

**TITLE III: ADMINISTRATION**

Chapter

- 30. BOARD OF COMMISSIONERS**
- 31. COUNTY COUNCIL**
- 32. COUNTY EMPLOYEES; PERSONNEL**
- 33. COUNTY ORGANIZATIONS**
- 34. TAXATION**
- 35. EMERGENCY MANAGEMENT**
- 36. FUNDS**
- 37. FEES AND GENERAL POLICIES**



## CHAPTER 30: BOARD OF COMMISSIONERS

Section

### *General Provisions*

- 30.01 Board of Commissioners - County Executive
- 30.02 Meetings
- 30.03 Legislative procedures
- 30.04 Commissioner districts
- 30.05 Councilmanic districts
- 30.06 Membership in organizations
- 30.07 Public transit service

### *Board as Purchasing Agent*

- 30.20 Persons to serve as purchasing agents
- 30.21 Purchasing rules

### *GENERAL PROVISIONS*

#### **30.01 BOARD OF COMMISSIONERS - COUNTY EXECUTIVE.**

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

(I.C. 36-2-2-3)

(B) A member of the Executive who wants to resign must send written notice to the President of the fiscal body. The fiscal body shall then declare the office vacant.

(I.C. 36-2-2-5)

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

(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.

(1985 Code, ' 1-4-1)

### ' 30.02 MEETINGS.

(A) Regular meetings of the Executive shall be held the first and third Monday of each month at 8:30 a.m. in the Courthouse; provided, that when any such 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) (1) If the public interest requires a special meeting of the Executive, such a meeting may be called by a member of the Executive or by:

(a) The County Auditor;

(b) The County Clerk, if the office of the County Auditor is vacant; or

(c) The County Recorder, if the offices of the County Auditor and County Clerk are both vacant.

(2) An officer calling a special meeting of the executive shall give at least six-days= notice of the meeting 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 the purpose of the meeting, and the executive may not conduct any unrelated business at the meeting.

(I.C. 36-2-2-8) (1985 Code, ' 1-4-2)

### ' 30.03 LEGISLATIVE PROCEDURES.

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

(1) *Quorum.* Two members of the Board shall constitute a quorum.  
(I.C. 36-2-4-3)

(2) *Passage of ordinance.* A majority vote is required to pass an ordinance.  
(I.C. 36-2-4-5)

(3) *Continuation of question.* If only two members of a County Executive are present at a meeting of the Executive, and they disagree on a question that is before the Executive, the question shall be continued until the next meeting.

(I.C. 36-2-4-6)

(4) *Passage of ordinance.* Unanimous consent of the members present is required to pass an ordinance on the same day or at the same meeting at which it is introduced. This does not apply to an ordinance of a county fiscal body for additional appropriations or to a zoning ordinance or amendment to a zoning ordinance that is adopted under I.C. 36-7.

(I.C. 36-2-4-7)

(B) *Adoption of ordinances, orders, or resolutions.*

(1) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(2) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two consecutive weeks.

(I.C. 5-3-1 and I.C. 36-2-4-8)

(C) *Record of ordinance adopted.* Within a reasonable time after an ordinance is adopted, the County Auditor shall record it in a book kept for that purpose. The record must include the signature of the presiding officer and the attestation of the Auditor. The record, or a certified copy of the record, is presumptive evidence that the ordinance was adopted and took effect.

(I.C. 36-2-4-9)

(1985 Code, ' 1-4-3)

**' 30.04 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.

(I.C. 36-2-2-4) (1985 Code, ' 1-3-1)

(B) The county is divided into three County Commissioner Election Districts designated numerically as follows:

(1) District 1 - Brownsville and Harrison Townships;

(2) District 2 - Liberty and Center Townships; and

(3) District 3 - Harmony and Union Townships.  
(1985 Code, ' 1-3-2)

' **30.05 COUNCILMANIC DISTRICTS.**

(A) The County Executive shall, by ordinance, divide 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.  
(I.C. 36-2-3-4)

(B) 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 redistricting under this section.  
(I.C. 36-2-3-4)

(C) A division shall be made in 1991 and every ten years after that, and may also be made in any odd-numbered year.

(D) The county is divided into four Councilmanic Election Districts designated numerically as follows:

(1) District 1 - Brownsville and Harrison Townships;

(2) District 2 - Liberty and Center (excluding Town of Liberty) Townships;

(3) District 3 - Harmony and Union (including College Corner) Townships; and

(4) District 4 - Town of Liberty.

(1985 Code, ' 1-3-3) (Ord. 1-3-3, passed 12-20-1993)

' **30.06 MEMBERSHIP IN ORGANIZATIONS.**

(A) *Purpose.* To authorize participation in certain organizations that provide information and services that are necessary for efficient operation of the county.

(B) *General provisions.*

(1) The Board of Commissioners is authorized to budget, and the county fiscal body is authorized to appropriate funds from the General Fund or from other funds to provide membership for the county and for the elected and appointed officials and members of the county=s boards, council, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of county government operations.

(2) The Board of Commissioners is further authorized to budget and the county fiscal body is further authorized to appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the county belongs.  
(1985 Code, ' 1-11-1)

' **30.07 PUBLIC TRANSIT SERVICE.**

The Board of Commissioners authorizes itself to provide public transit service.  
(Ord. 84-5, passed 11-5-1984)

***BOARD AS PURCHASING AGENT***

' **30.20 PERSONS TO SERVE AS PURCHASING AGENTS.**

(A) The Board of Commissioners hereby determines that it is the purchasing agency for the county.

(B) The Board of Commissioners hereby designates the following persons to serve as purchasing agents for the county:

- (1) Each elected county official;
- (2) Each Circuit, Superior, and County Court Judge;
- (3) The County Highway Superintendent (Engineer);
- (4) Such county employees as are designated from time to time, in writing;
- (5) County employees serving as department heads; and
- (6) Assistant Highway Supervisor.

(C) This section is effective upon passage and signing by the presiding officer.  
(Ord. 1998-6-1, passed 6-29-1998)

**' 30.21 PURCHASING RULES.**

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

- (1) The supplies are not manufactured in the United States in reasonably available quantities;
- (2) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

(B) This section is effective upon passage and signing by the presiding officer.  
(Ord. 1998-6-1, passed 6-29-1998)



## CHAPTER 31: COUNTY COUNCIL

### Section

- 31.01 Fiscal body
- 31.02 Meetings

#### ' 31.01 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 AThe Union County Council@.  
(I.C. 36-2-3-2)

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

(C) The County Auditor is the Clerk of the fiscal body and shall:

- (1) Preserve the fiscal body=s records in his or her office;
- (2) Keep an accurate record of the fiscal body=s proceedings;
- (3) Record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and
- (4) Record the ayes and nays on other votes when requested to do so by two or more members. (I.C. 36-2-3-6)

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

(E) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.  
(I.C. 36-2-3-6)  
(1985 Code, ' 1-6-1)

**' 31.02 MEETINGS.**

(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 accordance with I.C. 5-3-1. This does not apply to a meeting called to deal with an emergency under I.C. 5-15-1.5-5.

(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.  
(I.C. 36-2-3-7) (1985 Code, ' 1-6-2)

## CHAPTER 32: COUNTY EMPLOYEES; PERSONNEL

### Section

#### *General Provisions*

- 32.01 Introduction
- 32.02 Applicability
- 32.03 Non-discrimination
- 32.04 Employment status
- 32.05 Outside employment
- 32.06 Job descriptions
- 32.07 Probationary period
- 32.08 Pay period; payday; paychecks
- 32.09 Pay deductions; garnishments; wage assignment
- 32.10 Holiday pay
- 32.11 Distribution of personnel policies
- 32.12 Amendments

#### *Leave of Absence*

- 32.25 Length of service
- 32.26 Vacation
- 32.27 Personal days
- 32.28 Sick leave
- 32.29 Family medical leave
- 32.30 Paid bereavement leave
- 32.31 Medical leave of absence
- 32.32 Jury duty leave of absence
- 32.33 Witness leave of absence
- 32.34 Military leave

#### *Specific Policies*

- 32.45 Insurances
- 32.46 Worker=s compensation
- 32.47 Accidents and incident reports
- 32.48 Alcohol and drug-free workplace
- 32.49 Travel reimbursement conferences; meetings

- 32.50 Other County Commissioner=s policies
- 32.51 Office procedures
- 32.52 Retirement benefits
- 32.53 Personnel file
- 32.54 Reduction in workforce
- 32.55 Discipline and discharge

### ***GENERAL PROVISIONS***

#### **32.01 INTRODUCTION.**

(A) By resolution of the Board of Commissioners of the County of Union duly adopted on December 16, 2013, the following personnel policies are hereby established for the purpose of providing uniform guidance to department heads, elected officials, supervisors and employees. All previous policies are null and void. These policies shall be effective as of January 1, 2014, and shall be subject to modification and revision, from time to time, as circumstances dictate. This policy shall supersede any and all previous policies. Any matter contained herein found to be in violation of federal, state, or local law shall be without force and effect, but any such finding of invalidity of any specific provision if these policies shall not affect the validity of the remainder of the policies set forth herein.

(B) It is the policy of the county to recruit, hire, promote, transfer and terminate employment without regard to race, religion, color, gender, age, national origin, ancestry, or disability.

(C) The contents of this manual are not intended to create a contract between the county and any or all of its employees. Rather, this handbook is provided only for the purpose of providing information about the county's personnel policies. The legislative and fiscal bodies reserve the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time with or without notice. Nothing herein is intended to create any type of contract or guarantee of continued employment. Employment with the count is at will and may be discontinued by the respective hiring authority or the employee with or without reason, and with or without advance notice.

(D) These policies contain the rules and regulations concerning your employment as an employee of the county. These policies are intended to be a guide to achieve consistent treatment of employees in recurring situations. Please read these policies and make sure you understand them. Keep them readily available and insert updated material promptly so they are current at all times.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.02 APPLICABILITY.**

These policies shall be applicable to all employees of Union County, Indiana, with the exception of the following designated individuals and/or groups: elected officials. However, substantial compliance with the policies set forth herein is encouraged. Additionally, all elected officials are expected to comply with all anti-harassment and anti-discriminatory policies of the county.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.03 NON-DISCRIMINATION.**

(A) *Generally.* The County Commissioners provide equal employment opportunity for all employees and applicants for employment without unlawful discrimination on the basis of race, creed, color, religion, gender, age, disability, citizenship, national or ethnic origin or other basis prohibited by law. Equal employment opportunity includes, but is not limited to, hiring, promotion, transfer, demotion, termination and training.

(B) *Sexual Harassment.* Sexual harassment is prohibited by the County Commissioners. **SEXUAL HARASSMENT** includes, but is not limited to unwelcome or unsolicited sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (i.e., hiring, firing, promotion, demotion, compensation, benefits, working conditions); and

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(C) *Examples of sexual harassment.* Examples of prohibited conduct include, but are not limited to:

(1) Demanding sexual favors in exchange for favorable review, assignments, promotions, continued employment or promises of the same;

(2) Continued or repeated sexual jokes, language, epithets, flirtation, advances or propositions;

(3) Verbal abuse of sexual nature;

(4) Graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies, including social life;

- (5) Sexually degrading or vulgar words to describe an individual;
- (6) Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts or suggestive, insulting or obscene comments or gestures;
- (7) The display in the work place, including parking lot, of sexually suggestive objects, pictures, posters or cartoons;
- (8) Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex;
- (9) The display of sexually suggestive graffiti;
- (10) Retaliation against employees for complaining about such behavior;
- (11) Asking questions about sexual conduct or sexual orientation or preferences; and
- (12) Harassment, consistently targeted at only one sex, even if the content of the verbal abuse is not sexual.

(D) *Claims of unlawful discrimination.* Any employee who believes he or she has been unlawfully discriminated against (including sexual harassment) by any employee or agent of the County Commissioners, should promptly report the facts of the incident or incidents and the names of the persons involved to the employee's supervisor, the elected official in the employee's office, or to the County Commissioners.

(E) *Retaliation.* Retaliation is prohibited against employees who bring charges of unlawful discrimination, including sexual harassment, or those who cooperate in the investigation of such complaints. Any employee bringing an a complaint of unlawful discrimination or cooperating in the investigation of such a complaint will not be adversely affected in terms and conditions of employment nor discriminated against because of the complaint or their cooperation.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

#### **32.04 EMPLOYMENT STATUS DEFINITIONS.**

(A) *Review of job vacancies.* The County Commissioners shall review all job vacancies with the department head prior to hiring a new employee. Job vacancies will generally be advertised in the local paper.

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

***COMPENSATORY TIME.*** The department head must approve compensatory time.

(a) Full-time employees will receive compensatory time off in lieu of monetary overtime compensation in accordance with the Fair Labor Standards Act and this policy.

(b) Compensatory time off will be earned at a rate of one hour for each hour actually worked in excess of the regular working schedule but not in excess of 40 hours.

(c) Compensatory time off will be earned at a rate of one and one half hours for each hour actually worked over 40 hours in the established workweek. Exception to this is the Sheriff's Department, which works a different scheduled workweek.

(d) Employee may use earned compensatory time off with the approval of the employee's supervisor. If it is not possible to approve the particular compensatory time off the employee has requested, time off will be granted within a reasonable period. Absent exigent or emergency circumstances, compensatory time will be calculated each quarter and employees are expected to use all of the compensatory time accrued during that quarter during the following quarter.

(e) Department heads are required to report compensatory time earned and used quarterly to the Commissioners for monitoring purposes. Reports shall be due to the Auditor's office April 1, July 1, October 1 and December 1 of each year.

(f) Overtime is all time worked by an employee that is in excess of the regular scheduled hours in a workweek. The use of sick and personal time cannot be used in calculating regular scheduled hours worked in a work week. The use of vacation and holiday time can be used in calculating regular scheduled hours worked in a work week. Overtime hours worked by an employee are paid at the rate of one and one-half times the employee's regular hourly rate of pay. Full-time hourly employees are the only employees eligible for overtime, and each instance of overtime has to be approved, in advance, by the department head as well as the Commissioners and Council for budgeting purposes.

***DEPARTMENT HEAD, ELECTED OFFICIAL and SUPERVISOR.*** Shall be used interchangeably herein and shall mean that person having direct supervisory authority over a given employee.

***FULL-TIME EMPLOYMENT.*** A 35-hour work week for a county employee with the exception of the courthouse custodian, highway dept and 911 dispatchers which are 40-hour work weeks. Full time employment for the Sheriff Department is 168 hours in a 28-day cycle. If an employee severs his or her employment with the county and returns within a year of the employee's separation, the employee will retain his or her years of service.

