

TITLE I: GENERAL PROVISIONS

Chapter: 10. RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of Code
- 10.02 Interpretation
- 10.03 Application of future ordinances
- 10.04 Construction of code
- 10.05 Rules of interpretation; definitions
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices; name designations
- 10.09 Errors and omissions
- 10.10 Reasonable time
- 10.11 Repeal or modification of code section
- 10.12 Limitation periods
- 10.13 Ordinances unaffected
- 10.14 Ordinances which amend or supplement code
- 10.15 Section histories; statutory references
- 10.16 Preservation of penalties, offenses, rights and liabilities
- 10.99 General penalty

§10.01 TITLE OF CODE

All ordinances of a permanent and general nature of the county, as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the "Montgomery County Code," for which designation "Code of Ordinances," "Codified Ordinances" or "Code" may be substituted. Code title, chapter and section headings do not constitute any part of the law as contained in the code.

§10.02 INTERPRETATION

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§10.03 APPLICATION TO FUTURE ORDINANCES

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§10.04 CONSTRUCTION OF CODE

(A) This code is a codification of previously existing laws, amendments thereto and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under law reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters or sections of the code, as originally enacted, or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

~~(G)~~ All references to any section of this code refer to all subsequent amendments to that section unless otherwise provided.

(I.C. 1-1-1-5)

§10.05 RULES OF INTERPRETATION; DEFINITIONS

2

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary and usual sense. Technical

words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

- (2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of person, unless otherwise declared in the section giving the authority.
- (3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.
- (4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable

(B) Definitions. For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

COUNTY. Montgomery County, Indiana

HIGHWAY. Bridges, roads and streets unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and **FOLLOWING.** When referring to sections or divisions in this code, the sections or divisions next following or next preceding that in which the words occur unless some other section is designated.

TOWNSHIP. The township or townships in which the county is located. 3

WRITTEN and **IN WRITING.**

- (1) Printing, lithographing or other modes of representing words and letters.
- (2) Where the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

YEAR. One calendar year unless otherwise expressly provided.
(I.C. 1-1-4-5)

§10.06 SEVERABILITY

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

- (1) The remainder is so essentially and inseparably connected with an so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or
- (2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.
(I.C. 1-1-1-8)

§10.07 REFERENCE TO OTHER SECTIONS

Whenever in one section, reference is made to another section hereof, reference shall extend and ply to the section referred to as subsequently amended, revised, re-codified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

4

§10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS

(A) *Reference of Offices.* Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the county exercising the powers, duties or functions contemplated in the provision, irrespective to any transfer of functions or change in the official title of the functionary.

(B) *Name Designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority or instrumentality of any government, and that name designation is incorrectly stated; or at

the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties or liabilities placed with the entity were transferred to a different entity; then the names board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers and rights were transferred.

(I.C. 1-1-6-1)

§10.09 ERRORS AND OMISSIONS

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any questions exists regarding the nature or extent of the error.

§10.10 REASONABLE TIME

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday or a state holiday, it shall be excluded.

§10.11 REPEAL OR MODIFICATION OF CODE SECTION 5

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture or liability incurred under the section unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture or liability. (I.C 1-1-5-1)

§10.12 LIMITATION PERIODS

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, to the prosecution of offenses or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code

shall not be affected by the repeal and reenactment. All suits, proceedings and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this Code had not been enacted.

Statutory reference:

Period of limitation, see I.C. 1-1-1-7

§10.13 ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section, in addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§10.15 SECTION HISTORIES; STATUTORY REFERENCES (A) As histories for the

code sections, the specific number and passage date of the original

6

ordinance, and the most recent three amending ordinances, if any are listed following the text of the code section. Example: (ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am Ord. 20, passed 1-80; Am. Ord. 25, passed 1-1-850) *Statutory reference: Inspection of public records, see I.C. 5-14-3-1 et seq.*"

(1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (I.C. 36-5-2-2)(Ord. 10, passed 1-17-80; Am. Ord., passed 1-1-85)

(2) If a statutory cite is set for them as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

"§39.01 PUBLIC RECORDS AVAILABLE

This municipality shall make available to any person for inspection or copying all public records unless otherwise exempted by state law.

§10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

(A) All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this code.

(B) The liabilities, proceedings and rights are continued. Punishments, penalties or forfeitures shall be enforced and imposed as if this Code had not been enacted. In particular, any agreement granting permission to

utilize highway rights-of-way, contracts, entered into or franchises granted, the acceptance, established or vacation of any highway and the election of corporate officers shall remain valid in all respects, as if this Code had not been enacted.

Formatted: Space After: 8 pt, Line spacing: Multiple 1.07 li

§10.99 GENERAL PENALTY

Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Power to prescribe fines up to \$2,500 granted, see (I.C. 36-1-3-8(a)(10))

7

CHAPTER 11: COUNTY BOUNDARIES

Section

11.01 Boundaries

§11.01 BOUNDARIES

The boundaries of the county are as follows: beginning at the northeast corner of Section 1, Township 20 North, Range 3 West; thence west to the northwest corner of Section 3, Township 20 North, Range 6 West; thence south to the southwest corner of Section 34, Township 17 North, Range 6 West; thence east to the southeast corner of Section 36, Township 17 North, Range 3 West; thence north to the northeast corner of Section 1, Township 20 North, Range 3 West, being the point of beginning, containing approximately 504 square miles. (1982 Code, §1-2-1)

TITLE III: ADMINISTRATION

Chapter

30. ELECTION PROCEDURES

31. BOARD OF COMMISSIONERS

32. COUNTY COUNCIL

33. BOARDS, COMMISSIONS AND DEPARTMENTS

34. COUNTY EMPLOYEES

35. FINANCE AND TAXATION

36. COUNTY POLICIES

37. EMERGENCY MANAGEMENT

TITLE III: ADMINISTRATION

CHAPTER 30: ELECTION PROCEDURES

Section

30.01 Purpose

30.02 Commissioner districts

30.03 Councilman districts

§30.01 PURPOSE

The purpose of this chapter is to establish County Commissioner and Council member election districts.

(1982 Code, § 1-3-1)

§30.02 COMMISSIONER DISTRICTS

(A) The County Executive shall divide the county into three districts that are composed of contiguous territory and are reasonably compact. The Executive may not divide precincts and may divide townships only when a division is clearly necessary to accomplish redistricting. If it is necessary to do so, the County Auditor shall call a special meeting of the Executive to establish or revise districts.

(B) The county is divided into three Commissioner election districts, designated numerically as follows:

(1) *District One.* All that part of the county bounded and described by a line running as follows, to wit: beginning at the northeast corner of the county at the northeast corner of Section 1, Township 20 North, Range 3 West; thence west to the northeast corner of Section 2, Township 20 North, Range 4 West; thence south to the south boundary line of the county to the southeast corner of Section 35, Township 17 North, Range 4 West; thence east to the southeast corner of the county; thence due north to the place of beginning shall form and constitute District One for the purpose.

(2) *District Two.* All that part of the county bounded and described by a line running as follows, to wit: beginning at the northeast corner of Section 2, Township 20 North, Range 4 West, on the north boundary line of the county; thence west to the northeast corner of Section 3, Township 20 North, Range 5 West; thence south to the south county line to the southeast corner of Section 34, Township 17 North, Range 5 West, thence east on the line to the southeast corner of Section 35, Township 17 North, Range 4 West; thence north to the place of beginning shall form and constitute District Two for the purposes.

(3) *District Three.* All that part of the county bounded and described by a line running as follows, to wit: beginning at the northeast corner of Section 3, Township 20 North, Range 5 West, on the north boundary line of the county; thence west to the northwest corner of the county; thence with the west boundary line thereof south to the southwest corner of the county; thence east to the southeast corner of Section 34, Township 17 North, Range 5 West; thence north to the place of beginning shall form and constitute District Three for the

purposes. (1982 Code, § 1-3-2) **Statutory reference:**
Similar provisions, see I.C. 36-2-2-4

§30.03 COUNCIL DISTRICTS

(A) **Establishment of Districts.** The County Executive shall, by ordinance,

the county into four contiguous, single-member districts. The Executive may not divide precincts when redistricting. If it is necessary to do so, the County Auditor shall call a special meeting of the Executive to establish or revise districts. One member of the fiscal body shall be elected by the voters of each of the four districts. Three at-large members of the fiscal body shall be elected by the voters of the whole county.

(B) Criteria for Single-Member Districts. Single-member districts must:

- (1) Be compact, subject only to natural boundary lines, such as railroads, major highways, rivers, creeks, parks and major industrial complexes
- (2) Contain, as nearly as possible, equal population; and
- (3) Include whole townships, except when a division is clearly necessary to accomplish districting under this section.

(C) Changing Districts. A division shall be made every ten years and may also be made in any other odd-numbered year.

(D) Four Council Districts. The county is divided into four Council election districts, designated by Township or numerically as designated by the County Election Board, as follows:

- (1) *District One.* Coal Creek Township; Wayne Township; Union One and Two; and Crawfordsville One, Two and Nine.
- (2) *District Two.* Ripley Township; Brown Township; Scott Township; Union Five, Six, and Seven; and Crawfordsville Eight.
- (3) *District Three.* Madison Township; Sugar Creek Township; Franklin Township; Union Three; and Crawfordsville Three, Four, and Ten.
- (4) *District Four.* Walnut Township; Clark Township; Union Four; and Crawfordsville Five, Six, and Seven.
(Similar provisions, see I.C. 36-2-3-4; Ord 2016-10, passed 3-28-16)

Section

31.01 Board of Commissioners; executive officers

31.02 Meetings

31.03 Legislative procedures

31.04 Electronic Participation Policy

§31.01 BOARD OF COMMISSIONERS; EXECUTIVE OFFICERS

(A) The three-member Board of Commissioners, elected under I.C. 36-2-2-2, is the County Executive.

(B) 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.

(C) The County Executive will meet during the first week of January each year to elect its President and Vice-President by a majority of the whole Executive and to conduct other business as may come before it.

(D) 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 or her signature thereto, shall authenticate all ordinances passed by the Executive in his or her presence. (1982 Code, § 1-4-1)

§31.02 MEETINGS

(A) The Regular meetings of the Executive shall be held on the second and fourth Monday of each month at 9:00 a.m. All meetings shall be held in the Commissioners Room in the Montgomery County Courthouse. When any meeting falls on a legal holiday, it shall be held at the same hour and place on the next day that is not a legal holiday.

(B) Special meetings may be called by the Executive if the public interest requires. At least six days' notice of the special meeting will be given unless the meeting is called to deal with an emergency under I.C. 5-14-1.5-5. The notice must include a specific statement of purpose of the meeting and the Executive may not conduct any unrelated business at the meeting. (1982 Code, § 1-4-2) (Am.Ord. 2005-01, passed 1-18-05; Am. Ord. 2006-01, passed 1-10-06; Am. Order 2016-11, passed 3-28-16)

§31.03 LEGISLATIVE PROCEDURES

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

(A) Two members of the Board shall constitute a quorum;

(B) A majority vote is required to pass an ordinance;

(C) If only two members of the 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. (1982 Code, § 1-4-3)

Statutory reference:

Continuance of question, see I.C. 36-2-4-6

Passage of ordinances, see I.C. 36-2-4-5

§33.04 ELECTRONIC PARTICIPATION POLICY

If a member of the Board of Commissioners cannot be physically present at a meeting, the member may participate by telephone or other electronic means under the following conditions and limitations:

(A) Declaration of Emergency. If the Governor of Indiana or the Montgomery County Board of Commissioners declare an emergency, as defined by House Enrolled Act 1437, then members of the Board members may participate in a meeting so long as a quorum of the elected members is either present in person or participating by electronic means and so long as members of the public are allowed to attend and observe in person and by electronic means. If any of the members participate electronically, all votes must be by roll call.

(B) No Emergency. If there is no declared emergency as provided for in subsection (A), then members may participate electronically so long as at least a quorum of the elected members is present in person at the meeting, members are able to communicate with each other, and members of the public are able to simultaneously observe and attend the meeting. Members participating electronically may vote if they can be seen and heard. Provided, however, members may not participate electronically in more than fifty percent (50%) of the Board's meetings during a calendar year nor participate electronically in more than two (2) consecutive meetings, unless their absence is due to (1) military service, (2) illness or medical condition, (3) death of a relative, or (4) an

emergency involving actual or threatened injury to persons or property. In addition, members may not participate electronically if the Board is taking final action to (1) adopt a budget, (2) make a reduction in personnel, (3) initiate a referendum, (4) establish or increase a fee, (5) establish or increase a penalty, (6) use eminent domain, or (7) establish, raise or

renew a tax. All votes taken if a Board member is participating electronically must be by roll call. The minutes of the meeting must articulate which members are physically present, present electronically or absent and indicate the means of electronic participation used.

(Ord. 2021-28, passed 9-13-2021)

CHAPTER 32: COUNTY COUNCIL

Section

32.01 County Council; Fiscal Body

32.02 Meetings

§32.01 COUNTY COUNCIL; FISCAL BODY

(A) The seven-member County Council, elected under I.C. 36-2-3-3, is the fiscal body. The fiscal body shall act in the name of the County Council.

(B) The fiscal body will meet during the first week of January each year to elect the President and President Pro-Tempore from its members.

(C) The County Auditor is the Council Clerk and shall:

- (1) Preserve the Council's records in his or her office;
- (2) Keep an accurate record of the Council'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 or more members.

(D) The County Sheriff or the Deputy shall attend the meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.

(E) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.
(1982 Code, § 1-6-1)

§32.02 MEETINGS

15

(A) The fiscal body shall hold a regular annual meeting, as prescribed by I.C. 6-1.1- 17, to adopt the county's annual budget and tax rate.

(B) Special meetings may be called by the County Auditor, President of fiscal body or by a majority of the members of the fiscal body. At least 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 day before the meeting, the notice in accord with I.C. 5-3-1. This does not apply to a meeting called to deal with an emergency under I.C. 5-14-1.5-5.

