

AGENDA

Monday, February 10, 2025 12:30 PM

AGENDA

**MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 24, 2025
8 AM
1580 Constitution Row - Room E109
Crawfordsville, IN 47933**

CALL TO ORDER Board President Dan Guard

PLEDGE ALLIGENCE and PRAYER

CONSENT AGENDA

Approval of Claims: AP \$

Payroll \$

Minutes: February 10, 2025

Acknowledge Approval of Central Communications Center Director's Contract

PUBLIC HEARINGS:

RZ2025-1 - Request of James & Christina Deer and Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

Ordinance 2025-7 Approving Request of James & Christina Deer and Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

ZA2025-1 Text Amendment to Chapter 159 of Montgomery County Code

Ordinance 2025-8 Adopting Text Amendments to the Zoning Ordinance

NEW BUSINESS

Surveyor Tom Cummins - Section Corner & Regulated Drain Certification Report

ORDINANCES

2nd Reading Ordinance 2025-5 Establishing the Montgomery County Right of Way Permit Fee Fund

Introduction Ordinance 2025-6 Creating the 2025 OCRA Owner-Occupied Rehabilitation Program Fund

Introduction Ordinance 2025-9 Amending Rules and Procedures

RESOLUTION

Resolution 2025-10 A Resolution Delegating the Upload of Local Government

Contracts for Fire and Emergency Medical Services' Responsibility and Attestation
Authority

OTHER BUSINESS

ADJOURNMENT

*****Next meeting Monday, March 10, 2025*****

AGENDA MEMO

Wednesday, February 19, 2025 3:18 PM

AGENDA

**MONTGOMERY COUNTY BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 24, 2025
8 AM
1580 Constitution Row - Room E109
Crawfordsville, IN 47933**

CALL TO ORDER Board President Dan Guard

PLEDGE ALLIGENCE and PRAYER

CONSENT AGENDA

Approval of Claims: AP \$

Payroll \$

Minutes: February 10, 2025

Acknowledge Approval of Central Communications Center Director's Contract - \$81,843

The Montgomery County Governing Board for the Central Communications Center approved the 2025 Contract for CCC Director Sherri Hill. The Contract term is from January 1, 2025 and ending December 31, 2027. The Board of Commissioners have the final approval on all County contracts.

PUBLIC HEARINGS:

RZ2025-1 - Request of James & Christina Deer and Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

Petitioner James & Christina Deer petitioned for a Rezone of Certain Parcels of Land from Commercial to Residential. The parcel is located on SR 32 at the intersection of CR400 E and SR32. The parcel is .5 acres with an existing building that previously was used as a car sales lot. The petitioner wishes to remodel the existing building for change of occupancy to a single- family dwelling which requires the rezone to R-1. The adjacent properties are higher density residential with apartments and office building on South side of 32. The property is less than the required 1 acre for a single- family dwelling but the existing characteristics of the building are consistent with Single family dwelling and no additional square footage to the building is planned. The property is served by the MCRSD for sanitary waste and with the change of occupancy the owner will be required to connect. The is served by a private well. The Plan Commission conducted a public hearing on January 8, 2025 and have forwarded a favorable recommendation for the rezone from Commercial to Residential.

Ordinance 2025-7 Approving Request of James & Christina Deer and

Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

ZA2025-1 Text Amendment to Chapter 159 of Montgomery County Code

The proposed amendment edits the "Table A Use Table" to add Carbon Sequestration to the Industrial Classification with a Special Exception. The amendment also adds Commercial Battery Energy Storage to the Use table in Agricultural Overlay and Industrial districts. The amendment deletes Farm Equipment Sales from the Agricultural use district and adds Farm Equipment Sales to the Commercial district. The Plan Commission held a Public Hearing on January 8, 2025 on the proposed text amendment and have forwarded a favorable recommendation of the amendment to the County Commissioners.

Ordinance 2025-8 Adopting Text Amendments to the Zoning Ordinance

NEW BUSINESS

Surveyor Tom Cummins - Section Corner & Regulated Drain Certification Report - \$3,054

Montgomery County Surveyor Tom Cummins requests the additional compensation outlined in I.C. 36-2-12-15 as stated:

- (a) In addition to the compensation fixed under subsection (b), if the surveyor describes and certifies the number of miles of active regulated drains in the county to the county executive, he is entitled, with the approval of the county executive, to: Two dollars (\$2) per mile for each mile described and certified, if he is not registered under IC 25-21.5 or IC 25-31*
- (b) In addition to the compensation fixed under subsection (b) and (c), the surveyor is entitled to: Two dollars (\$2) for each corner reference required under section 11 of this chapter, if he is not registered under IC 25-21.5 or IC 25-31.*

Legal drain mileage described and certified: 354 miles

Section corners documented and certified: 1,173 corners

Total miles of drain and documented corners = 1,527 (X \$2.00) = \$3,054.00

ORDINANCES

2nd Reading Ordinance 2025-5 Establishing the Montgomery County Right of Way Permit Fee Fund

The Montgomery County Highway Department has requested that the Commissioners create a new fund, the Montgomery County Right-of-Way Permit Fee Fund, into which fees from right-of-way permits will be deposited and from which the fees will be used to offset the costs for preparation, issuance of right-of-way permits and inspections.

Introduction Ordinance 2025-6 Creating the 2025 OCRA Owner-Occupied Rehabilitation Program Fund - \$450,000

Montgomery County has been approved by the Indiana Office of Community and Rural Affairs (OCRA), to receive a Community Development Block Grant (CDBG) Funds in the amount of \$450,000 to establish and implement a County-wide

Owner-Occupied Rehabilitation Program. The fund is created in order to receive the funds from the Office of Community and Rural Affairs (OCRA) and to provide a mechanism for appropriation and accounting for the funds used.

Introduction Ordinance 2025-9 Amending Rules and Procedures

The Montgomery County Code of Ordinances and Board of Commissioners Rules of Procedure govern how the Board of Commissioners conducts its meetings. The ordinance amends Title III, Chapter 31, Article III, Section 1, Meetings and Article V, Section 1, Regular meetings.

RESOLUTION

Resolution 2025-10 A Resolution Delegating the Upload of Local Government Contracts for Fire and Emergency Medical Services' Responsibility and Attestation Authority

The Department of Local Government Finance has issued a Memorandum to the Montgomery County Commissioners to inform of the process for affirming the upload of all contracts that are: (1) related to the provision of fire services or emergency medical services; or (2) entered into with another unit or entity that provides fire services or emergency medical services. The upload of these contracts is required by Indiana Code 5-14-3.8-3.5 (d) through (f). The BOC delegate the responsibility and attestation authority to Commissioners Executive Assistant Lori Dossett.

OTHER BUSINESS

ADJOURNMENT

*****Next meeting Monday, March 10, 2025*****

Minutes: February 10, 2025

Monday, February 10, 2025 12:34 PM

MINUTES
MONTGOMERY COUNTY COMMISSIONER MEETING
MONDAY, FEBRUARY 10, 2025

The Montgomery County Commissioners met in regular session on Monday, February 10, 2025 at 8:00 am at the Montgomery County Government Center, 1580 Constitution Row – Room E109, Crawfordsville, Indiana.