***PART TIME AND/OR TEMPORARY EMPLOYMENT.*** Employment on an irregular, seasonal or As needed@ basis without regard to the number of hours worked per week, not to exceed FLSA guidelines.

***SCHEDULED WORKWEEK.*** Regularly scheduled workweek is defined as the five regularly scheduled workdays, normally Monday through Friday. Any deviation from this schedule has to be approved by the Board of Commissioners.

(C) *Attendance, department heads responsible.* Each department head shall be responsible for the attendance of all employees in their department. Employees are required to keep their own time sheets which are to be turned in to their department heads for approval. Records of attendance shall be reported to the payroll section of the Auditor's Office before processing payroll.

(D) *Terminations.*

(1) *At will.* County employees serve Aat will@ of the County Commissioners, elected official or supervisor. Either the employee, the County Commissioners, the elected official or the supervisor may terminate employment at any time for any reason or no reason whatsoever, otherwise termination may result from and be classified as follows:

(a) *Discharge.* For reasons of misconduct, incompetence, violations of laws or regulations, or any other lawful reason.

(b) *Separation.* By mutual consent of the employee and the county.

(c) *Resignation.* A voluntary, permanent separation initiated at the request of the employee.

(2) *Resignation; written notice.* If you wish to resign your employment with the County Commissioners, the County Commissioners asks that you give your supervisor written notice of your resignation as far in advance as possible, preferably at least 15 workdays prior to the date of termination. This is important to permit maintaining adequate, continuous staffing.

(E) *Unused personal days, vacation days and sick days.* Any unused personal or vacation days will be given to an employee leaving employment. Any sick days an employee has remaining will not be given to them upon separation of employment.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

### **32.05 OUTSIDE EMPLOYMENT.**

(A) No employee may engage in any outside business or employment during the employee's working hours with the County Commissioners.



(B) An employee may engage in an outside business or employment during non-working hours if the employee's efficiency and job performance with the County Commissioners is maintained, there is no time conflict with the employee's duties with the County Commissioners, there is no conflict of interest with the County Commissioners or with the employee's duties with the County Commissioners. (Res. passed 2-1-2010; Res. passed 12-16-2013)

▸ **32.06 JOB DESCRIPTIONS.**

Each department head or supervisor is responsible to provide the County Council with job descriptions. These will be kept in the Auditor's office. All personnel are responsible for any duties outlined in their job descriptions. Job descriptions will be updated as needed. (Res. passed 2-1-2010; Res. passed 12-16-2013)

▸ **32.07 PROBATIONARY PERIOD.**

(A) The County Commissioners consider an employee probationary for the first 90 working days after his or her date of last hire. The length of an employee's probationary period may be extended at any time or times for a specific period of time by the employee's supervisor giving written notice of the extension to the employee. As used in these personnel policies, the phrase **PROBATIONARY PERIOD** means the basic 90-day probationary period plus all extensions of that basic period.

(B) An employee serves only one probationary period even though he or she may change employment status, however, if employment terminates for any reason and the employee is rehired at a later time, he or she will serve a new probationary period from the date he or she is rehired (the date of Alast hire@).

(C) Being probationary does not affect the fact that employment at all times is at the mutual consent of the County Commissioners and of the employee and either may terminate the employment relationship at will at any time for any reason. Probationary status, however, does mean the employee may not appeal a disciplinary discharge action. (Res. passed 2-1-2010; Res. passed 12-16-2013)

▸ **32.08 PAY PERIOD; PAYDAY; PAYCHECKS.**

(A) Pay periods are biweekly. Each paycheck or stub will include earnings for all work performed through the end of the previous two weeks. Pay schedules are to be turned in to the Auditor's Office the Friday before payday.

(B) In the event a regularly scheduled payday falls on a designated holiday, employees will be paid on the work day preceding the holiday.

(C) New employees have the option of direct deposit. Forms are in the Auditor's office (Res. passed 2-1-2010; Res. passed 12-16-2013)

‘ **32.09 PAY DEDUCTIONS; GARNISHMENTS; WAGE ASSIGNMENT.**

(A) *Pay deductions.*

(1) Income tax and social security taxes are deducted from every employee's paycheck as required by law.

(2) In addition, the employee's portion of insurance premiums and other wage deductions as may be agreed upon from time to time by the County Commissioners and the employee will be deducted from an employee's wages with the employee's and the County Commissioners written approval.

(B) *Garnishment.* Employees are responsible for their own debts and are encouraged to make arrangements to work out their financial affairs before a wage garnishment is necessary. Garnishment causes a considerable amount of paperwork and expense for the County Commissioners. In the event the County Commissioners receive a wage garnishment order, under the law, the County Commissioners may collect a fee to compensate it for its expense in complying with the order. The County Commissioners will collect the maximum fee permitted. One-half the fee is paid by the employee and one-half by the person seeking the wage garnishment.

(C) *Wage assignment.* The Union County Commissioners will not agree to any form of wage assignment.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

‘ **32.10 HOLIDAY PAY.**

(A) *Holidays observed.* Legal holidays for the county shall be those established by the Board of Commissioner. A schedule of holidays for each current year shall be distributed to each county office by the end of the preceding year.

(B) *Holiday pay.*

(1) The county will grant paid holiday time off to all regular full-time employees. Holiday pay will be based on the employee's straight time pay rate (as the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

(2) To be eligible for holiday pay, regular full-time employees must work the last scheduled day immediately preceding the holiday and the first scheduled day immediately following the holiday, unless the employee is absent pursuant to FMLA time.

(3) If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would have otherwise applied.

(4) If an employee is absent without authorization on the day preceding and/or following a holiday he or she will not receive compensation for the holiday.

(5) If an eligible employee works on a recognized holiday, he or she will receive twice his or her normal straight-time rate for the hours worked on the holiday.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

▮ **32.11 DISTRIBUTION OF THIS CHAPTER.**

(A) *Distribution of personnel policy.* Each elected official and all existing county employees shall receive a copy of this updated personnel policy.

(B) *Distribution to new employees.* All new employees shall receive a copy of the updated personnel policy.

(C) *Employee receipt required.* It is the obligation of each elected official and each employee to read this personnel policy.

(D) *Supercedes previous policies.* This personnel policy shall supersede all other previous personnel policies.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

▮ **32.12 AMENDMENTS.**

These policies are not intended to constitute a contract. The County Commissioners reserve the right to amend, add to, repeal, or deviate from any and all of the rules and regulations described in these policies whenever the County Commissioners believe it is necessary or desirable to do so.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

***LEAVE OF ABSENCE***

▮ **32.25 LENGTH OF SERVICE.**

(A) *Generally.* An employee's length of service is important in several respects:

(1) Vacation benefits accrue based upon each year of service by the employee;

- (2) Sick leave benefits accrue based upon length of service by the employee; and
- (3) Length of service is one factor considered in establishing an employee's compensation.

(B) Length of service as a full-time employee.

(1) Length of service as a full-time employee means all continuous service with the County Commissioners as a full-time employee commencing on the date the employee was last hired as a full-time employee. If an employee severs his or her employment with the county and returns within one year of the employee's date of separation, the employee will retain his or her years of service upon rehire.

(2) Length of service terminates:

- (a) Upon termination of the employee's employment; or
- (b) Upon the employee becoming a part-time and/or temporary employee.

(C) *Definitions.* As used in these policies:

(1) ***YEAR OF SERVICE.*** A ***YEAR OF SERVICE*** is calculated based on the anniversary date of the employee's date of last hire as a full-time employee. For example, if an employee's date of last hire as a full-time employee was March 11, 2012, he or she completes one year of service at 12:00 a.m. on March 10, 2013, two years of service at 12:00 a.m. on March 10, 2014, etc.

(2) ***MONTH OF SERVICE.***

(a) A ***MONTH OF SERVICE*** also is calculated based on the anniversary date of the employee's date of last hire as a full-time employee. For example, if a employee's date of last hire as a full-time employee was March 11, 2012, he or she completes one month of service at 12:00 a.m. on April 10, 2012, two months of service at 12:00 a.m. on May 10, 2012, etc., and completes six months of service at 12:00 a.m. on September 10, 2012.

(b) If an employee is hired on the day of a calendar month that does not exist for certain other calendar months (e.g. May 31), months of service are completed on the last day of any calendar month that has less than that number of days. For example, if an employee's date of last hire was January 31, 2012, he or she completes one month of service at 12:00 a.m. on February 29, 2012, two months of service at 12:00 a.m. on March 31, 2012, three months of service at 12:00 a.m. on April 30, 2012, etc.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.26 VACATION.**

*(A) Amount of paid vacation.*

(1) The County Commissioners provide paid vacation benefits to full-time employees based upon their continuous length of service as follows:

<i>Continuous Length of Service</i>	<i>Vacation</i>
1 year	5 days
3 years	10 days
5 years	15 days
16 years	16 days
17 years	17 days
18 years	18 days
19 years	19 days
20 years	20 days

(2) If an employee severs his or her employment with the county and returns within a year, he or she will retain his or her years of service.

*(B) Accumulation.* Employees earn and accrue vacation time on their anniversary date. An employee may not accumulate available but unused vacation and must use all earned and accrued vacation time during the calendar year period following the employee's anniversary date. An employee is not entitled to receive the cash equivalent of any such lost vacation. Vacation time goes from hire date.

*(C) Vacation forfeiture.* If an employee elects to discontinue his or her employment with the county, the employee's available but unused vacation must be used prior to the required two-week notice of voluntary employment termination. If an employee fails to give the required two-week notice for employment termination, the employee will not be entitled to payment of any accrued and unused vacation time upon separation. Additionally, if an employee is terminated from employment for disciplinary reasons, the employee will not be entitled to payment of any accrued and unused vacation time upon termination of employment.

*(D) Scheduling vacation.*

(1) Absent extenuating circumstances, in order for an employee to use paid vacation benefits, the vacation time must be scheduled with and approved by the employee's supervisor two weeks in advance.

(2) An effort will be made to meet individual preferences as to vacation time consistent with the needs of the office/department. In all cases, however, the work requirements of the office/department must take priority in the scheduling of vacation. The employee's supervisor may cancel vacation previously scheduled if he or she determines an unforeseen circumstance exists which requires the cancellation. The time may be rescheduled later.

(3) In case of conflict between employees for specific vacation times, the time submission of the requests will be determining factor, with an earlier request taking precedence over a later request.

(E) *Part-time and/or temporary employees.* Part-time and/or temporary employees are not entitled to vacation benefits.

(F) *Restriction.* Vacation shall not be used by an employee in lieu of any disciplinary suspension as a result of a violation of the DOT/FI-IWA regulations and/or the county alcohol and drug abuse policy and testing procedure or any other violations of county personnel policies.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

### ' 32.27 PERSONAL DAYS.

Full time employees are entitled to three personal days a year. Personal days off should be scheduled with approval of the employee's supervisor. Personal days do not carry over. Personal days are based on the calendar year January 1 to December 31. New employees will be prorated by hire date. The department head may grant a carry-over of personal days in case of an emergency.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

### ' 32.28 SICK LEAVE.

(A) *Amount of sick days.* The County Commissioners provide paid sick leave benefits of ten workdays for each calendar year January 1 to December 31 for full-time employees. New employees will be prorated by hire date and will earn six hours per month from date of hire through December 31.

(B) *Maximum accumulation of sick days.* An employee may not accumulate more than 20 workdays of previously accumulated but unused sick leave. Any available sick leave which would result in the accumulated available but unused sick leave exceeding the maximum is lost and may not be used thereafter. An employee is not entitled to receive the cash equivalent of any such lost sick days.

(C) *Sick leave pay time of payment.* An employee will be paid at the employee's hourly rate of pay for time off which is charged to sick leave. Sick leave pay is paid on the usual payday for the payroll period in which the sick leave is taken.

(D) *Permitted use.* Sick leave may be used in the event of the health condition of the employee (which is not compensable under the Indiana Worker's Compensation Law or similar program). The term **HEALTH CONDITION** means all temporary and serious medical disabilities, including illness, injury, pregnancy, childbirth, and related conditions. Sick leave shall not be used by an employee in lieu of a disciplinary suspension as a result of a violation of the DOT/FHWA regulations and/or the county alcohol and drug abuse policy and testing procedure, or any other violations of the county personnel policies.

(E) *Notification; proof of health condition.* To be eligible to use and receive sick leave benefits, an employee who is unable to work due to his or her health condition must meet both of the following conditions:

(1) *Notification.* When practicable, the employee must personally notify his or her supervisor at least one hour prior to the time the employee is scheduled to begin work on each day involved. This notice should be given to the supervisor or one of the County Commissioners as far in advance as possible.

(2) *Proof of health condition.* Prior to or during the employee's absence of more than three days, the employee may be required to present a health care provider certification to the County Auditor or the County Commissioners to confirm the employee's absence from work was due to the employee's health condition. This certification must be submitted prior to returning to work. This certification must be signed by a licensed doctor of medicine or osteopathy or other health care provider as defined by the U.S. Department of Labor.

(3) *Failure to notify or submit certification.* Failure to make notification or submit certification when required will result in no pay for the absence involved and may result in disciplinary action up to and including discharge.

(F) *Supplement to worker's compensation.* Notwithstanding division (D) above, an employee who is off work due to a health condition of the employee which is covered by the Indiana Worker's Compensation law, or similar program, may use available but unused sick leave to make up the difference between the worker's compensation weekly compensation benefit and the employee's straight-time hourly rate of pay for the number of straight time hours regularly worked per week by the employee at the time the covered health condition occurred until the employee's available sick leave is exhausted. The amount charged to sick leave in this circumstance will be in relation to the amounts paid by the County Commissioners under this division. Therefore, it is the obligation of the employee to provide the County Auditor with documentation as to the amount of workman's compensation or other similar income being received during the time the employee is off work due to a health condition.

(G) *Termination of employment.* In the event an employee's employment terminates for whatever reason, the employee's available but unused sick leave, if any, existing on the date of termination is lost. The employee is not entitled to receive the cash equivalent of any such lost sick leave.

(H) *Change of employment status.* In the event a full-time employee changes employment status to be temporary or part time employee, the employee's available but unused sick leave, if any, existing on the date of the change is lost. The employee is not entitled to receive the cash equivalent of any such lost sick leave.

(I) *Temporary and part-time employees.* Temporary and part-time employees are not entitled to sick leave benefits.