(C) 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 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 I.C. 5-14-1.5, (1982 Code, § 1-6-2)

CHAPTER 33: BOARDS, COMMISSIONS AND DEPARTMENTS

Section

33.01 Drainage Board

- 33.02 Economic Development Commission
- 33.03 Sheriff's Merit Board
- 33.04 Plan Commission
- 33.05 Sheriffs Reserve Unit
- 33.06 Corrections Advisory Board
- 33.07 Sugar Creek and Wabash Trail Authority
- 33.08 Public Defender Board
- 33.09 Floodplain Commission
- 33.10 Coroner
- 33.11 Montgomery County Redevelopment Commission
- 33.12 Central Communications Center
- 33.13 Montgomery County Redevelopment Authority
- 33.14 Montgomery County Solid Waste District
- 33.15 Montgomery County Mapping Department
- 33.16 Montgomery County Engineering Department
- 33.17 Montgomery County Health Department

Cross-reference:

- Board of Zoning Appeals, see § 153.36
- Emergency Management, see Chapter 37
- Visitor and Convention Commission, see § 110.03

§33.01 DRAINAGE BOARD

The Montgomery County Drainage Board, established by IC 36-9-27-4, shall consist of five (5) members appointed by the Board of Commissioners. One (1) member shall be a member of the Board of Commissioners, appointed annually by the Commissioners. Four (4) members shall be residents freeholders of Montgomery County at least one shall be recommended to the Board of Commissioners by the Board of Montgomery County Soil and Water Conservation District (provided, however, the Board of Commissioners shall have complete discretion whether to appoint or reject the recommended person); at least one shall be a resident freeholder of Coal Creek, Madison, Sugar Creek, Wayne, North Union or Franklin townships; and at least one shall be a resident freeholder of Ripley, South Union, Walnut, Brown, Scott or Clark townships. The four resident freeholders shall serve for terms of three (3) years with their initial appointments made so as to provide for

17

staggering of terms on an annual basis. In addition, the Montgomery County Surveyor shall serve as a member of the Drainage Board as an ex officio, nonvoting member.

Statutory reference:

Indiana Drainage Law, see IC 36-9-27

(Am. Commissioners Ord. 2005-6, passed 9-6-05; Am. Ord. 2006-05, passed 3-14-06; Am. Ord.)

2006-06, passed 3-14-06; Am. Commissioners Ord. 2006-20, passed 12-19-06; Am. Commissioners Ord. 2008-9, passed 6-9-08)

§33.02 ECONOMIC DEVELOPMENT COMMISSION

(A) Formation. Whereas a need exists in the county for the financing of economic development or pollution control facilities, as authorized by I.C. 36-7-12-1 and 36-7-12-4, together with statutory amendments and additions thereto, there is hereby created a department of economic development which shall be under the control of a commission to be known as the Montgomery County Economic Development Commission.

(B) Membership. The members of the Montgomery County Economic Development Commission shall be appointed by the County Commissioners. One (1) of the members shall be selected by the County Commissioners, one (1) shall be nominated by the Montgomery County Council, and one (1) shall be nominated by the fiscal body of the City of Crawfordsville. If the fiscal body fails to make a nomination within 15 days of receiving notice by the Commissioners of a vacancy, the County Commissioners may select and appoint a person without a nomination.

(C) Terms: The Montgomery County Economic Development Commissioners shall take office upon their appointment and their terms run from February 1 after their original appointment for a period of:

- (1) Three years, if selected by the County Commissioners
- (2) Two years, if nominated by the County Council; and
- (3) One year, if nominated by the fiscal body of the City of Crawfordsville.

At the expiration of the respective terms of each of the original economic development commissioners, their respective successors shall be selected and nominated, before the expiration of the term, in the same manner as the original commissioner, and each succeeding commissioner shall serve for a term of four (4) years. A commissioner shall hold over after the expiration of the commissioner's term until the commissioner's successor is appointed and has qualified.

18

(D) Oaths. Before beginning commissioner's duties, each economic development commissioner, shall take and subscribe an oath in the usual form, to be indorsed upon the certificate of the economic development commissioner's appointment. This certificate shall be filed with the County Auditor.

(E) Annual Meeting. The Commission shall conduct an annual meeting at a time and

place designated by the County Commissioners in February of each year for the purposes of reorganizing. At its February meeting, the Commission shall elect one member as president, one member as vice president, and one member as Secretary. Each officer shall serve from the date of their election until January 31 after the officer's election, and until the officer's successor is elected and qualified.

(F) Rules of Procedures. Voting. The economic development commission may adopt the bylaws, rules, and regulations that it considers necessary. Regular or special meetings shall be held at times and upon notice fixed by the commission, either by resolution or in accordance with the bylaws, rules, and regulations adopted. A majority of the members of an economic development commission constitutes a quorum. Actions of an economic development commission must be approved by a majority of the members of the commission.

(G) Removal From Office. An economic development commissioner may be removed from office for neglect of duty, incompetency, inability to perform the commissioner's duties, or any other good cause, by the executive or fiscal body that selected or nominated the commissioner.

(H) Duties and Powers. A Commissioner shall exercise all duties and exercise any power authorized by Indiana law and as detailed in Indiana Code § 36-7-12 et seq.

(I) Project Reports: The economic development commission shall prepare a report that:

- (1) briefly describes the proposed economic development or pollution control facilities;
- (2) estimates the number and expense of public works or services that would be made necessary or desirable by the proposed facilities, including public ways, schools, water, sewers, street lights, and fire protection;
- (3) estimates the total project costs of the proposed facilities;

19

- (4) for economic development facilities, estimates the number of jobs and the payroll to be created or saved, or describes the public benefits provided by a waterworks facility; and
- (5) for pollution control facilities, describes the facilities and how they will abate, reduce, or prevent pollution.

The report shall be submitted to the president of the Montgomery County Plan Commission, and if the number of new jobs estimated exceeds one hundred (100), to the superintendent of the school corporation where the facilities will be located. The president of the Plan

Commission and the school superintendent may formulate their written comments concerning the report and transmit their comments, if any, to the commission within five days from the receipt of the report.

(J) Annual Reports. The commission shall file a report to the County Council by January 31 of each year. This Annual Report must contain information on the operations, activities, and financial expenditures of the commission during the preceding calendar year, and any other information required by the County Council.

(Am Ord. 2021-39, passed 12-13-2021)

§33.03 SHERIFF'S MERIT BOARD

(A) The County Council does hereby create, by this section, the Sheriff's Merit Board, hereinafter called and known as the "County Sheriff's Merit Board," which shall have all the powers and duties set out in the original enactment of the Legislature of the state creating merit boards, Chapter 285 of the Acts of the General Assembly of the state and that the provisions of the statutes and this section shall be binding upon the Sheriff of this county and his or her successors and any county police force, as may hereinafter be created and defined pursuant to statute.

(B) The Sheriff's Merit Board shall consist of five members, with three members appointed by the Sheriff and two members elected by a majority of members of the Sheriff's Department. All members shall serve for respective terms of one, two, three and four years, with renewal of expiring terms to be a term of four years. Payment for services shall be pursuant to statute or every day or fraction thereof and members shall meet upon call of the Sheriff or the Chairperson of the Merit Board and the Board shall be and it is hereby empowered and authorized to establishing rules and regulations, define qualifications for members of the Sheriff's force and/or county police force, discipline the Sheriff's or county policy forces, establish policy for the Sheriff's Department and all other necessary functions of a directory, advisory and appointing board, all subject to the

20

terms and conditions of the Chapter 285, Acts of the General Assembly for 1961, as amended, including amendments enacted by Senate Enrolled Bill 223, General Assembly for 1971.

(C) Nothing in this section shall affect present appointments or abrogate any terms of appointment, obligation or rights under preexisting statutes.

(D) All records, books, accounts and reports are ordered transferred to the custody and control of the Merit Board, subject to the supervision of the County Sheriff, all as provided by law. (1982 Code, § 1-10-2; Am. Council Ord. 2016-03, passed 7-12-2016)

§33.04 PLAN COMMISSION

(A) (1) There is created and established the advisory Plan Commission to be known as the County Planning Commission, which shall have the duties and powers, as established by I.C. 367-4-400 et seq. and other responsibilities as may be assigned to it from time to time by the Board of County Commissioners. The Commission shall consist of nine members, appointed as follows:

(a) One member appointed by the Board of County Commissioners from Its membership;

(b) One member appointed by the County Council from its membership.

(c) The County Surveyor or a qualified Deputy Surveyor appointed by the Surveyor;

(d) The County Agricultural Agent; and

(e) Five citizen members appointed by the Board of County Commissioners in accordance with I.C. 36-7-4-208(a)(5)(B). No more than three of these members can be of the same political party.

(2) Initially, one citizen member shall be appointed for a term of one year; one citizen member shall be appointed for a term of two years; one citizen member shall be appointed for a term of three years; and the other two shall be appointed for terms of four years. Each member's term expires on the first Monday of January of the first, second, third or fourth year, respectively after the year of the member's appointment. Thereafter, each term shall be for four years, expiring on the first Monday of January after the fourth year.

21

(3) The term of office on the Commission for a member who is an elected official shall be coextensive with the member's term for that office.

(B) Each citizen member shall be appointed because of his or her knowledge and experience in community affairs, awareness of the social, economic, agricultural and industrial problems of the area and his or her interest in the development and integration of the area. A citizen member may not hold other elective or appointive office in municipal, county or state government.

(C) If a vacancy occurs among the members of the Plan Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member.

(D) The appointing authority may remove a member from the Plan Commission for cause. The appointing authority must mail notice of the removal, along with written reasons for removal, to the member at his or her residence address. A member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the County Circuit or Superior Court. The Court may, pending the outcome of the appeal, order the removal or stay the removal of the member.
(Ord. 11-1993, passed 12-21-93; Am. Commissioners Ord. 2008-1, passed 2-11-08)

§33.05 SHERIFF’S RESERVE UNIT

- (A) There is hereby established, pursuant to I.C. 36-8-3-20, the County Police Reserves, which shall be known as the County Sheriff’s Reserve Unit.

- (B) The County Sheriff’s Reserve Unit shall operate in accordance with I.C. 36-8-3- 20 and those rules and regulations adopted by the County Sheriff, as authorized specifically in I.C. 36-83-20(e) and I.C. 36-8-3-20(h).

- (C) The County Sheriff’s Reserve Unit shall be under the direct supervision of the County Sheriff.
(Ord. 1-84, passed 2-21-84)

§33.06 CORRECTIONS ADVISORY BOARD

The Board of County Commissioners hereby establishes a Community Corrections Advisory Board.

- (A) The Board consists of the following members as required by

I.C. 11-12-2 2:

- (1) The county sheriff or the sheriff’s designee;
- (2) The prosecuting attorney or the prosecuting attorney’s designee;

- (3) The director of the county office of the division of family resources or the director’s designee;

- (4) The City of Crawfordsville Mayor, or the Mayor’s designee;

- (5) Two judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges’ designee;

- (6) One judge having juvenile jurisdiction, appointed by the circuit court judge;

(7) One public defender or the public defender's designee, if available, or one attorney with a substantial criminal defense practice appointed by the county executive;

(8) One victim, or victim advocate if available, appointed by the county executive;

(9) One ex-offender, if available, appointed by the county executive;

(10) The following members appointed by the county executive:

(a) One member of the County Council or the member's designee;

(b) One probation officer;

(c) One educational administrator;

(d) One representative of a private correctional agency, if such an agency exists in the county;

(e) One mental health administrator, or, if there is none available in the county, one psychiatrist, psychologist, or physician;

(f) Four laypersons, at least one of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(B) Designees of officials appointed under sections (A)(1)-(7) and A(10) serve at the pleasure

of the designating official. Members appointed by the county executive, the criminal defense attorney, the ex-offender, and the victim or victim advocate serve four-year terms. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(C) The Board's duties shall include those provided in I.C. 11-12-2-3 and any other applicable law.

(Res. 91-2, passed 2-2-91; Amd Ord. 2016-12, passed 3-28-16)

§33.07 SUGAR CREEK AND WABASH TRAIL AUTHORITY

(A) The County Commissioners and the Mayor of Crawfordsville agree to create a single entity to jointly manage, construct, maintain, control, report and exercise all necessary powers for the uniform operations of that certain rail trail (linear park or greenway) in the county, commonly referred to as the “Sugar Creek and Wabash River Trail.” The park shall be owned, in part, by the county and in part by Crawfordsville and be operated by the Authority. This section shall in no way affect Crawfordsville’s current park board system, but shall in fact be a separate Authority constituted to deal solely with the new rail park.

(B) This Authority shall elect officers and shall have open and public meetings at regular times and locations to be determined and published by the Authority. The Authority shall report directly to the County Commissioners and the Crawfordsville City Council as directed or decisions as management and construction of the trail may require. (Ord. 94-2, passed – 94)

Cross-reference: Sugar Creek Zoning, see Chapter 153

§33.08 PUBLIC DEFENDER BOARD

(A) The Board of Commissioners establishes the County Public Defender Board, pursuant to I.C. 33-40-7-3. The Board consists of 3 members: 1 appointed by the county executive and 2 appointed by a majority vote of the judges who exercise felony or juvenile jurisdiction in Montgomery County. The members appointed by the judges may not be from the same political party. The members must be persons who have demonstrated an interest in high-quality legal representation for indigent persons. However, a member may not be a city, town, or county attorney, a law enforcement officer, a judge, or a court employee.

(B) Each Board member serves a 3-year term beginning with the date of the member's appointment. A member appointed to fill a vacancy holds office for the remainder of

24

the previous member's term. If a successor has not been appointed by the end of a member's 3-year term, the member continues in office until the member's successor takes office.

(C) The Board shall be governed by I.C. 33-40-7 and any other applicable law. (Ord, 94-3, passed –94; Am. Commissioners Ord. 2008-1, passed 2-11-08’ Am Ord. 2016-12, passed 3-28-16)

§33.09 FLOODPLAIN COMMISSION

(A) There is hereby established the County Floodplain Commission.

(B) The Floodplain Commission shall consist of three members appointed by the Board of Commissioners. The members shall be one County Commissioner and two county citizens

who do not hold an elective public office.

(C) Commission members serve terms of one year, beginning with the first Monday of January of each year. The initial members serve from the date of establishment of the Commission until the first Monday of January of the following year. If a vacancy occurs the Board of Commissioners shall appoint a new member to fill the unexpired term.

(D) At the first regular meeting of each year, the Commission shall elect the President, Vice President and Secretary. A majority of the members constitutes a quorum. To be official, an action of the Commission must be authorized by a majority of the Commission at a regular or special meeting.

(E) The Commission shall fix the time for holding regular meetings, but the Commission shall meet at least one time in January, April, July and October.

