



# BOARD OF COMMISSIONERS LAPORTE COUNTY

555 Michigan Avenue, Suite 202  
LaPorte, IN 46350  
Phone: (219) 326-6808 ext. 2229 - FAX: (219) 326-9103

*Ken Layton*  
President  
*Barbara Huston*  
Vice President  
*Willie Milsap*  
Member

## LAPORTE COUNTY COMMISSIONERS

Tuesday, June 26, 2012

The LaPorte County Board of Commissioners met in a regular meeting on June 26, 2012, at 10:00 a.m. in the LaPorte County Complex Meeting Room #3.

### CALL MEETING TO ORDER

Mr. Layton, President, called the meeting to order at 10:00 A.M.

### PLEDGE OF ALLEGIANCE

Donna McCleary led the Pledge of Allegiance.

### ROLL CALL

All present

### APPROVAL OF AGENDA

Mrs. Huston, under New Business, please remove item #F.

Mrs. Huston made a motion to approve the agenda as amended, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### APPROVAL OF MINUTES

June 5, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

### WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

### CLAIMS

Payroll Ending June 22, 2012, Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Miscellaneous Claims—\$492,787.98, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

Regular Claims—\$810,359.22, Mrs. Huston made a motion to approve in the amount stipulated, seconded by Mr. Milsap, motion carried by roll call vote 3-0.

### PUBLIC COMMENTS

None

### DEPARTMENT HEAD COMMENTS

Mr. John Dudek, 911 Director, we have narrow banded all the emergency services and we have been experiencing some coverage problems with the radios. There is a communications meeting tomorrow

at 2:30 p.m. in the room here if any of you would like to attend it. It covers all the agencies we had to narrow band. It covers all radios and pager problems for the county volunteer fire departments, EMS, every emergency department is having issues. All emergency responders are having a hard time talking and getting reception. We have some vendors coming and we are looking for some solutions.

Mr. Layton, this is part of the federal mandate that has been placed upon us?

Mr. Dudek, correct.

Mr. Milsap, who is doing the trouble shooting?

Mr. Dudek, basically the vendors. Each department uses different vendors.

Mr. George Watkins, Veteran's Service Officer, tomorrow morning at 8:30 a.m. the veteran's advisory committee for the county is going to set a date for the LaPorte County service metal. That will be announced in the paper and on the radio. Anyone that is interested needs a copy of their DD214, applications for the service metal are available at most veterans organizations and I have several in my office.

Mr. Layton, do you have a tentative date in mind?

Mr. Watkins, not yet, we are going to set that date tomorrow. I would like to have it right around Veteran's Day. I am not sure where they want to have it; maybe at the Westville Legion Post.

#### CORRESPONDENCE

None

#### REQUESTS

##### LaPorte Hospital Foundation Tour de LaPorte/Road Closures

Mr. Andy Snyder, I am here on behalf of IU Health LaPorte Hospital Foundation. This will be almost duplicate of our event last year. There are some minor changes to the road closures in favor of traffic flow. We will not need to be using Weller Avenue in LaPorte. The Board of Public Works and Safety approved these closures last week from the city's standpoint.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

##### Sue Beres, Girls On The Run Of Northwest Indiana/Road Closures

Sue Beres, I serve as the volunteer liaison for LaPorte County for Girls On The Run Of Northwest Indiana. It is a nonprofit organization for girls in grades 3 through 8. We have had a spring 5k since 2007. We have grown to the point where we are ready to sponsor own qualified k. I am here to request the road closures. It encompasses the area from Farmwood to Crichfield and then from Sara Lane to Country Club.

Mr. Layton, I see where it is scheduled for November 10, 2012. Have you had contact with the emergency services and the sheriff's department?

Mrs. Beres, not yet. We have a plan for communicating with them.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

##### Pat Pease, EMS Administrator/Michelle Kanger Retirement Request For Unused Sick Days

Pat Pease, EMS Administrator, per policy, I am requesting permission to pay unused sick days upon the retirement of Michelle Kanger who is a 20 year employee. I have appropriated funds that are unspent from her longevity to pay this.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mr. Layton, please thank her on behalf of this board for her years of service.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Pat Pease, EMS Administrator/EMS Agreements To Provide Service, PGI, Inc. and PNC**

Mrs. Pease, you have before you two agreements that request to provide service to these events. The Veteran's Wall and the PGI Fireworks event at the fairgrounds.