CALL TO ORDER

On call of the roll, the members of the Board were shown to be present as follows: Board Vice President Commissioner Jim Fulwider; Commissioner Dan Guard, Member and Commissioner Jake Bohlander

Also present: County Attorney Dan Taylor; County Administrator Tom Klein; Auditor Mindy Byers; Building Administrator Marc Bonwell; Highway Director Jake Lough; Central Communications Director Sherri Hill; Health Administrator Adrienne Northcutt; Recorder Nancy Cox; EMA Director Jessica Burget; Assistant County Attorney Tyler Nichols; and Commissioners Executive Assistant Lori Dossett.

PLEDGE & PRAYER

Commissioner Guard led the pledge of allegiance and the prayer.

CONSENT AGENDA

Approval of Claims: AP \$3,497,467.34

1/10 – Payroll \$512,755.99

2/7 – Payroll \$522,173.68

Minutes: January 27, 2025

Commissioner Fulwider moved to approve the Consent Agenda. Seconded by Commissioner Bohlander. Motion carried 3-0 votes in favor.

PUBLIC HEARING: Re-Establish Cum Bridge Tax Rate for 2025

From Current Rate of \$0.055 per \$100 of assessed valuation, and the maximum property tax rate for the Fund per Indiana Code 8-16-3 is \$.10 per \$100 of assessed valuation. Notices of the public hearing were published on January 29, 2025 and February 5, 2025. The Commissioners have a purpose for the funds, specifically the construction, repair and maintenance and inspection of bridges, and desire to reestablish the tax rate of the Cumulative Bridge Fund at the proposed rate of \$0.075 per \$100 assessed valuation.

BOARD PRESIDENT DAN GUARD OPENED THE PUBLIC HEARING @ 8:01 AM
Hearing no public comment, BOARD PRESIDENT DAN GUARD CLOSED THE
PUBLIC HEARING @ 8:01AM

2nd Reading Ordinance 2025-2 Re-Establishing the Cumulative Bridge Fund
Commissioner Fulwider moved to approve Ordinance 2025-2. Seconded
by Commissioner Bohlander. Motion carried 3-0 votes in favor.

NEW BUSINESS

Permission to Close Roads for Ironman GNCC Race on October 23 to October 26, 2025

The following roads are requested to be closed beginning @ 8am on Thursday, 10/23 until Sunday, 10/26 @ 7pm. Closed at CR200S and SR47. Closed at CR200S and CR200W going South and East. An additional road closed sign just east of 1508 W 200S to keep traffic parked in the North lot from turn west onto CR200S. Closed on CR200W just north of 2735 S 200 W.

Commissioner Fulwider moved to approve request to close County Roads beginning 8am on Thursday, 10/23 until Sunday, 10/26 @ 7pm. Seconded by Commissioner Bohlander. Motion carried 3-0 votes in favor.

Open Highway Department Annual Bid for: Pea Gravel, Sand and #8's Gravel

Attorney Dan Taylor opened a bid from Pro Agra, Inc., Cayuga for pea gravel, sand and #8 gravel.

Commissioner Fulwider moved to approve the take the bid from Pro Agra, Inc. under advisement. Seconded by Commissioner Bohlander. Motion carried 3-0 votes in favor.

Motion to Suspend Rules & Approve Annual Bid for: Pea Gravel, Sand and #8's gravel.

Commissioner Fulwider moved to suspend the rules and add approval of Annual Bid for Pea Gravel, Sand and #8's gravel. Seconded by Commissioner Bohlander. Motion carried 3-0 votes in favor.

Approve Bid from Pro Agra, Inc.

Highway Director Jake Lough reported that he had reviewed the bid and found it to be meet the bid requirements. *Commissioner Fulwider moved to approve the Annual bid from Pro Agra, Inc.. Seconded by Commissioner Bohlander. Motion carried 3-0 votes in favor.*

Emergency Management Advisory Council Recommendation for Director Assistant County Attorney Tyler Nichols advised that the Emergency Management Advisory Council met in regular session on January 28th and voted to recommend to the Commissioners the continued appointment of EMA Director Jessica Burget.

Commissioner Bohlander moved to approve the appointment of Jessica Burget as the Emergency Management Director. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.

ORDINANCES

2nd Reading Ordinance 2025-3 Establishing FFY 2025 Indiana Department of Homeland Hazardous Materials Emergency Preparedness Grant Fund - \$16,300

Emergency Management & Homeland Security has received a sub-award grant from the Indiana Department of Homeland Security for a project titled "Hazmat Tech Course & TTX". The grant period is from October 1, 2024 to September 30, 2025.

Commissioner Fulwider moved to approve Ordinance 2025-3 Establishing FFY 2025 Indiana Department of Homeland Hazardous Materials Emergency Preparedness Grant Fund. Motion carried 3-0 votes in favor.

2nd Reading Ordinance 2025-4 Establishing the FFY 2024 Emergency Management Performance Grant Fund - \$44,827.63

Emergency Management & Homeland Security has received a grant for purposes of EMPG Salary Reimbursement 2024. The period of performance is October 1, 2024 to September 30, 2025.

Commissioner Fulwider moved to approve Ordinance 2025-3 Establishing FFY 2025 Indiana Department of Homeland Hazardous Materials Emergency Preparedness Grant Fund. Motion carried 3-0 votes in favor.

RESOLUTIONS

Resolution 2025-6 2025 EMA Director Contract

Commissioner Bohlander moved to approve the 2025 EMA Director's Contract. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.

Resolution 2025-7 2025 Building & Zoning Administrator Contract

Commissioner Bohlander moved to approve the 2025 EMA Director's Contract. Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.

Resolution 2025-8 2025 Highway Director Contract

*Commissioner Bohlander moved to approve the 2025 EMA Director's Contract.
Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

Resolution 2025-9 2025 Mapping Director Contract

*Commissioner Bohlander moved to approve the 2025 EMA Director's Contract.
Seconded by Commissioner Fulwider. Motion carried 3-0 votes in favor.*

2024 Award Montgomery County Employee of the Year

Employee of the Year Committee Chairperson CCC Director Sherri Hill stated that the Committee comprised of EMA Director Jessica Burget and Chief Deputy Probation Officer Mark Bickel received nine nominations and two of the nominations were for the same person. Director Hill stated that Chief Probation Officer Andria Geigle as the 2024 Montgomery County Employee of the Year.

ADJOURNMENT

There being no further business before the Board, meeting adjourned @ 8:13 am.

Minutes prepared by Commissioners Executive Assistant Lori Dossett.

The next regular meeting will be held on Monday, February 24, 2025 @ 8:00 am @ Montgomery County Government Center-Room E-109.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:

Dan Guard, President

Attest:

Mindy Byers, Auditor

Acknowledge Approval of Central Communications Center Director's Contract

Wednesday, February 19, 2025 10:52 AM

2025 CONTRACT OF EMPLOYMENT

MONTGOMERY COUNTY CENTRAL COMMUNICATIONS CENTER DIRECTOR

THIS AGREEMENT, by and between the Governing Board of the Montgomery County Central Communications Center (hereinafter referred to as the “Board”) and Sherri Hill (hereinafter referred to as “Hill” or “Employee”), is to witness that:

WHEREAS, the Board may appoint a full-time Central Communication Director, who is responsible for supervising the Central Communication Center (hereinafter referred to as the “Center”) under direction of the Board;

AND WHEREAS, Hill has served as the Director of the Center since 2019.

