

ORIGINAL

## INTERLOCAL AGREEMENT

This Interlocal Agreement (hereinafter referred to as "Agreement") is entered into by and between Delaware County, Indiana ("County"), an Indiana political subdivision and the City of Muncie, Indiana ("Muncie"), an Indiana political subdivision this 19 day of March, 2012.

WHEREAS, Muncie has previously operated its own Animal Shelter; and

WHEREAS, the County has previously contracted with the Henry County Humane Society, Inc., for animal control services; and

WHEREAS, in an effort to conserve resources, and combine services, the County and Muncie have agreed to execute an interlocal agreement pursuant to Ind. Code sec 36-1-7, et.seq., clearly setting forth the rights and obligations of each with respect to the management, operating and financing of a joint Animal Care and Services Department; and

NOW, THEREFORE, the parties hereby agree as follows:

1. Purpose: The purpose of this Agreement is to set forth the rights and responsibilities of the parties in the operation and management of a joint Animal Care and Services Department. The Animal Care and Services Department shall serve as the animal care and control provider for the City and County and participating police, fire and other emergency service providers located in Delaware County, Indiana.
2. Term: The initial term of this Agreement shall be for fifty (50) years commencing on the 1<sup>st</sup> day of May, 2012 and continuing until May 1, 2062. The Agreement shall be reviewed annually by the Mayor of the City, the City Council, the Delaware County Council, and the Delaware County Commissioners by and through a report to be prepared by the Superintendent of The Animal Care and Services Department and the Board of the Animal Care and Services. The Agreement shall automatically renew for an additional term of ten (10) years, unless either party provides written notice to the other party of its intention to not renew that Agreement no later than ninety (90) days prior to its expiration.
3. Governance: There is hereby created the Board of Animal Care and Services ("Board") which shall govern the management and operation of the Animal Care and Services Department. The Board shall consist of the following seven (7) persons:
  - (a) One (1) appointment from the Mayor of Muncie;
  - (b) One (1) appointment from the Delaware County Commissioners;
  - (c) Two (2) appointments from the Muncie City Council;
  - (d) Two (2) appointments from the Delaware County Council;
  - (e) One (1) appointment from the Delaware County Health Department, and shall serve at the discretion of the Health Department;

The Board members shall not be compensated for their service on the Board. The Board shall be appointed to serve staggered three (3) year terms as detailed below and shall consist of at least three (3) Democrats and three (3) Republicans. One appointee of

the Muncie City Council and one appointee of the Delaware County Council shall be certified local veterinarians.

The terms of the Board shall be staggered as follows:

- (a) The appointment of the Mayor shall serve one (1) year beginning May 1, 2012 and continuing until May 1, 2013. Thereafter, said appointee shall begin serving the three (3) year term.
- (b) The appointment of the Delaware County Commissioners shall serve one (1) year beginning May 1, 2012 and continuing until May 1, 2013. Thereafter, said appointee shall begin serving the three (3) year term.
- (c) The two (2) appointments of the Muncie City Council shall serve two (2) years beginning May 1, 2012 and continuing until May 1, 2014. Thereafter, said appointees shall begin serving the three (3) year term.
- (d) The two (2) appointments of the Delaware County Council shall serve two (2) years beginning May 1, 2012 and continuing until May 1, 2014. Thereafter, said appointees shall begin serving the three (3) year term.
- (e) The Appointment of the Delaware County health Department shall begin serving the three (3) year terms beginning May 1, 2012.

4. Duties of the Board: The Board shall have the following duties and responsibilities:

- (a) Review, formulate and adopt new written shelter by-laws and policy to address issues pertinent to shelter operations;
- (b) Review issues including but not limited to:
  - (1) Animal adoption;
  - (2) Animal control;
  - (3) Spay/Neuter policies;
  - (4) Budgeting and fees;
  - (5) Staffing;
  - (6) Volunteers;
  - (7) Private organization relations;
  - (8) Facility improvements;
  - (9) Facility operations;
  - (10) Funding.
- (c) Meet, at a minimum, on a monthly basis to discuss the operations and management of the Animal Care and Services Department.
- (d) The duties and responsibilities of the Board shall be created, limited and delegated solely by this Agreement and shall be at all times in accordance with Ind. Code sec 36-1-7, et seq.
- (e) If any Board member misses two (2) consecutive board meetings, then that Board member shall be replaced by the appropriate appointing authority.

5. Officers of the Board: The Board shall annually elect the following officers of the Board:

- (a) President;
- (b) Vice-President; and
- (c) Secretary.

No member of the Board shall serve more than two (2) consecutive years in the same officer position.

6. **Dissolution of Muncie Animal Care Commission:** The Muncie Animal Care Commission is hereby dissolved as of the effective date of this Agreement.
7. **Open Door and Public Access Laws:** The Board shall be subject to the Indiana Open Door Law and Indiana Access to Public Records Act. It shall be the responsibility of the Secretary of the Board to prepare meeting minutes, agendas, public notice of meetings and ensure the Board's Compliance with the Open Door Law and Access to Public Records Act.
8. **Organizational Meeting:** The Board shall be appointed and schedule an organizational meeting within 30 days of the execution of this Agreement. At the initial meeting, the Board shall elect officers which shall serve for the remainder of 2012.
9. **Budget:** The budget for the Animal Care and Services Department shall be approved by the Board and Superintendent and submitted to the Muncie City Council and Delaware County Council no later than June 30<sup>th</sup> of each year. The parties acknowledge and agree that this requirement is necessary for the City and County fiscal bodies to appropriate sufficient funds for the operation of the Board in accordance with statutorily mandated publication and adoption deadlines. The Delaware County Council and/or the Muncie City Council shall consult with the Board and Superintendent first before making any increase or decrease to the budget of the Animal Care and Services Department.

