035, Commissioners, 11/1/10)**

1-7-103. Delaware County Adult Drug Court Discretionary Grant Program Fund.

The Adult Drug Court Discretionary Grant Program Fund is created for the purpose of receiving money designated for the Drug Court and Delaware County Community Corrections being the agency administering the grant.

Delaware County Community Corrections may expand the said grant fund, the cost incurred to implement the project for the Drug Court Program.

This fund shall be perpetual in nature and the funds are non-reverting at the years' end.

**(Ordinance No. 2010-042, Commissioners, 12/6/10)**

1-7-104. 2010 Homeland Security Grant, PSF1-1-057.

The Auditor shall establish a fund entitled the 2010 Homeland Security Grant, PSF1-1-057, and shall issue a budget fund number with respect to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-043, Commissioners, 12/6/10)**

1-7-105. Sheriff's JAG Grant.

The Auditor shall establish a procedure for electronic fund transfers to county general for the 2010/2011 East Central Indiana Safe Streets Gang Task Force. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-044, Commissioners, 12/6/10)**

1-7-106. EMA Performance Grant.

The Auditor shall establish a fund entitled the 2010 Emergency Management Performance Grant, C44P-1-106A, and shall issue a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-045, Commissioners, 12/6/10)**

1-7-107. Grant NALBOH.

The Auditor shall establish a non-reverting fund called the NALBOH Fund for the deposit of these grant funds.

**(Ordinance No. 2011-003, Commissioners, 2/7/11)**

1-7-108. Delaware County Sheriff's 2010 J.A.G. Grant Fund.

The Auditor shall establish a fund entitled the 2010 J.A.G. Grant 'I' G2010-DJ-BX-0693 and shall issue a budget fund number with respect to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2011-006, Commissioner, 3/21/11)**

1-7-109. 2010 Homeland Security District Grant.

The Auditor shall establish a fund entitled the 2010 HOMELAND SECURITY DISTRICT GRANT, C44P-1-273A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2011-009, Commissioners, 4/4/11)**

1-7-110. 2010 Homeland Security Emergency Medical Services Grant.

The Auditor shall establish a fund entitle the 2010 HOMELAND SECURITY EMERGENCY MEDICAL SERVICES GRANT, C44P-1-278A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2011-010, Commissioners, 5/2/11)**

1-7-111. 2010 Homeland Security District Project Grant.

The Auditor shall establish a fund entitled the 2010 HOMELAND SECURITY DISTRICT PROJECT GRANT, C44P-2-020A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriations.

**(Ordinance No. 2011-022, Commissioners, 7/5/11)**

1-7-112. Prosecutor's Deferral Program Pretrial Diversion Program Funds.

Funds derived from the deferral program or the pretrial diversion program may be disbursed only for one (1) or more of the following purposes (IC33-39-8-5):

- 1) Personnel expenses related to the operation of the program
- 2) Special Training for:
  - a) A prosecuting attorney;
  - b) A deputy prosecuting attorney;
  - c) Support staff for a prosecuting attorney or deputy prosecuting attorney; or
  - d) A law enforcement officer
- 3) Employment of a deputy prosecutor or prosecutorial support staff
- 4) Victim assistance
- 5) Electronic legal research
- 6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies
- 7) Expenses of a criminal investigation and prosecution
- 8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
  - a) Substance abuse;
  - b) Child abuse;
  - c) Domestic violence;
  - d) Operating while intoxicated; and
  - e) Juvenile delinquency

- 9) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.  
**(Ordinance No. 2011-025, Commissioners, 8/15/11)**

1-7-113. Amendment to Ordinance 2006-001

Beginning August 1, 2011 that the only amount of money to be deposited into the four accounts each month will be as follows:

- Capital Improvements: \$16,000.00
- Ambulance Replacement: \$4,500.00
- 457 Fund: \$9,200.00
- Medical Supplies: \$12,500.00

The benefit is to place additional money into the general fund account to assist in the cost cutting expectations established due to less revenue generated by property taxes.

That should any portion of this ordinance be declared unconstitutional or invalid the remainder of said ordinance shall continue in full force and effect.

**(Ordinance No. 2011-026A, Commissioners, 8/15/11)**

1-7-114. Coordinating Council Grant Program

The Auditor shall establish a non-reverting fund titled the *County Juvenile Probation Positive Action Program* in the amount of \$3,625.00, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2011-028, Commissioners, 9/6/11)**

1-7-115. Delaware County Justice and Mental Health Collaboration Program Grant

The Justice and Mental Health Collaboration Program fund is created for the purpose of receiving money designated for the Delaware County Justice and Mental Health Collaboration Program with Delaware County Community Corrections being the fiscal agent for this program.

Delaware County Community Corrections may expend the said fund, the costs incurred to implement the Justice and Mental Health Collaboration Program.

This fund shall be perpetual in nature and the funds are not-reverting at the years' end.

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Delaware, Indiana.

**(Ordinance No. 2011-030, Commissioners, 9/19/11)**

1-7-116. Indiana Cancer Control Program (ICCP) Funds

The Auditor shall establish a fund entitled Indiana Cancer Control Program Fund and has issued a budget fund number of \_\_\_\_\_ with respect to these funds and such funds are non reverting, further the expenditure of said funds shall not require appropriation by County Council.

**(Ordinance No. 2011-034, Commissioners, 10/17/11)**

1-7-117. Creating a Delaware County Health Department (DCHD) Buildings Fund

The Auditor shall establish a fund entitled Health Department Buildings Fund and has issued a budget fund number of \_\_\_\_\_ with respect to these funds and such funds are non reverting, further the expenditure of said funds shall not require the appropriation by County Council.

**(Ordinance No. 2011-037, Commissioners, 11/21/11)**

1-7-118. 2011 EMA Performance Grant

The Auditor shall establish a fund entitled the 2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT, C44P-2-086A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2011-040, Commissioners, 12/5/11)**

1-7-119. Delaware County Sheriff's 2011 J.A.G. Grant

The Auditor shall establish a fund entitled the 2011 J.A.G. Grant 'J' 2011-DJ-BX-3230 and shall issue a budget fund number with respect to those funds. Said funds are exempt from needing appropriation.

1-7-120. Bioterrorism Preparedness and Response Funds

The Auditor shall establish a fund entitled Bioterrorism Preparedness and Response Fund and has issued a budget fund number of \_\_\_\_\_ with respects to these funds and such funds are non-reverting, further, since the grant budget is approved by the State of Indiana, the expenditures of said funds shall not require appropriation by County Council.

**(Ordinance No. 2012-001, Commissioners, 1/3/12)**

1-7-121. Re-entry Specialized Correctional Treatment Program Grant (RESPECT)

The Re-entry Specialized Correctional Treatment Program fund is created for the purpose of receiving money designated for the Re-entry Specialized Correctional Treatment Program with Delaware County Community Corrections being the fiscal agent for this program.

Delaware County Community Corrections may expand the said fund, the costs incurred to implement the Re-entry Specialized Correctional Treatment Program.

This fund shall be perpetual in nature and the funds are not-reverting at the years' end.

**(Ordinance No. 2012-002, Commissioners, 1/16/12)**

1-7-122. Delaware County Health Department (DCHD) Donation Funds

The Auditor shall establish a fund entitled DCHD Donation Fund and such funds are non reverting, further the expenditure of said funds shall not require the appropriation by County Council.

**(Ordinance No. 2012-003, Commissioners, 2/6/12)**

1-7-123. 2011 Homeland Security Project Grant

The Auditor shall establish a fund entitled the 2011 HOMELAND SECURITY PROJECT GRANT, C44P-2-246A, and shall issue a budget fund number with respect to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2012-004, Commissioners, 2/6/12)**

1-7-124. 2012 District 6 Administrator Agreement

The Auditor shall establish a fund entitled the 2012 DISTRICT 6 ADMINISTRATOR AGREEMENT, and shall issue a budget fund number with respects to these funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2012-005, Commissioners, 2/6/12)**

1-7-125. Emergency Communications Center Capital Improvement Fund

The auditor shall establish a fund entitled Delaware County Emergency Communications Center Capital Improvement Fund. Such funds are non reverting and further the expenditures of said funds shall not require the appropriation by County Council.

**(Ordinance No. 2012-009, Commissioners, 3/19/12)**

1-7-126. Seizures of Assets

Section 1. There is hereby created the Delaware County Sheriff Interdiction Revenue Account. This account shall receive deposits of funds derived from the seizure of assets by members of the Delaware County Sheriff's Office for violation of certain criminal statutes pursuant to Indiana Code 34-24-1.

Section 2. The method and procedure by which the Delaware County Sheriff's Office receives said funds, and the purposes for which those funds may be used by local law enforcement shall continue to be governed by Indiana Code 34-24-1 and any other applicable laws of the State of Indiana.

**(Ordinance No. 2012-012, Commissioners, 4/16/12)**

1-7-127. Elected Officials Training Fund

The Auditor shall establish a fund entitled Elected Officials Training Fund and issue a budget fund number with respects to these funds and such funds are non reverting.

**(Ordinance No. 2012-021A, Commissioners, 8/6/12)**

1-7-128. Delaware County Court Administrator Translator Services Grant Fund

There is hereby created the Delaware County Court Administrator Translator Services Grant Fund. This fund shall receive deposits of federal grant funds for the provision of in-court translator services.

**(Ordinance No. 2012-022, Commissioners, 7/16/12)**

1-7-129. Fallen Heroes Memorial Bridge Fund

There is hereby created the Delaware County Fallen Heroes Memorial Bridge Fund. The Auditor shall establish a fund entitled Delaware County Fallen Heroes Bridge Fund and issue a budget fund number with

respects to these funds.

**(Ordinance No. 2009-008, Commissioners, 3/2/09, Ordinance No. 2012-023A, Commissioners, 8/6/12)**

1-7-130. Circuit Court Translator Services Grant

That the Auditor shall establish a fund entitled Delaware County Circuit Court Translator Services Grant Fund and said Auditor has issued a budget fund number of \_\_\_\_\_ with respect to these funds and such funds are non-reverting. Further, since the grant budget is approved by the State of Indiana, the expenditure of said funds shall not require appropriation by Delaware County Council.

**(Ordinance No. 2012-025A, Commissioners, 9/17/12)**

1-7-131. 2012 JAG Grant

The Auditor shall establish a fund entitled the 2012 J.A.G. Grant “K” 2012-DJ-BX-0233 and shall issue a budget fund number with respect to those funds. Said funds are exempt from needing appropriation.

**(Ordinance No. 2013-001, Commissioners, 1/22/13)**



## CHAPTER 8

### FEES

#### 1-8-1. Copy Fees.

##### 1-8-1.A. Clerk.

The Clerk of Delaware County shall collect and charge the sum of ten cents (\$0.10) per page for each page to copy any document allowed to be copied under Indiana Law.

The Clerk of Delaware County shall collect and charge the sum of ten cents (\$0.10) per page for each page of a Chronological Case Summary (CCS).

The Clerk of Delaware County shall collect and charge the sum of ten cents (\$0.10) per page for each page of a child support history.

The Clerk of Delaware County shall collect and charge the sum of ten cents (\$0.10) per page for each page of election records.

**(Ordinance No. 1999-025, Commissioners' meeting, 9/9/99; supersedes Ordinance No. 1998-003, Commissioners' meeting, 1/26/98)**

##### 1-8-1-B. Election Board.

The Election Board shall collect and charge the sum of twenty-five cents (\$.25) per page to copy any document allowed to be copied under Indiana Law.

**(Ordinance No. 1998-008, Commissioners' meeting, 2/9/98)**

##### 1-8-1.C. Property Endorsement.

The Auditor of Delaware County may charge a fee in the amount of five dollars (\$5.00) for each property endorsement from said office. Such fees will be deposited in the Plat Book Maintenance Account established in this code at 1-7-22.

**(Ordinance No. 2001-011, Commissioners' meeting, 7/30/01; Amending Ordinance No. 1992-30, Commissioners' meeting 7/6/92).**

##### 1-8-1-D. Birth and Death Certificates.

The fee for a copy of a birth certificate shall be six dollars (\$6.00) payable to the Delaware County Health Department for its use and the fee for a death certificate shall be five dollars (\$5.00) for each certified copy. The Health Department shall be required to deposit one dollar (\$1.00) from each death certificate issued (whether it be the original or a copy) to the Coroner's Education Fund.

This ordinance shall be effective beginning July 1, 1995.

**(Ordinance No. 1995-020, Commissioners' meeting, 6/26/95)**

1-8-1.E. Coroner.

The Coroner shall charge for the reproduction and providing to the public of the records, reports and pictures of the Coroner the sum of one dollar (\$1.00) per each page so reproduced and provided and the sum of one dollar (\$1.00) for each picture so reproduced and provided.

**(Joint Ordinance No. 1996-013, Commissioners' meeting, 6/17/96 and Council meeting, 6/15/96)**

1-8-1.F. Film Processing.

The Recorder can collect a fee of thirty-five cents (\$.35) cents per linear foot for the services in preparation of processed film containing the Recorder's records.

**(Ordinance No. 1984-1-0, Commissioners' meeting, 1/3/83)**

1-8-1.G. Office of Board of Voter Registration.

The Office of Board of Voter Registration shall collect and charge the sum of ten cents (\$.10) per page to copy any document allowed to be copied under Indiana law.

**(Ordinance No. 1999-032, Council meeting, 12/14/99)**

1-8-1.H. Disc Charges.

A. Upon executing an approved contract with the Recorder's office governing the use of Images/Discs the same may be available to the public through the Office of the Recorder and will be charged at the sum of ten dollars (\$10.00) per disc.

B. That said discs will be available upon payment of the fee as aforesaid.

**(Ordinance No. 2000-020, Commissioners' meeting, 8/7/00)**

1-8-1-I. Electronic Map Generation Fees.