(F) The Commission has the powers granted in I.C. 14-28-4-11.

(G) The Commission shall approve and supervise the administration of Chapters 151 and 153 of this code of ordinances and any other ordinance which may be adopted by the Board of Commissioners to assure the promotion of public health, safety, convenience and the general welfare within the Commission's jurisdiction.

(H) The County Surveyor shall serve as the Administrator who issues improvement location permits within the jurisdiction of the Commission and in conformance with Chapters 151 and 153 of this code of ordinances. The Surveyor may appoint the Building Administrator as his or her administrator to issue improvement location permits.

25

(I) The Commission may institute the following:

(1) A suit for injunction in the County Circuit Court to restrain an individual or entity from violating any ordinance approved by the Commission and adopted by the Board of Commissioners;

(1) A suite for injunction directing an individual or entity to remove a structure erected in violation of any ordinance approved by the Commission and adopted by the Board of Commissioners; and

(2) If the Commission is successful in the Commissioner's suit, the respondent shall pay the costs of the action including the Commission's attorney fees incurred to prosecute the action. (Ord. 99-5, passed 12-7-99)

§33.10 CORONER

(A) Election.

(1) Eligibility. In order to be eligible for election as coroner, a person must reside within Montgomery County as provided for in Article 6, Section 6 of the Constitution of the State of Indiana. A coroner forfeits the office if he or she ceases to be resident of Montgomery County.

(2) Term. The term of the office of coroner is four years. The coroner continues to serve until a successor is elected and qualified.

(3) Commission. The governor of the State of Indiana commissions the coroner.

(B) Duties. The coroner has the following duties:

(1) Investigation of deaths as provided for in I.C. 36-2-14-6;

(2) Issuance of certificates of death, as provided for in I.C. 36-2-14-6(b);

(3) Performance of autopsies when requested or required as provided for by I.C. 36-214-6(d) and issue verdicts and written reports;

(4) Maintenance of confidential records as provided by Indiana law;

(5) Taking possession of, maintaining and disposing of property found on a deceased person or at the scene of death, as provided for in I.C. 36-2-14-11;

26

(6) Issuance of warrants for felony arrests relating to deaths;

(7) Attendance at meetings of the commission of forensic sciences for consultation on matters concerning the interest of the commission, the office of coroner, or both

(8) Making available to the public certain documents as provided for by the Indiana law;

(9) Recovering from other counties the costs of the autopsies, including physicians fees, when person die in Montgomery County as a result of incidents which occur in another county;

(10) Performance of the duties of the Sheriff of Montgomery County in cases where the Sheriff is interest or incapacitated from serving and has no chief deputy who may perform his duties;

(11) Service upon the Montgomery County Sheriff a warrant for his or her arrest commitment of the Sheriff to the county jail and the exercise of custody of the jail and its prisoners during the imprisonment of the Sheriff.

(C) Autopsies.

(1) *Investigations.* Whenever the coroner is notified that a person in Montgomery County has died from violence, died by casualty, died when apparently in good health, died in an apparently suspicious, unusual, or unnatural manner, or been found dead, the coroner shall, before the scene of death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(2) *Certificate of Death.* Within 72 hours after being notified of the death, the coroner shall file with the person in charge of interment a coroner's certificate of death. If the cause of death is not established with reasonable certainty within 72 hours, the coroner shall file with the person in charge of internment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as the coroner determines the cause of death, the coroner shall file a supplemental report indicating his exact findings with the local health officer having jurisdiction, who shall make it part of his or her official records. A coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one week old and not more than three years old unless an autopsy is performed at a county expense or an autopsy is not required under I.C. 36-2-14-6(e).

27

(3) *Verdicts.* At an investigation, the coroner shall examine persons wanting to testify and may examine persons summoned by the coroner's subpoena. After viewing the body, hearing the evidence, and making all necessary inquiries, the coroner shall draw up and sign his or her verdict on the death under consideration and make a written report giving an accurate description of the deceased person, the name of the deceased person if determined, and the amount of money and property found with the body.

(4) *Physicians.* If the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy in the case of a sudden and unexpected death of a child as provided for in I.C. 36-2-14-6(1), or is requested by the prosecuting attorney to perform an autopsy, the coroner shall employ a physician who is certified by the American Board of Pathology or who holds an unlimited license to practice medicine in Indiana and acts under the direction of a physician certified by the American Board of Pathology. The physician performing the autopsy shall be paid a fee of at least \$50 from the county treasury. A coroner may employ the services of the medical examiner system as provided for in I.C. 4-23-6-6.

(D) *Immunity.* A person who in good faith orders or performs a medical examination or

autopsy under statutory authority is immune from civil liability for damages for ordering or performing the examination or autopsy.

(E) Compensation. When fixing the compensation of the coroner and his or her officers, the County Council shall, as provided for by I.C. 36-2-14-15, fix compensation for the coroner by reference to whether he or she is licensed to practice medicine in Indiana. The compensation of coroners licensed to practice medicine must be one and one-half times that fixed for coroners who are not so licensed.

(F) Finances.

(1) Funds. The coroner may establish, with the approval of the County Council, funds necessary to operate his or her office. All such funds shall be created by ordinances adopted by the County Council, and the ordinance shall provide for the source and use of such funds.

(2) Fees. The coroner may, with the approval of the County Council, establish user fees to defray the cost of providing certain services. These fees must be reasonable in light of the actual cost of providing such services.
(Ord. 2005-08, passed 9-20-05).

§33.11 MONTGOMERY COUNTY REDEVELOPMENT COMMISSION

(A) Establishment of Redevelopment Commission. There is hereby established a department of redevelopment controlled by a board of five (5) members, to be known as “Montgomery County Redevelopment Commission.”

(B) Establishment of Special Taxing District. All of the territory within Montgomery County, Indiana, except the territory within a municipality in the County that has its own redevelopment commission, constitutes a “special taxing district” for the purpose levying and collecting special benefit taxes for redevelopment purposes as provided in I.C. 36-7-14.

(C) Appointments to Commission.

(1) Redevelopment Commissioners. The Board of County Commissioners shall appoint three (3) members of the Redevelopment Commission, and the County Council shall appoint two (2) members. Each Redevelopment Commissioner shall serve for one (1) year from the first day of January after his appointment and until his successor is appointed and has qualified.

(2) Nonvoting Adviser. The County Commissioners shall also appoint one (1) person to serve as a non-voting advisor to the Redevelopment Commission. This person must be a school board member of one of the school corporations located in Montgomery County or an individual recommended by one of the school boards located in Montgomery County. This advisor is not considered a member of the Commission but is entitled to attend and participate in the proceedings of all Commission meetings. The non-voting adviser is not entitled to a salary, per diem, or reimbursement of expenses. The adviser serves a term of two (2) years and until a successor is appointed, and serves at the pleasure of the County Commissioners.

(D) Qualifications. All commission members must be at least eighteen (18) years of age and residents of the special taxing district. If a commission member ceases to be qualified, he or she forfeits his or her office.

(E) Oath. Before beginning his or her duties, each commissioner shall take and subscribe an oath of office, to be endorsed on the certificate of his or her appointment, and filed with the Clerk of the Montgomery Circuit Court.

29

(F) Bond. Also before beginning his or her duties, each commissioner shall execute a bond in the penal sum of Fifteen Thousand Dollars (\$15,000.00), payable to the State of Indiana, with surety to be approved by the Board of Commissioners of Montgomery County. Such bond shall be conditioned on the faithful performance of the commissioner's duties of office and the account for all monies and property that may come into the commissioner's hands or under his or her control. The cost of the bond shall be paid by the special taxing district.

(G) Salaries and Reimbursement. Redevelopment commissioners who are holders of a lucrative office for purposes of Article 2, Section 9 of the Indiana Constitution are not entitled to salaries, but they are entitled to reimbursement for expenses necessarily incurred in the performance of their duties. A redevelopment commissioner who does not hold a lucrative office for purposes of Article 2, Section 9 of the Indiana Constitution may receive a salary or a per diem and is entitled to reimbursement for expenses necessarily incurred in the performance of his or her duties.

(H) Removal. The appointing authority may at any time summarily remove a redevelopment commissioner by providing written notice of such removal to the Secretary of the Commission.

(I) Prohibition. Neither a redevelopment commissioner nor a nonvoting adviser may have a pecuniary interest in any contract, employment, purchase, or sale made under Indiana Code 36-714. However, any property required for redevelopment purposes in which a redevelopment commissioner or nonvoting adviser has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this prohibition is void.

(J) Compliance and Authority. The Montgomery County Redevelopment Commission shall comply with all statutes applicable to redevelopment commissions generally, including without limitation I.C. 36-7-14. (Commissioners Ord. 2007-4, passed 9-24-07; Amended, Ord. 2014-7, 1-13-15; Amd. Ord. 2016-23, passed 8-22-16)

§33.12 CENTRAL COMMUNICATIONS CENTER

(A) There is established the Montgomery County Central Communications Center. 30

(B) The purpose of this department is to administer the countywide enhanced emergency telephone system, as provided for in Indiana Code 36-8-16, commonly referred to as the E-911 System.

(C) The Center will be administered by two boards:

(1) Governing Board: The Governing Board shall:

(a) appoint and supervise the Director of the Center, approve all budgets and contracts, appoint certain members of the Operations Board, and take other action necessary for the operation of the Center;

(b) be comprised of five members:

(i) President of the Board of County Commissioners:

(ii) One County Commissioner who is appointed by the President of the Board of County Commissioners;

(iii) the Mayor of Crawfordsville;

(iv) A member of the Crawfordsville City Council who is appointed by the

City Council;

(v) A member of the County Council who is appointed by the County Council;

(c) Meet at least three times per year:

(i) In January to appoint the Director;

(ii) In June to approve the budget; and

(iii) In October to evaluate the Director.

The Board may also meet at any other time as required.

(2) Operations Board: The Operations Board shall:

(a) Have three purposes:

31

(i) Establish written policies, procedures and protocols for the operation of the Center;

(ii) Establish written policies designed to ensure that in the hiring, promotion, discipline and termination of employees, the employees shall have legal protections similar to those established for police and firefighters under Indiana's merit systems and serve as the merit board;

(iii) Make recommendations to the Director regarding the operations of the Center.

(b) be comprised of seven voting members:

(i) One township or town Fire Chief, nominated by the Township and Town fire chiefs in Montgomery County and appointed by the Governing Board;

(ii) One representative of an ambulance service provider who is nominated by the ambulance service provider and appointed by the Governing Board;

(iii) One town marshal nominated by the town marshals in Montgomery County and appointed by the Governing Board;

- (iv) The Crawfordsville Fire Chief or his or her designee; (v) The Crawfordsville Police Chief or his or her designee; (vi) The Montgomery County Sheriff or his or her designee; and
- (vii) One representative of the public and private agencies that provide emergency services in Montgomery County who is appointed by the Governing Board.

(c) Have five non-voting members:

- (i) the County Commissioner appointed by the Board of County Commissioners to the Operations Board;
- (ii) the Center Director;

32

- (iii) the County Information Technology Director or designee;
- (iv) the County Emergency Management Director;
- (v) the County Mapping Director

(d) have as its Chair the County Commissioner serving on the Operations Board.

(e) elect a Vice President.

(D) The Center shall be funded by revenues from E-911 fees, contributions by the County and City of Crawfordsville and other sources as provided for either by agreement or by Indiana law.

(E) The Center shall have a Director who shall be appointed by the Governing Board. The Director shall be responsible to and be supervised by the Governing Board. The Director shall supervise all employees of the Center. The Director is not a merit officer and shall not be entitled to the merit protections of merit officers.
(Ord. 2011-__, passed 6-27-11)

§ 33.13 MONTGOMERY COUNTY REDEVELOPMENT AUTHORITY

(A) *Montgomery County Redevelopment Authority*. It is hereby established by the Montgomery County Board of Commissioners, by ordinance, the Montgomery County Redevelopment

Authority.

- (B) *Membership.* The Montgomery County Redevelopment Authority (“Authority”) consists of three members. The three members shall be appointed the Montgomery County Board of Commissioners. All members must reside in Montgomery County, Indiana.
- (C) *Terms.* An Authority member shall serve for a term of three years.
- (D) *Removal of Member.* An Authority member can only be removed by the Montgomery County Board of Commissioners for cause.
- (E) *Vacancies.* Any vacancy of the Authority shall be filled the Montgomery County Board of Commissioners.

33

- (F) *Oath.* An Authority member must execute the oath prescribed by Indiana Code § 5-4-1 before serving on the Authority.
- (G) *Salary.* An Authority member shall not receive a salary for service to the Authority.
- (H) *By-Laws.* The Authority may adopt By-Laws.
- (I) *Meetings.* The Authority must, at least, conduct an annual meeting in the month of January to elect officers and conduct the business of the Authority. The Authority may hold regular meetings on a date, time, and place as determined by the Authority. The Authority may hold special meetings called by the Authority President or any two members of the Authority. Each member must attend at least one meeting per year, in person.
- (J) *Authority Quorum; Participation; Voting.* To conduct official business of the Authority, all meetings must possess a quorum, consisting of a majority of the members. Electronic participation by a member is allowed if all participating members and the public physically present can simultaneously communicate with each other. If a member participates in a meeting of the Authority by electronic means, as provided in this Chapter, the member is counted as present for purposes of establishing a quorum and the member may participate in any final action taken at the meeting. However, if a member or members participate in a meeting by electronic means, at least one-third of members of the Authority must be physically present. All motions of the Authority must receive a majority vote of the members to pass. All votes must be by roll-call voting.
- (K) *Reports.* No later than April 15 of each year, the Authority must submit an annual report to the Montgomery County Board of Commissioners, the Montgomery County Council, and the Indiana Department of Local Government Finance. This annual report must include the following:
 - (1) Revenues;

- (2) Expenses;
- (3) Fund Balances;
- (4) Amount and Maturity Date of outstanding obligations;
- (5) Amount paid on outstanding obligations; and,
- (6) A list of all parcels included in each tax increment financing district allocation and the base assessed valuation and incremental assessed valuation for each parcel.

(L) *Purposes.* Pursuant to Indiana Code § 36-7-14-11, the Authority may exist for the following purposes:

- (1) Financing, constructing and leasing local public improvements to the redevelopment commission (“RDC”).

34

(2) Financing and constructing additional improvements to local public improvements owned by the Authority and leasing them to the RDC.