AND WHEREAS, the Board desire to employ Hill as the Center Director, and Hill 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 Board hereby agree to employ Employee as Center Director for a term beginning on January 1, 2025 and ending December 31, 2027, subject to the reservation by the Board of the right to terminate the employment of Employee as provided in this contract. This is the initial term of the agreement. On December 31, 2025, this initial 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: Hill's duties shall include those assigned by the Board including and those provided for in the job description for the Director, a copy of which is attached as Exhibit A.

3. SALARY: That the Director's salary, for 2025, shall be the sum of eighty-one thousand, eight hundred forty-three dollars and zero cents (\$81,843.00).

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 Board: Hill is an appointee of the Board. As such, she serves at the will of the Board, subject to the rights and obligations of the parties under the terms and conditions of this agreement. The Board may terminate Hill's employment with or without cause as follows:

i. For Cause: In the event Hill fails to carry out her duties and obligations as defined by this agreement or violates a policy of Montgomery County as provided for in the employee handbook, the Board shall have the right to terminate Hill's employment without prior notice and without further compensation or benefits. If the Board terminate

Hill's employment for cause, it shall provide to her written notice of the reasons therefore and the effective date of the termination.

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

If the Board ends 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 Hill: Hill may terminate this contract of employment at any time by providing written notice to the Board.

5. COMPENSATORY TIME, PTO, FLEX & OVERTIME: Hill is not entitled to compensatory time ("comp time") nor overtime as provided in the Montgomery County Employee Personnel Manual. Hill is considered a salaried employee, and she is entitled to the same benefits provided to other County Employees except comp time and overtime. Employee may flex her time beyond the pay period in which additional time above 40 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.

6. OFFICE HOURS: Hill shall keep regular business hours as directed by the Board.

7. GENERAL: Hill shall always maintain the highest standard of professional conduct and practice in the performance of his duties for the Board. She shall maintain all County property and documents entrusted to her and shall return said items to Board whenever requested by the Board.

8. CONSTRUCTION: This Contract shall be construed in accordance with and governed by the laws of the State of Indiana on this _____ day of February, 2025.

**DIRECTOR OF CENTRAL
COMMUNICATIONS CENTER**

**GOVERNING BOARD OF CENTRAL
COMMUNICATIONS CENTER**

Sherri Hill

By: _____
Jim Fulwider, President

Attest: _____
Lori Dossett, Secretary

RZ2025-1 - Request of James & Christina Deer and Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

Wednesday, February 19, 2025 10:57 AM

**MONTGOMERY COUNTY PLAN COMMISSION
STAFF REPORT**

Case Number: RZ2025-1

Date: 12-30-24

Petitioner- Deer, James & Christina

Location – 3994 E SR 32, Crawfordsville, IN 47933

Type of Case: Re- zone of Commercial zoned property to Residential

Standard: Discretionary

Introduction

At the January 8, 2025 meeting you will conduct a public hearing to consider a Re-zone of a parcel from Commercial to Residential. The parcel is located on SR 32 at the intersection of 400 E and 32. The parcel is .5 acres with an existing building that previously was used as a car sales lot. The petitioner wishes to remodel the existing building for change of occupancy to a single- family dwelling which requires the rezone to R-1. The adjacent properties are higher density residential with apartments and office building on South side of 32.

The property is less than the required 1 acre for a single- family dwelling but the existing characteristics of the building are consistent with Single family dwelling and no additional square footage to the building is planned. The property is served by the MCRSD for sanitary waste and with the change of occupancy the owner will be required to connect. Site is served by a private well. Access to the property to SR 32 and is more than adequate for the planned occupancy change to an SFD. The property has an existing E911 address.

The petition along with Plan Commission recommendation will be forwarded to the Montgomery County Commissioners for final decision on zoning classification.

Procedural Status

Notice of the public hearing was published on December 27, 2024. Notice to adjoining landowners and landowners within 660 feet of property were sent prior to December 27, 2024. All property owners within 660 feet of proposed re-zone were notified with priority mail through Mail Inc.

Factors to be considered

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses in area.
3. The most desirable use for which the land in each area is adapted.
4. The conservation of property values throughout the jurisdiction:
5. Is the proposed development responsible development?

The change of occupancy will have minimal effect on the residential area adjacent to the property.

Staff Recommendation

Staff recommends the Plan Commission send a favorable recommendation to the County Commissioners with one condition:

- 1. Petitioner required to secure remodel permit from Montgomery County and provide MCRSD verification of connection to sanitary sewer.**

Making a Motion and Discussion

After hearing the statement of the case provided by the petitioner, the statement of the case by staff, any statements of the public and discussing the case, the Commission can forward the re-zone from agriculture to residential to Commissioners with a favorable recommendation an unfavorable recommendation or no recommendation. Each motion requires a second. After a motion is made and seconded, the Commission may discuss the motion. A minimum of 5 voting members are required to vote in favor of motion in order to take official action. After the vote, members will certify its action with signatures.

Respectfully submitted,

Marc Bonwell
Building and Zoning Administrator

The County commissioners will hold a public hearing regarding RZ2025-1 at the 2/24/25 Commissioners meeting.

The Plan Commission forwarded a Favorable Recommendation to the Commissioners at the January meeting.

Staff recommends approval of zoning classification change to Residential-1 (R-1).

Ordinance 2025-7 Approving Request of James & Christina Deer and Rezoning Certain Parcels of Land at 3994 East State Road 32 from Commercial to Residential

Wednesday, February 19, 2025 11:00 AM

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

ORDINANCE 2025-7

**APPROVING THE REQUEST OF JAMES AND CHRISTINA DEER AND
REZONING CERTAIN PARCELS OF LAND AT 3994 EAST STATE ROAD 32
FROM COMMERCIAL TO RESIDENTIAL**

WHEREAS, James and Christina Deer (Deers) filed a proposal to rezone from Commercial to Residential a certain parcel of land located at 3994 East State Road 32 (Parcel No. 54-07-35-100-003.000-024) in Montgomery County, (the legal description for the parcels is attached as Exhibit A); and

WHEREAS, if the rezone is approved, the Deers intend to develop the 0.5-acre site, which has been used as a commercial site, into a single-family residential dwelling; and

WHEREAS, the Montgomery County Plan Commission published notice of a public hearing for Case RZ2025-1 and conducted a public hearing on the proposal on January 8, 2025; and

WHEREAS, the Plan Commission considered Deers' request, comments by the public, the case report and comments by the Zoning Administrator, and approved a favorable recommendation on January 8, 2025; and

WHEREAS, the Plan Commission properly certified its recommendation to the Montgomery County Board of Commissioners on January 9, 2025, and this certification included a favorable recommendation for the rezone to Commercial, subject to the following condition:

A. The Deers secure from Montgomery County a remodel permit and provide to the Montgomery County Regional Sewer District a verification of connection to sanitary sewer.