Mr. Layton, it is my understanding that the one with the fair is the same as last year.

Mrs. Huston made a motion to approve both requests, seconded by Mr. Milsap, motion carried by voice vote 3-0.

**Barbara Mossman, Human Resources Administrative Assistant/Policy Revisions**

Mrs. Mossman, I am here to go over some updates on our policy revisions and the first one would be the nepotism policy. Under 17 & 17a we are updating our nepotism policy to come under compliance with the state's new rules.

Mr. Layton, is there any major changes made to the verbiage?

Mrs. Mossman, a more broader description of the relatives, what that encompasses.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Mrs. Mossman, the other is under drug testing 24.0. We are updating the language on that to encompass any employee transferring over to the Juvenile Services Center will now need to undergo a drug screen so they are in compliance with the Center's policy.

Mrs. Huston made a motion to approve, seconded by Mr. Milsap, motion carried by voice vote 3-0.

Attorney Chris Willoughby, to round out what Mrs. Mossman just presented she indicated that the state, effective July 1, 2012, had enacted a law that requires every governmental unit to adopt a nepotism policy which encompasses the change you just made to the employee handbook. Also, a policy regarding contracting between relatives and elected officials. There is a deadline of July 1<sup>st</sup> and the penalty for not doing that would be that when the State Board of Accounts rolls around and finds a governmental unit has not complied, they will send that down to the DLGF and the DLGF is mandated to not approve the current year's budget and revert back to the previous year's budget. This Resolution is basically set to put the county in compliance.

Mrs. Huston reads the Resolution Establishing Nepotism Policies For Employment And Contracting Matters. (See attached)

Mrs. Huston made a motion to adopt the Resolution, 2012-03, seconded by Mr. Milsap, motion carried by voice vote 3-0.

**Attorney Ryan Beall/Petition To Vacate Public Roadway**

Attorney Beall, this is Tom Lode and he is President of Saugana Shores Association, Inc. who is the entity that owns the beach out at Sauganay Lake. Sauganay Lake is a private lake, there are no public accesses. What we are trying to do today is ask the commission to close an unimproved portion of public way that leads to the beach area that is owned by the petitioners.

Mr. Lode, I am the president of the association. We have had lots and lots of problems down at the beach. Kids coming down there, underage drinking, vandalism, property damage, both of the adjoining land owners, Mr. Vanek and Mr. Mulcrone have been broken into twice. I have been

working with Captain George Ritter on ways to try and alleviate this problem and one of the things he suggested is that we lock that gate. I think it is a great idea; however, I am worried that locking the gate is going to be too restrictive. If we vacate this road, our plan is to modify the gate before we lock it making it passable by foot traffic. It is not our intent to restrict anyone's access; we are just trying to restrict the damage. We have had garbage thrown all over the beach, benches burnt to the ground, they started a fire on the pier, and broken bottles. We have issued property owners cards; however, it is still an issue. At Captain Ritter's suggestion, I think we should try and vacate that road and restrict the access.

Mrs. Huston, how do you think this is going to alleviate your problem?

Mr. Lode, Captain Ritter said since they won't be able to park in that roadway, they will be on the road and easier to tell that they shouldn't be there. Then you can call the sheriff and they can handle it from there. It is not obvious when they are parked in that driveway who belongs there and who doesn't. You are not allowed to park on the road. There are "No Parking" signs.

Mrs. Huston, this is not denying access to the water in any way?

Mr. Lode, no.

Mr. Beall, what we are trying to do is to close down that small area where people who do not belong there are driving in and using that small inlet for parking, they shouldn't be there in the first place and we think those are the people causing most of the problems down at the beach.

Mr. Lode, this is not the only direct access to the lake.

Mr. Layton, part of my concern has been alleviated when I found out it was the property association that was asking for the property to be abandoned and not a private owner.

Ideas were thrown out to form a neighborhood watch group, cameras, hire off duty security and etc.