A. That the Electronic Map Maintenance Fee and Processing Fees for purchases of digital data are hereby established as follows:

1. An initial charge of ten dollars (\$10.00) per request as the minimum contribution toward the County's cost of hardware, software, collection and maintenance of the electronically stored data.
2. A charge of twenty-five dollars (\$25.00) per hour to partially compensate the County for labor costs, including benefits, overhead costs for storing and maintaining the data, and providing the data in the requested format, rounded to the nearest quarter hour.
3. A charge for the medium on which the data is supplied: one dollar (\$1.00) per floppy disk, three dollars (\$3.00) per CD-ROM.
4. Digital copies of vector/planimetric layers shall consist of charge of three cents (\$.03) per acre per each category of data. Pursuant to IC 5-14-3-8(k), the Electronic Map Maintenance fee shall be waived if inspection of the requested map layers is for non-commercial purposes. It shall be the sole discretion of the Delaware County

Geographic Information Systems Management Committee to determine which data layers may be purchased and which attribute fields will be included in the associated database on the accuracy, timeliness and sensitivity of the data. Purchasers may receive annual updates as follows:

- a. After the first year, any purchaser of data may receive updates of vector/planimetric layers for the same data initially purchased for an annual charge of thirty percent (30%) of the initial charge for the data and one hundred percent (100%) of the fees charges pursuant to paragraph (a) - (c) above. After payment of the annual fee, the purchaser may receive the data upon request, but no more frequently than once per year.
  - b. If the purchaser does not purchase annual updates during the next year, the right to purchase updates lapses until the purchaser pays the charges set out in the previous paragraph for each year the purchaser did not pay for updates, unless the purchaser elects to purchase the data for the charges set out in paragraphs (a) - (d) of this section.
  - c. In the event that the purchaser requests an update of an electronic map has not been updated during the previous year, the purchaser may receive updates of the same layers initially purchased for thirty percent (30%) of the initial charge for the data and one hundred percent (100%) of the fees pursuant to paragraphs (a) - (c) above once the electronic map has been updated.
5. Digital copies of the existing orthophotographic base shall consist of a charge of thirty-five dollars (\$35.00) for each full tile, 2400 feet by 2400 feet, and a charge of fifteen dollars (\$15.00) for those boundary tiles measuring less than 2400 x 2400 feet square. Orthophotos shall be delivered in a .TIFF format. A world file (.TFW) or AutoCAD exchange file (.dxf) grid shall be provided to correctly reference each image.
- B. That the Electronic Map Maintenance Fee and Processing Fees for purchases of hard-copy plots of Geographic Information System Data produced on laser, ink jet plotter or any other copiers are hereby established as follows:
1. For custom plots, a charge of five dollars (\$5.00) per plot plus an additional two dollars (\$2.00) per plot if a digital orthophoto is to be used as a backdrop. Posters, Maps and other final products produced by Delaware County Offices shall be three dollars (\$3.00).
  2. A charge for the medium on which the data is plotted:
    - a. Precut sheets printed on inkjet or LaserJet printer:
      - 1) 8 ½ x 11 \$1
      - 2) 8 ½ x 14 \$1
      - 3) 11 x 17 \$2.50
    - b. Inkjet Plotter costs printed at normal quality shall be based upon the length used, not the size of the original.

- |                  |                        |
|------------------|------------------------|
| 1) Film or Mylar | \$5 per linear foot    |
| 2) Coated Bond   | \$1.00 per linear foot |
| 3) Regular Bond  | \$.50 per linear foot  |

c. It shall be the sole discretion of the Delaware County Geographic Information System Management Committee to determine which data layers shall be made available for inclusion on hard copy plots.

**(Ordinance No. 1999-006, Council meeting, 2/23/99)**

1-8-1-J. Assessors.

1. Any person may inspect public records of the Assessor's Office of Delaware County that do not contain information that cannot be disclosed, during the regular business hours of Delaware County.
2. Any person desiring to obtain copies of public records from the Assessor's Office of Delaware County must request a copy of said public record. This request must identify with reasonable particularity the public record being requested.
3. If the Assessor's Office of Delaware County copies the requested records, the requester shall pay for said copies.
4. The copy fee for public records shall be the sum of twenty five (\$.25) cents per page for standard letter paper size (8" x 11").
5. The copy fee for public record other than standard letter sized paper shall be fifty (\$.50) cents per page.
6. This established copy fee schedule shall apply to all requesters of public records kept and maintained by the Assessor's Office of Delaware County, Indiana.

**(Ordinance No. 2004-003, Council meeting, 5/25/04)**

1-8-1-K. Real Property Endorsement Fee.

The Auditor of Delaware County, Indiana shall have the authority to collect a fee of Five Dollars (\$5.00) for each legal descriptions of each parcel contained in the deed for which the Auditor makes a real property endorsement. Such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books. All previous ordinances regarding endorsement fees are null and void.

**(Ordinance No. 2009-027A, Commissioners, 7/6/09)**

1-8-2. Application, Recording, Registration and User Fees.

1-8-2.A. Tax Sale Deed Fees.

Any and all parcels of real estate that are sold at tax sale shall include the additional sum of eighteen dollars (\$18.00) for a one (1) page deed, and two dollars (\$2.00) per page for each additional page, which sum is the actual costs incurred by the County in recording said Deeds at the time the purchasers obtain title to real estate in the tax sale.

**(Ordinance No. 1998-020, Commissioners' meeting, 6/22/98)**

### 1-8-2.B. Contractor Registration Fee.

All general contractors and skilled trades contractors shall submit an application to the County building commissioners. The initial fee for their registration will be twenty-five dollars (\$25.00) with an annual fee of fifteen dollars (\$15.00) thereafter. This will affect any general contractor or skilled tradesmen in business in the unincorporated areas of Delaware County and will require them to have a license.

**(Ordinance No. 1984-0-5, Commissioners' meeting, 1/23/84)**

### 1-8-2.C. Recorder's Office.

Pursuant to IC 36-2-7-10, the County Recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

A. The county recorder shall charge the following:

1. Six dollars (\$6.00) for the first page and two dollars (\$2.00) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.
2. Fifteen dollars (\$15.00) for the first page and five dollars (\$5.00) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8½) inches by fourteen (14) inches.
3. For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1.00) for marginal mortgage assignments or marginal mortgage releases.
4. One dollar (\$1.00) for each cross-reference of a recorded document.
5. One dollar (\$1.00) per page not larger than eight and one-half (8 ½) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2.00) per page that is larger than eight and one-half (8 ½) inches by fourteen (14) inches.
6. Five dollars (\$5.00) for acknowledging or certifying to a document.
7. Five dollars (\$5.00) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-1-1-10 or IC 36-2-12-11(e).
8. A fee in a amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

9. A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.
  10. A supplemental fee of three dollars (\$3.00) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.
- B. The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection A5, A8, A9, and A10 shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.
  - C. As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.
  - D. The county recorder shall post the fees set forth in subsection A in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.
  - E. The county recorder may not tax or collect any fee for:
    1. Recording an official bond of a public officer, a deputy, an appointee, or an employee; or
    2. Performing any service under any of the following:
      - IC 6-1.1-22-2(c).
      - IC 8-23-7.
      - IC 8-23-23.
      - IC 10-5-4-3.
      - IC 10-5-7-1(a).
      - IC 12-14-13.
      - IC 12-14-16.
  - F. The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.  
**(This supersedes Ordinance No. 1995-034, Commissioners' meeting, 8/11/95)**

1-8-2.D. Data Processing Fees.

- A. The Delaware County data processing department may charge such fees as may be from time to time determine as appropriate by the data processing board.
- B. All fees collected pursuant to this ordinance shall be deposited in a Data Processing Generated Maintenance, Equipment and Supplies account, created in this code at 1-7-24.  
**(Ordinance No. 1990-011, Commissioners' meeting, 11/6/89)**

1-8-2.E. 911 Fee.

1. In accordance with IC 36-8-16, a monthly fee per telephone access line will be collected by service supplier to pay for the lease, purchase or maintenance of enhanced emergency telephone equipment; including necessary computer hardware, software and data base provisioning and the rated associated with the services suppliers' enhanced emergency telephone system network services. This monthly surcharge will be applied to each subscriber's monthly telephone bill and will be determined by dividing the total monthly bill by the total number of subscribers in the area to be served except that, in accordance with IC 36-8-16-8, this surcharge shall not exceed three percent (3%) of the average monthly telephone access line charge in Delaware County.
2. Each service supplier that collects the enhanced emergency telephone system fee on behalf of the County is entitled to a three percent (3%) administrative fee as compensation for collecting the fees. The remaining amount of the fee collected during the calendar quarter shall be remitted to the fiscal officer of the County within ten (10) days after the last day of the quarter. At the same time the collection fees are remitted, the service supplier shall provide by the fiscal officer.

**(Exactly as written)**

3. The monthly surcharge to be charged and collected by Indiana Bell Telephone Company, Inc., or Ameritech from each subscriber line in Delaware County, being either serviced by Indiana Bell exchanges, Ameritech exchanges or GTE exchanges, be fixed at monthly rate of fifty-seven cents (\$.57) per subscriber line, and that said monthly surcharge commence to be collected effective with the billing in January, 2002, and each month thereafter. There is unanimous consent of the members of the Delaware County Council present to the passage of this ordinance on the same day and the same meeting at which this ordinance has been introduced and that the same shall remain in effect until otherwise changed, amended or rescinded by action of the Council. ( Ordinance No. 1991 amended to \$.53 July 28, 1992) **(Ordinance No. 2001-024 Amending Ordinance No. 1988-014, Council Meeting 7/28/92; Council meeting, 11/27/01).**

The County Council of Delaware County, Indiana, that it does increase the amount of the enhanced emergency telephone system fee charged on exchange access facilities used or located within the county from the current monthly charge of \$0.57 to \$0.98 effective the 26<sup>th</sup> day of April, 2011.

**(Ordinance No. 2011-011, Council, 4/26/11)**

4. During January of each year, each service supporter that is required to collect the fee for the County shall provide a delinquent fee report to the County fiscal officer. The report shall list the name, address and amount due for each service user who is two (2) or more months delinquent in paying the fee.
5. This ordinance will take effect eight (8) months before the completion of the Joint Communications Room which will be located in the new County Public Safety Complex. **(Ordinance No. 1988-, Council meeting, 6/28/88)**

#### 1-8-2.F. Other User Fees.

The various departments of County government may, where authorized by statute, charge a users fee for those services provided. That in order to charge said users fees, the requesting department must comply with the following:

1. Submit a list of the proposed fees to be charged to the Delaware County council at a regularly scheduled meeting.
2. Request that the auditor set up an account into which fees are paid as collected,
3. Submit to the council a proposal for the use of the said fees.
4. Post the schedule of fees in the particular office where the service is provided.  
The auditor shall establish and maintain an account for each such fund set up hereunder.  
**(Ordinance No. 1994-40, Delaware County Council passed 11/18/94)**

#### 1-8-3. Bad Check Fee.

- A. The office of the Delaware County prosecuting attorney shall impose a service charge for each unpaid and dishonored check processed by and through the above-referenced procedure, to be paid by the payor of such unpaid or dishonored check for which notice is sent pursuant to IC 35-43-5-5.
- B. Said service charge shall be in such an amount as the prosecuting attorney may stipulate and fix on a uniform basis [which charge may be a fixed dollar amount or a percentage of the value of the bad check, but which may not exceed the amount permitted under IC 35-43-5-5 (e)] to cover the costs of providing such services which said charge shall be reasonably related to the costs associated with exercising such regulatory power. Monies shall be handled according to provisions in this code at 1-7-26.
- C. When the Delaware County prosecuting attorney has implemented a bad check collection service authorized by this ordinance, he/she may establish and maintain a public funds checking account (trust account) into which he/she shall deposit the principal amount of any bad check which he/she collects from the issuer thereof on behalf of the payee or holder. Checks from such account may be written to the payee or holder of the bad check to whom the money is lawfully due without appropriation.  
**(Ordinance No. 1995-028, Commissioners' meeting, 7/31/95)**
- D. The Office of Delaware County Prosecutor may continue the bad check enforcement program established by Delaware County Ordinance No. 1995-028.
- E. The Delaware County Prosecutor may enter into agreements with appropriate commercial firms to perform the services of: (1) communicating with persons and firms in Delaware county which may be victims of bad check writers; (2) collecting information and reports from said victims; (3) receiving bad checks from said victims and the Prosecuting

Attorney; (4) communicating with the writers of said bad checks and offering said persons opportunities to avoid criminal prosecution by payment of restitution to victims, protest fees, administrative fees and education program fees and by completing educational programs, all to be established in a written agreement approved by the Prosecuting Attorney and the Board of



Commissioners; (5) transmittal of restitution to victims of bad checks; (6) maintaining records and accounting for all funds so collected and disbursed; (7) and conducting training and education programs for persons who have written such bad checks to avoid recidivism.

- F. The Agreement with such commercial firms may provide that fees collected from the writers of such bad checks shall be maintained and divided between such firms and Delaware County as shall from time-to-time be commercially and fiscally feasible in light of the desire of the parties that the taxpayers of Delaware County bear no cost of said program and that the program be self funding through fees collected from perpetrators.  
**(Ordinance No. 2001-002, Commissioner's Meeting 4/23/01; Amending Ordinance No. 1995-028).**

1-8-4. EMS Fees.

- A. The EMS shall charge Four Hundred Seventy-five Dollars (\$475.00) for basic life support services. (Hereinafter referred to as BLS rate).
- B. The EMS shall charge Four Hundred Ninety Dollars (\$490.00) for basic life support services emergency services. (Hereinafter referred to as BLS Emergency rate).
- The EMS shall charge Seven Hundred Dollars (\$700.00) for advanced life support services, 1. (Hereinafter referred to as ALS 1 rate).
- C. The EMS shall charge Seven Hundred Fifty Dollars (\$750.00) for advanced life support services 1 emergency, (hereinafter referred to as ALS 1 Emergency rate).
- D. The EMS shall charge Eight Hundred Dollars (\$800.00) for advanced life support services, 2. (hereinafter referred to as ALS 2)
- The EMS shall mileage for their service at the rate of Nine Dollars (\$9.00) per mile. (hereinafter referred to as Mileage rate).
- E. The EMS shall charge an hourly rate of Forty-five Dollars (\$45.00) an hour for waiting or "on call" time at events or activities. The EMS shall also charge a fee of Twenty-five Dollars (\$25.00) per hour for each additional medical personnel needed.
- F. The EMS shall charge Nine Hundred Fifty Dollars (\$950.00) for Specialty Care transportation.
- G. The EMS shall charge an additional twenty-five percent (25%) premium on all services rendered for those services requested from patients that reside out of Delaware County. The regular mileage rate shall apply to these out of county service calls. A "premium charge" shall be assessed for any transport of a patient to any health care facility outside of Delaware County EMS outside the boundaries of the county.
- H. If two patients are transported simultaneously; Delaware County EMS shall charge seventy-five percent (75%) of the base rate applicable to the level of care furnished to each patient. If three or more patients are transported simultaneously, Delaware County EMS shall charge sixty percent (60%) of the base rate applicable to the level of care furnished to each patient. Each patient shall pay their share of the mileage charge.