WHEREAS, the Board of Commissioners published notice of a public hearing on the proposal and conducted a public hearing on February 24, 2025; and

WHEREAS, the Board of Commissioners, having considered the certification of the Plan Commission, presentations of the Zoning Administrator and the Deers, and comments from the public, and having paid reasonable regard to this evidence and

1. the Montgomery County Comprehensive Plan;
2. the current conditions and the character of current structures and uses in each zoning district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the unincorporated area of Montgomery County; and
5. responsible development and growth

now finds as follows:

1. Rezoning this real estate from Commercial to Residential for a single-family residential dwelling as recommended by the Plan Commission, is consistent with the Comprehensive Plan as it will serve to provide an additional residential

use and will not have significant adverse impacts on surrounding agricultural and residential uses;

2. the approval, with the condition recommended by the Plan Commission, will not be injurious to the public health, safety, morals, and general welfare of the community;

3. the use and character of land and structures in the area adjacent to the subject site and in the area generally is residential and agricultural and will not be affected in a substantially adverse manner by development of a single-family residential dwelling because this use is not disharmonious with the uses in the area;

4. the approval of the rezone request will likely increase the value of surrounding agricultural and residential property and will not substantially and adversely impact the value property in the area of the subject property;

5. the approval of the requested rezone is consistent with the interests of responsible development and growth in that the approval will not unduly burden the schools, County or State roads and highways, or unduly burden utility providers;

6. the proposed use of the property as a single-family residential dwelling is consistent with the most desirable use of the property in the district given the need for such use, the location of the site, and the condition imposed by the approval; and

7. that the requested proposal to rezone the subject land from Commercial to Residential for a single-family residential dwelling should be granted, with the condition recommended by the Plan Commission.

IT IS, THEREFORE, ORDAINED that the request by James and Christina Deer to rezone a certain parcel of real estate, located at 3994 East State Road 32, specifically parcel No. 54-07-35-100-003.000-024, in Montgomery County, and described more particularly in Exhibit A, from Commercial to Residential for a single-family residential dwelling is hereby approved, subject to the following condition:

- A. The Deers secure from Montgomery County a remodel permit and provide to the Montgomery County Regional Sewer District a verification of connection to sanitary sewer.

IT IS FURTHER ORDAINED that the subject real estate is hereby rezoned to Residential, with a condition, and the Zoning Administrator is directed to record this ordinance, change the Zoning Maps, which are incorporated into the Zoning Ordinance, in order to reflect this rezone, and to maintain a record of the conditions contained in this approval.

IT IS FURTHER ORDAINED that this ordinance is effective upon adoption.

Adopted: February 24, 2025

Montgomery County Board
of Commissioners

Dan Guard, President

James D. Fulwider, Vice President

Jake Bohlander, Member

Attest: _____
Mindy Byers, Auditor

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Daniel L. Taylor

This instrument prepared by Daniel L. Taylor, Indiana Supreme Court #11337-54, Taylor, Minnette, Schneider & Clutter, P.C., 105 North Washington Street, Crawfordsville, Indiana 47933. Telephone 765-361-9680.

EXHIBIT A

ZA2025-1 Text Amendment to Chapter 159 of Montgomery County Code

Wednesday, February 19, 2025 11:03 AM

STAFF REPORT

ZA2025-1 Text Amendment

ZA2025-1 – Text amendment to Chapter 159 of Montgomery County code.

1/8/25 – The plan Commission held a public Hearing on the proposed text amendment and sent the amendment forward to the County Commissioners with a Favorable Recommendation.

The proposed amendment edits the “Table A Use Table” to add Carbon Sequestration to the Industrial Classification with a Special Exception.

The amendment also adds Commercial Battery Energy Storage to the Use table in Agricultural Overlay and Industrial districts.

Lastly the amendment deletes Farm Equipment Sales from the Agricultural use district and adds Farm Equipment Sales to the Commercial district.

Staff recommends approval of the proposed text amendment.

Ordinance 2025-8 Adopting Text Amendments to the Zoning Ordinance

Wednesday, February 19, 2025 11:07 AM

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS
Ordinance 2025-8

Adopting Text Amendments to the Zoning Ordinance

Whereas, the Montgomery County Plan Commission conducted a public hearing on January 8, 2025 on text amendments to the Montgomery County Zoning Ordinance which would add Carbon Sequestration to the Use Table (Article 2, Table A) as permitted in Industrial Districts as a Special Exception, add Commercial Battery Energy Storage to the Use Table as permitted in Agriculture Overlay and Industrial Districts, delete Farm Equipment Sales & Service as a permitted use in Agricultural Districts, and make other technical changes to the Zoning Ordinance; and

Whereas, the Plan Commission voted unanimously on January 8, 2025 to send to the Board of Commissioners a favorable recommendation on such text amendment; and

Whereas, on January 9, 2025, the Plan Commission certified its recommendation to the Commissioners; and

Whereas, having considered the proposed amendments and additions and comments from members of the public and having paid reasonable regard to the comprehensive plan, current conditions and the character of

current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the district, and responsible development and growth, the Board of Commissioners hereby finds as follows:

1. Approving the proposed text amendments is consistent with the Comprehensive Plan in that it designates at least one district for a new uses and adopts regulations to promote harmonious land use;
2. Approving the proposed text amendments is consistent with the current conditions and character of current structures and uses in each district by providing for regulations to mitigate any adverse impacts to existing uses;
3. Approving the proposed text amendments is consistent with the most desirable use for which the land in each district is adapted because the amendment provides amendments consistent with new Articles previously approved by the Board of Commissioners and makes other technical changes necessary for the administration of the Zoning Ordinance;
4. Approving the proposed text amendment will lead to the conservation of property values throughout the jurisdiction by providing for standards that promote growth but protect current uses that are of a different type in adjacent properties;

5. Approving the proposed text amendment is consistent with responsible growth and development in that the amendments will promote harmonious development by regulating the situs of such use and mitigating adverse impacts to existing land use; and
6. The proposed text amendment to the Zoning Ordinance should be approved.

IT IS, THEREFORE, ORDAINED that the Montgomery County Zoning Ordinance is hereby amended as shown in Exhibit A.

IT IS FURTHER ORDAINED that all other provisions of the Montgomery County Zoning Ordinance, not expressly amended by this Ordinance, will remain in full force and effect.

IT IS FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Ordained this ____ day of February, 2025.

**Montgomery County
Board of Commissioners:**

Dan Guard, President

James D. Fulwider, Vice President

Jake Bohlander, Member

Attest:

Mindy Byers, Auditor

Surveyor Tom Cummins - Section Corner & Regulated Drain Certification Report

Wednesday, February 19, 2025 11:09 AM

Montgomery County Surveyor

1580 Constitution Row; Suite F

Crawfordsville, IN 47933

Phone: (765) 361-3234

E-mail: tom.cummins@montgomerycounty.in.gov

February 13, 2025

RE: County Surveyor Compensation: IC 36-2-12-15(c),(d)

Tom Cummins
Montgomery County Surveyor

To the Montgomery County Commissioners,

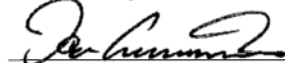
The Montgomery County Surveyor respectfully requests the additional compensation outlined in IC 36-2-12-15, as stated below.