Mr. Layton, as you know, on vacations all property owners have rights. Mr. Vanek and Mr. Mulcrone have no interest in the ownership of this vacation?

Mr. Beall, I am certain we can get a waiver from them.

Mr. Lode, Mr. Mulcrone has agreed not only to forfeit his rights but to pay the attorney fees. Both are on board. They are the ones that are violated the most.

Mr. Beall, if we hold this over a few weeks I will prepare some documents for them to sign releasing any interest in the vacated public way.

Mr. Layton, thank you for that offer and I think we will take you up on that.

Mr. Willoughby, it is customary that the petitioner prepare a proposed ordinance and we haven't seen that yet, and obviously, there are some things to clean up and perhaps address your concerns about access for training purposes within those documents as well.

Mr. Layton, I request that we table this issue until our July 17, 2012 meeting.

#### Dick Reel, Friends Of The Barns/Request for Appropriation

Mr. Dick Reel, a group of people have been watching the county home and looking at the barns. I would like to introduce them, Phyllis Marks, John Linewebber, Steve Jensen, Tim Staboz and myself. We had people come in and assess these barns. The south barn is pretty well deteriorated. The north barn is a unique barn in that it is a dairy barn with a silo. We did go ahead and have some people give us some estimates on fixing that barn. The cost is about \$80,000.00. The restoration would be a totally new roof, fixing all the holes, new windows, new siding, fixing the floor and redoing the milk house. A short summary on last night's meeting with the council; all agreed that this was a worthwhile project. They gave us a challenge to do public and private funds. Lois Sosinski was given as a contact with the council and we are going to work with her and set up through the attorney a fund to accept donations for rehab of this building. We talked about splitting the cost. We are committed to proceed in this

direction to raise some money to get this job done. Our main objective at this time is to get a roof on that barn before winter. I would like to introduce John Linewebber.

Mr. Linewebber, I am the owner of Briar Leaf Golf Course. I have a passion for doing things that I think are helpful to the community. I understand the financial constraints that the county is under. Having said all that, there are some things that have to be done, not just to provide a service but to celebrate the past as well as the future of the county. This barn is the gateway coming into LaPorte from the west; we are an agrarian county. When I look at the location, it is tied to the county fair and Pioneer Village. You guys do own it and appropriated almost \$2,000,000.00 to redo the county home but neglected all of the out buildings. The dairy barn has the potential to serve the people of LaPorte County. It is a great educational source for students. We think there is a compelling need and reason to ask for your financial support. I think what we have on the table with the council is if we can get financial support for \$40,000, we will raise the other additional \$40,000. We have a lot of suggestions from people.

Mr. Reel, we are here to keep you in the loop and informed and ask you for your support with the council.

Mr. Layton, we do not have the funds, the council has funds. I don't believe that anybody is not supportive of the effort to protect the history of this county. Funding is a major concern. I don't know where the council or you are going to get the money. I have a proposal. Ten years ago there was \$75,000 set aside for the county extension office. A good portion has been used on the new office. That money was earmarked for county extension and county extension only. We are having drastic storage space problems with the County Extension Office, Solid Waste and Soil and Water. If we are going to preserve the barn and if it is going to happen, then why can't it be a solution to some of our storage space problems and if that is the case, we have \$14,100 left in the Extension fund. In my opinion, that \$14,100, if we were going to mark it as storage for the Extension office, could be expended as a partial solution.

Mr. Reel, that is a good idea but if the barn is restored it will still be a barn with no heat and no water.

Mr. Layton, the storage area we have talked about in the past was nothing more than a pole barn with no heat and no water.

Mr. Linewebber, I think that is a potential source for money. We will talk to them and if it makes sense to them we are certainly interested in the \$14,100.

Mr. Milsap, do you have an intent for the barns once they get restored? Is that the intent of your people to use the barn for storage?

Mr. Linewebber, if we could store things on the second level and then we could still preserve the agricultural side on the first level. We are open to all ideas and suggestions.

Mr. Layton, I want to clarify that the \$14,100 has to be used specifically for the County Extension Office. We also have concerns about the residents that we have living at the county home.