(J) *Holiday during sick leave.* If a holiday is observed during the sick leave of a full-time employee and the holiday falls on a day on which the employee is normally scheduled to work, the holiday will be paid as a holiday and day will not be charged to the employee's available but unused sick leave.

(K) *Abuse of paid sick leave.* The County Commissioners provide paid sick leave benefits to assist a full-time employee during periods of the employee's actual health condition. Sick leave is not to be construed as sick days. Sick leave is for a longer term health condition as described at division (D) above. Attempted use of paid sick leave benefits for any other purpose will be treated as serious violation of an employee's obligations to the Union County Commissioners.  
(Res. passed 2-1-2010; Res. passed 12-16-2013)

### 32.29 FAMILY MEDICAL LEAVE.

In compliance with the federal Family and Medical Leave Act, the County Commissioners provide unpaid family and medical leave of absence to eligible employees as set forth below.

(A) *Amount and use.*

(1) An eligible employee will be granted up to 12 workweeks of unpaid family and medical leave during a 12-month period for one or more of the following reasons:

- (a) To care for the employee's spouse, child or parent who has a serious health condition;
- (b) Due to a serious health condition that renders the employee incapable of performing the essential functions of his or her job;
- (c) Birth of the employee's child and in order to care for that child;
- (d) Placement of a child with the employee for adoption or foster care; or
- (e) For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.



(2) Provided, however, family and medical leave of absence will not exceed a total of 12 workweeks in a 12-month period. The 12-month period shall be measured forward from the date an employee uses any family and medical leave.

(3) An eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the armed forces, including a member of the National guard or reserves, with a serious injury or illness will be granted up to a total of 26 workweeks of unpaid family and medical leave during a single 12-month period to care for the service member.

(4) The term **SERIOUS HEALTH CONDITION** means an illness, injury, impairment or physical or mental condition which involves: (a) Any period of incapacity or treatment in connection with or consequent to inpatient care; (b) Any period of incapacity requiring absence from work, school, or other regular activities of more than three consecutive calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; (c) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that requires periodic visits for treatment and continues over an extended period of time (e.g., asthma, epilepsy, diabetes); (d) prenatal care including ongoing pregnancy, childbirth or complications or illness related to pregnancy and childbirth; (e) permanent/long term conditions requiring supervision (e.g., Alzheimer's, a severe stroke, the terminal stages of a disease); or (f) multiple treatments (e.g., chemotherapy, radiation, physical therapy, occupational therapy, dialysis).

(5) Ordinarily, unless complications arise, the common cold, flu, ear aches, upset stomach minor ulcers, headaches, routine dental or orthodontia problems, periodontal disease and routine physical examinations do not meet the definition of **SERIOUS HEALTH CONDITION** and do not qualify for leave under this section.

(6) **HEALTH CARE PROVIDER** means a licensed doctor of medicine or osteopathy or as otherwise defined by the U. S. Department of Labor.

(B) *Eligible employee.* An eligible employee is an employee who has been employed by County Commissioners for at least 12 months and has worked at least 1,250 hours in the last 12 months immediately preceding the leave requested.

(C) *Restrictions.*

(1) Family and medical leave is not available to an eligible employee to care for the child after 12 months have lapsed from the date of the birth, adoption or foster placement of the child, except in the case of a child's serious health condition.

(2) In the event the County Commissioners employ a married couple, the couple is limited to a total of 12 workweeks of family and medical leave in a 12-month period if the reason for the leave is:

(a) Due to a serious health condition of the employee's parent;

- (b) Due to the birth of the employee's child and in order to care for that child; or
- (c) Due to adoption or foster placement of a child and to care for that child.

(3) Family and medical leave may not be used on an intermittent or reduced leave basis if the reason for the leave is due to the birth of the employee's child and to care for that child or due to adoption or foster placement of a child and to care for that child, unless leave on an intermittent or reduced leave schedule basis is requested in advance in writing by the employee and approved by the human resources office.

(D) *Use of paid time off.* Any eligible employee who is granted family and medical leave is required to use available personal, vacation and sick days, as part of the 12-week leave period. However, an employee will be permitted to reserve a maximum of five vacation days for future use within the calendar year.

(E) *Request for leave.*

(1) *Planned medical treatment.* In the event the requested medical leave is foreseeable due to a planned medical treatment, the employee must: provide the County Commissioners with at least 30 calendar days' notice prior to the date the leave is to begin, unless the planned medical treatment requires the leave to begin in less than 30 calendar days, then within one or two business days after the employee becomes aware of the need for the leave.

(2) *Unforeseeable medical condition.* An employee who requires leave due to an unforeseeable medical condition must notify his or her supervisor or the elected office official within one or two workdays after learning of the need for the leave, unless such notice is not feasible.

(3) *Birth or placement.* In the event the leave is foreseeable based upon expected birth or placement, an eligible employee must provide at least 30 calendar days' notice prior to the approximate date the leave is to begin. If the birth or placement requires the leave to begin in less than 30 calendar days, then the employee must provide notice within one or two workdays after the need for the leave becomes known to the employee.

(F) *Intermittent or reduced leave.* Family and medical leave may be taken on an intermittent or a reduced leave schedule basis in increments of one hour when medically necessary and subject to certification requirements. An employee using family and medical leave on an intermittent or reduced leave schedule basis may be transferred temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The county will not transfer an employee to an alternative position in order to discourage an employee from taking medical leave or to otherwise work a hardship on the employee.

(G) Health care provider certification.

(1) In the event the leave is due to the serious health condition of the employee or the employee's spouse, parent or child, the employee must provide to the county within 15 calendar days after requested by the county, a health care provider certification completed and signed by the health care provider of the employee or the health care provider of the employee's child, spouse or parent, as appropriate, on the form provided by the county. If the employee fails to timely return the certification, the leave is not FMLA leave.

(2) An employee must obtain recertification in the following situations:

(a) Every 30 calendar days in connection with an absence (except where the minimum period of incapacity specified on the certification is more than 30-days= certification will be required at the earlier of, the indicated period of incapacity or six months from the date of certification, in connection with an absence);

(b) Whenever circumstances described by the previous certification have changed significantly;

(c) Whenever the county receives information that casts doubt on the original certification; or

(d) Whenever the employee requests an extension of the leave. Any recertification requested by the county will be at the employee's expense.

(H) *Second and third opinions.*

(1) In the event the county doubts the certification provided by the employee, the county may require the employee, at the county's expense, to obtain a second opinion from a health care provider designated by the county.

(2) If the second opinion differs from the original certification provided by the employee, then Union County may require, at its expense, that the employee obtain a third opinion from a third health care provider mutually agreeable to Union County and the employee. The opinion of the third health care provider is final.

(I) *Health benefits.* Health benefits in which an eligible employee is participating on the date the leave begins will be continued during the leave at the level and under the conditions that coverage would have been provided if the employee was not on leave. The employee is responsible for paying his or her portion of the weekly insurance premiums which are due on the date the premium payments would have been made if by payroll deduction. If an employee fails to pay his or her portion of the monthly premium payments, the county may cancel health benefits coverage retroactively to the date the unpaid premium was due or recover from the employee the employee's portion of the monthly premiums if coverage is continued.

(1) *Repayment.* In the event an eligible employee fails to return to work after the expiration of the leave, or fails to remain at work following return for the statutorily specified time, then the employee must reimburse the county for its portion of the monthly insurance premiums paid for the employee unless the reason the employee fails to return to work is due to either:

- (a) The continuation, recurrence or onset of a serious health condition; or
- (b) Any other reason beyond the control of the employee.

(2) *Certification.* The county may request a certification from the health care provider in the form prescribed by the county that states either:

- (a) That a serious health condition prevented the employee from being able to perform the functions of their position on the date the leave expired; or
- (b) That the employee is needed to continue to care for the employee's child, spouse or parent who had a serious health condition on the date the leave expired.

(J) *Return to work.*

(1) An employee returning to work from a leave of absence due to his or her own serious health condition must be able to perform the essential functions of the employee's job. If a reasonable accommodation is required, the employee must notify his or her supervisor or the elected office official. Prior to an employee returning to work from a family and medical leave of absence which was necessitated due to the serious health condition of the employee, the employee must provide to the county a certificate from the employee's health care provider that the employee is able to resume work and perform the essential functions of his or her job. The certificate must contain at least the following information: (1) that the employee is released to return to work; (2) restrictions, if any; (3) basis for the restrictions; (4) expected date the restrictions are to be lifted; and (5) health care provider's signature.

(2) If an employee desires to return to work before the employee's approved family and medical leave of absence ends, the employee must contact his or her supervisor or the elected office official at least two business days prior to the date the employee desires to return to work.

(3) When an employee returns to work at the end of a family and medical leave of absence, the employee will be returned to his or her former position or to an equivalent position with equivalent

employment benefits, pay and other terms and conditions of employment.

(K) *Expiration of leave.*

(1) *Failure to return.* If an employee is granted a family and medical leave of absence, the employee is expected to return to active employment upon expiration of the family and medical leave of absence. If the employee does not return for work at the end of the leave for whatever reason and the employee is not eligible for any other approved leave, the employee's employment is terminated.

(2) *Inability to return without restrictions.* Upon expiration of the maximum length of the family and medical leave of absence, if an employee is still unable to return to work without restrictions which would prevent the employee from performing the essential functions of his or her job with or without a reasonable accommodation, employment is terminated unless the employee is eligible for and applies for any other approved leave.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.30 PAID BEREAVEMENT LEAVE.**

(A) *Bereavement leave.*

(1) In the event of the death of a full time employee's spouse, child, step-child, parent, step-parent, grandparent, brother, step-brother, sister, step-sister, current mother-in-law or current father-in-law, current son-in-law, current daughter-in-law, current brother-in-law or current sister-in-law; the employee will be permitted to be absent from work with pay for a three workday bereavement leave. If the employee desires additional time off due to such a death, he or she may request additional unpaid leave or use available vacation days.

(2) In the event of the death of a full time employee's cousin, aunt, uncle, niece or nephew the employee will be permitted to be absent from work with pay for a one workday bereavement leave. If the employee desires additional paid time off due to such a death, he or she may request to use available vacation days.

(B) *Notification.* A full time employee who will be absent due to the death of a relative as stated in division (A) above must notify the employee's supervisor of the absence as far in advance of the absence as is possible, but not later than the time the employee is scheduled to begin work on the day involved and may result in disciplinary action up to and including discharge. The county may ask for proof of death (i.e. newspaper obituary or death certificate) before employee will be paid for bereavement days.

(C) *Other employees.* Part time and temporary employees are not entitled to paid funeral leave.  
(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.31 MEDICAL LEAVE OF ABSENCE.***(A) Amount and use.*

(1) A full-time employee who has been employed by the County Commissioners for at least 90 days and is not eligible for FMLA leave due to length of service or number of hours worked may be granted up to 30 calendar days of unpaid medical leave for the employee's own serious health condition, provided the employee provides medical certification from a health care provider documenting the need for leave.

(2) The terms **SERIOUS HEALTH CONDITION** and **HEALTH CARE PROVIDER** shall carry the same definition as outlined above in the family and medical leave section.

*(B) Use of paid time off.* Any full-time employee who is granted medical leave is required to first substitute and use any available unused paid vacation, personal days, compensatory time or paid sick leave as part of the employee's period of leave.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

**32.32 JURY DUTY LEAVE OF ABSENCE.***(A) Jury duty leave of absence.*

(1) Each day a full-time employee is required to be absent from work due to being called for jury duty, the employee will be considered to be on jury leave of absence and will receive their hourly rate of pay for their scheduled normal hours of work on days they are absent on jury duty leave, less the amount paid by the court. Paper work from the court must be provided by the employee.

(2) Temporary and part-time employees are not entitled to receive any pay for scheduled hours of work they are absent while on jury duty leave. Temporary and part-time employees will be on unpaid jury duty leave of absence for the entire absence.

*(B) Insurances.* Insurances in which a full-time employee is participating when the jury duty leave begins may be continued during the jury duty leave of absence to the extent permitted by the policies and provided the employee continues to pay the employee's portion of the insurance premiums.

*(C) Return to Work.* An employee absent from work due to jury duty is expected to return to work on his or her first regularly scheduled workday after the day his or her jury duty ends. The employee must keep his or her supervisor informed as to the date the employee expects to be able to return to work.

*(D) Failure to return to work.* If an employee does not return for work on his or her first regularly scheduled workday after the day his or her jury duty ends, his or her employment is terminated.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

† **32.33 WITNESS LEAVE OF ABSENCE.**

(A) *Witness leave of absence.* For each day a full time employee is required to be absent from work due to being subpoenaed in a criminal or civil proceeding, the employee will be considered to be on a witness leave of absence.

(B) *Insurance.* Insurances in which a full-time employee is participating when the witness leave begins may be continued during the witness leave of absence to the extent permitted by the policies and provided the employee continues to pay the employee's portion of the insurance premiums.

(C) *Notification.* An employee who will be absent due to subpoena in a criminal or civil proceeding must personally notify his or her supervisor or the County Commissioners of the absence as soon as possible, but not later than the beginning of the employee's scheduled hours of work on the workday on which the absence begins.

(D) *Return to Work.* An employee absent from work due to subpoena in a criminal or civil proceeding is expected to return to work on his or her first regularly scheduled workday after the day his or her obligation ends. The employee must keep the County Commissioners informed as to the date the employee expects to be able to return to work.

(E) *Failure to return to work.* If an employee does not return for work on his or her first regularly scheduled workday after the day his or her witness obligation ends, his or her employment is terminated.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

† **32.34 MILITARY LEAVE.**

The County Commissioners will provide military leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) as well as any other applicable local, state or federal laws.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

***SPECIFIC POLICIES***

† **32.45 INSURANCES.**

(A) *Health, Life, accidental death and dismemberment.* Full-time employees and elected officials are eligible to apply for participation in the County Commissioners provided group health, life, accidental death, and dismemberment insurances on the terms and conditions set forth in the insurance company's plan. The County Commissioners will follow all applicable laws regarding the provision of health care benefits to employees.

(B) *Eligibility.* Insurance coverage for new full-time employees shall start immediately, if completed enrollment forms are submitted to the Auditor's office prior to start date.  
(Res. passed 2-1-2010; Res. passed 12-16-2013)

**' 32.46 WORKER=S COMPENSATION.**

(A) The County Commissioners provides workers compensation coverage at its expense as required by law. The purpose of the insurance is to provide payment for medical care and compensation for on-the-job injuries and certain job-related illnesses. An employee who suffers any on-the-job injury or illness must report it immediately to the employee's supervisor. An incident report must be filled out, signed by the employee and any witnesses and given to the supervisor as stated in ' 32.47 below.