(c) In addition to the compensation fixed under subsection (b), if the surveyor describes and certifies the number of miles of active regulated drains in the county to the county executive, he is entitled, with the approval of the county executive, to: Two dollars (\$2) per mile for each mile described and certified, if he is not registered under IC 25-21.5 or IC 25-31

(d) In addition to the compensation fixed under subsection (b) and (c), the surveyor is entitled to: Two dollars (\$2) for each corner reference required under section 11 of this chapter, if he is not registered under IC 25-21.5 or IC 25-31

<i>Legal drain mileage described and certified:</i>	<i>354 miles</i>
<i>Section corners documented and certified:</i>	<i>1,173 corners</i>
<i>Total miles of drain and documented corners =</i>	<i>1,527 (X \$2.00) = \$3,054.00</i>

Respectfully submitted,



Tom Cummins
Montgomery County Surveyor

2nd Reading Ordinance 2025-5 Establishing the Montgomery County Right of Way Permit Fee Fund

Monday, February 10, 2025 12:34 PM

Montgomery County Board of Commissioners

Ordinance 2025-5

AN ORDINANCE ESTABLISHING THE MONTGOMERY COUNTY RIGHT OF WAY PERMIT FEE FUND

WHEREAS, the Montgomery County Highway Department has requested that the Board of Commissioners establish a Montgomery County Right-of-Way Permit Fee Fund for fees collected by the County for right-of-way permits; and

WHEREAS, there is a need to create a new fund, the Montgomery County Right-of-Way Permit Fee Fund, into which fees from right-of-way permits will be deposited and from which the fees will be used for preparation, issuance of right-of-way permits and inspections; and

WHEREAS, this fund will be a non-reverting fund, and

WHEREAS, the Board finds that this new fund should be available to defray operating expenses of the Highway Department for the preparation, issuance, inspections or other expenses deemed necessary to administer right-of-way permits.

THEREFORE, IT IS ORDAINED that a new section, Section 35.____ of the Montgomery County Code, is hereby added to the County Code and that this new section shall read as follows:

“§ 35.____ MONTGOMERY COUNTY RIGHT-OF-WAY PERMIT FEE FUND

(A) *Source of Funds.* The Montgomery County Board of Commissioners hereby establishes the Montgomery County Right-of-Way Permit Fee Fund. The fund shall consist of monies derived from these permit applications.

(B) *Use of Funds.* Monies deposited into this fund may be used only for the preparation, issuance of right-of-way permits.

(C) *Non-Reverting Fund.* This is a Non-Reverting Fund. Any money remaining in the fund at the end of the year does not revert to any other fund, but continues the fund.

IT IS FURTHER ORDAINED that this ordinance shall be effective upon adoption.

IT IS FURTHER ORDAINED that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this _____ day of February, 2025.

MONTGOMERY COUNTY BOARD OF COMMISSIONERS:

Dan Guard, President

Jim Fulwider, Vice President

Jake Bohlander, Member

Attest:

Mindy Byers, Auditor

OCRA Office of Community & Rural Affairs

Wednesday, February 19, 2025 11:44 AM



September 24, 2024

John Frey, County Commissioner
Montgomery County
110 South Boulevard
Crawfordsville, IN 47933

RE: Notice of Grant Award
Community Development Block Grant (CDBG) Number **OOR-23-102**

Commissioner Frey,

We are pleased to congratulate Montgomery County on the announcement that the Indiana Office of Community & Rural Affairs has approved your community's application for Community Development Block Grant (CDBG) funds. An identification number of **OOR-23-102** has been assigned to this grant by the Grant Services Division. Please use this identification number in all future correspondence and/or reports respective to this grant project.

A total of **\$450,000.00** in CDBG funding has been approved for the following activities:

Construction	\$430,000.00
Professional Services	\$20,000.00
Total	\$450,000.00

Recently, your community was vetted and approved as a bidder with the State of Indiana. This designation along with your state Supplier Profile will allow us to direct the funds to your state registered bank account. In the coming weeks your community will receive an e-mail from DocuSign.net that contains a link to the electronic grant agreement which must be digitally signed. Please follow the linked instructions in that e-mail for "**How to Sign an Electronic Grant Agreement**". You will need to verify your identity using an access code that will be sent to you in a separate e-mail.

It is recommended you have your legal counsel, as well as any proposed subrecipients (if applicable), review the grant agreement prior to execution. Attached to the email will be a downloadable copy of the electronic grant agreement is available as a PDF document for review. Do NOT sign the attachment PDF. Your legal counsel is encouraged to contact Grant Services at (317) 760-5644 if there are any questions regarding the requirements and responsibilities discussed herein or terms/conditions outlined in the grant agreement.

It normally takes approximately forty-five (45) days following receipt of the signed document to establish your new grant account and complete processing, as four (4) state agencies must execute all such grant agreements. Upon execution of the grant agreement by the State, the CEO will receive an email from gmiworkflow@it.in.gov with a link to the executed grant agreement. Please print this for the local project file.

One North Capitol, Suite 600 - Indianapolis, IN 46204 - 800.824.2476 - 317.233.3597 (fax)
www.ocra.IN.gov

1. Readiness-to-proceed and completion date requirements:

This grant was awarded to your community based upon various assurances and threshold criteria. A critical criterion for funding is that the project be completed within the time period specified in the forthcoming grant agreement. These are federal CDBG funds and the U. S. Department of Housing and Urban Development (HUD) mandates that the Indiana Office of Community & Rural Affairs expend these funds within **eighteen (18) months** from the date these funds are allotted to the State of Indiana. **“Project Completion Date” is 3/31/2026.**

The Indiana Office of Community & Rural Affairs expects this project to be completed and closeout documents submitted by the expiration date stipulated in the grant agreement. You and your consultants have certified readiness-to-proceed on this project respective to financing, preliminary engineering, and site control issues. Since the date the application was submitted, if events have occurred which will preclude completion of the project by the date specified in the grant agreement, please notify Grant Services and OCRA with a letter or email stating the events which have negated your readiness-to-proceed and project completion timetable certified in your grant application.

2. Cost incurrence and reimbursement issues (federal CDBG-funds):

At this time, NO expenses may be incurred on the project for which the community expects to request reimbursement from CDBG funds prior to grant execution. Grantees may sign engineering, architecture, and grant administration contracts prior to receiving Environmental Release only if Local Matching Funds exclusively will be used for these services. The grantee may sign these contracts only prior to Environmental Release at their own risk. No administrative or professional services contracts that are utilizing CDBG funds can be signed before Environmental Release and CDBG-funded Construction contracts may not be signed until the grantee receives both the Environmental Release and Release of Funds. No CDBG Funds may be drawn down until a Release of Funds is achieved.

3. Environmental Release, Bid Opening, Release of Funds and Reporting Deadlines:

The following deadlines for achieving specific milestones toward project completion, as Established in Exhibit D, of the grant agreement, are detailed below. Failure to achieve project milestones by the dates set forth may result in the termination of the grant agreement in accordance with the grant agreement.