(3) Acquiring all or a portion of one or more local public improvements from the RDC by purchase or lease and leasing these local public improvements back to the RDC, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one or more local public improvements from the RDC by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the RDC to make a savings in debt services obligations or lease rental obligations or to obtain relief from covenants that the RDC considers to be unduly burdensome.

(M) *Powers and Duties.* The Authority has the power to perform the following: (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire or equip local public improvements;

(2) Lease those local public improvements to the RDC;

(3) Sue, be sued, plead, or be impleaded. All actions against the Authority must be brought in the Circuit or Superior courts of Montgomery County; (4) Condemn, appropriate, lease, rent, purchase or hold any real or personal property needed or considered useful in connection with a local public improvement; (5) Acquire real or personal property by gift, devise, or bequest and hold or disperse of that property for the purposes authorized by Indiana Code § 36-7-14.5; (6) Enter upon any lots or lands for the purpose of surveying or examining the land to determine the location of a local public improvement;

(7) Design, order, contract or construct, reconstruct or renovate any local public improvement or improvements;

(8) Employ managers, superintendents, architects, engineers, attorneys, auditors, clerks, construction managers or other like employees necessary for the construction of local public improvements or improvements to them.

(9) Make and enter into contracts or agreements necessary or incidental to the

performance of its duties or the execution of its powers under Indiana Code § 36-7-14.5;

(10) Take any other action necessary to implement the Authority's purposes;

(N) *Dissolution*. Whenever the Authority determines that:

(1) The purposes for which it was formed have been substantially fulfilled; and,

(2) All bonds issued and other obligations incurred by it have been fully paid or satisfied or provision for the payment of the bonds and obligation have been made in accordance with the terms of the resolution of trust indenture securing them, the Montgomery County Board of Commissioners may declare the Authority dissolved. On the effective date of the dissolution, the title to all funds and other property vests in the RDC. If, at the time of dissolution, the RDC is not in existence, then the title to all funds and other property vests with Montgomery County.

(Ord. 2018-9, passed 6-11-18)

§ 33.14 MONTGOMERY COUNTY SOLID WASTE MANAGEMENT DISTRICT

(A) ***Montgomery County Solid Waste Management District***. It is hereby established by the Montgomery County Board of Commissioners, pursuant to Indiana Code §13-21-3-1(b)(2) and by ordinance, that Montgomery County designates itself as a county solid waste management district, known as the Montgomery County Solid Waste Management District, effective January 1, 2021. The jurisdictional area of the District is all of Montgomery County.

(B) ***Board of Directors***. The Board of Directors of the Montgomery County Solid Waste Management District is the governing board of the District. The Board consists seven (7) members, including two (2) members appointed by the Board of Commissioners from the membership of the Board of Commissioners, one (1) member appointed by the Montgomery County Council from the membership of the Council, one (1) member who is the Mayor of the City of Crawfordsville, one (1) member appointed by the City of Crawfordsville City Council from the City Council's membership, one(1) member appointed by the Board of Commissioners who is a member of the legislative body of a town in Montgomery County who is appointed to represent the towns in the County, and one (1) additional member appointed by the Board of Commissioners from the membership of the Board of Commissioners.

(C) ***Terms***. All terms for members are co-extensive with the member's term in office in that body.

(D) ***Removal of Member of Board of Directors***. All members of the Board serve at the pleasure of their appointing authority.

(E) ***Solid Waste District Plan***. On or before May 1, 2021, the Board of Directors must submit a District Plan to the Commissioner of the Indiana Department of Environmental Management (IDEM). Within sixty (60) days of submission of the plan to the Commissioner, the District will present the Plan to the Board of Commissioners for

approval.

(F) **Vacancies.** If a vacancy occurs, the body that appointed the vacating member will fill the vacancy by appointment and notify the Board Chairperson of the appointment.

(G) **Oath.** A member of the Board of Directors must take and execute the oath prescribed by Indiana Code § 5-4-1 before serving on the Board.

(H) **Officers.** At its organization meeting each year, the Board will elect a Chairperson, Vice Chairperson, and Controller. The Chairperson and Vice Chairperson must be members of the Board. The Controller may not be a member of the Board.

36

(I) **Controller Duties.** The Controller will:

- (1) Be the official custodian of all District money and, subject to the terms of a resolution or trust indenture under which bonds are issue, deposit and invest all District money in the same manner as other County money is deposited and invested, as provided by Indiana Code 5-13;
- (2) be responsible to the Board for the fiscal management of the District; (3) Be responsible for the proper safeguarding and accounting of the District's money;
- (4) Issue warrants approved by the Board after a properly itemized and verified claim has been presented to the Board on a claim docket. The Board may, by resolution, authorize the Controller to make payment of claims for payroll, State solid waste fees, and specified vendors without prior approval of claims.
- (5) make financial reports of District money and present reports to the Board for the Board's approval;
- (6) prepare the District's annual budget; and
- (7) perform any other duties prescribed by the Board which are consistent with Indiana law.

(J) **Solid Waste Management Advisory Committee.** Within thirty (30) days of the Board's establishment, the Board will appoint and convene a Solid Waste Advisory Committee. (1) **Membership.** The Advisory Committee will consist of five (5) members. Two members must be members of the solid waste industry operating in Montgomery County. Three members must be members of the environmental community and other citizens who are knowledgeable and interested in environmental issue and who are not employed directly or indirectly by the solid waste industry.

(2) **Terms.** The terms of members of the Advisory Committee will be set by the Board.

(3) **Meetings:** The Advisory Committee must conduct at least two (2) joint meetings with the Board each year and at least two (2) other meetings each year. The Committee must allow public comment at all meetings.

(4) **Duties:** The Advisory Committee will:

- (a) study the subjects and problems specified by the Board and recommend to

- the Board additional problems in need of study and discussion;
- (b) report periodically to the Board;
- (c) study subjects not specified by the Board if the Advisory Committee determines a study is warranted and report to the Board;
- (d) review the annual budget and comment on the budget at a public meeting.

(K) Annual Budget. The annual budget of the District must be submitted to the Board of Commissioners and the County Council and approved by the Indiana Department of Local Government Finance.

37

(L) Powers. The Board has all powers provided for by Indiana Code 13-21-3-12 and other provisions of Indiana law.

(M) Annual Report. Prior to March 1st each year, the Board must submit to the Indiana Department of Environmental Management, the Department of Local Government Finance, and the Board of Commissioners its annual report, as required by Indiana Code 13-21-3-13.5. The District will also publish its annual report on the County Website.

(N) Salary. Board members shall not receive a salary for service to the Board.

(O) By-Laws. The Board will adopt By-Laws for the governance and procedures for hearings.

(P) Meetings. The Board will conduct its annual meeting on the second Monday in January at 10 a.m. The Board will meet monthly thereafter on a date and at a time selected by the Board at its annual meeting.

(Q) Authority Quorum; Participation; Voting. To conduct official business of the Board, all meetings must possess a quorum, consisting of a majority of the members. A majority vote of the members is required for action by the Board.

(Ord. 2020-31, 9-22-2020).

§33.15 MAPPING DEPARTMENT

(A) Establishment. There is established the Montgomery County Mapping Department.

(B) Purpose. The purpose of the Mapping Department is to administer the Geographic Information System Mapping Technology (GIS) mapping services, other mapping services and to administer the Address Confidentiality Policy and Address Numbering System of the Montgomery County government;

(C) Director. The Mapping Department will be supervised and managed by a Director who will be appointed by the Board of Commissioners. The Director will have all of the duties and responsibilities provided for in the job description approved by the Board of Commissioners. The Director will report to the County Administrator. The Director serves at the pleasure of the Board of Commissioners.

(D) Administration of Address Confidentiality Policy. The Director will administer the Montgomery County Address Confidentiality Policy, as provided for by Indiana Code §36-1-8.5 and Section 36.32 of the Montgomery County Code of Ordinances.

38

(E) Administration of Address Numbering System. The Director will administer the Montgomery County Address Numbering System Policy, as provided for in Section 90.15 to Section 90.26 of the Montgomery County Code.
(Added by Ordinance 2020-38, adopted 10- 26-2020).

§33.16 ENGINEERING DEPARTMENT

(A) Establishment. There is established the Montgomery County Engineering Department.

(B) Purpose. The purpose of the Engineering Department is to provide engineering services and advice to the Highway Department, Building Department, Mapping Department, Surveyor and other departments, officers, boards, commissions and agencies of the County government. These services include, but are not limited to the administration of projects assigned by the County Administrator for roads, bridges, storm water, drainage, infrastructure, facilities and other projects, engineering services when such services are required or advisable, the administration of state and federal contracts as the employee responsible under the terms and conditions of such funding agreements, and engineering advice to the various departments, officers and agencies of the County when assigned or requested;

(C) Director. The Engineering Department will be supervised and managed by a Director who will be appointed by the Board of Commissioners and who is a licensed professional engineer in the State of Indiana. The Director will have all of the duties and responsibilities provided for in the job description approved by the Board of Commissioners. The Director will report to the County Administrator. The Director serves at the pleasure of the Board of Commissioners.

(Added by Ordinance 2021-1, adopted January 25, 2021)

§33.17 MONTGOMERY COUNTY HEALTH DEPARTMENT

(A) Establishment. Pursuant to Indiana Code §16-20, there is established the Montgomery County Health Department. The Department is an agency of the County government and is administratively responsible to the Board of County Commissioners.

(B) Board. The Health Department is governed by the Montgomery County Health Board. The members of the Board are appointed by the Board of Commissioners.

39

(1) Composition: The Board is comprised of seven (7) members. Four (4) members must be knowledgeable in public health. Two (2) members must be licensed physicians, and two (2) must be a registered nurse, registered pharmacist, licensed dentist, hospital administrator, social worker, attorney with expertise in health matters, school superintendent, licensed veterinarian, registered professional engineer or environmental scientist. Two (2) members must represent the public, and one (1) member must be either a person knowledgeable or a member of the public.

(2) Officers. The Board will elect a chair, vice chair, and other officers the Board consider necessary.

(3) Removal. A member of the Board shall be removed if the member (1) is absent for three consecutive meetings, (2) is absent for four or more meetings during a calendar year, or (3) fails to perform his or her duties.

(4) Vacancies. If a vacancy occurs, the Board will provide to the Board of Commissioners a list of five names of potential new members. This list must contain at least three (3) persons with professional experience and must include at least one licensed physician. The Board of Commissioners will appoint a member to fill the vacancy.

(5) Term. Each Board Member will serve a 4-year term. These terms will be staggered.

(6) Eligibility. In order to be eligible to serve on the board, a person must be a United States citizen and must reside in Montgomery County.

(7) Procedures. The Board may adopt procedural rules for the Board's guidance and may establish administrative and personnel policies of the Department that are consistent with the administrative operating policy of the Montgomery County government.

(8) Compensation. The Board members may receive compensation as determined by the Montgomery County Council.

(C) Board Duties. The Board shall:

(1) Submit to the Board of Commissioners and the County Council an annual budget at the regular time for consideration of annual budgets;

(2) provide, equip and maintain suitable offices, facilities and appliances for the Department;

40

(3) publish a pamphlet, within 90 days of January 1st each year, for free distribution, an annual report for the previous year which shows the following:

(a) the amount of money received from all sources;

(b) the name of donors;

(c) how all money has been expended and for what purpose;

and

(d) other statistics and information concerning the work of the

Health Department that the Board considers to be of general interest.

(4) prescribe the duties of all officers and employees;

(5) authorize payment of salaries and all other Department expenses from the proper fund;

(6) take action authorized by statute or rule of the Indiana Department of Health to control communicable diseases;

(7) make, or delegate a representative to make, sanitary and health inspections in order to carry out state law; and

(8) appoint the Local Health Officer, subject to approval by the Board of County Commissioners.

(D) Board Powers: The Board may:

(1) adopt procedural rules for the Board's guidance and to establish administrative and personnel policies of the Department that are consistent with the administrative operating policy of the Board of County Commissioners;

(2) enter into contract(s) with the Indiana State Department of Health, other local boards, other units of government, a private individual, or a corporation for the provision of health services in Montgomery County. The private contracts are subject to approval by the Board of County Commissioners;

(3) contract with or purchase from any individual, organization, limited liability company, partnership or corporation for planning services considered essential to the Department; and

41

(4) with approval of the Board of County Commissioners, establish and collect fees for specific services and records established by local ordinance or state law, as long as the fees do not exceed the cost of services provided.

(E) Local Health Officer

(1) Appointment. The Board shall appoint a Local Health Officer. A person must be a licensed physician. This appointment is, after June 30, 2021, subject to approval by the Board of County Commissioners.

(2) Term. The term of appointment is four (4) years;

(3) Duties. The Local Health Officer shall:

(a) make to the Board a monthly report of the work done and, after approval by the Board, make the report a permanent record of the Department;

(b) keep full and permanent records of his or her public health work and minutes of the Board meetings;

(c) make reports to the Indiana State Department of Health as required by the State;

(d) attend all meetings of the Indiana State Department of Health, when requested, for consultation concerning any matter concerning public health;

(e) collect, record and report to the Indiana State Department of Health the vital statistics of Montgomery County;

(f) be the registrar of all births and deaths in Montgomery County and, by the 4th day of each month, forward to the Indiana State Department of Health the original record thereof;

(g) enforce the health laws, ordinances, rules and regulations of the County Health Department and Indiana State Department of Health; and

(h) upon receiving a complaint asserting that a person has instituted, permitted or maintained any condition that may transmit, generate or promote disease, document the complaint and, upon verifying those conditions, order the abatement of those conditions and, if the person

refuses or neglects to obey the order, transmit the information to the County Attorney who shall institute proceedings in the courts for enforcement.

(4) Powers. The Local Health Officer may:

42

(a) appoint and employ public health nurses, environmental health specialists, computer programmers, clerks and other personnel, and an administrator of public health, subject to confirmation of the Board, as is necessary and reasonable to carry out and perform the duties of the Local Health Office;

(b) receive financial assistance from an individual, or organization or the State or federal government, subject to the approval of such assistance by the Board and the Board of County Commissioners;

(c) make sanitary inspections and surveys of all public buildings and institutions;

(d) inspect private property in compliance with Indiana Code 16-20-1-23;

(e) order schools closed and forbid public gatherings when considered necessary to prevent and stop epidemics; and

(f) order religious organizations closed only if the order complies with Indiana Code 10-14-3-12.5 through 10-14-3-12.7.

