COUNTY ORDINANCE NUMBER 2013- 005
Grant Ordinance
Vermillion County, Indiana

AN ORDINANCE TO REDUCE LIABILITY FOR LOCAL GRANTS

WHEREAS, From time to time, the Board of Commissioners of Vermillion County has been asked to "sign off" on grants where an entity is seeking grant money from the federal or state government to improve property that is not county-owned and where there is the potential for litigation to occur and the Board of Commissioners is not in day to day control of the process, creating a potential situation where the county could end up defending a lawsuit over property that is not county-owned property or behavior of persons who are not county employees.

NOW BE IT ORDAINED AND ENACTED by the Vermillion County Commissioners that:

SECTION 1. Any entity that comes before the Board of Commissioners seeking approval for a grant where the grant money is NOT going to improve a county-owned property and the Commissioners or county employees are not exercising day to day control over the process, must present a written proposal as to how they will indemnify the county if litigation, including judgment, fines and attorney fees, occurs. This proposal must be accepted by the Board of Commissioners after discussion in a public meeting.

SECTION 2. The intent of this ordinance is to avoid a situation where a) the Board of Commissioners, as the executive, approves a grant request for an entity that is not a branch of the county government, or employed by the county and that is not improving county owned property; b) litigation results over the actions of persons who are not county employees or over property that is not county owned property and, c) the county becomes obligated to use its taxpayer funded resources to defend either persons who are not county employees or property rights that do not involve county owned property.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Adopted and passed by Vermillion County Board of Commissioners this 24th day of September, 2013.