Mr. Milsap, since we are in the process of raising funds from the community. Will there be a fund raising effort at this year's county fair?

Mr. Linewebber, we hope to put something together for that. We have gotten a lot of community support and interest. We are going to be working with the radio stations, newspapers and banks.

Mr. John Mills, LaPorte, IN. orates his support for saving the county home barn.

**Ameresco, Inc., Mark Heirbrandt & Dan Rininger/Indiana Energy Savings Program**

Mr. Mark Heirbrandt, a senior account executive with Ameresco. Ameresco is the largest independent energy services company in all of North America. Last year we did about \$600,000,000. in energy efficiency improvement and savings type programs throughout the country. I have been with the company for twelve years and during that time myself and my team have implemented over \$100,000,000 worth of energy efficiency improvements and programs for Indiana Counties alone. I have specialized in the county market. My purpose here today is to offer our services at no cost to

provide what is called a first pass energy audit. We would first gather three years of utility data. Once I have that, we would do a utility analysis and see if there are any opportunities and what they may be on a savings standpoint for the county. I am just asking you to take under advisement what we are offering.

Mr. Layton, how long do you think this search synopsis would take?

Mr. Heirbrandt, once we get the utility release form, I can usually have that done in 1-2 weeks.

Mr. Layton, if there is no cost to the county, how do you stay in business?

Mr. Heirbrandt, over the years we have learned we need to invest our time and effort and if you let us come through and identify some things, that if they do make sense, to implement.

Mrs. Huston, how do you get paid?

Mr. Heirbrandt, we are like a general contractor. If we brought back this first pass audit to you and you decide you would want to take the next step and implement an energy efficiency project then at that time it becomes a competitive situation where there is a request for proposals or request for qualifications. When that is done you would get other proposals from qualified providers like ourself that you could get different ideas to save the county money. Once you would select a company like Ameresco, we get paid like a general contractor does. We do all the project management.

Mrs. Huston, you are taking quite a risk.

Mr. Heirbrandt, yes we are. It is a risk we are willing to take.

COMMISSIONERS COMMENTS

Mr. Milsap, this coming Saturday is the Michigan City Summer Festival parade, please attend. There is a possibility of us reaching three digit temperatures this week, be careful.

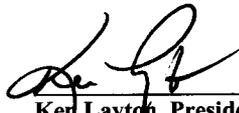
Mrs. Huston, have a safe and happy 4<sup>th</sup> of July.

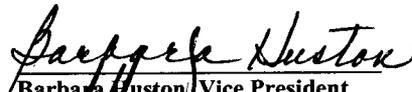
Mr. Layton, I also wish everyone a happy 4<sup>th</sup> of July. Please enjoy both the Michigan City and LaPorte parades. Due to the 4<sup>th</sup> of July falling in the middle of the week we have changed our meeting from the Tuesday preceding to July 5<sup>th</sup> at 6:00 p.m. in these chambers.

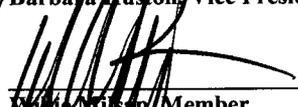
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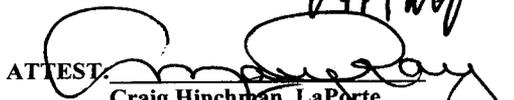
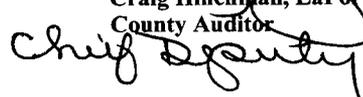
Mr. Layton, President, adjourned the meeting at 11:15 a.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Ken Layton, President

  
\_\_\_\_\_  
Barbara Huston, Vice President

  
\_\_\_\_\_  
Mike Milsap, Member

ATTEST:   
Craig Hinchman, LaPorte  
County Auditor  


RESOLUTION NO. 2012-\_\_\_\_\_

**RESOLUTION ESTABLISHING NEPOTISM POLICIES  
FOR EMPLOYMENT AND CONTRACTING MATTERS**

**WHEREAS**, pursuant to I.C. § 36-1-20.2-9(a) (as added by Section 7 of P.L. 135-2012, which section is effective July 1, 2012), LaPorte County is required to adopt a policy regarding the employment of relatives by the County, which policy includes certain minimum requirements set forth in I.C. § 36-1-20.2; and