(5) Removal. The Board may remove the Local Health Officer for failure to perform the Officer's statutory duties, failure to enforce rules of the Indiana State Department of Health, or other good cause, subject to Indiana Code 16-19-3-12, 13 and 15. If the Board intends to remove the Local Health Officer, the Board must provide written notice to the Officer of its intention, the grounds asserts and the date, time and place of the public meeting at which the action will be considered. This notice must be delivered to the Officer at least five (5) days prior to the meeting. The Officer is entitled to representation by an attorney at this meeting.

(F) Employees of Department

(1) Employees shall perform the duties of the Local Officer, as delegated by the Local Health Officer, with approval of the Board.

(2) Employees must meet the minimum qualifications established by the Board;

(3) Employees shall perform additional duties prescribed by the rules of the Indiana State Department of Health and Board under the general supervision of the Local Health Officer;

(4) Employees are, by local ordinance, part of the County classification system for the respective public health personnel positions;

43

(5) If an appointee or employee of a Local Health Officer is not a licensed water well driller under Indiana Code 25-3-9-3, the appointee or employee may not inspect the drilling of a water well.

(6) The County Council shall fix the compensation of the employees of the Department, in a manner prescribed by Indiana Code 36-2-5 or 36-3-6, after consideration of the recommendations of the Board.

(G) Mandatory Additional Services. A proposed rule of the Indiana State Department of Health or the Board mandating additional or revised local services must include a general fund impact statement of the rule or ordinance.

(H) Enforcement Actions During Public Emergencies or Disaster Emergency

(1) Authorization for Enforcement Actions. During a declared public health emergency or disaster emergency, all enforcement actions related to such emergencies or disasters must be authorized by the Board of County Commissioners.

(2) Right of Appeal. Any enforcement action taken by the Local Health Officer in response to either a declared local public health emergency determined by the Health Department or the Local Health Officer or a disaster emergency declared by the Governor under Indiana Code 10-14-3-12 is appealable by any aggrieved person to the Board of County Commissioners.

(3) Procedure for Appeal. Any appeal must be filed within seven (7) days of the receipt of notice of the issuance of the enforcement action, must be in writing, and delivered to the County Auditor. The Board of County Commissioner may enter an order staying the enforcement during the appeal. Within fifteen (15) days of receipt of the appeal, the Board of County Commissioners will schedule a hearing on the appeal and provide notice of the appeal hearing to the appellant and to the Local Health Officer of the date, time and place of the hearing.

(4) Appeal Hearing. The Board of County Commissioners will conduct an appeal hearing within fifteen days of the issuance of the notice of hearing. The appellant must attend the hearing or be represented at the hearing. At the hearing, the appellant will be allowed to present evidence which supports the appeal. After presentation of the appellant's evidence, the Local Health Officer, or his or her designee, may respond to the appeal and present evidence which supports the enforcement order. All parties have the right to present evidence and witnesses and to be represented by attorneys at the hearing. The County Attorney will represent the Local Health Officer at the hearing.

(5) Pre-Hearing Exchange of Information and Continuances. At least five (5) days prior to the hearing, both the appellant and the Local Health Officer will provide to the Board of County Commissioners and to the other party to the appeal any and all documents and a brief summary of evidence each intends to offer at the hearing. The Local Health Officer may request a continuance of the hearing if more time is needed or if the Officer is not available at the time scheduled by the Board of County Commissioners.

(6) Standard For Review. During an appeal, the Board of County Commissioners will consider whether the enforcement action is supported by the evidence, consistent with applicable ordinance or law, and taken with proper procedural due process. The Board of County Commissioners will, within fifteen (15) days of the hearing, issue written findings and conclusions which support its decision of the appeal. These findings and conclusions will be mailed to the appellant and the Local Health Officer.

(7) Consolidation of Appeals. The Board of County Commissioners may consolidate two or more appeals filed from the same order or involving a common question of law or fact.

(8) Record of Appeal. The appeal hearing will be recorded, and the Board of Commissioners will maintain the record and all documents related to the appeal.

(9) Dismissal. If the appellant fails to attend the hearing, either in person or by way of a representative, the appeal will be dismissed.

(10) Appeal of Decision of County Commissioners. Either party may appeal the decision of the Board of County Commissioners to the Montgomery Circuit Court. Any such appeal must be filed within thirty (30) days of the decision by the Board of County Commissioners at a public meeting.

(I) Local Orders Addressing Executive Orders. If a local order addresses any aspect of a declared emergency that is either not addressed by an Executive Order or if the local order is more stringent than the Executive Order, the local order may not take effect until and unless approved by the Board of County Commissioners. Local orders which are less stringent than the Executive Order, to the extent such orders are allowed under the Executive Order, do not require approval by the County Commissioners.

(Ord. 2021-27, passed 8-23-21)

CHAPTER 34: COUNTY EMPLOYEES

Section

- 34.01 Employee Handbook
- 34.02 Pay period
- 34.03 Sick leave (deleted)
- 34.04 Personal business (deleted)
- 34.05 Payroll withholding
- 34.06 Grievance procedure for certain employees
- 34.07 Sheriff's Department Deferred Compensation Plan
- 34.08 Credit Card Rules
- 34.09 County Administrator

Appendix A: Montgomery County Employees Personnel Policy Manual

§34.01 EMPLOYEE HANDBOOK

The personnel policy of the County is contained in the Employee Handbook. This handbook must be adopted by the Board of Commissioners regarding personnel matters and the County Council regarding compensation, job description, and job classification matters. The manual is attached to this Chapter as Appendix A. The Sheriff also has a Personnel Policy Manual for employees of his Department. This Manual is attached to this Chapter as Appendix B.

§34.02 PAY PERIOD

The pay period for all County employees shall be biweekly, ending every other Wednesday.
(Am. Commissioners Ord. 2008-1, passed 2-25-08; Am. Commissioners Ord. 2009-8, passed 10-26-09; Am. Commissioners Ord. 2009-09)

§34.03 SICK LEAVE

[Deleted by Council Ord. 2006-8, passed 12-11-06; Commissioners Ord. 2006-18, passed 1024-06]

§34.04 PERSONAL BUSINESS

§34.05 PAYROLL WITHHOLDING

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

DISPOSABLE EARNINGS means that part of the earnings of a County employee, including wages or salary, remaining after the deduction from those earnings of amounts required by law to be withheld, including without limitation the following: (i) Federal Insurance Contributions Act (FICA) or income taxes required to be withheld; (ii) amounts withheld pursuant to compulsory retirement, health insurance or similar plans imposed by law; and (iii) amounts withheld because of a Support Withholding or Garnishment order.

GARNISHMENT means any legal or equitable proceedings through which the earnings of an individual are required to be withheld by a garnishee, by the individual debtor, or by any other person for the payment of a judgment.

SUPPORT WITHHOLDING means that part of the earning that are withheld from an individual for child support in accordance with the laws of this state.

(B) Withholding for Delinquent Taxes. The auditor shall withhold from the wages and salaries of any employee who has been certified by the Treasurer as owing delinquent property taxes, penalties, or interest to the County. The amount withheld from any employee's wages or salary for any bi-weekly pay period may not exceed:

(1) twenty-five percent (25%) of the employee's Disposable Earnings for that bi-weekly pay period; or

(2) the amount by which the employee's Disposable Earnings for that bi-weekly pay period exceed sixty (60) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time such wages or salary are payable; whichever is less.

(C) Prepaid Legal Services. The Auditor is authorized to withhold from the wages and salaries of employees who execute written authorizations which provide for payment for per-paid legal services through Pre-Paid Legal Services.
(Ord. 2006-02, passed 1-10-06; Am. Commissioners Ord. 2008-2, passed 2-25-08)

§34.06 GRIEVANCE PROCEDURE FOR CERTAIN EMPLOYEES

(A) *Employees Covered.* Any employee of Highway Department, Building Department, and Building Maintenance Department shall have the right to file with the County Commissioners a grievance concerning their discipline, demotion, reprimand or other adverse job action taken by the Department Head.

(B) *Definition.* For purposes of this section, the following definition shall apply unless the context early indicates or requires a different meaning.

ADVERSE JOB ACTION.

(a) Demotion;

(b) Failure to receive a promotion;

(c) Disciplinary action resulting in loss of pay or unpaid time off of work; or

(d) Termination.

(C) *Procedure.* Any employee filing a grievance must do so in writing by delivering the grievance to the Commissioners' administrative assistant within 30 days of the adverse job action. The grievance must be signed by the employee and must state the date of the adverse job action, the reasons for his or her disagreement with the adverse job action and his or her recommendation regarding the matter. Within ten days of receipt of this grievance, the Commissioners shall schedule a grievance hearing, which may be heard in executive session, and shall deliver a copy of the grievance to the Department Head.

(D) *Hearings.* At the grievance hearing, the employee shall have the opportunity to present to the Commissioners any and all relevant evidence regarding the adverse job action. The Department Head shall then have the opportunity to present evidence which supports the adverse job action.

(E) *Rulings.* Within ten days of the hearing, the Commissioners shall enter their decision to either affirm the adverse job action, overrule the adverse job action or modify the adverse job action. The decision shall be made in writing, be delivered to the employee and Department Head, and placed in the employee's file.

(F) *Finality of Rulings.* The decision of the Commissioners concerning a grievance is final. No right of appeal or rehearing exists.

48

(G) *Waiver.* If an employee fails to file a grievance within 30 days of an adverse job action, the employee is deemed to have waived his or her right to a hearing.

(H) *Exclusive Procedure.* The grievance procedure provided for in this section shall be the

exclusive procedure for review of adverse job actions for employees covered by this procedure. The procedure does not create any contract or other rights of the employees in their employment other than the right to a hearing before the Commissioners as described in this section. (Ord. 2006-09, pass 5-9-06)

§34.07 SHERIFF’S DEPARTMENT DEFERRED COMPENSATION PLAN

(A) Establishment of Plan. There is hereby established a Deferred Compensation Plan for the Montgomery County Sheriff’s Department to allow for the voluntary participation of employees of such Department.

(B) Group Plan. The Sheriff’s Department will utilize the deferred compensation plan established by county sheriff’s departments in Indiana known as the “Indiana Sheriff’s 457(b) Plan” and participate in the group trust arrangement established by that deferred compensation plan. The Montgomery County Sheriff is authorized to sign the Adoption Agreement to participate in the Indiana Sheriffs 457(b) Plan.

(C) Voluntary Deductions. The Montgomery County Auditor is authorized to make deductions from the pay of employees of the Montgomery County Sheriff’s Department who voluntarily participate in the Indiana Sheriffs 457(b) Plan, and to deposit deferrals in the group trust of such Plan.

(D) Administrative Committee. The Committee made up of the representatives of Sheriff’s Departments participating in the Indiana Sheriffs 457(b) Plan (as determined by participating departments) to make such other arrangements as are necessary to implement such Plan, *provided, however*, that other than the incidental expenses related to collecting the employees’ deferrals and other minor administrative matter, participation in the Plan shall be without cost to the County.
(Commissioners Ord. 2008-16, passed 9-30-08)

§34.08 CREDIT CARD RULES

(A) The issuance and use of credit cards by the various departments and other units of the County is hereby authorized and allowed.

(B) As authorized by the County Commissioners, the Auditor shall negotiate with banks and other financial institutions and with suppliers and service providers to the

County to obtain credit cards and purchasing cards (collectively “credit cards”) for the use and benefit of any and all departments and other operating units of the County that may require them to operate efficiently. The Auditor is further authorized and empowered to apply for and execute on behalf of the County credit applications and any other documentation required to obtain those cards for those departments and operating units. The Auditor is further authorized to pay all annual fees assessed for the use of these credit cards. For purposes of this ordinance, the term “annual fees” includes, but is not limited to,

membership fees, service fees, and renewal fees.

(C) Unless a higher limit is authorized by the County Commissioners, the credit limit for such cards shall be \$5,000 per department.

(D) The regulation and usage of credit cards shall be the responsibility of the director, chief, superintendent, or other department head of each of the various departments and operating units of the County, and that person shall be the custodian and any departmental credit card(s).

(E) Departmental credit cards may be used only for lawful charges of expenses related to and necessary for the effective operation of that department. Such uses include but are not limited to:

- (1)** Purchasing of supplies and equipment for the use and benefit of the department;
- (2)** Travel and lodging expenses of departmental personnel while traveling on approved County business;
- (3)** Meal expenses of departmental personnel while traveling on approved County business, provided that any such expense may not exceed any authorized per diem for meals. Reasonable tips and/or gratuities are allowed as meal expenses if service is provided as part of the meal;
- (4)** Approved training and education costs for departmental personnel, and
- (5)** Any other use required for the efficient operation of the department when use of vouchers, checks, or other means of credit are not possible, provided that said use had been approved by the department head.

(F) When the purpose for which credit has been used is accomplished, the card must be returned to the authorized custodian of the card.

(G) The authorized custodian of any credit cards must maintain an accounting system concerning their use, which shall include the names of the individuals requesting and using the cards, their positions, the estimated amount and purpose of any charges, and the date and time the card is taken returned. The custodian shall also obtain and keep all charge receipts and other documentation supporting the charges.

50

(H) Within seven (7) days of use of a County credit card, the employee using the credit card shall deliver to the authorized custodian of the card the following documents: i a claim form for the charges made signed by the employee;

ii original receipts and/or invoices for the charges; and

iii any other documentation requested by the County which supports the claim.

iv if the employee loses the original receipt and/or invoice, the employee shall

provide a duplicate receipt and/or invoice or an affidavit of lost receipt.

(I) Within seven (7) days of receiving the required documentation, the authorized custodian shall deliver the documentation to the Auditor for processing.

(J) Any interest, late charges, or other fees resulting from the tardy submission of credit card receipts by any officer or employee shall be the personal responsibility of that officer or employee to pay.

(K) The credit cards may not be used for the following:

- i personal use;
- ii purchase of alcohol;
- iii any illegal purpose;
- iv to bypass, the County's accounting system or purchasing policies.

