

Montgomery County Board of Commissioners

Resolution 2025-7

A RESOLUTION APPOINTING BUILDING & ZONING ADMINISTRATOR AND APPROVING EMPLOYMENT AGREEMENT

WHEREAS, the Montgomery County Board of Commissioners is empowered to appoint a County Highway Director and approve an employment agreement for the County Highway Director;

AND WHEREAS, the Board finds that it should appoint Jake Lough as County Highway Director;

AND WHEREAS, the Board also finds that the employment agreement which is attached to this resolution should be approved.

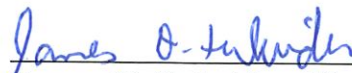
IT IS, THEREFORE, RESOLVED that Jake Lough is hereby appointed Montgomery County Highway Director.


IT IS FURTHER RESOLVED that the employment agreement for Lough, which is attached to this resolution, is hereby approved.

THIS RESOLUTION is hereby adopted on this 10th day of February, 2025.

MONTGOMERY COUNTY BOARD OF
COMMISSIONERS

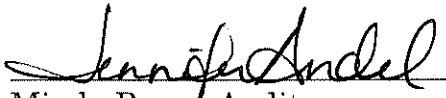

Dan Guard, President


James D. Fulwider, Vice President



Jake Bohlander, Member

Attest:



Mindy Byers, Auditor
Jennifer Andel, CO Auditor

**2025 CONTRACT OF EMPLOYMENT
MONTGOMERY COUNTY BUILDING and ZONING ADMINISTRATOR**

THIS AGREEMENT, by and between the Board of Commissioners of Montgomery County (hereinafter referred to as the “Commissioners”) and David M. Bonwell (hereinafter referred to as “Bonwell” or “Employee”), is to witness that:

WHEREAS, the County Executive may appoint a full-time County Building and Zoning Administrator, who is responsible for supervising the County Building and Zoning Department under direction of the County Commissioners;

AND WHEREAS, the Commissioners desire to employ Bonwell as the County Building and Zoning Administrator, and Bonwell desires to be employed in this position.

AND WHEREAS, the parties desire to enter into a contract which memorializes their agreement regarding such appointment.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. TERM: The Commissioners hereby agree to employ Employee as Building and Zoning Administrator for a term beginning on January 1, 2025 and ending December 31, 2027, subject to the reservation by the Commissioners of the right to terminate the employment of Employee as provided in this contract.

On December 31, 2025, this term will be automatically extended to December 31, 2028 unless either the Board or the Employee provide written notice to the other party of that party’s decision not to extend the term. This automatic extension will also operate to extend the term on December 31, 2026 and December 31, 2027 unless a party provides notice to the other to the contrary. It is the intention of the

parties that the term after automatic renewal will be a three-year term.

2. DUTIES: Bonwell's duties shall include those assigned by the Montgomery County Board of Commissioners including but not limited to the following:

- a. Perform the duties described in the Sugar Creek Ordinance.
- c. Review proposed storm water drainage plans for compliance with the County Ordinance.
- d. Administer the County Flood Plain Ordinance and review proposed improvements.
- e. Oversee the activities of the County Building and Zoning Department and administer building permits and building inspection to enforce state and local codes and ordinances.
- f. Supervise all employees of his department including office staff and building inspectors under the direction of the Board of Commissioners.
- g. Perform any other related duty as may be assigned by the Board of Commissioners.
- h. Directly Report to the County Administrator.
- i. Attend Commissioners' meetings, when possible, as directed by the Commissioners.
- j. Supervise maintenance staff of civilian buildings, keep current inspections and permits for fire systems and elevators.
- k. Craft and manage budgets 312, 313, 4917,1197,4159 and 4916.

1. Serve as staff for Plan Commission and Board of Zoning Appeals and maintain records for both.
3. SALARY: That the Employee's salary, for 2025, shall be the sum of \$ 77,571.08.
The salary for subsequent years shall be the amount approved in the Salary Ordinance for each year.

This salary shall be paid at the same time other county employees are paid and is subject to appropriation by the Montgomery County Council.