(B) A full-time or part-time employee who is absent from work due to an injury or illness compensable under the workers compensation or similar program shall automatically be deemed to be on FMLA leave or medical leave of absence beginning on the first day of absence.

(C) All of the provisions of ' 32.31 will apply to the absence provided, however, the employee may use any available but unused paid sick leave benefits only as stated in ' 32.38 of these policies.  
(Res. passed 2-1-2010; Res. passed 12-16-2013)

**' 32.47 ACCIDENT AND INCIDENT REPORTS.**

For the protection of the employees, the County Commissioners, all injuries or accidents, no matter how minor, involving an employee, must be reported immediately to the employee's supervisor by any employee witnessing the injury or accident. An incident report must be filled out, signed by the employee and any witnesses and given to the County Commissioners as soon as possible, but not later than 24 hours after the incident. Any county employee involved in an accident while operating a county vehicle, will be subject to drug and alcohol testing.  
(Res. passed 2-1-2010; Res. passed 12-16-2013)

**' 32.48 ALCOHOL AND DRUG-FREE WORKPLACE.**

(A) *Policy.*

(1) The County Commissioners recognize the importance of keeping the workplace free from drugs and alcohol, and has a policy of maintaining an alcohol and drug-free workplace. In pursuit of this goal, the County Commissioners will comply with and enforce the Federal Drug-Free Workplace Act of 1983. It is a violation of this policy for any county employee to manufacture, distribute, dispense, possess, use or be under the influence of alcohol or a controlled substance during working time or on county premises.



(2) The county alcohol and drug policy coincides with the federal law for compliance of DOT/FHWA regulations pertaining to alcohol and drug testing. The county will comply with all Department of Transportation laws, rules and guidelines regarding drug and alcohol testing of employees. Additionally, all employees who hold a safety-sensitive position with the county, including all public-safety positions, and emergency dispatchers, will be placed in a pool subject to random testing.

(B) *Reasonable suspicion.* The county reserves the right conduct drug or alcohol testing on any employee when reasonable suspicion exists that an employee has violated the alcohol and drug free workplace policy. Reasonable suspicion includes, but is not limited to, a supervisor, elected official or commission observing an employee behaving or appearing in an unusual manner such as displaying slurred speech, glassy eyes, unsteady walk, disorientation, lapses of concentration, emotional outbursts, or the smell of alcohol on an individual.

(C) *Testing facility; termination.* When an employee is subject to random or reasonable suspicion testing, the employee will be sent to an outside facility licensed to perform drug or alcohol testing. Employees who test positive for drugs or alcohol are subject to disciplinary action, up to and including termination of employment.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

‘ **32.49 TRAVEL REIMBURSEMENT CONFERENCES; MEETINGS.**

A full-time employee who wants to attend a workshop, conference or seminar that is job related must submit a request to do so to their supervisor. If approved, reasonable expenses for lodging, meals, mileage and fee for the workshop, conference or seminar will be reimbursed to the employee upon valid receipts being attached to his or her verified claim submitted to the Auditor's Office.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

‘ **32.50 OTHER COUNTY COMMISSIONER=S POLICIES.**

(A) *Notification of absence.* An employee must personally notify the employee's supervisor whenever the employee is unable to report for work for any reason at least one hour prior to the time the employee is scheduled to begin work on the day involved. Department heads or employees who report directly to the County Commissioners are expected to follow this procedure by reporting absences to the Auditor's Office. Notification should occur as far in advance of the employee's starting time as possible, but in no event should it occur later than the starting time. The notification must include an explanation of the reason for the absence. Such notice and explanation does not necessarily mean the absence will be excused.

**Union County - Administration**

(B) *Tardiness; leaving work early.* Employees are expected to be ready to start and end their work on schedule. Arriving late or leaving early is not permitted unless approved in advance by the employee's supervisor. The employee must give an explanation of the reason for the tardiness or leaving work early. Tardiness or leaving work early without prior approval may result in disciplinary action up to and including discharge.

(C) *Behavior.* Friendliness, cooperation, a positive attitude, teamwork, and a professional attitude and manner toward supervisors and co-workers is expected.

(D) *Smoking.* To comply with state and local law, all county buildings and offices are smoke free. Smoking is permitted outside only in designated areas.

(E) *County property.* Personal use of county property is prohibited.

(F) *Lunches.* All offices that have two or more full-time employees will remain open during the lunch hours.

(G) *Nepotism.* In accordance with Indiana law (I.C. 36-1-20.2), the county will follow the following policy regarding nepotism:

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

(2) **RELATIVE** means any of the following: spouse; parent or stepparent; child or stepchild; brother, sister, stepbrother, or stepsister; niece or nephew; aunt or uncle; and daughter-in-law or son-in-law.

(3) **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 term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

(4) An individual employed by the county on or before July 1, 2012, is not subject to this policy unless the individual has a break in employment with the county. This policy is intended to comply with I.C. 36-1-20.2 (or any other applicable nepotism law) in its entirety. As such, some exemptions from this policy might apply. If at any time, applicable law conflicts with any part of this policy the applicable law shall control.

(H) *Fraternization.* The county desires to avoid situations where there is a romantic, personal or marital relationship between a supervisor and a subordinate, or between co-workers in the same department. Employees with, or who develop such relationships, must immediately notify and disclose all relevant circumstances to their immediate supervisor or a Commissioner. Although the county does not have an absolute prohibition regarding such relationships, the County reserves the right to take appropriate action, on a case by case basis, according to the particular circumstances. Any failure to disclose such a relationship may result in disciplinary action.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

### 32.51 OFFICE PROCEDURES.

#### (A) *Telephones.*

(1) *Long-distance call.* Long-distance personal calls are not permitted.

(2) *Personal calls.* Personal calls during working time should be kept to a minimum, both in number and in length. This includes cell phone usage.

(B) *Computers.* To safe guard against spreading viruses, personal programs and games will not be allowed on office computers The following specific actions and use of computers during working hours is improper:

(1) Use of computers for commercial or private business purposes.

(2) (b) Playing games.

#### (C) *Internet or e-mail.*

(1) Internet and e-mail are for county business. Personal use should be kept to a minimum, both in number and in length, on break time or lunch hours when possible.

(2) The following specific actions and use of electronic mail are improper:

(a) Concealment or misrepresentation of names or affiliations in electronic mail messages.

(b) Alteration of source or destination addresses of electronic mail.

(c) Use of electronic mail facilities for commercial or private business purposes.

(d) Activity which unreasonably interferes with or threatens other individuals.

(e) Use of resources in a manner that degrades or demeans others.

(f) Viewing or sending sexually inappropriate or otherwise offensive or discriminatory material.

(D) *County issued cell phones.* County cell phones are to be used for county business only. In compliance with IRC 280F, cell phones are considered Alisted property@. Any personal use would be added on as a fringe benefit and included on the employee's W-2.

(Res. passed 2-1-2010; Ord. passed 8-30-2010; Res. passed 12-16-2013)

#### ' 32.52 RETIREMENT BENEFITS.

Retirement is provided through Public Employees Retirement Fund or the Sheriff Pension Fund for full-time employees or elected officials that qualify.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

#### ' 32.53 PERSONNEL FILE.

If you change your name, address, tax withholding records, or the telephone number through which you can be reached, you must inform your immediate supervisor and the Auditor's office of the change as soon as possible. It is your responsibility to be sure this information is kept current. The county's personnel files are the property of the county. These files will be kept in the Auditor's Office.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

#### ' 32.54 REDUCTION IN WORKFORCE.

(A) *Procedure.* In the event of a workforce reduction employees will be laid off in reverse seniority within a classification in their department. First Deputies appointed by elected officials will not be included in the general classifications of each department. Laid off employees will retain their right to recall to their classification within their department for a one-year period.

(B) *Recall.* Recall to work will be done by certified mail by Commissioner. The employee will have five days to respond to the certified recall notice and return to work or forfeit his or her recall right.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

#### ' 32.55 DISCIPLINE AND DISCHARGE.

(A) *Progressive discipline.*

(1) Except in a case where the county concludes the circumstances warrant immediate discharge, the County Commissioners will generally follow a progressive discipline procedure in administering discipline in an effort to correct problems. A disciplinary action is considered active until one calendar year has passed since the discipline was administered and no additional discipline has been administered to the employee. Under this procedure the County Commissioners will utilize the following progressive steps:

- (a) Initial written warning;
- (b) Second written warning;
- (c) Three-day unpaid suspension;
- (d) Termination of employment.

(2) Examples of the types of conduct for which an employee can receive a warning or suspension include, but are not limited to:

- (a) Excessive absenteeism or tardiness;
- (b) Unsatisfactory work performance;
- (c) Leaving work without approval of your supervisor;
- (d) Failure to report to work without notifying your supervisor;
- (e) Poor work effort or attitude;
- (f) Insubordination;
- (g) Working overtime without prior authorization;
- (h) Smoking or use of tobacco products on county property or in county vehicles;
- (i) Violation of any policy contained herein in this employee manual.

(3) The preceding list is not all-inclusive. Other types of conduct may occur for which discipline is warranted. Additionally, depending upon the circumstances of a particular incident, County Commissioners may elect to repeat a progressive disciplinary step or skip a progressive disciplinary step. The exercise of this discretion by the County Commissioners in a particular case or cases is not a waiver of the County Commissioner's right to discipline the same employee or any other employee for the same type of offense in the future.

(B) *Immediate discharge.*

(1) It must be remembered that employment is at the mutual consent of the County Commissioners and the employee, and either may terminate employment at will at any time. The County Commissioners reserve the right to immediately discharge an employee without prior written reprimand whenever it believes the circumstances warrant discharge.

(2) Examples of the types of offenses which may result in immediate discharge include, but are not limited to:

- (a) Serious violation of safety rules;
- (b) Failure to immediately report to a supervisor or the County Commissioners any accident which causes personal injury or property damage;
- (c) Careless or reckless operation of the County Commissioners equipment;
- (d) Falsification of application for employment or any other County Commissioner's record;
- (e) Theft;
- (f) Serious insubordination, including failing to follow a supervisor's orders;
- (g) Violation of the alcohol and drug-free workplace policy;
- (h) Unauthorized absence without personally notifying the employee's supervisor prior to the start of the employee's shift on the day of any absence for two consecutive workdays; and
- (i) Excessive absenteeism irrespective of the reason, except approved FMLA leave;
- (j) Failed drug test.

(3) The foregoing list is not, nor is it intended to be, all-inclusive. There are other types of unacceptable conduct that may result in immediate discharge and the preceding list shall not, in any way, be considered as limiting the County Commissioners discretion to immediately discharge an employee for conduct that is not listed.

(C) Furthermore, in light of the particular circumstances of a specific case, the County Commissioners may choose to discipline by means of written reprimand and/or suspension rather than immediate discharge. The exercise of this discretion by the County Commissioners in a particular case or cases is not a waiver of the County Commissioner's right to discharge the same employee or any other employee for the same type of offense in the future.

(Res. passed 2-1-2010; Res. passed 12-16-2013)

## CHAPTER 33: COUNTY ORGANIZATIONS

Section

### *General Provisions*

- 33.01 Redevelopment Commission
- 33.02 Park Board
- 33.03 Health Department
- 33.04 Weed Control Board
- 33.05 Planning Department
- 33.06 Sheriff=s Merit Board

### *Drainage Board*

- 33.20 Definitions
- 33.21 Composition
- 33.22 Special members; appointments; powers and duties; compensation
- 33.23 Officers; meetings; quorum; approval of actions
- 33.24 Power to sue
- 33.25 Conflicts of interest
- 33.26 The Joint Franklin-Union Counties Drainage Board
- 33.27 Proceedings affecting more than one county; joint boards
- 33.28 Jurisdiction over regulated drains
- 33.29 Private and mutual drains exempt from subchapter

### **GENERAL PROVISIONS**

#### **33.01 REDEVELOPMENT COMMISSION.**

(A) The County Redevelopment Commission was created by the Board of Commissioners and shall consist of seven Redevelopment Commissioners who shall be appointed on or before April 2, 2007.

(B) Once appointed, the Redevelopment Commission shall meet and organize in accordance with I.C. 36-7-14-7 in preparation to take action according to the approved practices and requirements set forth in the Indiana Code for such commissions, and at the direction of the County Board of Commissioners.

(Res. passed 3-5-2007)

**33.02 PARK BOARD.**

(A) Under the provisions of I.C. 36-10-3, there is hereby created a County Park Board.

(B) The Board shall be composed of:

- (1) Two members appointed by the Judge of the Circuit Court;
- (2) One member appointed by the County Commissioners; and
- (3) Two members appointed by the Council.

(C) Members appointed under divisions (B)(1) through (B)(3) above shall be appointed on the basis of their interest and knowledge of parks and recreation.

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

- (1) The appointments by the Circuit Court Judge shall be one- and three-year terms, respectively;
- (2) The appointment by the County Commissioners shall be for a two-year term; and
- (3) The appointments by the County Council shall be for two- and four-year terms, respectively.

(E) (1) As a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday in January, but a member shall continue in office until his or her successor is appointed. The appointing authorities shall make initial appointments within 90 days after the creation of the Department.

(2) If an appointment for any term is not made by the first Monday in April, the incumbent shall serve another term. If a vacancy on the Board occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.



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

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

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

(I) This section shall be in full force and effect from and after its passage and approval according to the laws of the state.

(Ord. 4-95, passed 4-20-1995)

**' 33.03 HEALTH DEPARTMENT.**

(A) The County Health Department is established pursuant to I.C. 16-20-2-2, which local health department shall be managed by a local board of health. The Board of Health shall adopt rules and regulations in compliance with said Indiana Code enabling act for the operation of the local health department.

(B) This section takes affect immediately and is retroactive for the local health department which was affected by Pub. L. No. 40, 1989 and Pub. L. No. 2-1993, ' 209.

(Ord. 3-41-6, passed 10-25-1993)

**' 33.04 WEED CONTROL BOARD.**

(A) The County Weed Control Board is established pursuant to I.C. 15-16-7 for the purpose of controlling certain noxious weeds.

(B) The County Weed Control Board shall consist of the following members:

- (1) One Township Trustee of the county;
- (2) One Soil and Water Conservation District Supervisor;
- (3) One representative from the agricultural community;

**Union County - Administration**

(4) One representative from the County Highway Department or an appointee of the County Commissioners; and

(5) The County Extension Agent who shall serve in a non-voting advisory capacity.