- I. The EMS shall charge each ALS treated patient with an intravenous therapy or injection that refuses transport to a health care facility the sum of Two Hundred Twenty-Five Dollars (\$225.00). (hereinafter referred to a Treatment, Non Transport.)

The Delaware County Board of Commissioners may waive EMS fees. The Delaware County Board of Commissioners' shall waive any EMS fees in any public meeting.

**(Ordinance No. 2006-01, Commissioners, 2/6/06, Ordinance No. 2000-023, Commissioners' meeting, 9/25/00; Ordinance No. 2000-021, Commissioners' meeting, 8/14/00; Ordinance No. 11-1994, Commissioners' passed, 8/15/94, Ordinance No. 1997-022 and 1997-022A, Commissioners' meeting, 7/14/97)**

1-8-5. Board of Health.

Delaware County Board of Health is hereby authorized to charge and collect the following fees as set forth herein:

Birth certificate (regular or wallet size)	\$10.00 each
Death certificate	\$7.00
Amendments to birth certificates	\$25.00
Paternity Affidavit	\$25.00
Septic Installer Registration	\$75.00
Well Permit: New	\$75.00
Well Permit: Repair	\$40.00
Tattoo Artist Permit	\$75.00
Tattoo Establishment Permit	\$300.00

**(Ordinance No. 2007-019, Commissioners, 9/17/07)**

1-8-5.1. Board of Health Permit Fees.

The Delaware County Board of Health is hereby authorized to charge and collect the following fees as set forth herein:

Vital Records	Birth Certificates	\$15.00
	Paternity Affidavit	\$30.00
	PA upon Marriage	\$30.00
	Affidavit to Amend Record	\$30.00
	Filing Home Birth	\$30.00
	Correction by Notification	\$10.00
	Death Certificates	\$12.00
	Genealogical Services	
	Name Search (per name)	\$5.00
	Uncertified Death Record Hard Copy	\$10.00
Food Safety	Food Establishment Plan Review	\$180.00
	Food Establishment	
	0 to 1000 sq. ft.	\$150.00
	1000 to 1999 sq. ft.	\$215.00
	2000 to 2999	\$280.00
	3000 to 4999	\$360.00
	5000 sp. Ft. and larger	\$430.00
	Temporary Food Establishment (per event)	\$70.00
Seasonal Temporary Food Establishment (less than 6 mths)	\$215.00	

	Mobile Food Establishment	\$140.00
	Commissary	\$100.00
	Bed and Breakfast	\$215.00
	Food Service Event Registration	\$35.00
	Catering Operation	\$140.00
	Farmer's Market Establishment (per market for at most 6 mths)	\$70.00
	Vending machine (each)	\$15.00
	Violation Repeat Inspection Fee	\$70.00
	Late Fee (After January 1 <sup>st</sup> of permit year)	\$100.00
	Re-open After Closing Fee	\$70.00
Onsite Sewage Systems	Residential	
	New or Replacement Onsite Permit Application	\$180.00
	New or Replacement Onsite Permit	\$70.00
	Repair Permit Application	\$70.00
	Repair Permit	\$70.00
	Multiple Final Inspection	\$70.00
	Violation Re-Inspection Fee	\$70.00
	Commercial	
	Permit Application	\$180.00
	Onsite Permit	\$70.00
	Multiple Final Inspection	\$70.00
	Violation Re-Inspection Fee	\$70.00
	Installer Registration	\$35.00
Water Well Program		
	Permit to Drill New or Replacement Well	\$100.00
	Well Repair Permit	\$100.00
Tattoo & Piercing Permits	Artist Permit	\$75.00
	Establishment Permit	\$300.00
Public & Semi-Public Swimming Pool	Plan Review	\$500.00
	Operation Permit	\$200.00
	Seasonal Permit	\$150.00
Trash Hauling Ordinance	Primary Truck	\$70.00
	Secondary Truck	\$35.00
Vaccines for Children (per injection)	Medicaid Insurance	Medicaid Maximum Level
	Under-Insured	Medicaid Maximum Level
	Un-insured	Medicaid Maximum Level
	Private Purchase	\$20.00 + cost of product rounded to nearest dollar
Adult & Travel Immunizations (per injection)		\$20.00 + cost of product rounded to nearest dollar
Duplicate Vaccination Record		\$5.00 per copy
Health Screening Services (per		\$15.00 + cost of screening materials

screening)		
Health Education Services		\$35.00 per hour + cost of materials

This ordinance shall be in full force and effect from and after its passage and publication.  
**(Ordinance No. 2011-021, Commissioners, 7/18/11)**

1-8-6. Sex Offenders and Violent Offenders.

Delaware County Commissioners hereby authorizes the Sheriff’s Department of Delaware County to charge an annual fee of Fifty and 00/100 Dollars (\$50.00) to each sex offender for registration with the Indiana Sex Offender And Violent Offender Registry and a one-time Five and 00/100 Dollar (\$5.00) fee for every change of address a sex offender registers with the Sheriff’s Department.

Ninety percent (90%) of the money obtained from these fees shall be deposited in the Sex Offender Administration Fund, and ten percent (10%) of the money obtained from these fees shall be transferred to the State for deposit in the Sex Offender Administration Fund.

**(Ordinance No. 2007-016, Commissioners, 8/6/07)**

1-8-7. Sheriff’s Office Fees.

The Delaware County Sheriff’s Office is hereby authorized to charge and collect the following fees as set forth herein and such fees shall be deposited into the Delaware County Sheriff’s Pension Fund # 222:

Accident/Crash Reports	\$ 8.00
Incident/Case Reports	\$ 0.35
Motor Checks	\$ 5.00
Fingerprinting services (excludes Jail booking)	\$ 10.00
Criminal History Checks	\$ 10.00
Notary Public Services	\$ 2.00
Lamination Services – per page	\$ 2.00
Facsimile Transmission Services	\$ 5.00
Crash/Crime Scene Video Copy	\$ 50.00
Crash/Crime Scene Photo CD	\$ 20.00
Crash/Crime Scene Photo Prints – per print	\$ 2.00
Out of County/State Paper Service – per service	\$ 60.00

Said funds are exempt from needing appropriation.

**(Ordinance No. 2010-026, Commissioners, 9/7/10)**

## CHAPTER 9

### HUMAN RESOURCES AND PERSONNEL

#### 1-9-1. Adoption of Personnel Policy Manual.

The board of commissioners of Delaware County hereby adopts the Personnel Policy Handbook, newly revised and adopted by reference herein, for all employees of the County and any office holder which adopts the same.

**(Ordinance No. 2002-023, Commissioners' meeting, 8/26/02).**

The County of Delaware, Indiana Board of Commissioners that the attached County of Delaware, Indiana Personnel Policies Handbook is hereby adopted this 7<sup>th</sup> day of January, 2008; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures.

**(Resolution No. 2008-002, Commissioners' meeting, 1/7/08).**

The chapters sections attached hereto (to incorporate FMLA changes) added to the County's Personnel Policies Handbook, shall be in full force and effect upon adoption.

**(Mending Ordinance No. 2008-13, Rules Suspended, Commissioners, 5/5/08)**

- The attached Personnel Policy Handbook is hereby adopted this 5<sup>th</sup> day of April, 2010; shall be in full force and effect upon adoption; and shall supersede and repeal existing oral or written personnel policies and procedures.
- The Personnel Policy Handbook shall be available electronically to all employees via Delaware County's internet site. Hardcopies shall be made available to employees upon request; however the electronic version on the internet shall serve as the official and most up-to-date version.
- All employees shall sign an acknowledgement form indicating their understanding of and intent to read and comply with the Personnel Policy Handbook.

**(Resolution No. 2010-007A, Commissioners, 4/5/10)**

#### 1-9-1.1 Amending the Delaware County Personnel Policy Handbook.

The following Section Revisions of the Delaware County Personnel Policy Handbook are hereby adopted this 15<sup>th</sup> day of November, 2010; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures in stated Sections.

##### **7.7 Security of Premises**

Delaware County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. However, effective July 1, 2010, Indiana Code 34-28-7 allows appropriately licensed employees to bring firearms and ammunition onto County property as long as the weapon and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County vehicles where firearms and ammunition are prohibited.

Employees of a penal facility (Delaware County Jail) and employees of a child caring institution or other County facilities listed in Indiana Code 34-28-7-2(a)(2) do not have these rights. Except for law enforcement officers authorized to carry firearms, employees working in these types of facilities shall not bring firearms or ammunition onto County property including in their personal vehicles.

Employees who intend to possess a firearm, ammunition, and the possession of other weapons in their personal vehicle while on County property shall complete a County Firearms Notification Form and submit a copy to the County Human Resources office before bringing the firearm, ammunition, or other weapon on County property.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

(page 74 of the *Delaware County Personnel Policy Handbook*)

## **7.10 Workplace Violence**

The safety and security of Delaware County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threat, physical attacks or property damage. These terms are defined as follows:

- "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- "Property damage" is intentional damage to property, which includes property owned or leases by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, possession of illegal firearms, weapons, and other dangerous hazardous devices or substances are strictly prohibited from the premises of the County without proper authorization as stated in Section 7.7 *Security of Premises* of this Personnel Policy Handbook.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business,

is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, FAX, electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of employment, and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their elected official/department head of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on county-owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order that lists County-owned or leased premises as a protected area is required to provide their elected official/department head with a copy of such order.

If an emergency exists, contact the police department at 911, and notify your supervisor. If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Commissioners.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

(Page 75 of the *Delaware County Personnel Policy Handbook*.)  
**(Resolution No. 2010-039, Commissioners, 11/15/10)**

#### 1-9-1.2 Amending Delaware County Personnel Policy Handbook.

The following Section Revisions of the Delaware County Personnel Policy Handbook are hereby adopted this 3<sup>rd</sup> day of October, 2011; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures in stated Sections.

##### **Section 5.1 Compensation**

Delaware County's compensation plan is based on the job classification system. The Delaware County Council adopts an annual salary ordinance establishing pay rates for all County positions, except as provided by law.

Elected officials shall be paid an annual salary as defined by the Delaware County Council in the Salary Ordinance annually and shall be paid according to the pay schedule as defined in the Salary Ordinance.

##### **Section 5.2 Direct Deposit**

Direct deposit is the required mode of distributing payroll to ensure timely deposits in employees' bank accounts. Employees' net pay shall be deposited into checking and/or savings accounts. Hard copies of the employee's pay slip are available each payday. Direct Deposit forms are available on

the intranet and in Human Resources. Please contact Payroll or Human Resources with questions regarding direct deposit or changes to employee bank accounts.

#### **Section 5.4 Emergency Closing**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a Delaware County work facility is officially closed by the County Commissioners for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to all full-time employees affected by the facility closing not otherwise covered by a Collective Bargaining agreement.

If an employee is required to work at a closed facility and is not otherwise covered by a Collective Bargaining Agreement, the employee shall be compensated at a rate of one and one-half (1 ½) times their normal rate of pay for all such hours worked. Employees covered by a Collective Bargaining Agreement shall be paid as defined in said contract. Such work must have prior approval by the County Commissioners.

Any employee who reports to work and their work facility is later closed due to an emergency after his/her arrival shall be paid for a full work day without being penalized by use of vacation or personal days or making up this time within the pay period. Employees covered by a Collective Bargaining Agreement shall be paid in accordance with said contract for the hours of closure. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as compensatory time, personal leave, vacation, or approved sick leave time (if applicable). If a part-time employee cannot report to work, time missed will be without pay.

#### **Section 5.8 Compensatory Time/Overtime Compensation**

##### ***Excerpt:***

##### **Calculation**

Non-exempt employees who work more than 32 but not more than 40 hours in a week are not entitled to compensatory time (comp time) or overtime compensation (overtime) by the Fair Labor Standards Act. Delaware County, however, makes it a policy to provide non-FLSA comp time off to non-exempt employees who work between thirty-two (32) and forty (40) hours per week at the rate of one hour per hour worked.

#### **Section 5.18 Work Hours**

**County Offices:** County offices generally operate on either an 8:00 a.m. to 5:00 p.m., Monday through Thursday schedule, or an 8:30 a.m. to 4:00 p.m. schedule, Monday through Friday (32.5 hours). Employees shall have a one (1) hour unpaid meal period each workday.

Each office in County office buildings should remain open each regular workday between posted hours with adequate personnel to serve the public.

**Other Offices/Departments:** Employees working under collective bargaining agreements shall have their workdays posted therein with a copy available in the Human Resources Department.

Work hours may be extended depending on the service needs of the public.



### **Section 6.1 Benefits Summary and Eligibility**

Eligible employees of Delaware County are provided a wide range of benefits. Some programs, such as Social Security, Worker's Compensation, and unemployment insurance, cover all employees in the manner prescribed by law. The benefits programs describe in this Handbook represent a major investment by Delaware County for its employees. The County periodically reviews its benefits programs and makes modifications when appropriate.

For purposes of the accrual of benefit time, one-day of benefit time for a thirty-two (32) hour-a-week employee equals eight (8) hours. One day of benefit time for a forty (40) hour-a-week employee equals eight (8) hours. Any adjustments in scheduled made by departments for whatever reason, which affect the length of an employee's workday, shall not affect the above stated accrual rate.

The information in this section provides summaries of the benefits provided. Employees should not rely on these summaries as creating any legal rights. Any rights employees may have under those benefits controlled by Plan Documents are created solely by the written document, which the Plan Sponsor has adopted and which employees may examine upon request. Any differences between the summary and the respective Plan Document are decided in favor of the Plan Document.

Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in the Personnel Policy Handbook. The Human Resources Department will identify the programs for which employees are eligible.

### **Section 6.3 Family and Medical Leave and Military Family Leave**

#### ***Excerpt:***

#### **Use of Paid and Unpaid Leave**

FMLA leave is unpaid leave. The employee shall use any accrued paid leave (such as sick leave, accrued vacation leave, personal leave, or compensatory time) for any part of the 12-week period of FMLA leave. An employee may elect to reserve use of up to five (5) vacation days. Any holiday that occurs during FMLA leave will be paid. With approval of the employee's elected official/department head, the employee may use accrued benefit leave prior to or after the FMLA leave.

### **Section 6.5 Holidays and Holiday Pay**

Each year the schedule of holidays shall be determined by the Delaware County Board of Commissioners.