- a. The deadline to achieve the **“Notice of Removal of Environmental Conditions”** is **11/30/2024**. This is a federally required, crucial component in the successful implementation of your CDBG-funded project. Please refer to the CDBG Handbook, Chapter 4: Environmental Review for details on how to conduct the environmental review for a CDBG-funded project.
- b. The deadline to achieve the **“Bid Opening”** is **3/31/2025**. Invitations for Bids, including publisher’s affidavit and advertisements, proof of Veteran, Minority, and/or Women’s Business Enterprises solicitation, certified bid tabulation and engineer/architect recommendation, must be submitted to Grant Services by the Bid Opening deadline via a Pre-ROF report in the GMS system. A project **may not** go out for bid until after the receipt of the **“Notice of Removal of Environmental Conditions”**.
- c. The deadline to achieve the **“Notice of Release of Funds and Authorization to Incur Costs”** is **5/31/2025**. This notice will be issued upon successful completion of the requirements detailed in Exhibit D, paragraph 1 of the grant agreement and submission of a ROF report in the GMS system. You **may not** sign or execute any construction contracts until this notice is received.
- d. The deadlines for submitting Semi-Annual Reports are **July 31** and **January 31**, in accordance with paragraph 21, section D of the grant agreement. Reports must be submitted via the GMS system until the project has been monitored, all findings resolved, and the grantee has received notice of administrative closeout.

<i>Reporting Period</i>	<i>Report Due Date</i>
Jan. 1 to June 30	July 31
July 1 to Dec. 31	Jan. 31

One North Capitol, Suite 600 - Indianapolis, IN 46204 - 800.824.2476 - 317.233.3597 (fax)
www.ocra.IN.gov

In the event that Semi-Annual reports are not submitted by the required deadlines, the State shall withhold authorization for drawdown on grant funds until the report is received and approved.

4. Subrecipients:

If your project involves a subrecipient non-profit organization, a formal subrecipient agreement between your community and the subrecipient must be executed and approved by Grant Services. If the project involves the construction or rehabilitation of the building, a lien and restrictive covenant must be completed and recorded with the County Recorder of the applicable county prior to Grant Services issuing a full release of funds. The Indiana Office of Community & Rural Affairs has a standard format for subrecipient agreements and lien and restrictive covenant which grantees must utilize. We will be pleased to provide you or your designee with an electronic copy of this document or a copy can be obtained on the OCRA website.

The Indiana Office of Community & Rural Affairs looks forward to working with you and your consultants/subrecipients in making this a successful and productive project for your community. Please do not hesitate to contact Grant Services at (317) 760-5644 at any time if you need assistance in properly implementing your CDBG grant project. If your community does not have a copy of the CDBG Handbook, please visit <http://www.in.gov/ocra/2575.htm> where a copy of the CDBG Handbook can be downloaded.

Sincerely,



Duke Bennett
Executive Director
Office of Community & Rural Affairs

cc: Project File
Jordan Cunningham, Grant Administrator

Introduction Ordinance 2025-6 Creating the 2025 OCRA County-Wide Owner-Occupied Rehabilitation Program Fund

Wednesday, February 19, 2025 11:23 AM

Montgomery County Board of Commissioners

Ordinance 2025-6

AN ORDINANCE CREATING THE 2025 CDBG COUNTY-WIDE OWNER-OCCUPIED REHABILITATION PROGRAM FUND

Whereas, Montgomery County has been approved by the Indiana Office of Community and Rural Affairs (OCRA), to receive a Community Development Block Grant (CDBG) Funds in the amount of \$450,000 to establish and implement a County-wide Owner-Occupied Rehabilitation Program; and

Whereas, the use of funds from the grant award may be used by the Montgomery County consistent with the terms and conditions of the CDBG grant; and

Whereas, the Montgomery County Board of Commissioners finds that a new fund, the 2025 OCRA County-Wide Owner-Occupied Rehabilitation Grant Fund, should be created in order to receive the funds from the Office of Community and Rural Affairs and to provide a mechanism for appropriation and accounting for the funds used.

Therefore, it is ordained that a new section, Section 35.____ of the Montgomery County Code, is hereby added to the County Code and that this new section shall read as follows:

**"§ 35.____ 2025 OCRA COUNTY-WIDEOWNER-OCCUPIED REHABILITATION
PROGRAM GRANT FUND**

(A) Source of Funds. The Montgomery County Board of Commissioners hereby establishes the 2025 CDBG County-Wide Owner-Occupied Rehabilitation Grant Fund. The fund shall consist of monies received by the OCRA for expenses related to the implementation of a County-Wide Owner-Occupied Rehabilitation Program.

(B) Use of Funds. All money of the will be used consistent with the grant award to provide specifically for expenses related to the County-Wide Owner-Occupied Rehabilitation Program Fund: \$430,000 for Construction and \$20,000 for Professional Services in a form and manner consistent with the award.

(C) Non-Reverting Fund. This is a Non-Reverting Fund."

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that all other provisions of the Montgomery County Code of Ordinances which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this ____ day of March 2025.

Montgomery County Board of Commissioners:

Dan Guard, President

Jim Fulwider, Vice President

Jake Bohlander, Member

Attest:

Mindy Byers, Auditor

Introduction Ordinance 2025-9 Amending Rules and Procedures

Wednesday, February 19, 2025 3:08 PM

Montgomery County Board of Commissioners

Ordinance 2025-9

Amending Rules of Procedure

WHEREAS, the Montgomery County Code of Ordinances and Board of Commissioners Rules of Procedure govern how the Board of Commissioners conducts its meetings; and

WHEREAS, the location of the Board of Commissioners meetings should be amended to the Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row, Crawfordsville, Indiana; and

WHEREAS, the Order of Business at a regular meeting Article V. Order of Business, Section 1. Regular Meetings Item 3, should be amended to Consent Agenda.

IT IS, THEREFORE, ORDAINED that the Board of Commissioners hereby amends Title III, Chapter 31, Article III. Meetings, Section 1. Regular Meetings, which shall be amended Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row, Crawfordsville, Indiana.

IT IS FURTHER ORDAINED that the Order of Business at a regular meeting hereby amends Title III, Chapter 31, Article V. Order of Business. Section 1. Regular Meetings, Item 3. shall be amended to Consent Agenda.

IT IS FURTHER ORDAINED that this Ordinance shall become effective upon adoption and that all other provisions of the Montgomery County Code of

Ordinances and the Board of Commissioners Rules of Procedure not specifically amended by this Ordinance shall remain in full force and effect.

Adopted this ___ day of March, 2025.

**MONTGOMERY COUNTY BOARD
OF COMMISSIONERS:**

Dan Guard, President

James D. Fulwider, Vice President

Jake Bohlander, Member

Attest:

Mindy Byers, Auditor

RULES OF PROCEDURE

of the

BOARD OF COMMISSIONERS
OF MONTGOMERY COUNTY, INDIANA

Article I.	Authority and Duties
Article II.	Members and Officers
Article III.	Meetings
Article IV.	Official Action, Voting
Article V.	Order of Business
Article VI.	Public Hearings
Article VII.	Tabling
Article VIII.	Suspension and Amendment of Rules
Article IX.	Conflict with Statute or Ordinance
Article X.	Effective Date

Article I. Authority and Duties

The Board of Commissioners of Montgomery County, Indiana (“the Commissioners” or “the Board”) serves as the executive and legislative body of Montgomery County. The Board will perform the duties as required by state law and other responsibilities as may be required by county ordinance.