(Ord. 2011-___, passed 11-28-11)

§34.09 COUNTY ADMINISTRATOR

The Board of Commissioners hereby creates the position of County Administrator, as provided for in Indiana Code §36-2-2-14. The Board may from time-to-time appoint a County Administrator. The County Council will appoint two of its members to serve with the Commissioners and participate in the interview of prospective candidates for the position. The County Administrator serves at the pleasure of the Board of Commissioners. The County Administrator is the administrative head of the County government under the supervision of the Board of Commissioners. The County Administrator has all of the powers and duties assigned by the Board, including:

51

(C) assist in the administration and enforcement of policies and resolutions of the Board;

(D) supervise the activities of county government subject to the control of the Board; (E) attend meetings of the Board and the County Council;

(F) recommend measures for adoption to the Board;

(G) prepare and submit reports that the Administrator considers advisable or that the Board requires;

(H) keep the Board fully advised on the financial condition of the county; (I) prepare and submit a budget for each fiscal year;

(~~E~~)(J) perform other duties as provided for in the Administrator's job description or as

requested by the Board.
(Ord. 2019-10, passed 4-22-19).

52

**APPENDIX A: MONTGOMERY COUNTY EMPLOYEES PERSONNEL
POLICY MANUAL**

(Amended Commissioners Ord. 2010-5, adopted 12-30-10; amended by Ord. 2018-13;
2018-12)

MONTGOMERY COUNTY EMPLOYEES' PERSONNEL POLICY MANUAL

Adopted By: Montgomery County Board of Commissioners

December 30, 2010

And

Montgomery County Council

October 24, 2006

Original effective: January 1, 2007

Amended: January 1, 2011

Amended: May 9, 2016

Amended: December 5, 2016

Amended: August 21, 2018

Amended: February 25, 2019

Amended: November 23, 2020

Amended: January 25, 2021

53

IMPORTANT NOTICE

The information contained in this handbook is designed to provide employees with an overview of the employment policies for Montgomery County. The contents of this handbook apply to employees of Montgomery County. Certain provisions of the handbook apply only to employees of the County who are not regular members of the County Police Department, and these provisions are delineated in the handbook. The County Police Department has Standard Operating Procedures and other General Orders and Rules which apply to its officers. For these Officers, the provisions of this handbook and all procedures, orders and rules of the Police Department apply. Where special rules apply to members of the Police Department, these provisions are noted. Employees of the Montgomery County Courts are also subject to a handbook which applies to them, and therefore certain provision of this handbook do not apply to them. All statements are intended as general in nature.

The Board Commissioners reserves the right to make changes, additions or deletions to the

handbook at any time, with or without notice. Accordingly, nothing in this handbook should be construed as a promise or guarantee of employment or specific treatment in a specific situation.

This handbook is not an employment agreement or contract for employment. With the exception of uniformed officers who are subject to Merit Board rules and procedures regarding promotion and disciplinary matters, all other County employees are employees at will and may be terminated by Montgomery County at any time, with or without notice. No County official, officer, representative or employee, except for the Board of Commissioners has the authority to enter into any agreement or make any representations contrary to these employment-at-will terms.

The policies contained herein have been adopted with the intent to fully comply with all applicable laws governing employment practices and procedures. Nonetheless, if any policy contained in this handbook conflicts in any way with a federal, state, or local law, it is Montgomery County's intent to fully comply with the applicable law.

You should read, understand, and comply with all of the provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Montgomery County to benefit employees. Question about this handbook may be directed to your supervisor or to the Board of Commissioners.

USE OF THIS HANDBOOK

Montgomery County is committed to the establishment of sound personnel practices. As a result, this Employee Handbook has been developed to explain employee responsibilities, employee benefits, and policies and procedures for the County. It shall be the purpose of this Employee Handbook to promote the efficiency and economy of government, the morale and well-being of employees, and equal employment opportunity for all County employees and candidates.

The Board of Commissioners shall adopt and amend the Employee Handbook. Department Heads and supervisors are responsible for administration and maintenance of the personnel rules and regulations in their respective Departments.

All previously issued rules and procedures governing County personnel policies are hereby rescinded and superseded by this Employee Handbook. County ordinances related to County employees are not rescinded and superseded unless expressly covered, by the adoption of this Employee Handbook.

Individual departments may adopt additional policies as needed to ensure the achievement of the County's commitment to service. These policies may not conflict with the provisions of this Employee Handbook, however, and shall be developed with the guidance and approval of the Board of Commissioners for the Administrative Department, the Judges for the Judicial Branch, and the Sheriff for the Police Department. Amendments to this Employee Handbook shall only be made by the Board of Commissioners and no department or office of the County may amend or alter this Employee Handbook.

The contents of this Employee Handbook summarize current County policies and programs and are intended as guidelines only. The Board of Commissioners retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished policies or practices of the County, without advance notice, at its sole discretion without having to give cause or justification to any employee.

CONTENTS

Use of this Handbook Page 2

1. The Employment Relationship

1.01 Equal Employment Opportunity 50 1.02 Immigration Law Compliance
50 1.03 Hiring Process 50 1.04 Employment at Will 51 1.05 Employee
Classifications 51 1.06 Nepotism 53 1.07 Job Duties 56 1.08 Performance
Management 56

2. Compensation

2.01 Hours of Work 57 2.02 Timekeeping Requirements and Paydays 58 2.03
Overtime 58 2.04 Flexible Scheduling 62 2.05 Direct Deposit 62 2.06
Emergency Duty Pay 63 2.07 Longevity Pay 63 2.08 Payroll Deductions 63
2.09 Compensation When Offices Closed 63

3. Employee Benefits

3.01 Introduction 63 3.02 Insurance 64 3.03 Retirement Plan 64 3.04 Supplemental Insurance 65 3.05 Workers Compensation 65 3.06 Other Benefits 66 3.07 Additional Benefits 66

4. General Employment Policies

4.01 Code of Conduct 66 4.02 Principles of Employment 68 4.03 Confidential Nature of Work 70 4.04 Conflicts of Interest and Gratuities 70 4.05 Attendance 71 4.06 Appearance, Dress Code/Uniform, Demeanor and Personal 72

56

Property

4.07 Employee Records 73 4.08 Changes to Personal Information 74 4.09 Health Insurance Portability & Accountability Act (HIPAA) 74 Policy 4.10 Driving Related Expense – Mileage & CDL 75 Reimbursement, Town Vehicles. 4.11 Use of County Property 75 4.12 Internet Usage and Electronic Messaging 76 4.13 Criminally Charged Employees 77 4.14 Political Activities 77 4.15 Outside Employment 78 4.16 No Solicitation Policy/Distribution Policy 78 4.17 Non-Discrimination on Basis of Disabilities 79 4.18 Non-Discrimination and Anti-Harassment 79 4.19 Travel Policy 81 4.20 Work from Home Policy 82 4.21 Pregnancy and Childbirth Accommodation Policy

5. Health and Safety Policies

5.01 Safety Programs 83 5.02 Drug and Smoke Free Workplace 84 5.03 Prevention of Violence in the Workplace 88 5.04 Firearms 88 5.05 Security 88 5.06 Internal Controls 89

6. Leave Policies

6.01 Time Off 89 6.02 Holidays 89 6.03 Paid Time Off (PTO) 90 6.04 Sick Leave 92 6.05 Leave Under The Family Medical Leave Act (FMLA) 96 6.06 Military Leave 102 6.07 Jury Duty 104 6.08 Maternity Leave 104 6.09 Nursing Mothers 104 6.10 Volunteer Firefighters 105 6.11 Bereavement Leave 106

7. Discipline Policies

7.01 Disciplinary Policy 106 7.02 Immediate Dismissal Misconduct 108

57

8. Separation Policies

8.01 Termination of Employment 109 8.02 Voluntary Resignation 109 8.03

Reduction in Force 109 8.04 Return of County Property 110 8.05
Compensation Upon Termination 110 8.06 Impact on Benefits 110 8.07
Benefits Upon Separation of Employment Consolidated 111 Omnibus Budget
Reconciliation Act of 1985 (COBRA)

9. Repealer 111

Appendix

Form A-1 Employee Handbook Acknowledgement104
Form A-2 Automatic Enrollment Notice105
Form A-3 Notice of Volunteer Firefighter Form.....106

1. THE EMPLOYMENT RELATIONSHIP

1.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of Montgomery County that there shall be equal employment opportunity

for all employees and applicants without regard to race, color, religion, sex, sexual preference, national origin, age, disability, genetic information or ancestry. Montgomery County provides for fair treatment of employees. All employment and advancement opportunities will be based on merit, qualifications, and abilities. In addition, Montgomery County will make reasonable accommodations for qualified individuals with known disabilities unless doing so will result in an undue hardship. Montgomery County complies with all applicable federal, state, and local labor laws.

1.02 IMMIGRATION LAW COMPLIANCE

Montgomery County is committed to employing only United States citizens and aliens who are authorized to work in the United States. Montgomery County does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid. The Form I-9 and other documentation must be delivered to the Auditor by the new employee prior to the first day of employment.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Board of Commissioners. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

1.03 HIRING PROCESS

1.03.1 New Hires: Montgomery County is committed to hiring only qualified applicants. Qualifications considered include education, training, experience, ability and skills. All hiring is conducted in accordance with the County's commitment to equal employment opportunity and in compliance with the Americans with Disabilities Act.

To be considered for employment with the County, all applicants must:

59

- Complete a County standard application for employment; and
- Provide proof of a valid Indiana Driver's License.

Once a candidate receives a conditional offer of employment, the candidate must:

- Complete Employment Eligibility Verification Form, I-9 and/or show proof of the

- right to work;
- Complete a Nepotism Affidavit;
- Complete all tests and other screening procedures relevant to the position. These screenings may include fingerprinting, testing, background investigation, driver's license check;
- Pass a physical examination for positions requiring certain physical abilities; and · Complete and satisfy any other conditions of the offer.

1.03.2 Rehires – Former employees who seek reemployment with the County must apply and be processed as any other applicant. Applicants who are reemployed within 180 days of separation retain their original longevity and leave rights.

1.03.3 Police Officer Hiring – The hiring of police officers is governed by Indiana Merit Law, the Rules of Procedure of the Montgomery County Merit Commission, County Code, and the Standard Operating Procedures of the County Police Department.

1.04 EMPLOYMENT AT WILL

1.04.1 Administrative Employees --Employment with the County is entered into voluntarily, and the employee is free to resign at will at any time, with or without cause and with or without notice. Similarly, the County may terminate the employment relationship at will at any time, with or without cause and with or without notice.

1.04.2 Police Officers – The employment relationship of police officers and the County is governed by the Indiana Merit Law, the Rules of Procedure of the Montgomery County Merit Commission, County Code, and the Standard Operating Procedures of the Montgomery County Police Department.

1.05 EMPLOYEE CLASSIFICATIONS

1.05.1 Fair Labor Standard Act Classification: Each employee shall be categorized as exempt or non-exempt for purposes of overtime and compensatory time rules and such status shall be indicated on the employee's job description.

1.05.1.1 NON-EXEMPT – Non-exempt employees are eligible for overtime pay and/or compensatory time under the specific provisions of federal and state laws.

60

1.05.1.2 EXEMPT – Exempt employees are not eligible for overtime or compensatory time according to specific provisions of federal and state wage and hour laws. Exempt employees are typically paid on a salary basis and include executive, administrative and professional employees, and certain highly skilled computer employees.

1.05.2 Other Classifications: In addition to the above categories, each employee will belong to one other employment category:

1.05.2.1 FULL TIME – Full-time employees are those who regularly work thirty-seven and one-half (37.5) hours per week and who are employed on a year-round basis. Full-time employees are eligible for County benefits subject to the terms, conditions and limitations of each benefit program.

1.05.2.2 PART TIME – Part-time employees are those who are regularly scheduled to work less than thirty-seven and one-half (37.5) hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are not eligible for most County benefits, unless specifically provided for in the County's salary ordinance.

1.05.2.3 TEMPORARY/SEASONAL – Temporary/seasonal employees are those who are hired for a predetermined or limited period of time or for a project. Interns and summer employees are part of this group. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), temporary/seasonal employees are not eligible for most County benefits. Temporary/seasonal employees are not guaranteed re employment at the end of the season or their temporary period of employment and must re-apply for employment.

1.05.2.4 ADMINISTRATIVE – All employees of the County who are not County police officers. This classification includes all employees, except County Police Officers, who report to elected and appointed officials and civilian employees of the County Police Department.

1.05.2.5 TEMPORARY FULL TIME – All employees of the County who are employed as full-time employees as part of a grant or other special program which has a limited period of time for such full-time position. The employee has no expectation of continued employment at the end of the grant period or special program period. At the time of commencement of employment, the temporary full-time employee will acknowledge the limitation of the period of employment and will not be eligible for unemployment compensation at the end of the applicable program period.

1.06 NEPOTISM

1.06.1 Definitions: The following definitions apply to the County's Nepotism Policy:

1.06.1.1 Direct Line of Supervision: The phrase "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or

performance evaluation. The phrase does not include the responsibilities of the County Council to make decisions regarding salary ordinances, budgets or personnel policies of the County;

1.06.1.2 Employed: The term “employed” means an individual who is employed by the County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the County;

1.06.1.3 Relative: The term “relative” means any of the following:

- (a) a spouse;
- (b) a parent or stepparent;
- (c) a child, an adopted child or stepchild;
- (d) a brother, sister, stepbrother, stepsister, or a brother or sister by the half-blood;
- (e) a niece or nephew;
- (f) an aunt or uncle; and,
- (g) a daughter-in-law or son-in-law.

1.06.2 Nepotism Prohibited: The County may not employ individuals who are relatives, as defined in § 1.06.1, in a position that results in one relative being in the direct line of supervision of the other relative.

1.06.3 Application of Policy to Relatives of Elected Officials: Unless a specific exemption applies, this policy applies to an individual who is employed by the County on the date the individual’s relative begins serving a term of an elected officer of

the County. When the elected official begins serving a term of elected office, the relative employed by the County may remain employed by the County and maintain his or her position or rank. However, the relative of the elected official may not be promoted to a position that results in one relative being in the direct line of supervision of the other relative. For an individual who is a member of a merit police department, the individual may not be promoted to a position that is not within the merit ranks if the promotion would result in the individual being in the direct line of supervision of the other relative. This policy does not abrogate or affect an employment contract with the County that an individual is a party to and is in effect on the date the individual’s relative begins serving a term of an elected office of the County.