Full-time employees shall receive regular pay for holidays. Part-time or temporary employees shall be compensated only for hours actually worked, if any, on a holiday.

Except for employees on a prior approved vacation or on sick leave due to emergency hospitalization, employees shall work the day before and the day after a holiday in order to be eligible for holiday pay. If a holiday occurs while an employee is on approved vacation, the holiday will not be charged against his or her vacation leave.

In years where there are no national, state, or local elections, employees will be required to work their regular schedule on the days that otherwise would have been reserved for the election.

### **Emergency/Law Enforcement Employees**

Employees who work in a department that maintains varied work schedules (e.g. law enforcement, emergency services, 24-hour operations, etc.), shall refer to applicable collective bargaining agreements for their department. Employees who do not fall within the scope of the collective bargaining agreement (non-union employees), shall defer to this Handbook for guidelines on Holidays and Holiday Pay.

### **Section 6.8 Life Insurance**

The County furnished a \$20,000 term life insurance policy to full-time employees. This benefit coverage becomes effective after sixty (60) days of full-time employment from the hire date and the County pays the total premium cost. The terms and conditions specified in the Plan Document govern coverage.

An employee's beneficiary is the person who receives the life insurance benefit if the employee dies. Each employee may select one or more person(s) as beneficiaries. To name a beneficiary or to change a beneficiary, contact Human Resources, or a copy of the beneficiary form may be downloaded from the County's intranet and submitted to Human Resources.

**(Resolution No. 2011-022a, Commissioners, 10/3/11)**

### **Section 6.15 Worker's Compensation Insurance**

It is the policy of Delaware County to take appropriate actions to bring employees back to work as soon as it is determined to be a medically sound decision. The program anticipates a job opportunity for employees while being rehabilitated to their normal jobs. The County believes it is important to aid an employee's rehabilitation by providing opportunities for returning to work at the earliest time possible. All job opportunity decisions, under this program, will be made in consultation with the appropriate medical authority.

The County will work to accommodate the employee's restrictions and provide work within these stated restrictions while they are in effect. Appropriate modified duty may not be available in the employee's regular job, department or regular work hours. The objective of the modified program is to match the restrictions with the most productive job available.

The County will not ask an employee to do any work outside of the medically prescribed restrictions. Employees on modified duty shall not attempt any work that exceeds their stated restrictions; doing so may result in disciplinary action.

When appropriate work is found for the employee within the medically prescribed restrictions, the employee is expected to cooperate with the transition back to work. This is the employee's responsibility under worker's compensation and failure to cooperate may jeopardize worker's compensation benefits.

### **Section 8.8 Electronic Communications Retention Policy**

*Added entire policy that was approved by Commissioners on 3/7/2011. No changes to text; just adding policy to the Personnel Policy Handbook.*

**(Resolution No. 2011-025A, Commissioners)**

1-9-1.3. Amending Resolution No. 2011-022A.

The following Section Revisions of the Delaware County Personnel Policy Handbook are hereby adopted this 4<sup>th</sup> day of June, 2012; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures in stated Sections.

**Section 6.3 Family and Medical Leave and Military Family Leave**

**Excerpt:**

**Use of Paid and Unpaid Leave**

FMLA leave is unpaid leave. The employee is required to use any accrued paid leave (such as sick leave, accrued vacation leave, personal leave, or compensatory time) for any part of the 12-week period of FMLA leave. However, an employee may elect to reserve use of up to five (5) vacation days. Any holiday that occurs during FMLA leave will be paid. With approval of the employee's elected official/department head, the employee may use accrued benefit balance, up to five (5) vacation days, immediately after FMLA leave. Any accrued paid leave (such as sick leave, accrued vacation leave, personal leave) accumulated while on leave is exempt from the required benefit time usage while on FMLA leave.

The following Section Revisions of the Delaware County Personnel Policy Handbook are hereby adopted this 4<sup>th</sup> day of June, 2010; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures in stated sections.

**Section 6.4 Funeral (Bereavement Leave)**

In the unfortunate event of a death in an employee's immediate family, full-time employees are eligible for paid bereavement leave. Eligible employees are entitled to take up to three (3) days off with pay to attend a funeral, make arrangements, or take care of matters relating to the death of an immediate family member. These days must be taken consecutively within a reasonable time of the time of death and may not be split or postponed.

The employee must request bereavement days by notifying their elected official/department head as soon as possible. The elected official/department head is responsible to communicate the leave with Payroll to ensure accurate record keeping.

For purposes of this policy, "immediate family" is defined as follows:

- Mother
- Father
- Brother
- Sister
- Child
- Spouse
- Grandparent
- Grandchild
- Mother-in-law
- Father-in-law
- Daughter-in-law
- Son-in-law
- Sister-in-law
- Brother-in-law

- Legal Guardian

One (1) additional day of bereavement leave may be granted to attend funeral services for a member of the immediate family conducted outside a one hundred and fifty (150)-mile radius of the City of Muncie. An additional two (2) days of funeral leave may be granted to attend funeral services conducted outside a five hundred (500)-mile radius of the City of Muncie.

Additional time off or time off in the event of the death of other family members or close friends, with prior approval, may be granted and charged against the employee's existing leave time in the following order: accrued compensatory time, personal leave days, and vacation days. If accrued leave time is not available, time off may be granted, without pay, subject to supervisor approval.  
**(Resolution No. 2012-010, Commissioners, 6/4/12)**

#### 1-9-1.4. Amending Personnel Policy Handbook.

The following Section Revisions of the Delaware County Personnel Policy Handbook are hereby adopted this 20<sup>th</sup> day of August, 2012; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written personnel policies and procedures in stated Sections.

#### **Section 7.4 Drug Free Workplace**

##### **Drug Testing**

##### **Pre-employment Testing**

Delaware County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective employees shall be subject to drug and alcohol testing. Furthermore, prospective employees will be responsible for any costs and fees associated with requisite drug and alcohol testing. The payment of costs and fees will be due at the time of the testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County.

**(Resolution No. 2012-020A, Commissioners, 8/20/12)**

#### 1-9-2. Compensation and Miscellaneous Policies.

##### 1-9-2.1. Compensation Computation.

Compensation for each elected official, appointed officers and employees of Delaware County shall be payable as fixed by the county council.

Compensation for each position will be on the basis of an exact bi-weekly rate (rounded to the nearest dollar). A bi-weekly pay normally contains ten (10) working days. An approximate daily rate will be contained by dividing the exact bi-weekly rate by ten (10).

A copy of the exact bi-weekly rate for each position will be maintained in the office of the auditor of Delaware County.

This ordinance shall take effect with the ten (10) day pay period beginning on the 3rd day of August, 1994.

**(Ordinance No. 1994-13, Council meeting, 7/26/94)**

#### 1-9-2.2. Transfer of Funds.

All transfer of funds within the 100 series in the budget (personal services) shall be approved by the county council.

In cases of termination, lay off, and or vacancy, said monies hereto appropriated shall remain in that said line item of the 100 series until request and approval by the county council, then, after approval of the county council and appropriation if necessary, expended in accordance with statutory authority.

**(Ordinance No. 1996-037, Council meeting, 11/10/96)**

#### 1-9-2.3. Deferred Compensation.

Any one of county commissioners of Delaware County is authorized to execute any documents relating to the adoption of the Delaware County Deferred Compensation Plan and Adoption Agreement.

**(Resolution No. 1993-, Commissioners' meeting 6/25/93)**

Delaware County Deferred Compensation Plan and Adoption Agreement are hereby adopted and that the president of the corporation is authorized to executive any documents relating to the adoption of the Delaware County Deferred Compensation Plan and Adoption Agreement.

**(Resolution No. 1992-, Commissioners' meeting 10/19/92)**

#### 1-9-2.4. Maximum Salary.

All new employees of Delaware County shall be paid on the following basis:

Beginning the effective date of this ordinance all personnel hired as full time employees of Delaware County issues warrants for compensation, shall at the time of their hire be initially paid an amount not to exceed ninety percent (90%) of the maximum salary then set by the council for such employee's position in the applicable annual budget of the county.

This initial pay limitation shall not apply to persons hired as sheriff deputies, EMS technicians, certified equipment operators hired by the highway department, and to elected officials. Also, this initial pay limitation shall not apply to any employees who have served as part-time employees for twelve (12) consecutive months or more with the county and who are then promoted to a full-time position with the same or similar duties and to any employees covered by collective bargaining agreements with the county to the extent that this ordinance would violate such agreements.

All full time employees who are paid at ninety percent (90%) of their maximum salary when initially hired shall be eligible to be paid at an amount not to exceed ninety-five percent (95%) of their maximum salary after six months of continuous employment and an amount up to one hundred percent (100%) of their maximum salary after one year of continuous employment.

In order for such full time employees to receive the increases provided for in the preceding paragraph the department head or elected official who supervises that employee's position shall certify in writing to the county auditor, thirty (30) days prior to that employee receiving such

increase, that such employee has performed his or her duties at a level of expertise and in such a manner as would justify such an increase.

Effective the 1<sup>st</sup> day of January, 1996.

**(Ordinance No. 1995-37, Council meeting, 9/11/95)**

Implementing Salaries for 2010 Excluding the Merit Officers:

### **DEFINITIONS**

For the purposes of this ordinance, the following terms are defined as:

**Current Employee** – Any individual currently working in a full-time position who is moving to a different full-time position.

**Department Change** – Moving from one Delaware County government department to another. (e.g. Head Bookkeeper in the Auditor’s Office to Head Bookkeeper in the Clerk’s Office.)

**Grade Demotion** – Moving to a job ranked at a lower grade. For example, transferring from Grade 5 job to a Grade 3 job.

**Grade Promotion** – Moving to a job ranked higher grade. For example, transferring from a Grade 2 job to a Grade 4 job.

**Job Grade** – The Job Evaluation Committee meets on an as need basis to review job descriptions, evaluate each job and assign a job grade. The job grade is used to define the salary range for the job.

**Lateral Grade Transfer** – Moving to a job ranked the same grade as the individual’s current position. For example, transferring from Grade 3 job in one department to a Grade 3 job in another department.

**New Employee** – Any individual hired into a full-time position

**Part-time Employee** – Any individual being hired into a position that is paid pursuant to the Federal Minimum Wage guidelines and which is approved annually within the County Council’s part time salary ordinance.

**Range Minimum** – The lowest amount in a salary range.

**Range Maximum** – The highest amount in a salary range.

**Range Difference** – The difference between the lowest and highest amounts in a salary range.

**Position Base Salary** – The Position Based Salary amount is defined for each position on the Salary Ordinance (spreadsheet) and does not contain longevity amounts. This is the amount to be used to determine salaries in the event of a transfer, promotion, or demotion.

**Salary Ordinance (spreadsheet)** – The Salary Ordinance is approved by the County Council on an annual basis. Salary amounts listed in the Salary Ordinance are for each job, reflecting both the Position Base Salary and the longevity for each individual.

### **SCOPE OF APPLICATION FOR ANNUAL BUDGET SALARY AMOUNTS**

From this point forward, salaries approved for each position in the Annual Budget are for the employee in that particular position as of January 1 and for that individual only for the budgeted year. Should that individual vacate the position for any reason, the salary for the employee moving onto the role will be determined based on the procedures defined in this Ordinance and a new line item must be established for that individual.

### **CURRENT EMPLOYEES**

In the event an opportunity is available for a lateral grade transfer, it is the County Council's intent that elected officials or department heads have discretion to pay employees at a level in proportion to their experience applicable to that position and is not to exceed the appropriated Position Base Salary established for that position in the Salary Ordinance (spreadsheet), and shall be no less than 115% of the position's grade. It is the elected official or department head's responsibility to contact HR for proper evaluation.

#### **Existing Part time Employees**

In the event that an existing part-time employee would fill a full-time position and has worked continuously for 180 days or more accomplishing the skills of the full time position being placed in, said employee would be exempt from the probationary period required under this Ordinance.

### **RE-HIRE OF A PREVIOUS EMPLOYEE**

If an employee is being hired for a full-time position that they have held previously, and fulfilled a 90-day probationary period previously, upon recommendation of the department head and approval from Council, said employee may be exempt from any probationary period.

### **NEW EMPLOYEES**

#### **Grade Levels 1-6**

##### ***Starting Salary***

A new full-time employee's salary will start at 107.5% into the range established for the position based on the job description and job grade. In the event an employee candidate has a higher degree of knowledge and experience for the position, the employee's salary may start at no more than 115% into the range; the elected official or department head has this discretion upon approval of the Human Resources Director.

##### ***Probationary Period***

All new employees have a 90-day probationary period before any changes can be made to their salary. After the 90-day probationary period, it is the elected official or department head's responsibility to evaluate the employee and recommend a salary increase. The elected official or

department head must forward a signed request to the Human Resources Director. The request must include a performance review or signed letter summarizing the employee's performance level and the recommended increase amount.

The Human Resources Director will review all submissions, ensuring compliance with this Ordinance, and present recommendations to the County Council. The County Council may consider the recommendation and adjust the salary by a majority vote.

### ***Maximum Increase until One Hundred Eighty Days Seniority***

Regardless of the employee's experience or knowledge, the salary cannot exceed 30% of the range until at least 180 days of seniority has been achieved. If 30% of the range is more than the appropriated position base salary, said increase shall not exceed the appropriate position base. After seniority is reached, the elected official or department head may request to increase the employee's salary to the appropriate Position Base Salary.

### ***Department Heads, Directors, and Superintendents***

A new full-time Delaware County Department Head, Director, or Superintendent's salary shall be 95% of the position salary, regardless of the job grade, for the employee's first 90 days. All other procedures and aspects contained in the ordinance apply.

**(Ordinance No. 2012-15A, Amending Ordinance No. 2010-008, Council, 5/30/12)**

### **Grade Levels 7-9**

#### ***Starting Salary***

New employees starting in positions at grade levels 7,8, and 9 initially are to be paid 95% of the Position Base Salary.

#### ***Probationary Period***

Upon 90 days of service, the employee may request a performance review by the elected official or department head. The elected official or department head may request the salary be raised up to, but not exceed, the appropriated Position Base Salary. The elected official or department head must forward a signed request to the Human Resources Director. The request must include a performance review or written letter summarizing the employee's performance level and the recommended increase amount.

The Human Resources Director will review all submissions, ensuring compliance with this Ordinance, and present recommendations to the County Council. The County Council may consider the recommendation and adjust the salary by a majority vote, thus establishing the base salary for that employee only.