Article II. Members and Officers

Section 1. Members

The Board consists of three (3) members elected under Indiana Code § 3-10-2-13 and in accordance with Indiana law. Two of the members of the Board are elected in the general election in 2016 and every four years thereafter, and one member of the Board is elected in the general election in 2018 and every four years thereafter. The term of office is four (4) years, beginning January 1 after the general election and continuing until a successor is elected and qualified.

Section 2. Officers

At its first regularly scheduled meeting each year, the Board will select from its membership a President and a Vice President, each of whom will serve the balance of the calendar year.

The President will preside over meetings and hearings, decide questions of order or procedure unless otherwise directed by a majority of the members, and preserve decorum during meetings.

The Vice President may act as President in the absence or disability of the President.

Article III. Meetings

Section 1. Regular Meetings

The Board will hold regular meetings on the second and fourth Mondays at 8 o'clock a.m. and at other times as needed to conduct all necessary business. The dates of regular meetings will be established by resolution at or before the first meeting in February of each year. The meetings will be held in the Community Meeting Room of the Montgomery County Government Center, 1580 Constitution Row, ~~Commissioner's room on the first floor of the Montgomery County Courthouse, Room 103, 100 East Main Street,~~ Crawfordsville, Indiana, unless a different location is designated and proper notice is given. If a regular meeting date falls on a legal holiday or other date on which the County offices are closed, or if a meeting cannot be held at that time or place, the meeting will be rescheduled.

Section 2. Special Meetings

As provided in Indiana Code § 36-2-2-8, special meetings may be called by any Commissioner or by the County Auditor, the County Clerk if the office of auditor is vacant, or the County Recorder if the offices of Auditor and Clerk are both vacant. An officer calling a special meeting will give at least six (6) days' notice of the meeting unless the meeting is called to deal with an emergency under Indiana Code § 5-14-1.5-5. The notice must include a specific statement of the purpose of the meeting and the Board may not conduct any unrelated business at the meeting.

Section 3. Agenda

The Board will utilize an agenda for its meetings, unless unusual circumstances preclude the preparation of an agenda. The President will prepare the agenda and provide it to the County Auditor and the Commissioners' Executive Assistant for dissemination and posting. The agenda will identify all items for the Board's consideration at the meeting. The agenda will be provided to the Board

members and shall be available for public inspection at least two (2) business days before a regular meeting. The Board may by a majority of its members present, modify the order of the agenda items. Requests to add items to the agenda should be made to the President. If the President refuses to add the item to the agenda, a majority of the Board members may vote to suspend this rule and add the item for discussion purposes only. The Board may take action on an item at the same meeting at which the item is added to the agenda only if all Board members unanimously vote to allow action to be taken. The Board may use a consent agenda for items which usually do not require substantial deliberation, and the items for consideration on the consent agenda will be listed separately on the agenda. All items in the consent agenda may be approved with a single vote of the Board. The consent agenda will be placed on the agenda immediately after the calling of roll of the members. Any member of the Board has the right to request that an item be removed from the consent agenda. Items removed from the consent agenda will be placed on the agenda as the final item(s) of new business. Public comment may be allowed, at the discretion of the Board President, during discussion of an agenda item. Public Comment will be limited to three (3) minutes per speaker. The President may, in his discretion, place additional limits on the number of persons making public comment and/or the time allowed for each speaker as circumstances require.

Section 4. Cancellation

Any Board meeting may be cancelled by the President if there is no business scheduled which requires action or if a quorum cannot be assembled for the meeting.

Section 5. Minutes

The Commissioners' Executive Assistant will attend all meetings and prepare the draft minutes of meetings for consideration by the Board. The Commissioners' Executive Assistant will provide the draft minutes to the Commissioners and the Auditor at least two (2) business days prior to the next meeting of the Board. After approval of the minutes, with or without amendment, the County Auditor will maintain the minutes as part of the record of the Board. The minutes will include a record of the Commissioners present at the meeting, a short summary of the Board's action on each matter considered, each member's vote on each question presented, and if a member did not vote because of absence or disqualification. When approved, the minutes will be signed by the President and attested by the Auditor. The minutes and all Board records are public records, unless state law provides otherwise concerning any specific records.

Article IV. Official Action, Voting

Section 1. Quorum

A majority of the elected members constitutes a quorum. The Board may take action only by the vote of a majority of its members. A requirement that an ordinance, resolution, or other action be passed by a majority vote means at least a majority vote of all elected members. A requirement that an ordinance, resolution, or other action be passed by a two-thirds vote means at least a two-thirds vote of all elected members. A majority vote is required to pass an ordinance, unless a greater vote is required by statute. The 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. If only two (2) members are present at a meeting and they disagree on a question presented, the questions shall be continued to the Board's next meeting.

Section 2. Voting

The Board may vote by roll call vote, by show of hands or simultaneous voice vote. Each member present will vote on every matter unless he/she declares a conflict of interest and abstains.

Section 3. Reconsideration

Any Commissioner who voted with the majority on any matter may call for a reconsideration of the vote at the same Board meeting at which the matter passed and, if approved by a majority of the Board, the reconsideration will be ordered and the matter may be reopened for further discussion and a new vote.

Section 4. Electronic Participation

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

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

(B) No Emergency. If there is no declared emergency as provided for in subsection (A), then members may participate electronically so long as at least a quorum of the elected members is present in person at the meeting, members are able to communicate with each other, and members of the public are able to simultaneously observe and attend the meeting. Members participating electronically may vote if they can be seen and heard. Provided, however, members may not participate electronically in more than fifty percent (50%) of the Board's meetings during a calendar

year nor participate electronically in more than two (2) consecutive meetings, unless their absence is due to (1) military service, (2) illness or medical condition, (3) death of a relative, or (4) an emergency involving actual or threatened injury to persons or property. In addition, members may not participate electronically if the Board is taking final action to (1) adopt a budget, (2) make a reduction in personnel, (3) initiate a referendum, (4) establish or increase a fee, (5) establish or increase a penalty, (6) use eminent domain, or (7) establish, raise or renew a tax. All votes taken if a Board member is participating electronically must be by roll call. The minutes of the meeting must articulate which members are physically present, present electronically or absent and indicate the means of electronic participation used.

Article V. Order of Business

Section 1. Regular Meetings

The order of business at a regular meeting will be:

1. Call to Order;
2. Pledge of Allegiance & Prayer;
- ~~3. Consent Agenda Approval of Minutes;~~
4. Staff Reports;
5. Old Business;
6. New Business;
7. Other Business;
8. Adjournment.

Section 2. Special Meetings

The order of business for special meetings will be:

1. Call to Order;
2. The Business for Which the Special Meeting Was Called; and
3. Adjournment.

Article VI. Public Hearings

The Board will hold public hearings on any matter as required by state statute or county ordinance.