1.06.4 Exceptions: The following exceptions apply to the County's Nepotism Policy:

1.06.4.1 Employees on July 1, 2012: an individual who is employed by the County on or before July 1, 2012 is not subject to the nepotism prohibition unless after July 1, 2012 the individual has a break in employment with the County. The following are not considered to be a break in employment with the County:

- (a) the individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave or worker's compensation;
- (b) the individual's employment with the County is terminated followed by the immediate reemployment with the County, without loss of payroll time;

1.06.4.2 Precinct Election Officers: the performance of duties of a precinct election officer, as defined by Indiana Code § 3-5-2-40.1, that are imposed by Title 3 is not considered employment by the County;

1.06.4.3 Volunteer Firefighters: the performance of duties of a volunteer firefighter is not considered employment by the County;

1.06.5 Annual Reports: Each year, the following officials must file the following annual reports:

1.06.5.1 Annual Filing: The President of the Board of Commissioners will file with the annual report filed by the County with the State Board of Accounts under Indiana Code § 5-11-13-1 a statement that the County has implemented a

63

Nepotism Policy under Indiana Code § 36-1-20.2 and § 36-1-21.

1.06.5.2 Annual Certification: Each elected official of the County will annually certify in writing, subject to the penalties of perjury, that the officer has not violated Indiana Code § 36-1-20.2. This certification will be submitted to the President of the Board of Commissioners not later than December 31 of each year;

1.06.6 Violation Reporting: Each member of the Board of Commissioners

and County Council shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated Indiana Code § 36-1-21. This certification shall be submitted to the President of the Board of Commissioners not later than December 31 of each year.

1.06.7 Contracting with the County: The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of a Board of Commissioners or a business entity that is wholly or partially owned by a Relative of a Board member only if the requirements of the County's Policy are satisfied and the Commissioner does not violate the Indiana Conflicts of Interest rules as contained in Indiana Code § 35-44-1-3.

1.06.7.1 Disclosure: The County may enter into a contract or renew a contract with an individual or business described in 1.06.7 if:

- (a) The Commissioner files with the Auditor at a public meeting of the Board of Commissioners prior to final action on the contract or purchase a full disclosure which must:
 - (i) be in writing;
 - (ii) describe the contract or purchase to be made by the County;
 - (iii) describe the relationship that the Commissioner has to the individual or business entity that contracts or purchases;
 - (iv) be affirmed under the penalty for perjury;
 - (v) be filed, not later than fifteen (15) days after final action

64

on the contract or purchase, with the State Board of Accounts and the Clerk of the Circuit Court of the County;

- (b) The appropriate County agency makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or makes a certified statement of the reasons why the vendor or contractor was selected;
- (c) The Board of Commissioners accepts in a public meeting the disclosure prior to final action on the contract or purchase;

(d) The County satisfies any other requirements under the public purchasing and bidding laws contained in Indiana Code § 5-22 or § 36-1-12;

(e) The Commissioner must also comply with the disclosure laws of Indiana Code § 35-44-1-3, if applicable.

1.06.7.2 Existing Contracts: These rules do not affect the initial term of a contract in existence at the term of office of the Commissioner begins.

1.07 JOB DUTIES

Employees will receive an explanation of their job responsibilities and performance standards. Job responsibilities may change at any time during the course of employment and employees may be asked to work on special projects or to assist with other work necessary or important to the operation of the County. The County reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

1.08 PERFORMANCE MANAGEMENT

Employees, other than regular members of the Montgomery County Police Department, shall have a quarterly meeting with their supervisors to discuss the status of projects, address areas of concern and set goals for the next quarter. Employees shall also have an annual performance evaluation. Employees will be evaluated on factors including job competence, work quality, attendance, initiative and attitude. Evaluations should assist employees in identifying areas of needed improvement and establishing objectives for future performance. Positive performance evaluations do not guarantee promotion or increases in compensation. After the annual performance evaluation, both the employee

65

and the supervisor will be required to sign and date an evaluation report. Performance Management for regular members of the Montgomery County Police Department will be governed by the rules of the Police Department and applicable Indiana law. Police Officers receive two (2) evaluations each year, as provided for by Indiana Sheriff Merit Law.

2. COMPENSATION

2.01 HOURS OF WORK

2.01.1 General: Hours of work for County employees will be determined in

accordance with the reasonable needs of County services and the reasonable needs of the public. The Board of Commissioners and Department Heads shall normally establish the hours of work for each employee under the Board or Department Head's supervision. Supervisors will normally establish the hours of work for each employee under his/her supervision.

2.01.2 Administrative Employees: Regular hours for non-police full-time employees is thirty-seven and one-half (37.5) hours per workweek, except for employees of the Highway Department who work forty (40) hours per week. For purposes of compensation, the work week shall be from 12:00 a.m. on Thursday through 11:59 p.m. on Wednesday. County Offices will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday. Supervisors shall ensure that there is adequate office coverage during these hours.

2.01.3 Police Officers: Regular hours for Police Officers will vary number of hours each week, but should not exceed 84 hours in a fourteen (14) day period. The Police Department is open at all times, but the office will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday. The Sheriff will ensure that there is adequate coverage in the Police Department.

2.01.4 Breaks: Employees shall be entitled to a one (1) hour lunch break and two 15-minute breaks for each 7.5 hours of employment. Administrative employees are compensated for breaks but not entitled to compensation for lunch breaks. Non-exempt police officers are entitled to compensation for these breaks and lunch breaks since, because of the relatively small number of officers on duty at any time, they regularly answer calls for service during these periods. Breaks may not be used at the beginning or end of a shift or workday.

2.02 TIMEKEEPING REQUIREMENTS AND PAYDAYS

Accurate recording of time worked is the responsibility of every employee. All employees must accurately record time worked on a timesheet at the beginning and end of each work period. Employees also must record their time whenever they are not working for the County during their regular work period. Filling out another employee's timesheet, allowing another employee to fill out your timesheet, altering any timesheet, failing to comply with timekeeping rules or reporting will be grounds for discipline up to and including termination of employment. Any errors on a timesheet should be reported immediately to your supervisor, who will attempt to promptly correct the legitimate errors. Supervisors will review the timesheets of their employees and make corrections as required by law or County policy. The County pays its employees every other Friday.

Each paycheck represents wages earned by the employee during the two-week period ending on the previous Wednesday. Immediate supervisors should be notified of any errors in pay. The supervisor will in turn take steps to review the situation.

2.03 OVERTIME

2.03.1 Administrative Employees: The Department Head or Supervisor shall establish the hours of work for each employee under his/her supervision which shall be determined in accordance with the needs of the County services, and which shall take into account the reasonable needs of the public, who may be required to do business with various County departments. Supervisors shall establish the hours of work for each employee under his/her supervision. If a non-exempt employee's regular work week consists of 37.5 hours, and the employee is then authorized work greater than 37.5 hours but less than 40 hours, any time worked which is more than 37.5 hours, but not more than 40 hours during a work week is known as "gap time." Non-exempt employees who work gap time will be paid at their normal hourly rate for the hours worked or awarded compensatory time at a rate of one hour of compensatory time for each hour of gap time, subject to the election of employees not to accept compensatory time, as provided for in Subsection 203.4 of this Section, as determined by the supervisors. If a non-exempt employee works more than 40 hours in one week, the employee is entitled to either overtime compensation or compensatory time, as provided for in Subsection 2.03.4 of this Section. The overtime compensation or award of compensatory time is determined by multiplying the hours exceeding forty (40) hours in the workweek by 1.5. Overtime requests shall use the County overtime form. Exempt employees are not eligible for gap time compensation, overtime compensation or compensatory time.

2.03.2 Police Officers: The Sheriff shall establish the hours of work for each police officer. Authorized overtime for all non-exempt police officers is time worked in

67

excess of 84 hours in a 14-day period. Non-exempt police officers who work more than 84 hours in a 14-day period will be paid overtime. The standing order of the Sheriff is that no compensatory time is awarded for hours worked in excess of 84 hours in a 14-day period. The overtime compensation is determined by multiplying the hours worked in excess of 84 hours in a 14-day period by 1.5.

2.03.3 Central Communication Center Employees: The Director of the Central Communications Center will establish the hours of work for each employee under her supervision. If a non-exempt employee works more than 40 hours in a work week, the employee will be entitled to an award of overtime or compensatory time, subject to the election of employees to not accept compensatory time, as provided for in Subsection 2.03.4 of this Section. The overtime compensation or award of compensatory time is determined by multiplying the hours exceeding 40 hours worked in the work week pay

period by 1.5. Exempt employees are not eligible for overtime compensation or compensatory time.

2.03.4 Election by Employees to Decline Compensatory Time.

2.03.4.1 Administrative Employees: On or before January 1st of each year, the Board of Commissioners shall provide to all non-exempt administrative employees a Notice of Overtime Compensation (hereinafter the “Notice”). The Notice shall advise eligible employees that compensatory time will be provided for all authorized overtime in lieu of paid overtime. The Notice shall further advise eligible employees that their consent to receive compensatory time in lieu of paid overtime will be assumed, as a condition of employment, unless the employee provides written notice to the contrary to the Board of Commissioners. This Notice is Form A-4 in the Appendix.

2.03.4.2 Police Officers: No election to decline compensatory time is necessary for Police Officers because the Sheriff does not award compensatory time.

2.03.4.3 Central Communications Center Employees: On or before January 1st of each year, the Director of the Central Communications Center will provide to all non-exempt employees a Notice of Overtime Compensation (hereinafter the “Notice”). The Notice will advise eligible non-exempt employees that compensatory time will be provided in lieu of paid overtime. The Notice will further advise these employees that their consent to receive compensatory time in lieu of paid overtime will be assumed, as a condition of employment, unless the

68

employee provides written notice to the contrary is delivered to the Director. This Notice is Form A-4 in the Appendix.

2.03.5 Hours Counting Toward Overtime and Compensatory Time: For purposes of a determination of the number of hours worked when calculating eligibility for overtime or compensatory time, the following hours count as “hours worked:” 1. hours worked;

2. vacation leave;
3. sick leave;
4. bereavement leave;
5. jury duty leave;
6. holiday leave; and,
7. paid-time-off (beginning January 1, 2017).

The following hours do not count as “hours worked:”

1. compensatory time used;
2. Family Medical Act Leave;
3. military leave; and,
4. disability leave (which is not taken as sick leave or PTO leave). 5. pandemic leave;
6. Families First Coronavirus Recovery Act emergency sick leave; 7. Emergency Family Medical Leave Act leave.

For non-exempt police officers, the following additional rules apply:

2.03.5.1 Substitution Time: When an officer substitutes time with another officer by mutual agreement, the time worked by the substitute counts;

2.03.5.2 On-Call Duty: Time spent on-call does not count. If the on-call officer is called to duty and works, the time actually worked counts;

2.03.5.3 Training: Time spent at the police academy in training or other training, and travel to and from such training, counts. Time spent by officers at the academy or other training which is outside of training or class, including but not limited to time sleeping or free time, does not count;

2.03.5.4 Travel to and from Work: Time spent traveling to and from an officer's home to the police station or duty area does not count unless the officer has marked on duty and is discharging his or her official duties. Officers may not mark on duty outside of the County limits unless they are engaged in law enforcement activities. If the officer is required to travel to places other than the police station or duty area for work, the travel time counts to the extent that it exceeds the officer's normal travel time from home to the police station or duty area.

69

2.03.6 Compensatory Time Limitation and Carry Forward: Accrued compensatory time may be accumulated up to 40 hours for administrative employees and 80 hours for employees of the Central Communications Center. Accrued compensatory time should be used by the end of each calendar year. If work demands prevent the use of accrued compensatory time by the end of the calendar year, employees may carry unused compensatory time to the next calendar year, but supervisors should schedule work in the following year in a manner to use the compensatory time carried over within the first six months of the next calendar year. All accrued compensatory time at the time of retirement, resignation, promotion to an exempt position or termination will be paid in the next payroll cycle.

2.03.7 Employee Roster & Pay Schedule (ERPS) System: In 2018, the Montgomery County Council has adopted the Employee Roster & Pay Schedule (ERPS) system for compensation. This system is was used to determine the compensation of the employees

for 2019. The following rules apply to the implementation of the system:

2.03.7.1 ERPS Review Committee: The Board of Commissioners will appoint three (3) persons to serve on the ERPS Review Committee. The purpose of this Committee is to consider requests for changes in compensation and recommend action on such requests for the County Council, to recommend compensation to the Council for newly created positions, and to make recommendations to the Council and Board of Commissioners concerning compensation and benefit matters. The Committee will be comprised of one (1) Commissioner, and two (2) County Council members.

2.03.7.2 Requests for Review: Any department head may request that the compensation of an employee in his or her department be reviewed by the Committee by submitting to the County Administrator. All requests must be made in writing and must include a copy of the employee's job description, reason for request, and any other information the department head considers relevant to the review request. Within 30 days of receiving a request, the Committee will conduct a conference with the department head regarding the request. Within ten days of the conference, the Committee will make a written recommendation to the Council for its consideration and provide a copy of the recommendation to the department head making the request.

2.03.7.3 Council Action: The Council will consider the recommendation of the Committee at its next regular meeting. The decision of the Council regarding the request is final.

70

2.03.7.4 Adoption of Compensation System: Consistent with Indiana law, the County Council has the authority to adopt compensation systems, rules for compensation, and rules for the implementation of such systems.

2.03.7.5 Employee Roster & Pay Schedule (ERPS) System: The Montgomery County Council has adopted the Employee Roster & Pay Schedule (ERPS) system for compensation. This ERPS system is attached as Schedule 1.

2.04 FLEXIBLE SCHEDULING

The County recognizes that the duties of some employees may necessitate work schedules different than the County's normal working hours. In those special cases, the Department Head, Supervisor or Sheriff may authorize flexible scheduling to the extent these changes are in the best interests of the County. As a result, the following procedures will be followed in the implementation of flexible time:

2.04.1. Approval of Flexible Scheduling: Each employee's flexible time work

schedule must be approved in writing by the Department Head, Supervisor or Sheriff, or their designees. In situations where job responsibilities or emergency situations require an employee to work on a weekend or holiday, the Department Head, Supervisor or Sheriff, or their designees, may grant the employee corresponding time off at a time mutually agreeable to the employee and the Department Head, Supervisor or Sheriff.

2.04.2. Coverage: Adequate personnel, including supervisory personnel, must be available to carry out work activities without creating any loss in services to the public.

2.04.3. Abuse of Privilege: If it is determined that the flexible time option is hindering operations or is being abused, the Department Head, Supervisor or Sheriff may discontinue flexible time on an individual or workgroup basis at any time.