### **CALCULATIONS**

For the purpose of this ordinance, the following calculations are used to determine the Pay Chart amounts:

#### **Salary Range Differences**

Range Maximum – Range Minimum = Salary Range Difference



**107.5% into the Range (calculated from range minimum)**

Range Minimum x 107.5% = 107.5% into the Range

**115% into the Range**

Range Minimum x 115% = 115% into the Range

**30% of the Range (calculated on range difference)**

(Range Difference x 30%) + Range Minimum = 30% of the Range

**95% of the Salary Ordinance**

Position Base Salary (in Salary Ordinance) x 95% = Start Rate for Grades 7-9

**PAY CHARTS**

Figures on the following chart are reflective of pay during the 2009 calendar year, The Pay Charts and established ranges will be in place until another ordinance is issued altering the range amounts.

Grade	Range Minimum	Range Maximum	Range Difference	107.5% (calculated from range minimum)	115% (calculated from range minimum)	30% (calculated on range difference)
1	\$19,938.14	\$37,027.98	\$17,089.84	\$21,433.50	\$22,928.86	\$25,065.09
2	\$21,813.02	\$40,509.90	\$18,696.88	\$23,449.00	\$25,084.97	\$27,422.08
3	\$23,687.90	\$43,991.82	\$20,303.92	\$25,464.49	\$27,241.09	\$29,779.08
4	\$25,562.78	\$47,473.74	\$21,910.96	\$27,479.99	\$29,397.20	\$32,136.07
5	\$27,437.66	\$50,955.66	\$23,518.00	\$29,495.48	\$31,553.31	\$34,493.06
6	\$29,312.54	\$54,437.58	\$25,125.04	\$31,510.98	\$33,709.42	\$36,850.05
7	\$31,187.42	\$57,919.50	\$26,732.08	N/A	N/A	N/A
8	\$33,062.30	\$61,401.42	\$28,339.12	N/A	N/A	N/A
9	\$35,874.62	\$66,624.30	\$30,749.68	N/A	N/A	N/A

This Ordinance shall repeal, replace, and supersede all existing salary procedure ordinances, including Ordinance 2008-034, Ordinance 2007-021A, and Ordinance 2007-021; and define salary implementation procedures from this day forward.

**(Ordinance No. 2010-008, Council, 3/30/10)**

1-9-2.5. Clothing Allowance.

Sets a maximum of three hundred dollars (\$300.00) per employee. Under home rule legislation the county can now appropriate funds for employees who wear special uniforms.

**(Ordinance No. 1984-, Commissioners' meeting, 3/5/84)**

1-9-2.6. Take Home Vehicles.

The listed marked and unmarked motor vehicles shall be used by the assigned officer or personnel strictly for the performance of assigned duties, including law enforcement duties, and that any minimal use of the motor vehicle(s) when not on duty, is approved and that such use of both marked

and unmarked motor vehicles serve as a crime deterrent or other enhancement of necessary public service(s) and emergency use(s), which is a benefit to the citizens of Delaware County.

**(Resolution No. 1985-R-7, Commissioners' meeting, 7/2/85)**

Any and all take home cars provided by the county to individuals solely assigned the use of said cars will receive a W-2 tax form for the year of 1985 and will be responsible, if applicable, for the payment of FICA tax, federal withholding tax, and state income tax retroactive to January 1, 1985, on an additional three dollars (\$3.00) per day of fifteen dollars (\$15.00) per week income per the applicable Internal Revenue Service rules and regulations. This policy is applicable to the sheriff's department, children's home, plan commission, emergency medical service, highway department, health center, surveyor's and engineer's office and other offices with county take home cars.

**(Resolution No. 1985-R-8, Commissioners' meeting, 8/12/85)**

1-9-2.7. Collective Bargaining Agent.

The Local Union #135 an International Brotherhood of Teamsters, Chauffeurs, Warehouse and Helpers of America is hereby recognized as the authorized collective bargaining agent for all county highway employees excluding clerical and supervisory positions.

**(Commissioners' meeting, 8/28/89)**

1-9-2.8. Pay for Precinct Workers.

Compensation for Election Workers

The following poll workers be paid the following amounts per day:

7.	Inspector	\$100.00
8.	Judge of the same party as the Inspector	\$ 80.00
9.	Judge of the opposing party of the Inspector	\$ 95.00
10.	Poll Clerk	\$ 80.00
11.	Election Sheriff	\$ 80.00

**(Ordinance No. 1999-019, Commissioners' meeting, 7/12/99)**

The current meal allowance is five dollars (\$5.00).

**(Resolution No. 1995-014, Commissioners' meeting, 10/16/95)**

1-9-2.9. Rank and Position in EMS and 911.

When a department head is removed or has chosen to relinquish the Director position, he/she shall revert to his/her prior position or higher rank from within the ranks of Delaware County public safety, with all rights, combined seniority, longevity, and current certification level.

**(Ordinance No. 2012-013, Commissioners, 4/16/12)**

When a department head or assistant department head of the Delaware County E-911 Communications Center is removed, he/she shall have the right to revert to his/her prior rank before being appointed director and/or assistant director unless his/her removal is for cause as provided in the current Personnel Policy Manual of Delaware County, IN.

**(Ordinance No. 2003-005; Amending Ordinance No. 1992-1, Commissioners' meeting 3/17/03).**

When a department head is removed, he/she shall revert to his/her prior rank and hold a position in his/her current state EMS certificates level.

**(Ordinance 1992-1-OMC, Commissioners' meeting, 121/92)**

When a department head is removed, he/she shall revert to his/her prior rank and hold a position in his/her current 911 Communications status.

**(Ordinance No. 1994-5, Commissioners' meeting, 2/14/94)**

1-9-2.10. Smoking.

Smoking shall be prohibited in any structure owned, leased, used or managed by/or on behalf of Delaware County.

The Delaware County commissioners shall designate within thirty (30) days those areas within any structure that is owned, leased, used or managed by/or on behalf of Delaware County for use as a smoking area.

Any person who violates this ordinance shall commit an ordinance violation and shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each violation. The first notification of a violation of this ordinance shall result in a written warning to the offender without any official action being taken. Official action shall mean the filing of a complaint for violation of this ordinance.

The county attorney shall be responsible for enforcement of this ordinance and shall establish the procedure for enforcement of this ordinance.

This ordinance shall be effective after the designation of smoking areas by the Commissioners.

This ordinance shall not be effective as to the jail portion of the justice center until the expiration of the monitoring period from the lawsuit, *Dunn v. Carey, et. al*, or the approval by parties thereto, whichever is sooner.

**(Ordinance No. 1996-007, Commissioners' meeting, 5/13/96)**

1-9-2.11. Retaining Duty Weapon Upon Retirement.

All Delaware County police officers that retire in good standing with the department with continuous service to the county sheriff's department in excess of twenty (20) years shall be permitted to retain their duty weapon as a token of appreciation from a grateful county and populous.

The sheriff shall have the discretion to award the duty weapons to those individuals that have worked in the department in a law enforcement capacity even though they may not have achieved ten (10) years of continuous service, but exhibit the highest degree of professionalism and dedication in law enforcement.

The sheriff shall not award duty weapons with an aggregate value in excess of five thousand dollars (\$5,000) in any particular year to any single individual or group of individuals.

The sheriff may award the duty weapons to recently retired members of the Delaware County police.

The present sheriff may award their duty weapon to former Sheriff Dan Elliott and former Chief Deputy Larry Brandon.

**(Ordinance No. 1996-001, Commissioners' meeting, 3/18/96)**

1-9-2.12. Affirmative Action Policy.

Be it resolved, that the goal of the county is to develop and maintain a staff which is able to provide equal employment opportunity, regardless of race, creed, color, sex, national origin, handicap, age or status as a fundamental policy of the county. In support of this policy, an affirmative action plan will be implemented in employment practices, including, but not limited to, recruitment, employment, transfer, promotion, training, compensation, benefits and discipline.

The county shall adhere to the requirements of all applicable state and federal laws and regulations. These include federal anti-discrimination laws arising from two different sources of federal jurisdiction. The first source of that jurisdiction is found in the United States Constitution and has given rise to the enactment of numerous anti-discrimination laws: (1) Title VII of the Civil Rights Act of 1964, as amended, 19 U.S.C. §1000(e), which prohibits discrimination in employment on the bases of race, color, religion, sex and national origin; (1) the Age Discrimination in Employment Act of 1967, as amended, 19 U.S.C. §611 et seq., which prohibits discrimination on the basis of age and which prohibits discrimination in the payment of wages on account of sex. In addition, the Civil Rights Acts of 1866 and 1871, 41 U.S. C. §§1981 and 1983 which guarantee to non-white citizens the same civil rights and privileges held by white citizens govern as ancillary causes of action.

The second source of federal jurisdiction authorizing the imposition of anti-discrimination laws arose out of the government's contractual right to place restriction on its monetary expenditures to its contractors and recipients of federal financial assistance. Any government agency which qualifies as a federal contractor and is a recipient of federal financial assistance is subject to federal statutes governing the employment relationship: (1) Title VI of the Civil Rights Act of 1964, as amended, 41 U. S. C. §1000(d), which prohibits discrimination on the basis of race, color or nation origin in programs and activities receiving federal financial assistance.

The county will work for the end of under-utilization of all protected classes in its work force. The administrative staff shall take such action as is necessary to promote the goal of equal opportunity by implementing a continuing program which:

- A. actively encourages equal opportunity in all employment related activities;
- B. promotes action to insure equal treatment of applicants and employees regardless of race, creed, color, sex, national origin, handicap, age or status as a disabled veteran or veteran;
- C. identifies and promotes those techniques, procedures and personnel actions which will have a positive effect upon the employment opportunities or status of such applicants or employees;
- D. achieves the fullest and most effective utilization of skills which may be identified and developed among all county employees, and
- E. recognizes that standards for discipline, layoff or termination must be the same for all employees and must not create a disparity with respect to protected classes.

**(Resolution No. 1991-, Commissioners' meeting, 7/1/91)**

### 1-9-2.13. Drug Free Workplace.

The board of commissioners hereby adopts and implements a drug free workplace policy, and amends policies affected thereby, and does hereby submit to all compliance requirements of the act pursuant to the regulations designed to implement the act as specified in Federal Register Volume 54, No. 19, pp. 4946.

**(Ordinance No. 1991-, Commissioners' meeting, 1/10/91)**

### 1-9-3. Hiring Freeze.

The hiring freeze as implemented by Ordinance 1991-1 and Ordinance 1995-12 are hereby repealed.

That all ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

That this ordinance shall be effective upon the date of final passage.

**(Ordinance No. 2000-019, Council meeting, 8/22/00)**

### 1-9-4. Rules and Regulations of the County Highway Department.

Any misuse or dumping of any materials owned by Delaware County will be subject for disciplinary action, including, but not limited to termination.

Uniforms are provided and shall be worn during working hours.

Gambling, sleeping, and/or fighting during working hours will be subject for disciplinary action, including, but not limited to termination.

Time cards: It is necessary for each employee to ring his/her own time card in and ring his/her own time card out. Failure to do so will be subject for disciplinary action, including, but not limited to termination.

The mowing crew's time will be recorded and maintained by the supervisor in charge of the crew. The time will be approved and certified by the supervisor in charge.

**(Addendum 1986-, Commissioner's meeting, 12/8/86)**

### 1-9-5. Per Diem Rate for Absentee Voter Boards.

The absentee voter board members that are sent to voters who are entitled to vote by absentee ballot because of illness or injury or caring for a confined person at a private residence pursuant to the provisions of IC 3-11-10-25 shall be entitled to a per diem rate of fifty dollars (\$50.00) per day.

The four (4) absentee voter board members that are assigned to the Circuit Court Clerk's office for the period from thirty (30) days before the Election Day through the day before election shall be entitled to a per diem rate of pay of sixty dollars (\$60.00) per day.

**(Ordinance No. 2000-004, Commissioners' meeting, 2/14/00)**

The members of the Absentee Voter Boards who are assigned to deliver the absentee ballots to their appropriate precincts on Election Day shall receive fifty dollars (\$50.00) as their per diem and the existing County mileage rate for their mileage.

**(Ordinance No. 2000-008, Council meeting, 4/25/00)**

1-9-6. New position as Document Imaging Specialist.

There shall be created a position in the Delaware County Recorder's office a "Document Imaging Specialist".

It is further ordained that funds from the Recorder's record perpetuation fund shall be used to fund said position.

Be it further ordained that said position shall deal with the preservation of records and the improvement of record keeping systems and equipment in the Delaware County Recorder's office.

**(Ordinance No. 1999-015, Commissioners' meeting, 5/10/99)**

1-9-7. Employment Incentives.

All employment incentives, including remuneration guarantees that are outside of the standard guarantees, shall be reduced to writing at the time of offering and filed with the Delaware County Auditor's officer to ensure the Delaware County Council can provide proper satisfaction of those guarantees.

**(Resolution 2000-014, Council meeting, 9/25/00)**

1-9-8. Compensation for Members of Property Tax Board of Appeals.

The following members be paid in the following amounts per day:

Level II Appraisers	\$175.00
Freehold Members	\$75.00
Property Tax Adjustment Board Members	\$75.00

Members of said boards are not entitled to any County benefits for said per diem activity.

**(Ordinance No. 1999-021, Commissioners' meeting, 8/2/99)**

1-9-9. Insurance for Retiring County Employees.

The eligibility for coverage shall be determined as follows: the employee's age plus years of service shall equal at least seventy (70) years, with a minimum of ten (10) of these years being continuous years of service immediately preceding the date of retirement. Application for coverage as a retiree shall be made prior to termination of employment and.

**(Ordinance No. 2000-022, Commissioners' meeting, 8/21/00)**

- A retiree who was eligible for retirement coverage under the previous ordinance will be allowed to maintain retirement benefits, but under the rules and contribution schedule written in this ordinance.

**(Ordinance No. 2009-007A, mending Ordinance No. 2006-029, Commissioners, 3/16/06)**

Eligibility for coverage shall be extended to include Delaware County Circuit Court Judges who qualify under years of service as noted above.

**(Ordinance No. 2008-015, Commissioners; Mending Ordinance No. 2006-029, Commissioner, 12/4/06)**

An individual who is eligible as determined by years of service, but who at the time of retirement is also covered as a retiree from previous employment, shall be ineligible for coverage as a retiree of Delaware County.