(C) The County Board of Commissioners shall appoint each member of the Weed Control Board for a term of four years. The Weed Control Board shall elect a Chairperson and Secretary at the initial meeting of the Board. Vacancies in Board membership shall be filled for the unexpired term in the same manner as initial appointments.

(Ord. 84-1, passed 4-16-1984)

**33.05 PLANNING DEPARTMENT.**

(A) It is the intention of the Board of Commissioners to avail itself of the provisions of I.C. 36-7-4, and to participate in the operation of the Area Planning Commission after it is established, pursuant to I.C. 36-7-4.

(B) The Board of Commissioners of the county hereby adopts the provisions of I.C. 36-7-4.

(C) The Area Planning Department of the county is hereby established and shall be in existence from the date on which it is organized at its first meeting called by the President of the Board of the County Commissioners.

(D) The membership of the Area Planning Commission representing the county as set forth in I.C. 36-7-4, shall be designated in the following manner:

(1) The County Superintendent of Schools;

(2) The County Agricultural Agent;

(3) The County Surveyor;

(4) One citizen member appointed by the Board of County Commissioners;

(5) One citizen appointed by the County Council; and

(6) One member selected by the Advisory Council on Town Affairs from its own membership.

(E) A copy of this section, upon its passage and signature by the President of the Board of Commissioners, shall be certified to the Boards of Trustees of the Towns of Liberty and West College Corner, both of which are incorporated towns in the county, participating in the establishment of the Area Planning Department.

(Ord. passed - -)

**33.06 SHERIFF=S MERIT BOARD.**

(A) (1) The County Sheriff=s Merit Board is established pursuant to I.C. 36-8-10-3, which Board shall adopt rules and regulations in compliance with the Indiana Code enabling act for the operation of the Board.

(2) The County Sheriff=s Merit Board shall consist of five members.

(a) Three members shall be appointed by the County Sheriff, and two members shall be elected by a majority vote of the members of the county police force under procedures established by the County Sheriff=s Merit Board; however, no active county police officer may serve on the Board. Appointments are for terms of four years or for the remainder of an unexpired term. Not more than two of the members appointed by the Sheriff nor more than one of the members elected by the officers may belong to the same political party. All members must reside in the county. All members serve during their respective terms and until their successors have been appointed and qualified.

(b) A member may be removed for cause duly adjudicated by declaratory judgment of the Circuit Court of the county.

(3) As compensation for service, each member of the County Sheriff=s Board is entitled to receive from the county \$35 per day for each day, or fraction of a day, that he or she is engaged in transacting the business of the County Sheriff=s Merit Board. As soon as practicable after the members of the County Sheriff=s Merit Board have been appointed, they shall meet upon the call of the Sheriff and organize by electing a President and a Secretary from among their membership. Three members of the County Sheriff=s Merit Board constitute a quorum for the transaction of business. The County Sheriff=s Merit Board shall hold regular monthly meetings throughout the year as is necessary to transact the business of the County Sheriff=s Department.

(B) (1) The County Sheriff=s Department wishes to participate in a Deferred Compensation Plan established with other county sheriff=s departments in the state and to sign the appropriate adoption agreement to permit its employees to enroll in and invest some of their compensation in such Deferred Compensation Plan. The Sheriff=s Department will utilize the Deferred Compensation Plan established by county sheriff=s departments in the state known as the Indiana Sheriff=s 457(b) Plan and participate in the group trust arrangement established by that Deferred Compensation Plan; and the Sheriff is authorized to sign the adoption agreement to participate in the Deferred Compensation Plan.

(2) The County Commissioners hereby authorize the County Auditor to make deductions from the pay of employees of the Sheriff=s Department who voluntarily participate in the Deferred Compensation Plan and to deposit the deferrals in the Trust. The County Commissioners also authorize the Committee made up of representatives of the sheriff=s departments participating in the Plan (as determined by participating sheriff=s departments) to make such other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expenses related to collecting the employees= deferrals and other minor administrative matter, there is to be no cost to or contribution by the county to this Plan.

(Council Ord. 1-6-3, passed 5-26-1988; Ord. 03-01-09, passed 3-2-2008)

**DRAINAGE BOARD**

**33.20 DEFINITIONS.**

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

**AFFECTED LAND.** Land within a watershed that is affected by the construction, reconstruction, or maintenance of a regulated drain.

**BOARD.** The Drainage Board of the county.

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

**DAM.** A dam or other structure and its appurtenances that impounds a small lake at the lake=s outlet.

**MAINTENANCE.** Work on a drain as described in this chapter for any of the purposes stated in that section.

**MUTUAL DRAIN.** A drain that:

- (1) Is located on two or more tracts of land that are under different ownership;
- (2) As established by the mutual consent of all the owners; and
- (3) Was not established under or made subject to any drainage statute.

**OPEN DRAIN.** A natural or artificial open channel that:

- (1) Carries surplus water; and

- (2) As established under or made subject to any drainage statute.

**OWNER.** The owner of any interest in land.

**PRIVATE DRAIN.** A drain that:

- (1) Is located on land owned by one person or by two or more persons jointly; and
- (2) Was not established under or made subject to any drainage statute.

**RECONSTRUCTION.** Work on a drain as described in this chapter to correct any of the problems with the drain that are enumerated in that section up to and including the discharge portion of the drain.

**REGULATED DRAIN.** Open ditch, a tiled drain, or a combination of the two.

**RURAL DRAIN.** A regulated drain that provides adequate drainage or impounds water for rural land.

**RURAL LAND.** Affected land that:

- (1) Will not appreciably benefit from more drainage that is necessary to expediently remove water after frequent or periodic flooding; and
- (2) Is generally used for crop production, pasture, forest, or similar purposes.

**SMALL LAKE.** A lake, pond, or similar body of water that:

- (1) Covers less than 20 acres;
- (2) Is surrounded by two or more tracts of affected land that are under different ownership or a tract of land that is owned by a not-for-profit corporation having more than one member;
- (3) Is not constructed, reconstructed, or maintained under this chapter as part of an open drain;
- (4) Is not a private crossing, control dam, or other permanent structure referred to under this chapter;
- (5) Is not owned by a state or any of its political subdivisions; and
- (6) Is not designed and constructed primarily for reduction or control of pollutants or cooling before discharge of a liquid.

**TILED DRAIN.** A tiled channel that:

- (1) Carries surplus water; and
- (2) Was established under or made subject to any drainage statute.

**URBAN LAND.** Affected land that:

- (1) Will appreciably benefit from drainage that will provide the maximum practicable protection against flooding or the impounding of water in a small lake; and
- (2) Is used or will be used in the reasonably foreseeable future generally for commercial, industrial, large estate, higher density residential, or similar purposes.

**WATERSHED.** An area of land from which all runoff water drains to a given point or that is affected by a small lake.  
(1985 Code, ' 1-5-2)

### ' 33.21 COMPOSITION.

The County Drainage Board consists of the County Executive. Also, the County Surveyor serves on the Board as an ex-officio, non-voting member.  
(I.C. 36-9-27-5) (1985 Code, ' 1-5-3)

### ' 33.22 SPECIAL MEMBERS; APPOINTMENTS; POWERS AND DUTIES; COMPENSATION.

(A) When the membership of the Board is reduced to less than three because of disqualifications, the Board shall immediately certify that fact to the Circuit Court of the county. The Court shall then restore the membership of the Board to three by appointing the appropriate number of resident freeholders of the county to serve as special members for the particular drainage proceedings.

(B) A special member of the Board has the same duties and powers as a regular member of the Board, and is entitled to a per diem, to be paid as an expense of the Board, in an amount not to exceed the sum of \$35 for each day or major part of a day spent in actual attendance at any meeting of the Board or in the performance of official business of the Board.  
(I.C. 36-9-27-6) (1985 Code, ' 1-5-4)

**' 33.23 OFFICERS; MEETINGS; QUORUM; APPROVAL OF ACTIONS.**

(A) The Board shall organize at a meeting each January, by electing one of its members as Chairperson and one of its members as Vice Chairperson. At the same time, the Board shall elect a Secretary, who need not be a member of the Board.

(B) The County Surveyor may not hold an office on the Board.

(C) The Board shall fix the time and dates for regular meetings, which shall be held in the office of the County Surveyor. However, if the Surveyor's office is not adequate the County Executive shall provide an adequate meeting place.

(D) Special meetings of the Board may be called by the Chairperson, any two members, or the County Surveyor, by mailing a written notice setting forth the time, date, and place of the meeting to each member not less than five days before the date of the meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the Secretary or by his or her presence at the meeting.

(E) Meetings of the Board may be adjourned from day-to-day or to a day certain without written notice being given.

(F) All meetings of the Board must be open to the public, and the minutes of the meetings are open to public inspection.

(G) A majority of the voting members of the Board constitutes a quorum, and the concurrence of a majority of the voting members present at a meeting is necessary to authorize any action under this subchapter.

(I.C. 36-9-27-7) (1985 Code, ' 1-5-5)

**' 33.24 POWER TO SUE.**

The Board may bring civil actions in its own name to enforce any of the provisions of this subchapter.

(I.C. 36-9-27-8) (1985 Code, ' 1-5-6)

**' 33.25 CONFLICTS OF INTEREST.**

(A) This section does not apply to a Joint Board that includes three more counties in a drainage basin of more than 100,000 acres.

(B) (1) Whenever it appears in any proceeding for the construction, reconstruction, or maintenance of a regulated drain, that a member of the Board has an interest in the proceedings because of his or her ownership of real property affected by the drain, that member shall immediately disqualify himself or herself from serving on the Board in those proceedings.

(2) However, the fact that county highways will be affected by any proceedings does not disqualify a regular member of the Board.

(I.C. 36-9-27-12) (1985 Code, ' 1-5-7)

**' 33.26 THE JOINT FRANKLIN-UNION COUNTIES DRAINAGE BOARD.**

There is established a joint drainage board, which shall act in the name of AThe Joint Franklin-Union Counties Drainage Board@.

(I.C. 36-9-27-14) (1985 Code, ' 1-5-8)

**' 33.27 PROCEEDINGS AFFECTING MORE THAN ONE COUNTY; JOINT BOARDS.**

(A) Whenever it appears to the County Surveyor that any proceedings instituted under this section may affect land in more than one county, he or she shall immediately forward notification of the fact to the Chairperson of the Board of each county in which the land is located, by certified mail with return receipt requested. The notice must state the number of counties involved and fix a date, hour, and place for a meeting of a Joint Board. The date for the meeting may not be less than 20 nor more than 30 days after the notice is mailed.

(B) After the notice is given, all proceedings in the matter shall be heard and determined by a Board appointed from the membership of the Board of each county in which lands that may be affected are located, as follows.

(1) If land in two counties may be affected, the Chairperson of the Board of each county shall appoint two of the members of his or her Board, other than the County Surveyor, to serve on the Joint Board. In addition, a fifth member shall be appointed by the four members of the Joint Board. The fifth member must reside in a county that is not affected by the drainage problem.

(2) If land in more than two counties may be affected, the Chairperson of the Board of each county shall appoint one of the members of his or her Board, other than the County Surveyor, to serve on the Joint Board.

(3) The Surveyor of the county having the greatest length of drain or proposed drain serves as an ex-officio member of the Joint Board, and has the same duties, powers, and responsibilities he or she would have if the proposed construction, reconstruction, or maintenance affected lands lying solely within one county.



(C) A Joint Board may authorize the employment of one or more persons to assist the County Surveyor who serves on the board in the performance of his or her duties in connection with the Joint Board. The Joint Board shall set the rate of compensation for the assistants and authorize an advance on the General Drain Improvement Fund of each county in proportion to the apparent percentage of the total land area in each county to be affected by the drain. The cost of the assistants and the advance is a part of the operating expense of the Joint Board, which shall be finally adjusted and allocated as provided in division (E) below.

(D) Whenever the County Surveyor finds that a Joint Board should be appointed and that the following apply:

(1) The area of affected land in his or her county exceeds 80% of the total area of land affected by the drain; or

(2) Ninety percent or more of the length of the affected drain lies within his or her county; he or she may request in writing that each Board in the lesser affected county or counties waive the right to be represented on a Joint Board and that the Board of his or her county be the Board for the proceedings. The request and all subsequent communications in the proceedings, including notice of any benefits or damages to the lands within a lesser affected county, shall be forwarded by certified mail with return receipt requested to the Chairperson of the Board of each lesser affected county.

(3) If the Surveyor does not receive a negative response to his or her request from the Board of a lesser affected county within 30 days, the Surveyor may request his or her Board to resolve itself as the Board for the proceedings.

(4) The Board shall serve notice only on the Board of a lesser affected county and shall certify to the Auditor of that county a single claim for all benefits in that county, unless the Surveyor or Board of that county furnishes to the Board full and acceptable information concerning all individual parcels of affected land in that county, including maps.

(E) If the Joint Board proceeds with the proposed improvement or maintenance, all operating expenses of the Joint Board, including the compensation of the fifth member appointed under division (B)(1) above, shall be divided among the counties represented on it in the same proportion that the total land assessment allocated to each county bears to the total cost of the improvement or maintenance.

(F) If the Joint Board does not proceed, all operating expense of the Joint Board shall be apportioned by the Joint Board to the counties represented on it as justice requires.

(G) To the extent applicable, a Joint Board is governed by the provisions of this chapter concerning:

(1) The powers, duties, and procedures of a Board that serves one county; and

(2) The rights and remedies of owners affected by the proceedings of a Board that serves one county.

(I.C. 36-9-27-14) (1985 Code, ' 1-5-9)

**' 33.28 JURISDICTION OVER REGULATED DRAINS.**

Each regulated drain in a county is under the jurisdiction of the Board and subject to this subchapter, except as otherwise provided by this subchapter.

(I.C. 36-9-27-15) (1985 Code, ' 1-5-10)

**' 33.29 PRIVATE AND MUTUAL DRAINS EXEMPT FROM SUBCHAPTER.**

Private and mutual drains are not subject to this subchapter. However, land drained by a private or mutual drain is subject to assessment for the construction, or reconstruction, or maintenance of a regulated drain if the land is also drained by the regulated drain.