The Board may hold additional public hearings at such times and places upon such notices as it deems necessary. Notice of public hearings will be provided as required by state statute and county ordinance.

The person bringing the matter before the Commission is responsible for completing all required notices, will bear the costs, and will provide proof of providing the required notices.

Article VII. Tabling

A matter or motion may be tabled upon a motion made by any Commissioner, a second to the motion to table, and by a majority vote of the Board. A motion to table has priority over the pending matter and any related motions and should be acted upon before further action is taken on the matter. If a motion to table fails, the Board may continue with the matter at hand. If a motion to table passes, the matter will be tabled until the Board's next regular meeting, unless another date is stated.

Article VIII. Suspension and Amendments of Rules

The Board may suspend any of these Rules, so long as doing so would not result in any action contrary to statute or county ordinance, by a majority vote. The Board may amend these Rules by a majority vote.

Article IX. Conflict with Statute or Ordinance

If any term, provision, requirement, or procedure contained in these Rules is determined to conflict with any state statute or county ordinance, then the statute or ordinance will control.

Article X. Effective Date

The Montgomery County Board of Commissioners hereby adopts these Rules this 1st day of April, 2015. These Rules will take effect immediately and all rules of procedure previously adopted by the Board are hereby repealed. The Board may amend these rules at any time.

Adopted 4-1-15. Amended 8-27-18. Amended 9-____-21.

Memorandum from Department of Local Government Finance

Wednesday, February 19, 2025 3:17 PM

Subject: Affirmation of Upload of Local Government Contracts for Fire and Emergency Medical Services



MEMORANDUM

Affirmation of Upload of Local Government Contracts for Fire and Emergency Medical Services

The Department of Local Government Finance (“Department”) is issuing this memorandum to inform all political subdivisions of the process for affirming the upload of all contracts that are: (1) related to the provision of fire services or emergency medical services; or (2) entered into with another unit or entity that provides fire services or emergency medical services. The upload of these contracts is required by Ind. Code § 5-14-3.8-3.5(d) through (f).

The Department has modified the existing File Transmission Application to include a contract affirmation section to be filled out by the executive of each political subdivision. This section will provide the Department with an attestation confirming the upload of the qualifying contracts, as required by Ind. Code § 6-1.1-17.5-4. For further details regarding these requirements, please see the Department’s memo issued on June 18, 2024, [Legislation Affecting Fire Protection and Emergency Medical Service Funding Matters](#). This affirmation must be completed **no later than March 2, 2025**.

Please note that under Ind. Code § 6-1.1-17-5.4(b), the Department may not approve the budget or a supplemental appropriation of a political subdivision until the political subdivision files this attestation.

Contract Upload Process

The Department has developed a [User Guide](#) for the Contract Upload portion of the File Transmission Application, as well as instructions for uploading local government contract files on the Gateway website.

Under Ind. Code § 5-14-3.8-3.5(d), the executive of the political subdivision is required to upload a contract, regardless of the total cost of the contract. Contract uploads must occur no later than sixty (60) days after the date the contract is executed. The executive may, by ordinance or resolution, delegate the upload responsibility and attestation authority to another individual. This ordinance or resolution must be submitted to the Department no later than five (5) days after passage of the ordinance or resolution.

Navigation

After logging into Gateway, the executive will select the File Transmission Application under the Department of Local Government Finance section.



After selecting their unit, the executive will then select the “Local Government Contracts” link.



At the top of the next page that lists a political subdivision's uploaded contracts, there will be the new "Contract Affirmation" section.

The screenshot shows a "Contract Affirmation" form. At the top right, it says "Due March 2, 2025". The form contains a checkbox with the following text: "By checking this box, I affirm that all contracts, regardless of the total cost, that are: (1) related to the provision of fire services or emergency medical services; or (2) entered into with another unit or entity that provides fire services or emergency medical services have been uploaded and are accurate and correct." Below this are four required fields: "Name *", "Title *", "Signature/PIN *", and "Date". The "Date" field is pre-filled with "1/22/2025". At the bottom of the form is a blue "Sign and Submit" button.

Once the executive has checked the box at the top, correctly filled out all sections of the Contract Affirmation box, and clicked on the "Sign and Submit" button, the Contract Affirmation box will turn a green color to confirm submission.

Contract Affirmation Due March 2, 2025 ✓

This unit has successfully completed the annual verification due March 2, 2025.

Name
Josh Jacoboski

Title
IS Director

Signature/PIN

Date
1/22/2025

I hereby acknowledge that the submission of this document through the Gateway password and PIN system constitutes an "electronic signature" as defined in IC 5-24-2-2. This submission is intended to, and hereby does, constitute authentication and approval of the submitted document as required by the Indiana Code. I understand that this electronic signature takes the place of my handwritten signature and accomplishes the same purposes as would my handwritten signature in the same circumstance. I further acknowledge that this electronic signature has the same force and effect as my handwritten signature and can and will be used for all lawful purposes. I affirm that I have the real and apparent authority to electronically sign and submit this document on behalf of the unit.

[Unlock Affirmation](#)

Questions regarding these instructions may be directed to the Department's Gateway support team at (317) 234-4480 or support@dlgf.in.gov.

Attachments:

- [Affirmation of Upload of Local Government Contracts for Fire and Emergency Medical Services](#) - January 31, 2025

Indiana Department of Local Government Finance

100 N. Senate, N-1058B
Indianapolis, IN 46204
(317) 232-3777 | (888) 739-9826
www.in.gov/dlgf



This email was sent by: Indiana Department of Local Government Finance
100 N. Senate Ave., Indianapolis, IN, 46204 US

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Resolution 2025-10 A Resolution Delegating the Upload of Local Government Contracts for Fire and Emergency Medical Services' Responsibility and Attestation Authority

Wednesday, February 19, 2025 3:59 PM

Montgomery County Board of Commissioners

Resolution 2025-10

**A RESOLUTION DELEGATING THE UPLOAD OF LOCAL GOVERNMENT CONTRACTS
for FIRE and EMERGENCY MEDICAL SERVICES'
RESPONSIBILITY and ATTESTATION AUTHORITY**

WHEREAS, the Department of Local Government Finance has issued a Memorandum to the Montgomery County Commissioners to inform of the process for affirming the upload of all contracts that are: (1) related to the provision of fire services or emergency medical services; or (2) entered into with another unit or entity that provides fire services or emergency medical services. The upload of these contracts is required by Indiana Code 5-14-3.8-3.5 (d) through (f); and

WHEREAS, the Montgomery County Board of Commissioners hereby delegates the Upload of Local Government Contracts for Fire and Emergency Medical Services' Responsibility and Attestation Authority to Commissioners Executive Assistant Lori Dossett.

IT IS, THEREFORE, RESOLVED that Commissioners Executive Assistant Lori Dossett is hereby delegated authority to Upload Local Government Contracts for Fire and Emergency Medical Services' Responsibility and Attestation.

THIS RESOLUTION is hereby adopted this 24th day of February, 2025.

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS

Dan Guard, President

Jim Fulwider, Vice President

Jake Bohlander, Member

Attest:

Mindy Byers, Auditor