If an eligible retiree seeks full-time employment elsewhere, and participates in that employer's health insurance, that coverage is primary and Delaware County coverage is secondary. If they cancel their coverage with Delaware County, they cannot re-sign at a later date.

**(Ordinance No. 2009-007A, mending Ordinance No. 2006-029, Commissioners, 3/16/09)**

Said group health insurance coverage shall continue to benefit a qualifying employee until the retired employee becomes eligible for Medicare. The County's health plan may be continued as secondary health care coverage. These Medicare eligible retirees shall remain on the group plan of insurance as long as he coverage remains part of the County's group plan of insurance.

**(Ordinance No. 2009-007A, mending Ordinance No. 2006-029, Commissioners, 3/16/09) (Mending Ordinance No. 2006-029, Commissioner, 12/4/06)**

If an eligible employees declines to continue coverage when their retirement commences, they cannot choose to participate at a later date.

**(Ordinance No. 2009-007A, mending Ordinance No. 2006-029, Commissioners, 3/16/09)**

That the health insurance plan for retiring county employees be adopted as agreed to by contract with the county insurance carrier from time to time.

This coverage shall be contributory. A retired employee shall contribute in the same amount as current employee premiums for the cost of health insurance then currently available for active employees.

Such contribution shall be altered when the cost of insurance for active employees also changes (subject to the above limits).

**(Mending Ordinance No. 2006-029, Commissioner, 12/4/06)**

Payments, by check or money order, for the monthly cost of insurance shall be made payable to the Delaware County Treasurer no later than the 15<sup>th</sup> of the month preceding the due date on the 1<sup>st</sup> of each month and delivered to the Delaware County Auditor.

Dependents of the retiree who are covered on the plan of insurance as of the date of retirement will be permitted to continue coverage. The cost to the spouse, children, or full family of a retiring employee to continue coverage will in the same amount as current employee premiums for the cost of health insurance then currently available for dependents of active employees. Such contribution shall be altered when the cost of insurance for spouses, children, or full families also changes (subject to the above limits).

**(Mending Ordinance No. 2006-029, Commissioner, 12/4/06)**

If a retired employee dies while covered under this provision, said deceased dependents' health insurance coverage shall continue. The coverage will be the same that said dependent(s) had while the retired employee was alive. The surviving dependent(s) must make payments to Delaware County for coverage. The coverage will continue only while the group plan of insurance is in force. It will stop on the earlier of the following:

- A. The date the surviving spouse remarries.
- B. The date a surviving dependent becomes covered for health insurance through employment.

- C. The date a surviving child would become ineligible under the then current eligibility guidelines as outlined in the booklet of coverage.  
**(Ordinance No. 2009-007A, mending Ordinance No. 2006-029, Commissioners, 3/16/09)**  
**(Ordinance No. 1998-034, Commissioners' meeting, 11/2/98)**

If any section, paragraph or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded, and procedures required by law.  
**(Mending Ordinance No. 2006-029, Commissioner, 12/4/06)**

#### 1-9-10. Insurance for Delaware County Employees and Retiring Employees.

The Health Insurance Plan (the Plan) shall be adopted as agreed to by the Delaware County Board of Commissioners and the contract with the Health Insurance Provider.

All premium calculations for Active Employees or Retirees shall be based on the "full cost" of the insurance to Delaware County for each tier as determined by the Delaware County Board of Commissioners and the Health Insurance Provider.

#### **Active Employees**

##### **Eligibility**

Active Employees may enroll in coverage for themselves and eligible Dependents provided the Employee meets the following requirements:

The Employee shall be classified as a full-time employee, working a minimum average of 32.0 hours per week, 50 weeks per year, and be paid out of a full-time funded line items as defined in the Salary Ordinance by Delaware County Council.

Coverage for elected officials, political appointees and chief deputies begins the first day of employment with Delaware County. Coverage for eligible new employees shall be effective after sixty (60) days of full-time employment from the hire date.

##### **Premium Contributions for PPO Plan**

Active Employees who are considered eligible for health insurance coverage with a hire date before June 1, 2013, shall contribute a premium of 13.5% of the full costs of the health insurance plan based on the enrollment tier. Such contributions shall be altered in accordance with defined calculations when the total costs of insurance to Delaware County changes based on policy renewal or applicable changes to the Plan.

##### **High Deductable Plan**

A High Deductable Health Plan with a \$3,000.00/\$6,000.00 deductible was implemented January 1, 2013. Existing Employees hired before June 1<sup>st</sup> 2013 will have the option of choosing the high deductible plan. **All new hires (including new participants from those Inter-local Agreement)** hired after June 1, 2013, will not have the PPO plan as an option and will only be allowed to participate in the high deductible plan.



All active full time employees participating in the high deductible plan will pay \$1.00 per year for participation with no other premiums being required. All existing eligibility requirements for full time employees as address in this ordinance remain unchanged. Once employees switch to the High Deductable plan they are not eligible to switch back to the PPO plan.

If any section, paragraph or provision of the ordinance shall be invalid or unenforceable for any reason, the invalidity of unenforceability of such section, paragraph or provision shall not affect any of the remaining provision of this Ordinance.

All ordinance, resolutions, and/or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded, and this Ordinance shall be in full force and effect from and upon compliance with all procedures required by law.

**(Ordinance No. 2013-002, Commissioners, 4/1/2013)**

## **Retiree Insurance**

### **Type of Coverage**

Eligible Retired Employees not yet Medicare eligible shall be covered under the Self-funded Health Insurance Plan sponsored by Delaware County. Medicare eligible retirees shall be covered under the Medicare Carve Out policy purchased by Delaware County. Eligible Employees will receive Dental and Vision Benefits from the Self-funded Health Insurance Plans sponsored by Delaware County.

### **Eligibility**

Retired Employees may contribute coverage for themselves, Spouses, and/or eligible Dependents provided the Retiree meets the following requirements:

The Employee's age plus years of service shall be equal to at least seventy(70) years, with a minimum of ten (10) of those years being continuous years of service with Delaware County immediately preceding the date of retirement.

The years of service shall be calendar years measured based on the anniversary date of full-time (i.e., benefit eligible) employment.

Eligibility for coverage shall be extended to include Delaware County Circuit Court Judges who qualify under years of service as noted in this ordinance.

Retirees who were eligible for retirement coverage under the previous ordinance(s) will continue retirement benefits, however retirement coverage will fall under the rules and contribution schedule(s) written in this ordinance or future ordinances.

An Employee who is eligible as determined by age and years of service, but who at the time of retirement also is covered as a retiree from previous employment (for any employer), shall be *ineligible* for coverage as a retiree of Delaware County.

### **Participation Requirements**

The Employee and any covered dependants must be covered on the health insurance plan at the time of retirement. Dependents cannot be added to the plan after the retirement date.

If a Retiree cancels coverage for himself/herself or any covered dependant at any time. The Retiree cannot re-enroll at a later date.

If an eligible Retiree seeks full-time employment elsewhere and participates in that employer's health insurance plan, the new employer's health insurance shall be primary and Delaware County coverage shall be secondary.

A Retirees participating Spouses who is eligible for Medicare shall be required to enroll in Medicare Part A and Medicare Part B, which shall be primary and Delaware County coverage shall be secondary.

### **Death of a Retiree**

If a retired employee dies while covered under this provision, said health insurance coverages for the spouse and/or dependents of the deceased retiree shall continue. The surviving spouse and/or dependents must make payments to Delaware County for the coverage. The coverage will continue only while the group plan of insurance is in force and will stop on the earlier of the following:

- a) The end of the month of the surviving spouse's remarriage; or
- b) The date a surviving dependent becomes covered for health insurance through employment; or
- c) The date a surviving dependent child becomes ineligible under the then current eligibility guidelines as outlined in the Plan Documents; or

### **Premium Contributions**

Retiree coverage shall be contributory. A Retiree shall contribute a portion of the monthly premiums in accordance with the following percentage schedule. Such contributions shall be altered in accordance with defined calculations when the total cost of insurance to Delaware County changes on policy renewal or applicable changes to the Plan.

Payments shall be due the 1<sup>st</sup> of each month and delivered to the Delaware County Human Resources Department. If payment is not received in full by the 15<sup>th</sup> of the month, insurance benefits shall be cancelled at the end of the month for which payment was due. Payments shall be made by check or money order only payable to the Delaware County Treasurer.

### **Premium Schedule**

#### Non-Medicare Eligible Retirees

Rates are based on the full current cost to Delaware County for the Health Plan.

Retiree Only	30% of the full current County Plan cost
Retiree/Spouse (both non-Medicare covered; or Retiree non-Medicare and Spouse on Medicare)	38% of the full current County Plan
Retiree/Child(ren)	38% of the full current County Plan cost
Family	38% of the full current County Plan cost

Medicare Eligible Retirees (Humana)

Rates are based on the full current cost to Delaware County for the Medicare Carve Out Health Plan.

Retiree Only	30% of the full current County Over 64 Plan cost
Retiree on Medicare/Spouse Non-Medicare	Median of Non-Medicare Retiree/Spouse tier and Medicare Retiree/Spouse tier
Retiree/Spouse-both on Medicare	38% of the full current County Over 64 Plan cost

**High Deductible Health Plan Premiums**

Retirees switching to or already on the High Deductible Health Plan will pay the premium rates that are calculated by taking the same County contribution as the County contributes in its portion of the Non-Medicare Eligible Retirees PPO Plan by tier and percentages address above. Then subtracting the County costs from the total premium of the High Deductible Plan. The remaining premium balance is divided by 12 and becomes the premium rate for the High Deductible Health Plan. This formula is to keep the County's Contribution to both plans the same. This allows a reduced premium by saving of the HDHP costs to be utilized by the retirees for the High Deductible Health Plan.

If any section, paragraph, or provision of the Ordinance shall be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

All ordinances, resolutions, and/or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded, and this Ordinance shall be in full force and effect from and upon compliance with all procedures required by law.

**(Ordinance No. 2013-002, Commissioners, 4/1/2013, Ordinance No. 2010-029, Commissioners, 9/20/10)**

1-9-10 (A). Health Insurance Entities Insurance.

1. The Employee's or the entities shall pay the same rates as Delaware County and the employees shall pay the same rates and receive the same benefits as the current employees of the County.
- 1.2 The County shall process, administer and pay the claims of the employees included in the same manner as if they were employed by the County.
- 1.3 Delaware County shall be reimbursed for the full costs of the employee's insurance. This option will not cost Delaware County any additional monies.

Section 3. Terms and Termination of Agreement

The terms of this Agreement shall be from the 3 day of May 2010, and shall continue unless terminated by either party pursuant to a resolution adopted by the terminating party. Such termination resolution must be finally adopted and transmitted to the non-terminating party before the effective date of the termination, and shall provide adequate notice to any affected employees.

Section 4. Miscellaneous

- 4.1 This agreement is subject to any applicable laws which may apply to the parties and which give rights or responsibilities to persons who are not parties to this Agreement.
- 5.2 The contracting parties may, by mutual written agreement, alter, change, or amend, the terms and conditions hereof.
- 4.3 In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other part of this resolution.

The parties hereto have cause this Agreement to be executed in counterparts in their respective names by the duly authorized signatures.

**(Resolution No. 2010-008, Commissioners)**

1-9-11. Temporary Part Time Soil Conservation Technician Position.

A temporary part time Soil Conservation Technician is to be hired and paid at the rate of nine dollars and sixty cents (\$9.60) per hour, not to exceed thirty (30) hours per week, and not shall not exceed the sum of five thousand dollars (\$5,000.00) including any employer benefits that must be paid.

**(Ordinance No. 2000-017, Commissioners' meeting, 6/19/00)**

1-9-12. Group Health Insurance (COBRA).

County employees and/or their dependents, if applicable, may be eligible to continue group health coverage when it would otherwise end as provided by and within Delaware County, pursuant to the Group Health Insurance Plan. This benefit has been added to the insurance plan, effective October 1, 1986.

Continuation of the plan now in effect will be provided employees and other covered individuals, if applicable, when one of the following events occurs depending upon the coverage under the current plan and subject to the requirements and definitions of the applicable federal and state laws, rules and regulations:

- A. Your employment ends for any reason other than gross misconduct.
- B. Your work hours are reduced through no fault of your own or causation of your own.
- C. You become entitled to benefits under Medicare (that is, you have elected Medicare as primary payor).
- D. You die.
- E. Your marriage is dissolved.
- F. You become legally separated from your spouse.
- G. Your dependent child ceases to be an eligible dependent.

The coverage being continued will be identical to the coverage provided at that time to you, or other persons, if applicable, similarly situated to whom one of the events described above has not occurred. The life insurance, accident benefit, weekly income benefit, and other insurance benefits and coverage not inconsistent with the foregoing, will not be continued.

The period of continuation will begin on the date coverage would otherwise have ended and will continue until the earliest of the following:

- A. Thirty-six (36) months (eighteen [18] months in the case of your employment ending or your work hours being reduced) after the date of the occurrence of one of the events described above, if applicable.
- B. The date the group plan ends.
- C. The date the person whose coverage is being continued fails to timely provide the payment required to continue coverage.
- D. The date the person whose coverage is being continued, after electing this continuation, becomes covered as an employee under any other group health plan, or entitled to benefits under Medicare.
- E. The date, depending on the date under your current plan, your former spouse remarries and becomes covered under another group health plan.

There are at least sixty (60) days during which continued coverage may be elected. This sixty (60) day period begins on the date coverage would have ended, or the date the person requesting continuation receives an Election Form detailing the option to continue coverage, whichever is later.

Upon your termination from employment, upon the reduction of your work hours, if applicable, or at the time that you are otherwise eligible to continue coverage as stated above, you must notify the office of the Delaware County Auditor in person, and if applicable, your last pay check must be picked up in person from the Office of the Delaware County Auditor.

At no time will Delaware County advance premium payments to the respective insurance company or carrier on behalf of you or of persons affected by this resolution and policy as defined by the terms and conditions of your applicable policy. A failure to make premium payments timely shall result in termination of continuation policy coverage as provided herein this resolution.

Your employer and the office of the Delaware County auditor must be personally notified when any of the following events occurs:

- A. Your marriage is dissolved.
- B. You become legally separated from your spouse.
- C. A child stops being an eligible dependent under the plan as you currently have in effect and as is applicable.

This continuation, as applicable, will replace any existing provision of your group plan which you have selected as applicable that operates to continue coverage as a result of the occurrence of any one of the

events described above subject to applicable law, rule and regulations. However, if your coverage is currently being continued under the terms of such an existing continuation provision, then your coverage (as well as the coverage of any other person currently being continued if applicable depending upon your current plan at the time of election of the continuation) will be continued in accordance with the terms of that provision.