**WHEREAS**, pursuant to I.C. § 36-1-21-4(a) (as added by Section 8 of P.L. 135-2012, which section is effective July 1, 2012), LaPorte County is required to adopt a policy regarding contracts between the County and relatives (or business entities wholly or partially owned by relatives) of elected officials of the County, which policy includes certain minimum requirements set forth in I.C. § 36-1-21; and

**WHEREAS**, the Board of Commissioners of LaPorte County, Indiana (the "Board" as a legislative body of LaPorte County, Indiana (the "County"), now desires to adopt a policy applicable to any department, office, or elected official of the County in order to ensure compliance by the County with I.C. § 36-1-20.2-9(a) and I.C. § 36-1-21-4(a) upon the effective date of such provisions,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of LaPorte County, Indiana, as a legislative body of LaPorte County, Indiana, that:

1. The Board adopts the policy attached to this Resolution as Exhibit "A", which is incorporated into and made a part of the same by virtue of this reference, as the official policy of the County regarding the employment of relatives by the County.

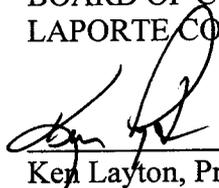
2. The Board adopts the policy attached to this Resolution as Exhibit "B", which is incorporated into and made a part of the same by virtue of this reference, as the official policy of the County regarding contracts between (i) any department, office, or elected official of the County, and (ii) relatives (or businesses wholly or partially owned by relatives) of elected officials of the County.

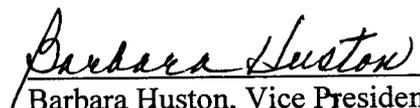
3. The members of the Board of Commissioners, the County Council, the Auditor of the County, the legal counsel of the County, and other appropriate officers of the County are authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this ~~Ordinance~~ <sup>RESOLUTION</sup> and the implementation of such policies.

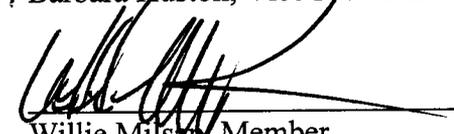
4. This Resolution shall be in full force and effect from and after the 1<sup>st</sup> day of July, 2012.

DULY ADOPTED on this 26<sup>th</sup> day of ~~July~~ <sup>JUNE</sup> 2012, by the Board of Commissioners of LaPorte County, Indiana.

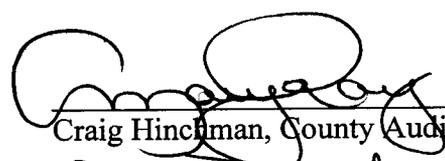
BOARD OF COMMISSIONERS OF  
LAPORTE COUNTY, INDIANA

  
\_\_\_\_\_  
Ken Layton, President

  
\_\_\_\_\_  
Barbara Huston, Vice President

  
\_\_\_\_\_  
Willie Milsap, Member

ATTEST:

  
\_\_\_\_\_  
Craig Hinchman, County Auditor  


## Exhibit "A"

### NEPOTISM

In accordance with House Enrolled Act 1005 ("HEA" 1005) 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.

**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.

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

**Member of the sheriff's office** means the sheriff or an officer appointed to the office.

**Relative** means any of the following:

1. Spouse;
2. Parent or stepparent;
3. Child or stepchild
4. Brother, sister, stepbrother, or stepsister
5. Niece or nephew
6. Aunt or uncle
7. Daughter-in-law or son-in-law

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" include a brother or sister by the half blood.

With regard to an individual who:

1. is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and
  2. is not exempt from the application of this policy,
- the individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate the prohibition against one relative being in the direct line of supervision of the other relative.

The individual described above may not:

1. be promoted to a position or
2. be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit sheriff's office

if the new position would violate the prohibition against one relative being in the direct line of supervision of the other relative.

A sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

An individual"

1. who served as coroner;
2. who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
3. who, as coroner, received certification under IC 36-2-14-22.3; and
4. whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

### **Exclusions**

An individual who is employed by a unit on July 1, 2012 is not subject to these policies unless the individual has a break in employment with the unit. Breaks in employment do not include the following:

1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
2. The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

This policy does not apply to performance of duties as a

1. Precinct election officer as defined in IC-3-5-2-40.1; or
2. Volunteer firefighter

This policy does not repeal or affect an employment contract with a unit that:

1. an individual is a party to and
2. is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

## EXHIBIT "B"

### Policy Concerning Contracting with LaPorte County, Indiana

#### A. Key Definitions

For purposes of this Policy, "*elected official*" means any member of: (a) the Board of Commissioners of the County, or (b) the County Council.

For the purposes of this policy, "*relative*" means any of the following:

1. A spouse;
2. A parent or stepparent;
3. A child or stepchild, including adopted children;
4. A brother, sister, stepbrother, or stepsister, including brothers or sisters by the half-blood;
5. A niece or nephew;
6. An aunt or uncle; and/or
7. A daughter-in-law or son-in-law.

#### B. Anti-Nepotism Policy Regarding County Contracts

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstandings and appearances of favoritism, impropriety or bias, the County has adopted the following policy to establish certain minimum requirements regarding contracts between (i) any department, office, or elected official of LaPorte County, Indiana (the "County"), and (ii) "relatives" (or businesses wholly or partially owned by relatives) of "elected officials" of the County. Except as otherwise provided within this Policy, the County may enter into or renew a contract for the procurement of goods and services or a contract for public works with either: (i) an individual who is a relative of an elected official, or (ii) a business entity that is wholly or partially owned by a relative of an elected official only if the requirements of this policy are satisfied and such contract would not result in a violation of I.C. § 35-44-1-3 by the elected official.

**C. Procedure to Comply**

Notwithstanding any provisions of this Policy and I.C. § 36-1-21, the County may enter into or renew a contract with an individual or business entity described in the paragraph above only if the following conditions are met:

1. The elected official shall file with the Board of Commissioners of LaPorte County, Indiana (the "Board of Commissioners") a full disclosure statement, which must: (a) be in writing; (b) describe the contract or purchase to be made by the County; (c) describe the relationship that the elected official has to the individual or business entity with whom the County seeks to contract or from whom the County seeks to purchase; (d) be affirmed under penalty of perjury; (e) be submitted to the legislative body of the County and be accepted by the legislative body of the County in a public meeting of the legislative body prior to final action on the contract or purchase; and (f) be filed, not later than fifteen (15) days after final action on the contract or purchase, with (i) the State Board of Accounts, and (ii) the Clerk of the Circuit Court of the County.

2. The appropriate agency of the County shall file a certified statement with the Board of Commissioners: (a) that the contract amount or purchase price was the lowest amount or price bid or offered; or (b) setting forth the reasons why the vendor or contractor was selected.

3. The County satisfies any other contracting requirements under I.C. 5-22 (concerning the purchase of goods or services) or I.C. § 36-1-12 (concerning public works).

4. The elected official also complies with the disclosure provisions required by I.C. § 35-44-1-3, if applicable.

**D. Annual Certification by Elected Officers**

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or I.C. § 36-1-21. Each officer shall submit the certification to the Board of Commissioners not later than December 31<sup>st</sup> of each year.

**E. Interpretation of Policy**

This policy is intended to implement the minimum requirements necessary to comply with I.C. § 36-1-21, as the same may be amended from time to time. If and to the extent this Policy is not in compliance with I.C. § 36-1-21, this Policy shall be deemed to include such terms not otherwise included within this Policy, and to exclude such terms not otherwise excluded, as are necessary to cause this Policy to implement the minimum requirements set forth in I.C. § 36-1-21. To the extent this Policy is inconsistent with any

provision of Indiana law, including, without limitation, I.C. § 36-1-21, such other provisions of Indiana law shall control. If any portion of this Policy is held or deemed to be, or is, invalid, illegal, inoperable, or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this Policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

**F. Right to Review Application of Policy and Make Amendments**

The County reserves the right to review the specific facts of any case where this Policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of Indiana law, including, without limitation, the provisions of I.C. § 36-1-21. Furthermore, the County reserves the right to modify or amend the provisions of this Policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the provisions of I.C. § 36-1-21.