4. TERMINATION: The parties agree that this contract may be terminated as follows:
 - a. Termination by Commissioners: Bonwell is an appointee of the Commissioners. As such, he serves at the will of the Commissioners, subject to the rights and obligations of the parties under the terms and conditions of this agreement. The Commissioners may terminate Bonwell's employment with or without cause as follows:
 - i. For Cause: In the event Bonwell fails to carry out his duties and obligations as defined by this agreement or violates a policy of Montgomery County as provided for in the employee handbook, the Commissioners shall have the right to terminate Bonwell's employment

without prior notice and without further compensation or benefits. If the Commissioners terminate Bonwell's employment for cause, it shall provide to him written notice of the reasons therefore and the effective date of the termination.

ii. Without Cause: The Commissioners shall also have the right to terminate Bonwell's employment without cause by providing to Bonwell written notice of the termination with the effective date thereof at least thirty (30) days after the date of the written notice. Bonwell shall be entitled to compensation and benefits and shall have the same duties and obligations until the effective date of the termination.

If the Commissioners end Employee's contract prior to the end of the term of the contract and the termination is not due to cause, then Employee shall be paid 75% of the remaining portion of the contract unless the termination occurs during the last year of the contract, then employee shall be paid for 6 months of compensation regardless of the amount of time left in the contract.

b. Termination by Bonwell: Bonwell may terminate this contract of employment at any time by providing written notice to the Montgomery County Board of Commissioners.

5. COMPENSATORY TIME, FLEX TIME, PTO & OVERTIME: Bonwell is not entitled to compensatory time ("comp time") nor overtime as provided in the

Montgomery County Employee Personnel Manual. Bonwell is considered a salaried employee, and he is entitled to the same benefits provided to other County Employees except comp time and overtime.

Employee may flex their time beyond the pay period in which additional time above 37.5 hours was worked. The time may be flexed in to the next calendar year if the additional time worked occurred in November or December.

PTO time will be awarded according to the schedule for years of service in the PTO section of the Employee Handbook. 80 hours of unused PTO may be carried over in to the next calendar year.

7. USE OF COUNTY VEHICLE: Because Bonwell will be expected to answer Calls and perform services at all hours, he shall be entitled to the use of a County motor vehicle to perform these services. This right shall include the right to take the vehicle home in order to facilitate more prompt response time.

The vehicle may be driven for personal use. Employee shall be responsible for reporting private use mileage to the IRS. Employee will need to receive permission from the County Administrator to drive the County owned vehicle out of state for personal use.

If Bonwell is required to use his own vehicle, he is entitled to reimbursement for mileage at the same rate as other County Employees are paid. Bonwell shall submit monthly itemized statements and claim vouchers for this additional remuneration.

7. OFFICE HOURS: Bonwell shall keep regular business hours as directed by the Montgomery County Commissioners. Offices will be open to the public as approved by the

Commissioners, or as otherwise directed by the Commissioners.

8. GENERAL: Bonwell shall always maintain the highest standard of professional conduct and practice in the performance of his duties for the County. He shall maintain all County property and documents entrusted to him and shall return said items to County whenever requested by the Board of Commissioners.

9. CONSTRUCTION: This Contract shall be construed in accordance with and governed by the laws of the State of Indiana.

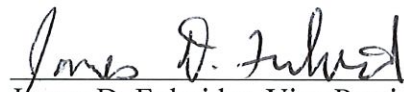
The parties have executed this Agreement this 10th day of February, 2025.

BUILDING ADMINISTRATOR


Marc Bonwell

**BOARD OF COMMISSIONERS OF
MONTGOMERY COUNTY, INDIANA**


Dan Guard, President


James D. Fulwider, Vice President


Jake Bohlander, Member

ATTEST:


Mindy Byers, Auditor
Jenni Gerndel, CD Auditor

**POSITION DESCRIPTION
COUNTY OF MONTGOMERY, INDIANA**

POSITION: Building and Zoning Director
DEPARTMENT: Building and Zoning
WORK SCHEDULE: 8:00 a.m. - 4:30 p.m., M-F
JOB CATEGORY: EXE (Executive)

DATE WRITTEN: January 2024
DATE REVISED:

STATUS: Full-time
FLSA STATUS: Exempt

To perform this position successfully, an individual must be able to perform each essential function of the position satisfactorily. The requirements listed in this document are representative of the knowledge, skill, and/or ability required. Montgomery County provides reasonable accommodations to qualified employees and applicants with known disabilities who require accommodation to complete the application process or perform essential functions of the job unless the accommodations would present an undue hardship.