At the end of the continuation period, if applicable and conditional upon your current plan which is in effect at the date of election of continuation, then you, or any other person, if applicable under the terms of your current plan, whose coverage has been continued, may be eligible for a conversation privilege if one is generally available under your group plan.

Delaware County requires you, or person(s) whose health coverage is continued if applicable, to pay for your coverage. Specifically, the cost and charge to you or the person continuing coverage, is one hundred two percent (102%) of the cost of the plan for the health coverage provided to you provided similarly situated persons to whom one of the events initiating continuation as described has not occurred.

The additional two percent (2%) charge is to offset Delaware County's administrative expenses and will be retained by Delaware County and not submitted to the insurance group carrier as a premium.

You, the employee, or persons who are covered for the continuation, are responsible for the costs of continued coverage in the amount of one hundred two percent (102%) of the applicable premium on a monthly basis and your coverage is continued to the date of your election subject to the time limitations of applicable law, rules and regulations.

Your insurance coverage ceases or continues at the first day of the following month subject to the terms of your particular policy under which you have paid following one of the qualifying events above and/or your election.

Mandatory payment shall be due, at all times even during your election period as specified above, on the fifteenth (15<sup>th</sup>) day of each month beginning October 15, 1986, and the fifteenth (15<sup>th</sup>) day of each month thereafter.

Your payment shall be timely paid to the auditor either by money order or by certified check, payable to Delaware County Treasurer and not by cash or personal check, or any other means. A failure to timely make payment by money order or certified check, as required, shall cause you to be responsible for a termination of your otherwise continued coverage pursuant to the terms of this resolution herein.

A synopsis of the Consolidated Omnibus Budget Reconciliation Act (COBRA), continuation of employer-sponsored medical benefits, consisting of six (6) pages is attached for your information and as a part of the resolution herein. You should carefully read the attached synopsis for any additional information.

The foregoing contents and resolution may be subject to any future change or changes in the plan, as applicable or other changes as allowed by federal or state law, rules and regulations. Implementation the continuation of group health insurance as further described in the attachments hereto and which are a part hereof effective as of October 1, 1986, for employees of Delaware County, as applicable, pursuant to the applicable provisions as set forth by federal and state law, rules and regulations.

**(Resolution No. 1986-, Commissioners' meeting, 10/27/86)**

1-9-13. Short Term Disability Insurance.

Effective February 24, 1986, the following change is effective in Article III, Short Term Disability Insurance:

Maximum Period Payment:

- A. For any one continuous term of disability whether due to one or more causes; or
- B. For all successive terms of disability;
- C. Due to the same or related causes; and
- D. Which are separated by less than two weeks of continuous active work.

Maximum-14 weeks

This does comply with Federal Civil Rights legislation involving benefits for employees and dependents. **(Amendment I, Commissioners' meeting, 6/30/86)**

1-9-14. Employee Insurance Guidelines.

A. Definition of a full-time employee:

- 1. Hourly employee: Must work a minimum average of thirty (30) hours per week, fifty (50) weeks per year (pro-rated), and be paid out of full-time funds.
- 2. Salaried employee: Six thousand dollars (\$6,000.00) minimum annual salary, be hired for a permanent position, and be paid out of full-time funds.
- 3. All elected officials shall be considered full-time employees.

B. Effective date for group insurance coverage's:

- 1. New full-time employees shall be covered for life, health, and weekly disability insurance benefits as of the first billing cycle following sixty (60) days of continuous employment.
- 2. The billing cycle currently falls on the first day of each calendar month.

C. Termination of insurance benefits coverage:

- 1. Coverage for life and health insurance benefits ceases at the end of the month during which the employee terminates employment (whatever the reason for termination).
- 2. Weekly disability insurance eligibility terminates as of the date that employment terminates.
- 3. These provisions apply to terminations for retirement.

D. Employee group health and life insurance coverage:

1. Health and life insurance coverage is provided for all eligible full-time employees of Delaware County.
2. Coverage is optional for all eligible employees and an employee may elect to have only one kind of coverage.
3. If an employee declines coverage, he or she will be asked to sign a form stating that they do not wish to be enrolled.
4. Employee life insurance coverage is five thousand dollars (%5,000.00) with AD & D for five thousand dollars (\$5,000.00).
5. Upon termination of employment, all employees will have the option of converting their group coverage to a conversion plan of health and/or life insurance coverage. All premiums for conversion insurance shall be paid by the employee who elects such coverage. The conversion health insurance plan will not be the same benefit plan as provided under the County plan of group insurance.

E. Dependent health insurance coverage:

The eligible full-time employee may elect to enroll dependents for health insurance coverage per dependent eligibility as defined in our current benefit booklet. Dependent coverage is available only to employees who are enrolled for health insurance coverage. The entire cost of this coverage shall be paid by the employee. This cost will be deducted from two payroll checks per month (½ monthly cost per deduction).

F. Enrollment of dependents for health insurance coverage:

1. All eligible dependents of an eligible full-time employee must be enrolled at the time when the employee enrolls (within thirty [30] days of the date when the employee becomes as eligible full-time employee). Otherwise, the dependents may be enrolled on the anniversary date of the plan.
2. Newborn children, new spouses, and legally adopted children must be officially enrolled within thirty (30) calendar days of date of birth, marriage, or legal adoption. Otherwise, they may be enrolled only on the anniversary date of the plan.

G. Dependent life insurance coverage:

There is no dependent life insurance coverage available.

H. Health insurance employee exclusions:

1. Delaware County Welfare Department employees
2. Judges
3. Prosecutor and First Deputy Prosecutor



4. Delaware County Extension Office employees who are covered by the sponsoring university insurance programs and are not paid entirely from full time budgeted Delaware County Funds.
- I. Life Insurance employee exclusions:
1. Delaware County Welfare Department Employees.
- J. Weekly disability insurance coverage:
1. This coverage is provided for all eligible full-time Delaware County employees.
  2. This coverage is provided on a non-occupational basis with benefits beginning on the 31<sup>st</sup> day of an accident or the 31<sup>st</sup> day of an illness.
  3. Benefits are payable for up to twenty-six (26) weeks per occurrence.
  4. Benefit periods shall be determined using the date when the employee was unable to work due to accident or illness.
  5. Benefits cease as of the date that the employee is released to return to work by the attending physician.
  6. The benefit amount is sixty-six and two-thirds ( $66 \frac{2}{3}$ ) of the weekly gross income, not to exceed one hundred fifty dollars (\$150.00) per week.
  7. Maternity is covered as any other illness-until released by the attending physician.
- K. Weekly disability insurance employee exclusions:
1. Delaware County Welfare Department employees
  2. Judges
  3. Prosecutor and First Deputy Prosecutor
  4. All elected officials
  5. Delaware County Extension Office employees who are covered by the sponsoring university
- L. Health and life insurance coverage during medical leave-of-absence:
1. Coverage shall be provided for all eligible full-time employees during anon-occupational medical leave-of-absence for a period not to exceed seven (7) months.
  2. This seven month period begins as of the date that the employee is not at work due to a non-occupational accident or illness (the date used as commencement of elimination period for weekly disability benefits).
  3. Health insurance benefits shall continue for enrolled dependents for the same period as the employee, as long as the employee continues to pay the dependent premium for coverage.

M. All group benefits during non-medical leave-of-absence:

1. Health and life insurance coverage shall terminate for all eligible employees on the first billing cycle which follows the beginning date of non-medical leave-of-absence.
2. Eligibility for weekly disability insurance ceases as of the date when the non-medical leave-of-absence begins.
3. Upon return to work, the employee shall be considered a new employee for health, life and weekly disability insurance coverage eligibility.

Medical leave-of absence which becomes a non-medical leave-of-absence:

Health and life insurance coverage shall terminate on the first billing cycle which follows the date of release by the attending physician if the employee does not return to work.

Weekly disability benefits and coverage cease as of the date of release to return to work by the attending physician if the employee does not return to work.

**(Commissioners' meeting, 11/4/85)**

1-9-14.1. To Cover Shortfall in Funding.

1. The appropriation for 153\*173 Health Insurance shall be reduced in the amount of Six Hundred Thirty Two Thousand Four Hundred Dollars (\$632,400.00)
2. That said funds shall be used by the County Council to address the financial shortfall that the County is experiencing.
3. That said Resolution shall take effect upon signing of the same.  
**(Resolution No. 2010-018, Council, 8/24/10)**

1-9-15. Pick-up of Contributions to Annuity Savings Account.

- A. Effective October 1, 2003, the County desires to pick-up all of the additional employee contributions made by county employees through a binding irrevocable payroll deduction authorization. No additional employee contributions prior to the adoption of this resolution shall be picked-up.
- B. The said additional employee contributions for state law purposes and withheld from pay under the terms of the pick-up regulation and IC 5-10.2-3-2 are being paid by the employer in lieu of said contributions by the employee.
- C. The employee shall comply with all of the terms and provisions of the Pick-up Regulation and applicable provisions of the Internal Revenue Code.  
**(Resolution No. 2003-016, Council meeting 10/2/03).**

1-9-16. Longevity.

1. Longevity shall be paid at the rate applicable for the position held in the 12-month period prior to the first pay period in December of the pending year. If an employee transfers from one position to

another during that year, with no gap in service, the rates for the respective positions shall be applied in proportion to the number of months served in each position;

Method of Payment. The Delaware County Auditor shall pay longevity in one lump sum payment at the first period in December of each calendar year. Terminated employees shall be paid a lump sum of earned monies at the first pay period in December of the year of termination at the rate of one-twelfth (1/12) per month of earned longevity and in accordance with paragraph 5 of this Ordinance. **(Ordinance No. 2005-030, Council meeting, 11/22/05, amending Ordinance 1996-018)**

2. The qualification time for longevity calculation shall always accumulate from the starting date of employment with Delaware County. An employee who transfers from one department to another shall be entitled to credit under the longevity plan applicable to the current department for prior uninterrupted years of service in other departments.
3. This resolution shall be effective as of November 28, 2006, and shall continue in force until the adoption by the Delaware County Council of an ordinance addressing the forgoing subject. **(Resolution No. 2006-013, Council meeting, 11/28/06)**

The Delaware County Longevity Pay Study dated August 28, 2007, as modified by Jeffrey S. Hornsby, Ph.D., SPHR is hereby adopted by the Delaware County Council.

Further, when current Union contracts expire the longevity shall then be based on the 2008 longevity plan numbers.

Adopted and modified by the 2008 annual salary ordinances and all subsequent salary ordinances. **(Ordinance No. 2007-020, Council meeting, 11/27/07)**

Council will not consider any longevity modification or exception other than those announced in the above to Ordinance as set forth by Jeffrey S. Hornsby the author of the Delaware County Longevity Pay Study Report.

**(Resolution No. 2008-011, Council meeting, 3/25/08).**

#### 1-9-17. County Credit Cards.

That the Delaware County credit cards are property of Delaware County and are not for personal use.

The "Guidelines for Use of Credit Cards" shall apply to all Delaware County employees who use such credit cards.

The credit cards shall not be used to purchase alcohol, personal items, movies or entertainment.

All credit card balances shall be paid on time to avoid late fees or interest.

**(Resolution No. 2007-006, Commissioners, 4/2/07)**

#### 1-9-18. Character Standards.

1. Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to his/her elected official or department head within twenty-four (24) hours of the arrest or citation. Failure to report shall be considered a violation of the personnel policies subject to disciplinary actions up to and including

termination. Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours shall be reported to the elected official or department head in writing within five (5) calendar days of receiving the citation or the arrest.

2. Unauthorized time away from work shall be subject to the County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.
3. An employee who is cited for an infraction or arrest for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee. The investigation will be used to determine if the accused employee is in violation of personnel policies and to determine if disciplinary action is warranted, up to and including termination. The determination as to whether an employee is suspended shall be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform his/her job duties and/or remain in compliance with the County's personnel policies.
4. It is the responsibility of any employee with pending criminal charges to provide to his/her elected official/department head written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.
5. If the employ is on a leave of absence pending administrative investigation and/or disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension.
6. Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other conviction/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Delaware County government.
7. Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.
8. Upon passage, the provisions of this ordinance will be included in the personnel policies of Delaware County.  
**(Ordinance No. 2007-025, Commissioners, 10/15/07)**

#### 1-9-19. County Vehicle.

1. Any County employee or officeholder who drives a county vehicle shall be responsible for immediately reporting any accidents/incidents to the proper authority and shall request a police report.
2. Any County employee or officeholder who drives a vehicle owned by the County and is involved in a motor vehicle accident shall immediately submit themselves for a drug and alcohol test to be

administered at the direction of the County Commissioners.  
**(Resolution No. 2008-005, Commissioners meeting, 2/19/08)**

1-9-20. Employee Compensation by Line Item.

Full-time employees can only be paid from the line item specific to that employee and only that employee and that money from that line cannot be used to compensate other employees without being approved by majority vote and transferred through county council, and

Part-time employees can only be paid from departmental part-time budgeted line items established for sole purpose compensating part-time employees.

When a position becomes vacant by termination, transfer, or retirement the position will be filled by all departments going through the Human Resource Department using established procedures. Procedures for new employees or the transfer of existing part-time and full-time county employees is established in Ordinance 2007-021A.

**(Ordinance No. 2008-005, Council meeting, 3/25/08)**

1-9-21. The County's Contribution to the Employees Pension Fund.

The Ordinance entitled Ordinance Limiting to 3% of the County's contribution to the Employees Pension Fund under Ordinance No. 2008-08 is hereby repelled.

**(Repelling Ordinance No. 2008-008, Council, 5/22/08)**

1-9-22. Establishing the Rate of Delaware County's Contribution to Indiana Public Employees Retirement Fund.

Delaware County hereby adopts the percentage arrived at by the Board of Directors of the Public Employees Retirement Fund. Effective January 1, 2008 at the rate of 6% of gross payroll and each rate arrived at by The Board of Directors of the Public Employees Retirement Fund from year to year.

All Delaware County full time employees shall contribute and pay into PERF at the rate of 3% of their gross annual salary.

**(Ordinance No. 2008-012, Council, 5/22/08)**

1-9-23. Delegating an Agent to Perform Duties For Matters Concerning the Fund on Behalf of the Governing Body.