(I.C. 36-9-27-16) (1985 Code, ' 1-5-11)

## CHAPTER 34: TAXATION

### Section

#### *General Provisions*

- 34.01 Motor vehicle excise surtax; wheel tax
- 34.02 Local option tax
- 34.03 Economic development income tax; rate

#### *Income Tax*

- 34.15 Additional county adjusted gross income tax pledge
- 34.16 Rescinding or repealing CAGIT revenues
- 34.17 Liens, encumbrances, or restrictions on CAGIT revenues
- 34.18 Leases
- 34.19 Effective date

### **GENERAL PROVISIONS**

#### **34.01 MOTOR VEHICLE EXCISE SURTAX; WHEEL TAX.**

(A) Beginning January 1, 2011 and until further amended by ordinance, all passenger cars, trucks of less than 11,000 pounds GVW, and motorcycles registered in the county, that are now subject to an excise tax shall also be subject to an annual excise surtax (in lieu of property tax) of \$25 to be paid with the registration of said motor vehicles. No credit applied shall affect the amount of the surtax.

(B) Beginning January 1, 2013, and until further amended by ordinance, all of the following nine classes of motor vehicle, registered in the county, shall be subject to an annual wheel tax as set out in the following table, to be paid with the registration of said motor vehicles:

<i>Motor Vehicle Classification</i>	<i>Annual Wheel Tax</i>
Buses	\$40
Heavy trucks (11,001 and over)	\$40
Light trailers (5,000 pounds and less)	\$20

<i>Motor Vehicle Classification</i>	<i>Annual Wheel Tax</i>
Recreational vehicles	\$40
Semi-trailer	\$40
Tractors	\$40
Trailers (less than 12,000 lbs)	\$40
Trailers (12,001 lbs to over 22,000 lbs)	\$40

(C) As provided by PL Acts 1980, I.C. 6-3.5-5-4, the following motor vehicles are exempt from the annual Wheel Tax:

- (1) Vehicles owned by the state, a state agency or a political subdivision;
- (2) Church buses; and
- (3) Vehicles subject to the annual excise surtax.

(D) The County Treasurer shall receive the surtax collected by the Bureau of Motor Vehicles or its branch and deposit it into the AUnion County L.O.H.U.T. Fund@ as established by the County Council.

(E) The County Treasurer shall receive the wheel tax collected by the Bureau of Motor Vehicles or its branch and deposit it into the AUnion County L.O.H.U.T. Fund@ as established by the County Council.

(F) Beginning January 1, 2013, all of the excise surtax and wheel tax collected on motor vehicles registered in the county shall be distributed, as provided in Pub. L. No. 10 of Acts 1980, to the county, city and town units of the county by the County Auditor and shall be used only to construct, reconstruct, repair, or maintain street, and roads under their jurisdiction, or as a contribution to an authority established under I.C. 36-7-23.

(Ord. 1997-1, passed 6-17-2010; Ord. 1997-1, passed - -2012)

### ' 34.02 LOCAL OPTION TAX.

The county adjusted gross income tax as provided in the county adjusted gross income tax law is hereby adopted for and on behalf of the county at the county rate of 1% for resident county taxpayers and 0.25% for all other county taxpayers (non-resident) in the county as previously established and now continued by order of the County Council.

(1985 Code, ' 1-7-1) (Council Ord. passed 5-30-1973)

**34.03 ECONOMIC DEVELOPMENT INCOME TAX; RATE.**

The County Council imposes the county economic development income tax on the county taxpayers of the county. The county economic development income tax is imposed at a rate 0.25% on the county taxpayers. This tax takes effect July 1, 1990.  
(Council Ord. 1-7-4, passed 3-22-1990)

***INCOME TAX*****34.15 ADDITIONAL COUNTY ADJUSTED GROSS INCOME TAX PLEDGE.**

In consideration of the Commissioners' desire to proceed with the financing of the project to acquire, renovate, construct and equip the County Courthouse (hereinafter referred to as the *Project*), the County Council hereby pledges additional county adjusted gross income tax (CAGIT) revenues for the payment of lease rentals due under the lease to be entered into by and between the County Building Corporation (*Corporation*) and the county to finance the project (*Lease*).  
(Council Ord. 3-1-7-1, passed 8-28-2003)

**34.16 RESCINDING OR REPEALING CAGIT REVENUES.**

(A) The County Council further covenants that it will take no action to rescind or repeal additional CAGIT revenues or to take any action that would result in the county receiving a smaller certified share of the additional CAGIT revenues than the certified share of additional CAGIT revenues to which it was entitled on the effective date of this subchapter.

(B) The County Council further covenants that it will take no action to rescind the additional CAGIT revenues or reduce the additional CAGIT revenue rate as long as lease rentals are payable under the lease.  
(Council Ord. 3-1-7-1, passed 8-28-2003)

**34.17 LIENS, ENCUMBRANCES, OR RESTRICTIONS ON CAGIT REVENUES.**

The county has not pledged or otherwise encumbered its additional CAGIT revenue, and there are no prior liens, encumbrances, or other restrictions on the additional CAGIT revenue or on the county's ability to pledge additional CAGIT revenue to the payment of lease rentals.  
(Council Ord. 3-1-7-1, passed 8-28-2003)

**34.18 LEASES.**

(A) The county reserves the right to enter into leases or other obligations entitled to the pledge of additional CAGIT revenue on a parity with the lease in accordance with the requirements set forth below (Additional CAGIT revenue parity obligations) for the purpose of raising money for future projects in the county.

(B) The authorization and issuance of additional CAGIT revenue parity obligations shall be subject to the following conditions precedent.

(1) All rental payments due under the lease and all payments on any additional CAGIT revenue parity obligations shall be current to date in accordance with the terms thereof, with no payment in arrears.

(2) For additional CAGIT revenue parity obligations without an unlimited property tax backup, the county and the corporation shall have received a certificate prepared by an independent, qualified accountant or feasibility consultant certifying the amount of the additional CAGIT revenue estimated to be received in each succeeding year, adjusted as provided below, shall be at least equal to 125% of the lease rental and debt service requirements with respect to the outstanding lease and additional CAGIT revenue parity obligations and the proposed additional CAGIT revenue parity obligations, for each respective year during the term of the outstanding lease and additional CAGIT revenue parity obligations. The county shall approve and confirm the figures and estimates set forth in the above-described certificate in any resolution or ordinance authorizing the additional CAGIT revenue parity obligations. This certificate is not required if the lease rental or debt service payments on the proposed additional CAGIT revenue parity obligations are backed up by an unlimited property tax levy.

(3) Payments on any additional CAGIT revenue parity obligations or junior obligations shall be payable semiannually on January 1 and July 1.  
(Council Ord. 3-1-7-1, passed 8-28-2003)

**34.19 EFFECTIVE DATE.**

This subchapter shall be in full force and effect immediately upon its passage.  
(Council Ord. 3-1-7-1, passed 8-28-2003)

## CHAPTER 35: EMERGENCY MANAGEMENT

### Section

#### *General Provisions*

- 35.01 Purpose
- 35.02 Definitions
- 35.03 Scope and intent
- 35.04 Limitations

#### *Offices and Organizations*

- 35.15 Advisory Council organization; officers
- 35.16 Advisory Council duties
- 35.17 Organization of Emergency Management Department
- 35.18 Director of Emergency Management; appointment; qualifications; tenure
- 35.19 Director; general powers and duties
- 35.20 Deputy Director; general powers and duties
- 35.21 Principal Executive Officer and Board of Commissioners administrative powers and duties; test of emergency operations; absence of Director and/or Deputy Director
- 35.22 Qualifications of emergency management volunteers
- 35.23 Department budgeting and finance
- 35.24 Emergency operations plan formulation; content; adoption
- 35.25 Jurisdiction; county emergency operations plan; related official powers

#### *Administration and Enforcement*

- 35.40 Applicability of chapter
- 35.41 Declaration of local disaster emergency
- 35.42 Special emergency powers and duties of Principal Executive Officer; declaration of local disaster emergency
- 35.43 Special emergency powers and duties of Principal Executive Officer; convention of emergency meeting of Board of Commissioners; special meeting procedures
- 35.44 Special emergency powers and duties of Principal Executive Officer; plenipotentiary powers in absence of Board quorum
- 35.45 Special emergency powers and duties of Board of Commissioners
- 35.46 Special emergency powers and duties of Director of Emergency Management

- 35.47 General duties of officers and employees of incorporated and unincorporated areas of the county during emergency
- 35.48 Priority of emergency orders, rules, and regulations
- 35.49 Noncompliance with emergency orders; obstruction or impersonation of emergency management authorities; enforcement
- 35.50 Limitation of liability during state of emergency or emergency management tests
- 35.51 Reimbursement for use of property commandeered during emergency
  
- 35.99 Penalty

### ***GENERAL PROVISIONS***

#### **35.01 PURPOSE.**

To establish in the county a Department of Emergency Management and to provide for the exercise of necessary powers during emergencies.  
(Ord. 1-13-1, passed 4-3-2000)

#### **35.02 DEFINITIONS.**

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

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

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

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

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

***DIRECTOR.*** The County Director of Emergency Management as established and appointed under this chapter, pursuant to I.C. 10-14.



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

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

**EMERGENCY MANAGEMENT VOLUNTEER.** Any person who serves without compensation in the Department of Emergency Management, being first duly rostered, identified and appointed by the Director, including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

**HUMAN-MADE DISASTER.** Any incidents including, but not limited to, riots, strikes, insurrections, terrorist acts, civil disturbances, threats to national security, or other human-made cause.

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

**PARTICIPATING EMERGENCY SERVICE.** Is:

(1) Any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant to ' 35.19; and

(2) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county=s emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to ' 35.17 of this chapter.

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

**PLAN or EMERGENCY PLAN.** The current local emergency plan whose preparation and updating are mandated by I.C. 10-14.

**PRINCIPAL EXECUTIVE OFFICER OF THE COUNTY.**

(1) As referred to in I.C. 10-14 for purposes of declaring a local disaster emergency, and as referred to hereinafter, the regularly designated President of the Board of County Commissioners, except if he or she is unavailable or incapacitated, and the Board has a regularly designated President Pro-Tem, then the President shall be the ***PRINCIPAL EXECUTIVE OFFICER***. If the President is unavailable or incapacitated and there is no designated President Pro-Tem, then the remaining two Commissioners shall select among themselves one to be the ***PRINCIPAL EXECUTIVE OFFICER*** in the same manner as when an ordinary business meeting needs to be conducted in the absence of the President. If both the President and another Commissioner are absent or incapacitated, then the remaining Commissioner shall be considered the ***PRINCIPAL EXECUTIVE OFFICER***. In the absence or incapacity of all County Commissioners, the office of ***PRINCIPAL EXECUTIVE OFFICER*** shall devolve upon first the County Auditor, second, upon the County Clerk, third, upon the County Recorder, and, fourth, the Director.

(2) The ***PRINCIPAL EXECUTIVE OFFICER OF THE COUNTY*** elected by the above procedure, if not a member of the County Commission, shall exercise all powers and fulfill all duties of the ***PRINCIPAL EXECUTIVE OFFICER*** under I.C. 10-14 until such time as a County Commissioner shall no longer be unavailable or becomes incapacitated, at which time the County Commissioner, or the regularly designated President of the Board if he or she is no longer unavailable or becomes incapacitated, shall assume all the powers and duties associated with the office of President of the Board. The ***PRINCIPAL EXECUTIVE OFFICER OF THE COUNTY*** selected by the above procedure, if a member of the County Commission, shall exercise all powers and fulfill all duties of the ***PRINCIPAL EXECUTIVE OFFICER*** under I.C. 10-14 until such time as the regularly designated President of the Board shall no longer be unavailable or becomes incapacitated, at which time the regularly designated President of the Board shall resume all the powers and duties associated with his or her office.

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

***TECHNOLOGICAL DISASTER***. Any incidents including, but not limited to, severe fire, explosions, hazardous material spills, radiological problems, or other technological cause.  
(Ord. 1-13-1, passed 4-3-2000)

### ‘ 35.03 SCOPE AND INTENT.

The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to, and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department, and agencies.  
(Ord. 1-13-1, passed 4-3-2000)

### ‘ 35.04 LIMITATIONS.

(A) *Nonsuppression of emergency powers of County Sheriff.* Nothing in this chapter is intended to supersede or delimit any statutory powers of the County Sheriff to request assistance of the National Guard under the circumstances delineated in I.C. 10-14.

(B) *Nonsuppression of emergency powers of incorporated municipalities; conformance of municipal regulation with county regulations.* Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-14 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to I.C. 10-14, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the county emergency regulations and procedures as established in this chapter.  
(Ord. 1-13-1, passed 4-3-2000)

**OFFICES AND ORGANIZATIONS**

**' 35.15 ADVISORY COUNCIL ORGANIZATION; OFFICERS.**

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

- (1) The President of the County Executive;
- (2) The President of the county fiscal body;
- (3) An individual representing the legislative bodies of all towns within the county; and

(4) Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the County Emergency Management Advisory Council.

(B) The Advisory Council shall have a Chairperson, a Vice-Chairperson, and a Recording Secretary. These officers shall be elected by the Advisory Council for one-year terms.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.16 ADVISORY COUNCIL DUTIES.**

(A) The Advisory Council shall exercise general supervision and control over the emergency management and disaster program of the county and shall select, with the approval of the County Executive, a County Emergency Management Director, who shall have direct responsibility for the organization, administration, and operation of the emergency management program in the county and

shall be responsible to the Chairperson of the Advisory Council. The Emergency Management Director shall not hold any other local or state government office.

(B) The Advisory Council shall have the power to terminate, with the approval of the County Executive, a County Emergency Management Director, under the circumstances delineated in ' 35.18(B).

(C) The Advisory Council shall meet at least once biannually; the frequency, time and place being determined by the Council.

(D) Any and all meetings of the Advisory Council shall be open meetings and shall be posted in accordance with I.C. 5-14-1.5.

(Ord. 1-13-1, passed 4-3-2000)

### **' 35.17 ORGANIZATION OF EMERGENCY MANAGEMENT DEPARTMENT.**

(A) There is hereby established a Department of Emergency Management within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this chapter. The County Commissioners and Director of Emergency Management shall be responsible for its organization, administration, and operation. The Department shall consist of the following:

(1) An executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management appointed in accordance with ' ' 35.01 through 35.04;

(2) A Deputy Director, who shall be appointed by the Director with the approval of the Advisory Council;

(3) Emergency management volunteers, as deemed necessary and appointed by the Director in accordance with ' 35.46 and in accordance with the plan;

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

(5) Staff officers with responsibility for warning and communications, radiological, health, emergency care, police, fire and rescue, public works, and public information in accordance with the plan; and

(6) Such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department who may be appointed by the Director in accordance with the plan.

(B) Notwithstanding any other provision of this chapter, no compensated position may be established within the Department of Emergency Management nor any person appointed to such position without:

- (1) The authorization of the County Council pursuant to I.C. 36-2-5-3(a); and
- (2) The making of sufficient appropriations to pay such compensation.