Incumbent serves as Building and Zoning Director for the Montgomery County Building Office, responsible for overseeing Building, Zoning, and Maintenance departments and supervising assigned personnel.

DUTIES:

Oversees operations of Building, Zoning, and Maintenance Departments.

Supervises and directs assigned personnel, including interviewing candidates, making hiring decisions, planning and delegating work assignments, training and motivating staff, determining significant changes in responsibilities, evaluating performance, reviewing salaries, keeping supervisor and staff informed of organization developments, maintaining discipline and recommending corrective action, and communicating and administering personnel programs and procedures.

Prepares and submits payroll and claims for Department.

Enforces state and local statutes, codes, and ordinances concerning nuisances and unsafe buildings including amendments to and successor statutes and/or ordinances for areas of Building, floodplain, drainage, zoning, subdivisions, right of way, and Sugar Creek Township.

Prepares and monitors budgets for General Fund Accounts 312, 313, and other fee fund budgets.

Reviews and issues permits for building construction, including residential and commercial, and demolition inspections.

Develops maintenance plans for government center, courthouse, and Probation building.

Reviews rezoning and other applications for Plan Commission and Board of Zoning Appeals (BZA).

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Develops recommendations to update Zoning ordinance.

Performs on-site inspections of residential and commercial structures, new and existing structures to ensure compliance with applicable laws, codes, ordinances, and specifications concerning construction.

Inspects and enforces building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for residential and commercial property as established by County.

Receives and responds to inquiries and complaints, including providing information and explanations regarding building codes, permits, and related County ordinances, plans, and policies.

Maintains accurate records, including inspections performed and approvals or citations issued.

Enforces Wind Energy Conversion systems code, including permitting and reviewing proposed projects.

Coordinates projects for County properties as assigned.

Performs snow removal for County buildings as needed.

Serves as technical advisor and enforcement for Sugar Creek Advisory Board.

Serves on IT and Risk Management Committee.

Prepares case and staff reports for members of Plan Commission and Board of Zoning Appeals, including agendas and records minutes.

Prepares and makes public speaking presentations.

Testifies in legal proceedings and court.

Attends Commissioners and Council meetings as directed.

Attends training to maintain knowledge of applicable codes and regulations pertaining to construction, as needed or required.

Performs related duties as assigned.

I. JOB REQUIREMENTS:

High school diploma or HSE with background in construction, code enforcement and management skills.

Possession of or ability to obtain and maintain state approval for conducting commercial building inspections.

Thorough knowledge of and ability to explain, interpret, and apply building, mechanical, electrical, and plumbing codes of international, state, and local building regulations and ordinances when reviewing plans and conducting inspections.

Thorough knowledge of and ability to remain current with requirements regarding construction, electrical wiring, plumbing, heating/air conditioning, and ADA regulations for commercial and residential structures.

Practical knowledge of basic accounting and bookkeeping standard practices and procedures, with ability to ensure proper preparation and administration of Department budgets and related financial procedures and controls.

Working knowledge of standard office procedures and computer skills, including word processing, spreadsheet, email, presentation, and department-specific software systems, with ability to apply such knowledge to a variety of interrelated processes, tasks, and operations.

Working knowledge of standard English grammar, spelling, and punctuation and ability to prepare correspondence and reports.

Knowledge of zoning laws.

Ability to effectively supervise and direct assigned personnel, including interviewing candidates, making hiring decisions, planning and delegating work assignments, training and motivating staff, determining significant changes in responsibilities, evaluating performance, reviewing salaries, keeping supervisor and staff informed of organization developments, maintaining discipline and recommending corrective action, and communicating and administering personnel programs and procedures.