Judy Rust, Auditor and Amy Hall, HR Director of Delaware County are fully authorized and empowered to act on behalf of and in the name of Delaware County as its agency to perform duties for matters concerning the fund on behalf of the Governing Body pursuant to IC 5-10.3-3-8 and further to execute and deliver documents related to the Public Employees' Retirement Fund (PERF) of Indiana. This resolution and receipt thereof in writing by the Director of PERF.

**(Resolution No. 2010-013, Council, 6/22/10)**

1-9-24. Delaware County Employees Paychecks Automatically Deposited.

Delaware County Commissioners mandates that all existing employees and any new employees shall have all of their Delaware County paychecks automatically deposited into their personal bank accounts.

**(Resolution No. 2010-043, Commissioners, 12/6/10)**

**DEFINITIONS:**

- A. “Direct line of Supervision” shall mean: 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 evaluations. The term shall not include the responsibilities of the executive body, legislative body or fiscal body of Delaware County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel matter of Delaware County.
- B. “Employed” shall mean: an individual who is employed by Delaware County on a full-time, part-time, temporary, intermittent, or hourly basis. The term shall not include an individual who holds an elective office. The term shall include an individual who is a party to an employment contract with Delaware County.
- C. “Relative” shall mean any of the following: a spouse, a parent or stepparent, a child or stepchild, a brother, sister, stepbrother, or stepsister, ad niece or nephew, an aunt or uncle, or a daughter-in-law, or son-in-law.
- D. “Brother” and “Sister” shall include brother or sister by the half blood.
- E. Furthermore, an adopted child of an individual shall be treated as a natural child of the individual.

**EXCLUSIONS:**

- A. The Delaware County Anti-nepotism Policy (the “Policy”) shall not apply to individuals employed by the County as of July 1, 2012, unless the individual has a break in employment with the County AFTER July 1, 2012.
  - 1. A “break” in employment shall not include:
    - a. Time away from work while on paid or unpaid leave, vacation sick, family medical leave, or worker’s compensation; or
    - b. Termination of employment which is followed by immediate reemployment by the County, with no loss of payroll time.
- B. The Policy shall not apply to volunteer fire-fighters or precinct election officers, as defined in IC 3-5-2-40.1.
- C. Furthermore, the Policy does not end or affect an employment contract with a unit that (1) an individual is party to and (2) that is in effect on the date the individual’s relative begins serving a term of an elected office of the unit.

**EMPLOYMENT PRACTICES:**

- A. Units cannot employ relatives in such a way that puts one relative in the direct line of supervision of another relative.

- B. If an individual is employed by Delaware County on the date his or her relative begins serving term of an elected office of the unit, and is not exempt from the application of this statute, the individual can remain employed in the same position or rank, even if it violates the prohibition against one relative being in the direct line of supervision of another. However, such an individual cannot 1) be promoted to a position, or 2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department, if the new position would violate the prohibitions against one relative being in the direct line of supervision of another.
- C. A sheriff's spouse may be employed as prison matron.
- D. A person who has served as coroner, is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana, as coroner received certification under IC 36-2-14-22.3, or whose successor in the office is a relative of the individual may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

**CERTIFICATION REQUIREMENTS:**

Each year all elected officers of the County must certify in writing that he or she has not violated IC 36-1-20.2 or IC 36-1-21, pursuant to which the Policy is promulgated. Certifications must be submitted to the Delaware County Board of Commissioners no later than December 31, of each year.

**CONTRACTING REQUIREMENTS:**

A. Delaware County shall not 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, unless:

- 1. The elected official complies with the dictates of IC 35-44-1-3 if applicable, and files with Delaware County a full disclosure, which must:
  - a. be in writing;
  - b. describe the contract or purchase to be made by Delaware County;
  - c. describe the relationship that the elected official has to the individual or business entity with whom the County will be contracting.
  - d. be affirmed under penalty of perjury;
  - e. be submitted to the County Council, and be accepted by the County Council in a public meeting prior to final action on the contract;
  - f. be filed not later than 15 days after final action on the contract or purchase, with:
    - i. the State Board of Accounts;
    - ii. the Clerk of the Delaware County Circuit Court.
- 2. Furthermore, the appropriate agency of Delaware County shall:
  - a. make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
  - b. make a certified statement of the reasons why the vendor or contractor was selected; and

3. The County satisfies any other requirements under IC 5-22 or IC 36-1-12.
- B. This provision DOES NOT affect the initial term of a contract in existence at the time the term of office of the elected official begins.

**COUNTY BOARD OF COMMISSIONERS STATEMENT OF ADOPTION:**

The Delaware County personnel report submitted after December 31, 2012 must include a statement by the Delaware County Board of Commissioners that Delaware County has implemented an anti-nepotism policy in compliance with IC 31-1-20.2 and IC 36-1-21.

The Delaware County Anti-nepotism shall be read to supersede or repeal and existing oral or written policies and procedures of Delaware County that are in conflict, therewith.

**(Ordinance No. 2012-019, Commissioners, 6/4/12)**

1-9-26. Regarding Title VI Policies and Procedures.

The following policy statement and procedure shall be in effect for Delaware County, as follows:

Section 1. Policy Statement

Delaware County will comply with the Title VI Civil Rights Act of 1964. The County will utilize its best efforts in maintaining compliance in all programs subject to the requirements of Title VI and all other federal regulations applicable to the administration of such programs.

Section 2. Title VI Coordinator

The Title VI Coordinator shall be the Human Resources Director and may be contacted by mail, phone, email or in person as follows:

Human Resources Director  
100 W. Main Street, Room 208  
Muncie, Indiana, 47305  
Phone: 765-741-3397  
Fax: 765-284-5831  
bstuffel@co.delaware.in.us  
Website: [www.co.delaware.in.us](http://www.co.delaware.in.us)

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, copies of Title VI complaints or lawsuits and relation documentation and records of correspondence to and from complainants, and Title VI Investigations.

Section 3. Title VI Information Dissemination

Title VI information shall be prominently displayed in the Delaware County Building and on the County's website by posting of this resolution. The name of the Title VI Coordinator shall be available on the County's website. Additional information relating to nondiscrimination obligation can be obtained from the County's Title VI Coordinator.

Section 4. Subcontractors and Vendors



All subcontractors and vendors who receive payments from the County where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act as amended.

## Section 5. Complaint Procedure

A complaint alleging discrimination may be filed with the Title VI Coordinator. The Title VI Coordinator has the responsibility for receiving, logging, acknowledging, investigating complaints and reporting the findings. The Coordinator will notify the Board of Commissioners and the appropriate program director/department head when a complaint is received. After receiving a complaint or identifying potential discriminating activity, the Title VI Coordinator will take the following steps:

1. Within 30 business days of receiving the complaint, the Title VI Coordinator will conduct a fact finding investigation. The Coordinator will meet with the complainant or staff member who identified the alleged discriminatory activity to determine the nature of the complaint and whether Title VI requirements were violated. The Coordinator will meet with the program director/department head in whose area the alleged violation occurred and will notify the Board of Commissioners.
2. If the Coordinator determines that discrimination has not occurred, the complainant, the Board of Commissioners, and the program director/department head will be informed. The complainant will then have a right to appeal the decision.
3. If the investigation indicates that discrimination did in fact occur, it will be discussed with the program director/department head. The Coordinator will discuss ways in which to resolve the complaint and seek voluntary corrective action.
4. The complainant or program director/department head may appeal any rulings made by the Coordinator to the Board of Commissioners within 10 business days of receipt of the written findings provided by the Coordinator. The Board of Commissioners will make a finding on the appeal within 15 business days of receipt of the request for appeal.
5. If discriminatory activity cannot be resolved by the Board of Commissioners, a written report on the situation will be prepared by the Coordinator and forwarded to the appropriate state or federal agency. If a complaint involves one of the County's federally funded programs, the federal agency providing the funding will also be notified. Information will also be provided to the parties involved on the procedures for appealing to the federal level.

A complaint form is available from the Human Resources Department and on the County's website.  
**(Resolution No. 2012-013, Commissioners, 6/18/12)**

## Authorizing Purchase of Provisions or Sustenance Items for Individuals who Perform Certain Volunteer Service Work

Effective August 20, 2012, the County Board of Commissioners authorize expenditures for provisions and sustenance items for volunteers assisting any of the various offices or departments of Delaware County when the service of the volunteers meets the following criteria: 1) episodes of volunteer service of eight (8) hours or more in any twenty-four (24) hour period; 2) volunteer service consisting of continuous service lasting four (4) hours or more; 3) mandatory volunteer training classes lasting at least one (1) hour in duration; or 4) annual volunteer recognition dinners where organizational business and/or training is also conducted at said dinner.

The County Auditor is hereby authorized, empowered, and directed, to take any action within the law as may be deemed necessary or desirable to effectuate the foregoing resolution.

**(Resolution No. 2012-022, Commissioners, 9/17/12)**

1-9-27. Payments of Stipends.

1. The Department Head can pay a volunteer a stipend upon Council approval;
2. Said stipend shall come from the Department's budget that is benefiting from said volunteer; and
3. This ordinance shall not interfere with, supersede, or obstruct the benefits and Agreements now in full force and effect.
4. This ordinance shall take effect upon the signing of the same.  
**(Ordinance No. 2010-25, Council, 9/28/10)**

1-9-28. Payroll Deductions for Charities and/or Political Contributions.

- 1) No employee shall be required to contribute to any charity or political party as a requirement for employments, and/or continued employment, with Delaware County.
- 2) The Delaware County Auditor shall allow any and all voluntary wage withholdings from the pay of any employee for the purpose of contributing to any charity and/or political party.  
**(Ordinance No. 2009-011, Commissioners, 4/20/09)**

## CHAPTER 10

### COUNTY BUILDINGS AND PROPERTY

#### 1-10-1. Prohibiting Cellular Telephones and Other Electronic Devices from the Delaware County Justice Center.

1. No person may bring into Delaware County Justice Center a cellular telephone, camera, video cameras, or any device capable of audio and/or video recording, except for the following individuals:
  - A. An attorney licensed to practice law, upon presenting proof that the attorney is so licensed; a current State of Indiana attorney card with the attorney's bar number as sufficient proof;
  - B. A person reporting for jury duty, upon presenting the jury summons showing the person is engaged in jury duty;
  - C. Employees of law firms, upon showing the "key fob" issued by Delaware County for access behind the Justice Center security doors.
  - D. Any other individual whom a judge authorizes to bring in such a device.
  - E. Any regular judge or senior judge, upon presenting the State of Indiana Judicial identification.
  - F. Any Delaware County employee, upon showing their employee identification issued by Delaware County.
2. The Sheriff of Delaware County and court personnel are authorized to monitor and enforce compliance with this Ordinance.
3. This Ordinance does not prohibit anyone with a disability that necessitates the availability or use of a cell phone to possess one in the Justice Center.  
**(Ordinance No. 2010-001, Commissioners, 2/1/10)**

#### 1-10-2. Transfer of Property to Habitat for Humanity.

The County Commissioners will quit claim deed the titles to the abandon properties to Habitat for Humanity for them to rehab the properties for the purposes of them to be occupied and put back on the tax rolls.

**(Resolution No. 2009-004, Commissioners, 4/6/09)**

#### 1-10-3. Transfer of Certain Property Acquired for Flood Control.

The property described in Exhibit A to this Resolution be transferred to the City of Muncie Indiana by recording of the Quitclaim Deed which is a part of Exhibit A and that the assessed and unpaid property taxes and other assessments from the date of the Deed up to and including the date of this Resolution be removed from the property and that the property described in Exhibit B to this Resolution be transferred to the Muncie Sanitary District by the recording of the Quitclaim Deed which is a part of Exhibit B and that

the assessed and unpaid property taxes and other assessments from date of the Deed up to and including the date of this Resolution be removed from the property.

**(Resolution No. 2010-019, Commissioners, 9/7/2010)**

1-10-4. Setting the Time When the Delaware County Building Shall be Opened for Business and Service.

Until no longer necessary, beginning October 6, 2011, hereby sets the regular business and working hours as each Monday, Tuesday, Wednesday, and Thursday, at eight o'clock a.m. (8:00) to five o'clock p.m. (5:00) and each Friday the Delaware County Building shall be closed to work and service to the public. Regular business hours for the Delaware County Justice Center will be eight thirty o'clock a.m. (8:30) to four o'clock p.m. (4:00) Monday through Friday.

The Delaware County Board of Commissioners hereby adopt this Resolution as the Regular Business Hours for the Delaware County Building and the Delaware County Justice Center.

**(Resolution No. 2011-021, Commissioners, 10/3/11)**

1-10-4(A). Setting the Hours of Delaware County Building Being Open for Business and Service.

1. That the regular business and operating hours of the Delaware County Building are each Monday, Tuesday, Wednesday, Thursday, and Friday, at 8:30 a.m. (8:30) to four o'clock p.m. (4:00) effective July 27, 2012.
2. That any resolution not in accordance with this is hereby repealed and shall have no force or effect.

**(Resolution No. 2012-014, Commissioners, 7/16/12)**

1-10-5. Adopting the Americans with Disabilities Act Standards and Guidelines.

**Section 1.** That the Board of Commissioners hereby adopts the 2010 Americans with Disabilities Act Standards for Accessible Design.

**Section 2.** That the Board of Commissioners hereby adopts the 2011 Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, effective upon their final approval by the US Department of Justice.

**Section 3.** That this Resolution shall be in full force and effect from and after its passage on this 16<sup>th</sup> day of April, 2012

**(Resolution No. 2012-008, Commissioners, 4/16/12)**

1-10-6. Regarding Perpetual Retention of Ownership Interest of Particular Real Estate.

The real estate, a description of which is attached hereto as Exhibit A, to which the County holds title, shall remain the property of the County forever, and that the County shall never transfer its ownership interest in the property, nor shall the county ever permit the County to cease to maintain and operate a functioning railroad over said property.

The foregoing was passed by the Board of Commissioners of Delaware County, Indiana, this 27<sup>th</sup> day of July, 2012. Additionally, the foregoing shall be in full force and effect from the aforementioned date of passage.

**(Resolution No. 2012-019, Commissioners, 7/27/12)**

1-10-7. Fairgrounds Construction and Repairs.

Before any work is performed, such as:

Construction, reconstruction, alteration, or renovation of a public building, or any other structure – construction, reconstruction, or alteration of sewers or any other improvements

Said work must be presented to and approved by the Delaware County Commissioner at a regular public meeting.

**(Ordinance No. 2010-032, Commissioners, 11/1/10)**