(C) The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation.

(D) It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.18 DIRECTOR OF EMERGENCY MANAGEMENT; APPOINTMENT; QUALIFICATIONS; TENURE.**

(A) The Director of Emergency Management shall be appointed by the County Emergency Management Advisory Council with the approval of the County Executive. The Director may hold no other local, state, or federal office.

(B) The appointment of the Director shall be permanent unless the Advisory Council, pursuant to ' 35.16(B) above determines the Director to be:

- (1) Incapable of fulfilling his or her duties due to physical or mental disability; or
- (2) Unwilling to perform his or her duties as mandated below.

(C) The Advisory Council shall consult with the Executive Director of SEMA to obtain his or her opinion on the abilities and competence of the Director prior to the Advisory Council=s termination of the Director under division (B) above. The SEMA Executive Director=s opinion hereunder shall be advisory only.

(D) The Advisory Council may determine additional qualifications for Director, with input from the County Commissioners pursuant to I.C. 10-14.  
(Ord. 1-13-1, Exhibit A, passed 4-3-2000)

**35.19 DIRECTOR; GENERAL POWERS AND DUTIES.**

(A) The Director, subject to the direction and control of the Advisory Council, shall be executive head of the Department and shall have responsibility for the organization, administration, and operation of the Emergency Management Organization, including the following specific powers and duties:

(1) Submitting to the Advisory Council and the County Commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come;

(2) Keeping the County Commissioners fully informed on emergency management activities;

(3) Writing and implementing the plan, which shall conform to the guidelines contained in the most current state and federal guidance documents if the county wishes to receive state and/or federal matching funds;

(4) Assuring that all county employees and rostered volunteers with responsibilities as part of the plan receive training in the functions which they are to perform under the plan;

(5) Designing and conducting exercises of the plan, as required by SEMA;

(6) Assuring that the plan addresses all hazards and includes all towns and other population centers within the county;

(7) Updating the plan as needed to keep it current, as required by I.C. 10-14;

(8) Identifying and analyzing the effects of hazards that threaten the jurisdiction;

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

(10) Inventorying manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency;

(11) Identifying resource deficiencies and working with appropriate officials on measures to correct them;

(12) Developing an emergency operating center (AEOC) as a site from which key officials can direct and control operations during a disaster or emergency;

(13) Developing and maintaining emergency communications systems;

(14) Establishing a system to alert key officials in event of a disaster or emergency;

(15) Developing continuity of government procedures and systems;

(16) Establishing and maintaining a shelter and reception and care system;

(17) Developing a training program for emergency response personnel;

(18) Developing a test and exercise program;

(19) Coordinating with industry to develop and maintain industrial emergency plans and capabilities in support of the plan;

(20) Making rapid and accurate assessment of:

(a) Property damage;

(b) Personal injuries;

(c) Fatalities;

(d) Basic needs; and

(e) Special needs as soon as an emergency or disaster declaration has been made.

(21) Submitting to SEMA the assessment specified in division (A)(7) in SEMA=s required:

(a) Format; and

(b) Time frame for submission.

(22) Providing to the SEMA Director annual reports and documentation as mandated by SEMA;

(23) Competently managing the department=s various functions, including among others financial, personnel, and logistic;

(24) Timely responsiveness to the Chairperson of the Advisory Council, as mandated by I.C. 10-14;

(25) Timely obedience to the directives of superior state authorities;

(26) Assuring that the activities of the Department at all times comport with I.C. 10-14 and other applicable statutes and county ordinances;

**Union County - Administration**

(27) Attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one year of first assuming the position of Director;

(28) Attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;

(29) Assuring the Deputy Director=s attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one year of first assuming the position of Deputy Director;

(30) Assuring the Deputy Director=s and all paid emergency management staff=s attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;

(31) Assuring ongoing attendance by the Director, the Deputy Director, and all paid emergency management staff at further emergency management courses presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management;

(32) Responsibility for public relations, information, and education regarding all phases of emergency management;

(33) Assuring coordination within the county of all activities for emergency management;

(34) Maintaining liaison and coordination with all other affected agencies, public and private;

(35) Coordination of the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes;

(36) Seeking, negotiating, and entering into (with the approval or ratification of the Commissioners and to the extent consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties;

(37) Accepting any offer of the federal government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when such offer has been approved by the Governor;

(38) Seeking and accepting from any person, firm, or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the county for emergency management purposes;



(39) Issuing proper insignia and papers to emergency management workers and other people directly concerned with emergency management; and

(40) Assuring that all volunteers meet the criteria set forth below at ' 35.22(A) prior to accepting them as members of the Department.

(B) In addition to the powers and duties expressly provided above, the Director shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-14. In particular, but not by limitation, the Director, through the Department, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by SEMA on October 15, 2013 under I.C. 10-14.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.20 DEPUTY DIRECTOR; GENERAL POWERS AND DUTIES.**

(A) If a Deputy Director has been appointed pursuant to ' 35.17(A)(2) of this chapter, he or she shall during normal times, assist the Director in the performance of his or her duties.

(B) During an emergency, the Deputy Director shall assist the Director and shall fulfill the duties of the Director in the absence or incapacity of the Director to serve.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.21 PRINCIPAL EXECUTIVE OFFICER AND BOARD OF COMMISSIONERS ADMINISTRATIVE POWERS AND DUTIES; TEST OF EMERGENCY OPERATIONS; ABSENCE OF DIRECTOR AND/OR DEPUTY DIRECTOR.**

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

- (1) Seeking the advice and input of the Director as to the advisability of declaring a local disaster emergency; and
- (2) Declaring, pursuant to I.C. 10-14, a local disaster emergency.

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

- (1) Maintaining general supervision over the planning and administration for the Department;
- (2) Adoption of the plan;
- (3) Coordinating emergency management activities consistent with the plan;

(4) Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the plan;

(5) Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the plan;

(6) Taking all necessary action to coordinate with the Department to conduct tests of the plan;  
and

(7) Educating themselves as to their responsibilities under the plan.

(C) Emergency management tests may be conducted at any time with or without prior notification to persons other than the Director. All emergency tests conducted within the boundaries of the county shall be coordinated with the Department.

(D) In the absence of the Director and the Deputy Director, the Principal Executive Officer will assume the duties of the Director.  
(Ord. 1-13-1, passed 4-3-2000)

#### **' 35.22 QUALIFICATIONS OF EMERGENCY MANAGEMENT VOLUNTEERS.**

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

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

(2) Not be convicted of a felony; and

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

(B) Upon satisfaction of the above requirements and formal entry upon the Department=s roster of volunteers, the applicant is officially a member of the County Department of Emergency Management.  
(Ord. 1-13-1, passed 4-3-2000)

#### **' 35.23 DEPARTMENT BUDGETING AND FINANCE.**

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

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

(C) All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.24 EMERGENCY OPERATIONS PLAN FORMULATION; CONTENT; ADOPTION.**

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

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

(1) A basic plan to include:

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

(2) Annexes to include:

- (a) Direction and control (warning and communications);
- (b) Radiological protection;
- (c) Law enforcement;
- (d) Fire and rescue;
- (e) Health and medical;

**Union County - Administration**

(f) Hazardous materials response for SARA Title III releases (to be drafted by the Local Emergency Planning Committee, pursuant to I.C. 13-19);

(g) Hazardous materials response for non-SARA Title III releases;

(h) Welfare and human services;

(i) Shelter;

(j) Evacuation;

(k) Public works; and

(l) Resource and supply.

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

(1) If they develop internal plans, assure that those plan are drafted subject to the requirements of the plan;

(2) Coordinate internal plans with the Department of Emergency Management;

(3) Assure inclusion of internal plans within the county plan;

(4) Perform the functions and duties assigned by the county plan; and

(5) Maintain their portion of the plan in a current state of readiness at all times.

(Ord. 1-13-1, passed 4-3-2000)

**' 32.25 JURISDICTION; COUNTY EMERGENCY OPERATIONS PLAN; RELATED OFFICIAL POWERS.**

(A) Except as provided by ' ' 35.04(A) and (B), the jurisdiction of the County Department shall be:

(1) Comprehensive and inclusive countywide; and

(2) Effective in both the incorporated and unincorporated areas of the county.

(B) The jurisdiction and applicability of the county=s Comprehensive Emergency Management and Disaster Plan as adopted pursuant to this section and the exercise of any powers of the Principal Executive Officer of the county and the County Commissioners under ' ' 35.40 through 35.51 shall be:

(1) Comprehensive and inclusive countywide; and

(2) Effective in both the incorporated and unincorporated areas of the county.

(C) All incorporated areas of the county shall:

(1) If they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;

(2) Coordinate internal plans with the Department of Emergency Management;

(3) Assure inclusion of internal plans within the county plan;

(4) Perform the functions and duties assigned by the county plan; and

(5) Maintain their portion of the plan in a current state of readiness at all times.

(Ord. 1-13-1, passed 4-3-2000)

***ADMINISTRATION AND ENFORCEMENT***

**' 35.40 APPLICABILITY OF CHAPTER.**

This chapter shall apply whenever:

(A) A state of emergency affecting all or part of the county has been declared by the Governor pursuant to I.C. 10-14;

(B) A state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the county pursuant to I.C. 10-14 and ' 35.42;

(C) A presumptive state of emergency is deemed to exist affecting all or part of the county causing the Director to invoke and implement emergency plans and procedures in accordance with ' 35.47; or

(D) When the Board of Commissioners has implemented a test of the county=s emergency plan and procedures in accordance with and to the extent necessary or dispensable to such test.

(Ord. 1-13-1, passed 4-3-2000)

**' 35.41 DECLARATION OF LOCAL DISASTER EMERGENCY.**

The Department of Emergency Management shall have the following responsibilities prior to declaration of a disaster:

(A) The warning function as prescribed in the portion of the plan;

(B) Assuring proper functioning of emergency communications throughout the county, including all towns, as prescribed in the communications portion of the plan; and

(C) Assuring that mitigation, training, and exercising have been performed.

(Ord. 1-13-1, passed 4-3-2000)

**' 35.42 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY.**

(A) In the event of actual or threatened enemy attack or disaster affecting the county, the Principal Executive Officer of the county may declare a local disaster emergency pursuant to I.C. 10-14 for any period not to exceed seven days.

(B) The declaration shall:

(1) Be in writing;

(2) Indicate the nature of the disaster;

(3) Indicate the conditions which have brought the disaster about;

(4) Indicate the area or areas threatened;

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

(6) Be announced of disseminated to the general public by the best means available.

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

(1) The County Clerk;

(2) Thee County Auditor; and

(3) The clerk of any incorporated municipality included in the declared disaster area.

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

(E) Upon a declaration, the County's Comprehensive Emergency Management and Disaster Control Plan which has been adopted pursuant to ' 35.25 or such several component parts thereof as may be relevant to the emergency shall be:

- (1) Activated; and
- (2) Implemented.

(F) Such a declaration shall not be necessary if the Governor, pursuant to I.C. 10-14, has already proclaimed a statewide or area-wide state of emergency including the county.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.43 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; CONVENTION OF EMERGENCY MEETING OF BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES.**

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

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

(C) Any such meeting of the Commissioners shall:

- (1) Be deemed an emergency meeting;
- (2) Be subject only to such procedural provisions of law as govern emergency meetings of County Commissioners;
- (3) Include relaxation of any applicable notice requirements pursuant to I.C. 5-14-1.5-5(d);
- (4) Be held in any convenient and available place;
- (5) Continue without adjournment for the duration of the disaster emergency; and
- (6) Be recessed for reasonable periods, of time as necessary and permitted by the circumstances.

(Ord. 1-13-1, passed 4-3-2000)

**' 35.44 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; PLENIPOTENTIARY POWERS IN ABSENCE OF BOARD QUORUM.**

(A) In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required under ' 35.43, the Principal Executive Officer of the county shall:

- (1) Be considered a plenipotentiary representative of the Board;
- (2) Have all powers of the full Board; and
- (3) Take all actions of the full Board.

(B) When a quorum is assembled, such plenipotentiary powers shall cease.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.45 SPECIAL EMERGENCY POWERS AND DUTIES OF THE BOARD OF COMMISSIONERS.**

(A) At the meeting convened under ' 35.43, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

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

(1) The Commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant to ' 35.42 to last more than seven days if necessary.

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

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

- (a) Personnel of the Department of Emergency Management;
- (b) Participating emergency services; and

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

(4) The Commissioners may order volunteer forces which have been activated pursuant to the plan to the aid of the county, state, or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.



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

- (a) Equipment;
- (b) Facilities;
- (c) Supplies; or
- (d) Other property.

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

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

(7) The Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building, or zoning regulations and the like, which would govern the use and location of premises for housing purposes during normal times.

(8) The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they:

- (a) Would be impractical during the emergency;
- (b) Would interfere with the implementation and carrying out of emergency plans; or
- (c) Would be inimical to actions necessary to protect the public safety and welfare.

(9) Except in accordance with division (B)(13) below hereinafter the Commissioners shall not suspend any provisions of ordinances or procedures, which are mandated by statute.

(10) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners, in accordance with I.C. 10-14, may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to:

- (a) Appropriation and expenditure of public funds;
- (b) The incurring of obligations;
- (c) The performance of public works;
- (d) The entering into contracts;
- (e) The employment of workers whose employment may be either:
  - 1. Permanent; or
  - 2. Temporary.
- (f) The utilization of volunteer workers;
- (g) The rental of equipment; and
- (h) The purchase and distribution of:
  - 1. Supplies;
  - 2. Materials; and
  - 3. Facilities.

(11) The Commissioners may assign any special emergency duties and functions to county:

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

(12) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

(13)The Commissioners may make and promulgate such emergency regulations as may be deemed necessary implement and carry out the provisions of the county=s or state=s plans.

(a) Such regulations shall not be effective until promulgated, through either:

1.Written filing in this offices of the County Clerk and County Auditor as required by I.C. 10-14; or

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

(b) Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with I.C. 10-14.

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

(C) All actions and regulations under this section shall be:

(1) Adopted by ordinance or resolution; and

(2) Consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Emergency Operations Plan.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.46 SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF EMERGENCY MANAGEMENT.**

(A) The Director shall make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions, which it would be necessary or desirable to take under ' 35.45 above in the event of any emergency.

(B) In the event that an emergency clearly exists or is imminent within the county, and a state of emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the county present to declare such an emergency pursuant to ' 35.42, the Director may temporarily presume the existence of a state of emergency.