Ability to properly operate various office equipment, including computer, calculator, and telephone.

Ability to properly operate hand and power tools, including but not limited to, hammers, screw drivers, wrenches, drills, files, shovel, snow plow and air compressors.

Ability to read and interpret provisions of zoning ordinances.

Ability to file, post, and mail materials.

Ability to effectively communicate orally and in writing with co-workers, other County departments, Commissioners, BZA, contractors, architects, engineers, home and business owners, County Council, and the public, including being sensitive to professional ethics, gender, cultural diversities, and disabilities.

Ability to provide public access to, or maintain confidentiality of, Department information and records according to state requirements.

Shall comply with all employer and Department policies and work rules, including, but not limited to, attendance, safety, drug-free workplace, and personal conduct.

Ability to understand, memorize, retain, and carry out written and oral instructions and present findings in oral or written form.

Ability to plan and layout assigned work projects.

Ability to plan and present public speaking presentations.

Ability to count, compute, and perform arithmetic calculations.

Ability to compare or observe similarities and differences between data, people, or things.

Ability to analyze, evaluate, observe, diagnose, investigate, coordinate, place, make determinations, and act based on data analysis.

Ability to read and interpret detailed prints, sketches, layouts, specifications, and maps and International Residential Code, International Building Code, Indiana codes, and planning statutes.

Ability to work alone with minimum supervision and with others in a team environment, work under time pressure, and on several tasks at the same time.

Ability to testify in legal proceedings and court.

Ability to work extended hours, weekends, and evenings, and travel out of town for training, sometimes overnight. Ability to respond to emergencies on 24-hour basis and serve on rotation basis.

Possession of a valid driver's license and demonstrated safe driving record.

II. DIFFICULTY OF WORK:

Incumbent's duties are broad in scope and impact, involving many variables and considerations. Incumbent uses a wide variety of state and local codes, ordinances, legal procedures, and professional expertise to ensure properties comply with building requirements, exercising independent judgment in interpreting precedents and applying codes to varying situations. Assignments are guided by broad policies and/or general objectives.

III. RESPONSIBILITY:

Incumbent develops own objectives for areas of responsibility. Incumbent established major administrative departmental policies, procedures, and performance standards and is accountable for department results.

IV. PERSONAL WORK RELATIONSHIPS:

Incumbent maintains frequent contact with co-workers, other County departments, Commissioners, BZA, contractors, architects, engineers, home and business owners, County Council, and the public, for the purpose of interpreting, exchanging information, and supervising and directing personnel, and rendering service.

Incumbent reports directly to County Administrator.

V. PHYSICAL EFFORT AND WORK ENVIRONMENT:

Incumbent performs duties in a standard office environment, in a vehicle, and at construction sites involving sitting/walking at will, standing/walking for long periods, walking on uneven terrain, working in extreme hot/cold temperatures, working in wet/icy surroundings, working near chemicals, fumes, odors, dust, dirt, and noise associated with construction sites, working high places such as ladders and roofs, working in confined places such as crawl space, lifting/carrying objects weighing over 50 pounds, crouching/kneeling, reaching/bending, driving, keyboarding, speaking clearly, close/far vision, handling/grasping/fingering objects, and hearing sounds/communication. Safety precautions and protective clothing/equipment must be worn according to Department policy during inspections.

Incumbent is regularly required to work extended hours, and occasionally required to work weekends, and evenings, and travel out of town for training, sometimes overnight. Incumbent is required regularly respond to emergencies on 24-hour basis and serve on rotation basis.

APPLICANT/EMPLOYEE ACKNOWLEDGEMENT

The job description for the position of Building and Zoning Director for the Montgomery County Building Office describes the duties and responsibilities for employment in this position. I acknowledge that I have received this job description and understand that it is not a contract of employment. I am responsible for reading this job description and complying with all job duties, requirements and responsibilities contained herein, and any subsequent revisions.

Is there anything that would keep you from meeting the job duties as outlined?

Yes _____ No _____

Applicant/Employee Signature

Date

Print or Type Name

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