2.04.4. Permanent Changes: Permanent changes in the employee's work schedule require the prior approval of the Department Head, Supervisor or Sheriff.

2.05 DIRECT DEPOSIT

Employees are required to provide the Auditor all information necessary to facilitate the direct deposit of their payroll checks to a bank account in their name.

71

2.06 EMERGENCY DUTY PAY

The County Council may establish emergency duty pay in the Salary Ordinance.

2.07 LONGEVITY PAY

All full-time employees of all departments of the County may be paid a longevity bonus as established by the County Council.

2.08 PAYROLL DEDUCTIONS

Deductions will be made from each employee's pay for required withholding taxes and for certain other items for which the County has been specifically authorized to withhold.

The deductions are made as required by Federal, State and Local governments or for the convenience of both the employee and the employer in the administration of certain employee benefit plans made available by the employer.

It is the policy of the County that employees will not have improper deductions from their compensation. If an employee believes that an improper deduction has been made from his or her compensation, the employee must report the improper deduction to his or her supervisor and the Auditor within seven (7) days of becoming aware of the improper deduction. If the deduction the County makes is improper, the County will promptly reimburse the employee for the improper deduction.

2.09 COMPENSATION WHEN OFFICES CLOSED

If the Commissioners close County Offices because of inclement weather or other emergencies, employees will be compensated for the days of closing as if they worked. If County Offices are open but an employee cannot report to work because of road conditions, the employee will not be compensated.

3. EMPLOYEE BENEFITS

3.01 INTRODUCTION

The County has established a variety of employee benefit programs. The descriptions of benefits in this Employee Handbook are intended as summaries for informational purposes only. This Employee Handbook does not change or otherwise interpret the terms of the official plan documents. In the event any information contained in this Employee Handbook is inconsistent with official plan documents, the provisions of the

72

official document will govern in all cases. If federal or state law, rules, orders or regulations require a change to the benefits provided by the Town to employees, changes will be made to the benefits provided, and the provisions of this handbook will be deemed to have changed in order to comply with such law, rule, order or regulation.

For more complete information regarding any of the benefit programs available, contact the Auditor's office for a copy of the applicable plan document.

3.02 INSURANCE

the County provides a comprehensive group insurance program that includes medical, dental, and other benefits. Employees seeking more information regarding these benefits may contact the Auditor.

In the event that two or more members of the same immediate family are employed by the County, all are eligible for coverage. If spouses are employed by the County, the insured will be based on the spouse whose birthday comes first in the calendar year.

3.03 RETIREMENT PLAN

3.03.1 Public Employees Retirement Fund (PERF): The County has elected to participate in PERF. The County will make the statutorily required contribution for its employees other than Police Officers who are covered by their own retirement plan. Participation by County Employees is mandatory under law.

3.03.2 Police Retirement Fund: Qualifying police officers may under Indiana law participate in the Police Retirement Fund. The County will make contributions required by law to the accounts of officers participating in the Police Retirement Fund.

3.04 SUPPLEMENTAL INSURANCE

Supplemental insurance policies such as disability, life and cancer insurance, and many others, may be offered to employees from agents who hold an open enrollment period each year for all County employees. These policies are personal and voluntary. The County will not pay any premium or other expense related to these supplemental insurance policies and payments shall be the sole responsibility of the individual employee choosing to purchase such a policy. Payment may be made through payroll deductions.

73

3.05 WORKERS COMPENSATION

In the event of a work-related injury or illness, the County has Worker's Compensation Insurance, which will pay the injured or sick employee at the rate of sixty-six and two thirds percent (66 2/3%) of his average weekly wage in accordance with the Indiana Worker's Compensation Act. However, at no time shall the employee collect in excess of 100% of his or her weekly wage. Employees may use Paid-Time-Off (PTO) in order to supplement their income while receiving worker's compensation benefits. When PTO benefits are used to supplement worker's compensation benefits or disability benefits, they will be charged as outlined above.

All work-related injuries and illnesses must be reported to the injured employee's supervisor and the Board of Commissioners as soon as possible even though medical attention may not be needed at the time. If the severity of injury or illness prevents immediate notification of the employee's supervisor and/or Board of Commissioners, notification shall occur no later than 24 hours of the injury or illness. Employees will be required to complete a written statement of the injury or illness and to cooperate fully in the investigation of the matter. Employees who fail to promptly notify their supervisor and the Board of Commissioners or who fail to fully cooperate in the investigation may

lose their rights to benefits under Indiana's Workers' Compensation laws and be subject to disciplinary action. Employees are expected to report promptly to management any apparent health or safety hazards.

Workers compensation benefits are not available for injuries, illnesses or death which arise from an employee's intentional self-inflicted acts, intoxication, horseplay, commission of a crime, willful failure or refusal to perform a statutory duty, and/or refusal to follow a plan of medical care as prescribed by law.

Under Indiana law, the County has the right to direct medical care and choose an employee's doctor for treatment of a work-related injury. If an employee refuses to comply with the doctor's treatment plan and requirements, or if he/she refuses to be treated by the doctor selected by the County, that employee may lose the rights to benefits under Indiana's Worker's Compensation laws.

In order to protect all employees, an employee must present to his/her supervisor a physician's statement releasing that employee to return to work following any injury or illness for which three or more consecutive scheduled working days have been missed.

74

This release must state whether the employee is able to work either (a) without limitation; or (b) with limitations, listing each limitation specifically.

3.06 OTHER BENEFITS

The County provides group short term and long-term disability coverage for its employees. Certain eligibility rules apply under the terms of the policy. Employees should obtain a copy of the group plan if they have questions regarding the benefits of this insurance.

If an employee exercises his or her right to take disability leave, the employee must pay to the Auditor the employee's share of medical insurance premiums and other premiums which are normally deducted from the employee's pay. Failure to pay the employee's share will lead to the termination of the coverage for medical and other insurance which requires the payment by the employee of a portion or all of the premium.

3.07 ADDITIONAL BENEFITS

At the discretion of The Board of Commissioners and County Council, employees may be eligible for additional benefits.

4. GENERAL EMPLOYMENT POLICIES

4.01 CODE OF CONDUCT.

Employees of the County are employed to provide service to the citizens of the County and the public in general and are expected to conduct themselves in a manner that will reflect positively on the County government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or failing to be impartial in conducting public business.

Employees shall not use or permit the use of any funds or property belonging to the County for private benefit including, but not limited to, office supplies, tools, machinery, office equipment, etc.

Employees may deal with plans, programs and information of significant public interest. Employees must not use this privileged information for their own financial advantage. If

75

an employee finds that he/she has an outside financial interest which could be affected by County's plans or activities, he/she must immediately report the situation to his or her supervisor. Use of privileged information for private gain is just cause for disciplinary action up to and including termination of employment.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of unacceptable conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate use, removal or possession of property.
- Falsification or unauthorized tampering of County records or any records kept by the County.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating County vehicles or equipment and/or any violation of the County's Drug and Alcohol Abuse Policy and Rules.
- Fighting or threatening employees or others while on the job.
- Boisterous or disruptive activity in the workplace.
- Insubordination or other disrespectful conduct.
- Careless or inappropriate operation of County vehicles or other equipment which risks or results in injury or damage to the property of the County or others.
- Violation

of federal, state or local safety or health rules.

- Smoking in prohibited areas.
- Sexual or other unlawful or unwelcome harassment.
- Possession of dangerous or unauthorized materials, such as explosives, in the workplace.
- Violation of County ordinances or of federal or state laws.
- Making false or base statements, written or verbal, about other employees or County officials.
- Gambling during work hours or on County property.
- Receipt of any gifts or compensation, other than that received from the County, for services rendered on behalf of the County or during scheduled working hours.
- Engaging in any election activities or political campaign-related functions while on duty or while wearing a uniform of the County.
- Excessive absenteeism or tardiness or absence without notice.
- Unauthorized use of County equipment.
- Violation of departmental policies

76

- Unsatisfactory performance or conduct.
- Representing oneself as a County employee in order to aid in committing or attempting to commit a felony or misdemeanor.
- Unauthorized disclosure of any confidential County information.
- Immoral or indecent conduct or use of abusive language while on the job.
- Violation of the County's security rules, orders, regulations and directives.

Police officers are subject to additional rules of conduct which are contained in the Police Department's Standard Operating Procedures, rules and general orders.

4.02 PRINCIPLES OF EMPLOYMENT.

The job performance and personal conduct of each employee directly impacts the public's trust and the County's ability to achieve its mission of service to the community.

Therefore, the following guidelines and principles have been adopted on a county-wide basis.

- Personnel actions, including recruitment, selection and advancement of employees shall be made on the basis of an individual's relative knowledge, skills and abilities.
- Employees are expected to render their best service to the County by reporting for work on time with the necessary equipment and by being properly attired to conduct their business.

- Employees are expected to notify their supervisors of conditions that would affect the performance of their duties. Employees who are unable to report to work as scheduled should contact their supervisor prior to the start of their work period. If employees must leave the work area during working hours, prior authorization should be obtained from their supervisor. Employees must receive permission from their supervisor before working overtime.
- While on the job, at the worksite or while on County property or in a County vehicle, employees may not drink alcohol, possess an open alcohol container, be under the influence of alcohol, smoke a tobacco product, or use, possess or test positive for a non-prescribed controlled substance. Using any other substance that inhibits the satisfactory performance of essential job functions should be brought to the supervisor's attention immediately.
- Employees are expected to be productive in the performance of their duties. They must demonstrate the ability and willingness to perform those duties in a satisfactory manner that conforms to the established standards, County policies and reasonable supervisory orders.

77

- Employees are expected to safeguard County equipment, facilities, records, supplies and funds against misuse, abuse, loss, damage, destruction or unauthorized use. Incurring a liability or expense in the name of the County without proper authorization is unacceptable.
- Employees of the County shall not use influence or position for the private advantage or personal gain of employee. Furthermore, employees shall not use physical County property or information for personal gain.
- Employees are protected against coercion for partisan political purposes and are free to exercise their rights as citizens. Employee shall refrain from participation in the management, affairs, or political campaign of any candidate for political office during work hours.
- Supervisors are expected to provide a positive work environment for employees. Supervisors should guide and direct employees in a manner that complies with established work standards and County policies. They are expected to take prompt corrective action when they observe improper performance or conduct.
- Public service and community expectations require compliance with federal, state, and local laws and regulations during both working and non-working hours. Non compliance can damage the reputation of the County and have other serious consequences and will not be accepted.
- Employees must protect the security of confidential County information while

conforming to public record laws. When questions arise, employees should ask their supervisor for assistance. Only the appointed spokesperson for the County should release information to the media.

- Employees shall not submit letters of endorsement for vendors doing business with the County.
- Employees are responsible for thoroughly acquainting themselves with the provisions of the Employee Handbook. Employees are expected to conduct themselves at all times in a way so as to effectively and efficiently carry out their responsibilities to the County and to the public.

Police officers are subject to additional rules regarding their employment that are contained the Police Department's Standard Operating Procedures, rules and general orders.

4.03 CONFIDENTIAL NATURE OF WORK.

It is the responsibility of all County employees to safeguard confidential County information. Continued employment with the County is contingent upon compliance with this policy. Confidential information is defined as, but not limited to, trade secrets or confidential information relating to processes, customers, designs, drawings, marketing data, accounting, employee records, salary information, business plans and strategies, negotiations and contracts. No County employee may disclose confidential information or remove such information from the municipal building without written permission of the Board of Commissioners. If an employee is required to disclose confidential information because of a provision of federal or state law or court order, the disclosure will be treated as authorized.

Unless otherwise identified by management, all employees shall assume that such information is confidential. Employees who are unsure about the confidential nature of any particular record or information should ask the Board of Commissioners for clarification. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

Employees of the Sheriff's Office are subject to the rules of confidentiality contained in the Department's Standard Operating Procedures, rules and general orders.

4.04 CONFLICTS OF INTEREST AND GRATUITIES

The County's successful operation and reputation is built upon the principles of fair dealing and ethical conduct of employees. The County's reputation for integrity and excellence requires careful observation of the spirit and letter of all applicable laws and

regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. Thus, employees owe a duty to the County and to the general public to act in a way that will merit trust and confidence. The following examples are considered to involve a conflict of interest that violates this policy:

1. Serving as an employee, officer, director, consultant or hold an elected office for any supplier of materials or services.
2. Soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor or service that is based upon any understanding that the action or judgment by the employee would be included.
3. Disclosing or using information not available to the general public, and gained by reason of an employee's official position or benefit, for the personal gain of any other person or business entity.
4. Using or attempting to use an employee's official position or any property or resource which may be within his or her trust, or perform his or her

79

official duties to secure a special privilege, benefit, or exemption for himself or herself or others.

5. Accepting any compensation, payment, or thing of value when the Employee knows or should have known that it was given to influence the action in which the employee was expected to participate in her or her official capacity. This includes items given to family members as well.
6. Accepting gifts, entertainment, or anything of value from any customer, or supplier of materials or services other than minor holiday gifts of a nominal nature. (Acceptance of nominal gifts in keeping with special occasions such as marriages, retirement, illness, unsolicited advertising or promotional materials or social courtesies which promote good public relations is permitted.)
7. Engaging in any business other than his or her regular County Duties during working hours.
8. Supervisors must avoid placing themselves in a position which could Interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates, other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from subordinates.

It is important to avoid not only any situation that is an obvious conflict of interest such as those above, but also any situation that might give the appearance of being a conflict of interest. If a situation arises in which it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor, and if necessary, with the Board of Commissioners, Department Head, Supervisor or Sheriff for advice and consultation.

Compliance with the expected level of ethics and conduct is the responsibility of every employee. Disregarding or failing to comply with this standard could lead

to disciplinary action, up to and including possible termination of employment.

Police officers are subject to additional rules regarding their employment that are contained the Police Department's Standard Operating Procedures, rules and general orders.

4.05 ATTENDANCE

To maintain a safe and productive work environment, Administrative employees are expected to be reliable and punctual in reporting to work. Absenteeism and tardiness place a burden on other employees and the County. An employee must fill in his or her own attendance records/timesheets when work starts and ends. Anyone attempting to sign any sheet or card other than his or her own may be subject to disciplinary action, up to and including termination. An employee who is absent without proper notification may be subject to disciplinary action. An employee is expected to be in his or her work area