(C) When the Director temporarily presumes the existence of a state of emergency, the Director shall:

(1) Put into effect those portions plan as necessary:

- (a) To cope with the emergency; and
- (b) Protect the public safety and welfare.

(2) Be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a Chief Executive Officer becomes available; and

(3) Have his or her functions performed by the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided by ' 35.47 in the latter=s absence or incapacitation during the emergency.

(D) Assistance from the Department of Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.  
(Ord. 1-13-1, passed 4-3-2000)

**' 35.47 GENERAL DUTIES OF OFFICERS AND EMPLOYEES OF INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY DURING EMERGENCY.**

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

(A) Cooperate with and give active support to:

- (1) The County Commissioners; and
- (2) The County Emergency Management Director.

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

- (1) The Commissioners; and
- (2) The County Emergency Management Director.

(Ord. 1-13-1, passed 4-3-2000)

**' 35.48 PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS.**

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

(A) Ordinances;

(B) Orders;

(C) Rules; and

(D) Regulations.

(Ord. 1-13-1, passed 4-3-2000)

**' 35.49 NONCOMPLIANCE WITH EMERGENCY ORDERS; OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES; ENFORCEMENT.**

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

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

(2) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities; and/or

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

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

(Ord. 1-13-1, passed 4-3-2000) Penalty, see ' 35.99

**' 35.50 LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY MANAGEMENT TESTS.**

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

(A) The county;

(B) Its assigned personnel;

(C) Participating emergency services; and

(D) Restored volunteers.

(Ord. 1-13-1, passed 4-3-2000)

**§ 35.51 REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY.**

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

(A) Manner of compensation; and

(B) Amount of compensation.

(Ord. 1-13-1, passed 4-3-2000)

**§ 35.99 PENALTY.**

Any person who commits an offense as described above shall be liable to a fine of \$2,500 such fine to be subject, however, to the discretion of the court of jurisdiction.

(Ord. 1-13-1, passed 4-3-2000)

## CHAPTER 36: FUNDS

Section

### *General Provisions*

- 36.01 County Recorder=s Enhanced Access Fund
- 36.02 Deferral Program Fund; Pretrial Diversion Program Fund
- 36.03 Local Health Maintenance Fund
- 36.04 Elected Officials Training Fund
- 36.05 County Sex or Violent Offender Administration Fund

### *Community Corrections Program Fund*

- 36.20 Establishment of Community Corrections Program Fund
- 36.21 Collection of funds
- 36.22 Administration of funds
- 36.23 Use of funds
- 36.24 Subsidies, grants, user fees, and donations
- 36.25 Deposit of funds from the State Department of Corrections
- 36.26 Expenditures
- 36.27 Placement of funds; timing
- 36.28 Perpetual status; nonreverting

### **GENERAL PROVISIONS**

#### **' 36.01 COUNTY RECORDER=S ENHANCED ACCESS FUND.**

(A) The County Council establishes the County Recorder Enhanced Access Fund Number 0153 (the AFund@) to receive fees collected by the Recorder for the purpose of providing enhanced access to recorded document index information and to record document images that are public records on file and under the legal authority of the Recorder.

(B) The Fund shall be a dedicated fund and the monies deposited therein shall be used for:

(1) The replacement, improvement, and expansion of capital expenditures in the County Recorder=s office; and/or

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

(Council Ord. 2010-3-18, passed 3-18-2010)

**' 36.02 DEFERRAL PROGRAM FUND; PRETRIAL DIVERSION PROGRAM FUND.**

A Deferral Program Fund and a Pretrial Diversion Fund is hereby created to be maintained by the County Auditor pursuant to state law with disbursements to be made according to I.C. 33-37.

(Council Ord. 6.20.95, passed 7-20-1995)

**' 36.03 LOCAL HEALTH MAINTENANCE FUND.**

All funds created for flu vaccines since May 1, 1995, and all funds treated hereafter shall be deposited to the Local Health Maintenance Fund. Any funds remaining in said account each year shall be carried over to subsequent years to purchase flu vaccines.

(Ord. 3-41-7, passed 8-27-1997)

**' 36.04 ELECTED OFFICIALS TRAINING FUND.**

(A) Under the authority provided by I.C. 36-2-7-19(b), the county establishes a County Elected Officials Training Fund. The county fiscal body shall appropriate money from the Fund.

(B) The Fund consists of money deposited under I.C. 36-2-7.5-6(c)(3) and any other sources required or permitted by law. Money in the Fund does not revert to the County General Fund.

(C) Money in the Fund shall be used solely to provide training of county elected officials required by I.C. 36-2-11-2.5, I.C. 36-2-12.5, and other similar laws.

(Ord. 2011-4-1, passed 5-16-2011)

**' 36.05 COUNTY SEX OR VIOLENT OFFENDER ADMINISTRATION FUND.**

(A) *Establishment of Fund.*

(1) The County Commissioners hereby adopt and approve the establishment of the County Sex or Violent Offender Administration Fund (the AFund@), as allowed by I.C. 36-2-13-5.6.



(2) Money deposited in the Fund, in accordance with the provisions below, shall be appropriated to the Union County Sheriff=s Department (the AUCSD@), the agency involved in the administration of the sex and violent offender registry, to defray the expense of administering or ensuring compliance with the laws concerning the Indiana sex and violent offender registry.

(B) *Administration of the Fund.*

(1) *Registration fee.* The UCSD shall collect an annual sex or violent offender registration fee, in the amount of \$50, on the date in which a sex or violent offender registers, either as an initial registration or as a registration for subsequent years, as required by law (the Aregistration fee@). The registration fee may be collected only one time per year.

(2) *Address change fee.* The UCSD shall collect a sex or violent offender address change fee, in the amount of \$5, on the date in which a sex or violent offender registers an address change to the UCSD (the Aaddress change fee@). The address change fee may be collected each time a sex or violent offender registers an address change.

(3) *Transfer of fees.* The UCSD shall transfer all registration and address change fees to the Auditor of the county.

(4) *Auditor obligations.* The Auditor shall monthly:

(a) Deposit 90% of any registration or address change fees collected in the County Sex or Violent Offender Administration Fund; and

(b) Transfer 10% of any registration or address change fees collected to the Treasurer of the state for deposit in the state sex and violent offender administration fund under I.C. 11-8-8-21.

(C) *Enforcement and penalties.*

(1) This section shall be enforced by the UCSD. No person shall hinder or obstruct the enforcement of this section.

(2) Any person who violates any provision of this section or fails to pay a registration or address change fees shall be deemed to have committed a section violation. Upon conviction, the violator shall be fined by the Court per violation. Each day a violation occurs or continues constitutes a separate violation.

(Ord. 2011-05-1, passed 5-3-2011)

***COMMUNITY CORRECTIONS PROGRAM FUND*****36.20 ESTABLISHMENT OF COMMUNITY CORRECTIONS PROGRAM FUND.**

Pursuant to I.C. 11-12-2-12, the Board of Commissioners of the county hereby elects to establish a Community Corrections Program Fund on behalf of the County Community Corrections Program.  
(Ord. 1-9-01, passed 11-8-2001)

**36.21 COLLECTION OF FUNDS.**

All funds shall be collected by the County Probation Department, received and accounted for by the County Auditor=s office on a monthly basis and deposited with the County Treasurer=s office.  
(Ord. 1-9-01, passed 11-8-2001)

**36.22 ADMINISTRATION OF FUNDS.**

The County Community Corrections Program Fund will be administered by the Community Corrections Advisory Board.  
(Ord. 1-9-01, passed 11-8-2001)

**36.23 USE OF FUNDS.**

Monies in said Fund may be received and used for any Community Corrections Programs including but not limited to:

(A) Work release;

(B) Home detention community service; and

(C) Transition services.

(Ord. 1-9-01, passed 11-8-2001)

**36.24 SUBSIDIES, GRANTS, USER FEES, AND DONATIONS.**

The Fund shall receive monies from state subsidies, grants, user fees, and donations.  
(Ord. 1-9-01, passed 11-8-2001)

‘ **36.25 DEPOSIT OF FUNDS FROM THE STATE DEPARTMENT OF CORRECTIONS.**

The County Community Corrections Fund shall be authorized to receive deposits of funds from the State Department of Corrections computed pursuant to I.C. 11-12-6-13 entitled “County Misdemeanant Fund Deposits; Computation”.

(Ord. 1-9-01, passed 11-8-2001)

‘ **36.26 EXPENDITURES.**

(A) Expenditures may be made from the Fund for any purpose necessary in operation and administration of the County Community Corrections Program.

(B) Expenditures may be made from the Fund at the direction of the County Community Corrections Program Advisory Board.

(Ord. 1-9-01, passed 11-8-2001)

‘ **36.27 PLACEMENT OF FUNDS; TIMING.**

All monies received by the county for the Community Corrections Program and related services shall immediately be placed in the Fund.

(Ord. 1-9-01, passed 11-8-2001)

‘ **36.28 PERPETUAL STATUS; NONREVERTING.**

The aforementioned funds shall be perpetual and nonreverting at year end and shall only terminate by subsequent ordinance.

(Ord. 1-9-01, passed 11-8-2001)



## CHAPTER 37: FEES AND GENERAL POLICIES

Section

### *General Provisions*

- 37.01 VIN verification fees
- 37.02 Inmate medical care fees
- 37.03 Sheriff=s Sale Program service fee
- 37.04 Health Department fees

### **GENERAL PROVISIONS**

#### **37.01 VIN VERIFICATION FEES.**

The County Sheriff=s office and any member of that office conducting a VIN verification collect a fee of \$5 for providing that service. All monies collected will be submitted to the Auditor for deposit in the same fund as other monies collected for providing other reports to the public.

(Ord. passed 12-23-2002)

#### **37.02 INMATE MEDICAL CARE FEES.**

(A) The County Commissioners hereby direct, under I.C. 11-12-5-5, the County Sheriff=s Department to collect a maximum co-payment of \$15 from the Inmate Trust Fund each time a prisoner has any medical care, dental care, eye care, or other medical treatment or supplies provided including prescriptions. This will include a visit from the jail physician. The monies collected will be submitted to the Auditor for deposit in the Medical Fund for Inmates.

(B) This section will not apply if the inmate has insurance coverage, or does not have funds at the time of the treatment or within 30 days of the treatment. It will not apply if the treatment is necessary in an emergency situation, as a result of injury sustained in the county jail or if the treatment is requested by the sheriff or jail administrator.

(Ord. 02-380-01, passed 12-23-2002)

**37.03 SHERIFF=S SALE PROGRAM SERVICE FEE.**

(A) The Sheriff=s Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical, and related services that are reasonable and appropriate for the Sheriff to effectively prepare for the management and implementation of foreclosure sales.

(B) The Commissioners hereby establishes a fund to be titled the Sheriff Sale Fund into which all collections of foreclosure costs fees, as hereafter defined, shall be deposited and from which the appropriate expenses of the Sheriff Sale Program shall be appropriated and paid. The Sheriff Sale Fund shall be a nonreverting fund to be used only for the purposes set forth herein and shall not revert to the County General Fund at year end.

(C) The Sheriff is authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical, and related services (the ASheriff Sale Services@) in order for the Sheriff to conduct the Sheriff=s Sale Program.

(D) The Sheriff Sale Services contract shall provide for the delivery of such services by a contractor (the Acontractor@) in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff=s Sale Program. The Sheriff Sale Services contract shall also provide for the payment of a fee, not to exceed \$100 per parcel for each parcel scheduled in the Sheriff=s Sale Program, to the contractor for such services.

(E) The Sheriff is hereby authorized to charge a fee of \$100 per parcel of property in the Sheriff=s Sale Program (the Aforeclosure costs fees@) and to deposit such foreclosure costs fees collected by or on behalf of the Sheriff in the Sheriff Sale Fund.

(F) The foreclosure costs fee shall be payable at the time of filing the praecipe under I.C. 32-29-7-3(h), which shall be a charge for the Sheriff=s Sale in addition to other statutory costs and fees.

(G) The Sheriff=s Sale Program contract shall provide for a complete and accurate accounting of all Sheriff Sale Program proceeds and compliance with any reporting or record requirements as set forth by the State Board of Accounts.

(Ord. passed 11-28-2005)

**37.04 HEALTH DEPARTMENT FEES.**

The Board of Commissioners of the county recommends that the following fees by the local Board of Health are hereby approved and established to be collected for services rendered as follows:

<i>Services</i>	<i>Fees</i>

<i>Services</i>	<i>Fees</i>
<sup>1</sup> Additional inspections for septic systems	\$25 each
Amendment of birth certificate	\$5 each
Bed and breakfast	\$25 each
Birth certificate	\$5 each
Copies	\$1 for first copy and \$0.25 for each additional copy
Coroners= Continuing Education Fund (State Fund)	\$1.75 each
Death certificate	\$5 each
Food establishment permit fee <sup>2</sup>	\$75/\$100
Genealogy search	\$2 each
Hot and cold food vending machines	\$25 each
Medical tests, medicines, and adult vaccines	Cost rounded to the nearest dollar plus \$2 administrative cost
Nicoderm 3 step patches	\$25 per person
Office visits	\$10 per visit
Non-certified birth and death certificate	\$2 each
Septic system inspection	\$25 each
Septic system installer=s permit	\$100 each
Septic tank permit	\$100 each
Temporary food vendors	\$5 per day with a maximum of \$15 per one continuous event
Temporary food permit fee	\$30 (first five days)/\$10 (each additional day)
Water testing	\$25 each

**NOTES TO TABLE:**

<sup>1</sup> Fees for additional inspections shall be charged for systems requiring more than the four standard inspections. The County Health Department shall have the power to assess a fee of \$25 for each additional inspection. The additional inspection fees shall be paid to the County Health Department prior to the inspection.

<sup>2</sup> Food establishment permits shall be issued for a term beginning on January 1, or before commencement of operation of the food establishment, but in any event shall expire on December 31 of each calendar year and shall be renewed annually. Those food establishments who fail to renew their current food permit or future food establishment permit for the following calendar year by January 1 shall be assessed a fee of \$100 instead of \$75. Food establishment permits are non-transferrable and any attempt to transfer a food establishment permit shall be deemed null and void.

**Union County - Administration**

(Ord. 3-41-5, passed 5-11-1998; Ord. 3-41-10, passed 11-22-2004; Ord. 3-41-14, passed 11-6-2006; Ord. 3-41-15, passed 11-5-2007, Ord. 2011-0801-1, passed 11-7-2011)