Further, the board shall review the budget proposed by the Superintendent on a monthly basis to ensure that the services are provided in accordance with the financial constraints set forth in said budget. In the event a decrease in expenditures is necessary to maintain compliance with the approved budget for the Animal Care and Services Department, it shall be the responsibility of the Board and Superintendent to implement cost-cutting measures with the exception of a decrease in personnel. In the event the Board and Superintendent determine that a decrease in personnel is necessary to maintain compliance with the approved budget, the Board and Superintendent shall recommend such a decrease to the Muncie City Council for approval in accordance with any collective bargaining agreement in effect at the time.

10. **Duties of the Superintendent:** The Superintendent of the Animal Care and Services Department shall be an appointment of the Mayor of the City of Muncie and shall serve at the pleasure of the Mayor. The Superintendent shall be an employee of the City of Muncie.

The Superintendent shall be at all times responsible for the management and operation of the Animal Care and Services Shelter ("Shelter"). The Superintendent shall implement the policies and procedures established by the Board of Directors and shall oversee the general day to day operations of the Shelter. The Superintendent shall assist in the preparation of the annual budget for the Animal Care and Services Department. The

Superintendent shall report to the Board of Directors upon their request as to the general operations of the Animal Care and Services Department.

11. Employees: The employees of the Animal Care and Services Department shall be considered employees of the City of Muncie, Indiana. All decision related to hiring, firing and discipline shall be the responsibility of the Superintendent, upon consultation with the Board and in accordance with any collective bargaining agreement covering City employees in effect at the time. The staffing numbers shall remain as outlined in the operations budget included with this agreement until reviewed by the Board. The Board in cooperation with the Superintendent shall annually review staffing needs and make recommendations for staffing in the next year's budget.
12. Shelter Facility: The Animal Care and Services Department shall use the existing Muncie Animal Shelter Facility located at 2401 S. Gharkey St., Muncie, Indiana. The Shelter will have the following hours of operation:

Monday	10:00 a.m.-5:30 p.m.
Tuesday	10:00 a.m.-5:30 p.m.
Wednesday	10:00 a.m.-5:30 p.m.
Thursday	10:00 a.m.-5:30 p.m.
Friday	10:00 a.m.-5:30 p.m.
Saturday	12:00 p.m.-3:00 p.m.

Animal Care and Services is 24 hours a day, 365 days a year for emergency services. The hours of operation are hours the Shelter is open to the public.
13. Vehicles and Equipment: The County shall provide a vehicle and any equipment currently used for animal control to be used by the Animal Care and Services employees during the course of this Agreement. Said vehicle is to remain the property of the County and shall be insured by the County.
14. Supporting Departments: The City of Muncie Police Department and the Delaware County Sheriff Department shall provide support and assistance when it is deemed necessary for the health and safety of the Animal Care and Services Department employees, the public, and/or the animal involved.
15. Collaboration with Animal Rescue Organizations: The Animal Care and Services Department will collaborate with other animal rescue organizations in order to promote adoption and care of animals.
16. Financing Operation of Center: The operation of the Animal Care and Services Department shall be partially funded by and through the County and the City. The County shall pay the sum of One hundred and twenty Thousand Dollars (\$120,000.00) per year to the City for its share of the operating expenses of the Animal Care and Services Department. The County shall pay one-half of said sum on February 15 of each year and one-half of said sum on August 15 of each year. For the year 2012, the payment made by the County shall be pro-rated with the first one-half due on May 1, 2012 and the remaining one-half due on August 15, 2012. The City shall contribute the sum of Two

hundred and eighty Thousand Dollars (\$280,000.00) towards operating expenses of the Animal Care and Services Department.

17. Alternative Funding Sources: The Board shall be responsible for identifying and obtaining alternative revenue sources for funding the operation of the Animal Care and Services Department. The Board shall engage in all reasonable efforts to obtain funding in Delaware County as may be applicable.
18. Capital Costs: The City shall establish a non-reverting fund for capital costs associated with the upgrade, maintenance and replacement of equipment necessary for the operation of the Animal Care and Services Department. Any and all expenditures from the capital account for the upgrade, maintenance and replacement of such equipment shall be approved by a majority vote of the Board and the Muncie City Council. The Animal Care and Services Department has the potential to generate revenue through various fees, including but not limited to adoption fees, surrender fees, and enforcement of other fees and fines. Twenty percent (20%) of said fees shall be deposited in the non-reverting fund for capital costs.
19. Fiscal Agent: The Controller for the City of Muncie shall serve as the fiscal agent for the Animal Care and Services Department and shall be responsible for the collection and disbursement of all fees and the administration of the budget established by the City Council.
20. Termination: This Agreement may be terminated by the County or City only upon ninety (90) days written notice to the other party.
21. Disposition of Property: Upon termination of the Agreement, any vehicles and/or equipment shall revert to the entity that purchased said vehicle and/or equipment.
22. Required Approvals: This Agreement shall not be effective unless and until it is approved by the fiscal body of the City and County pursuant to Ind.Code sec 36-1-7-4(a).
23. Miscellaneous:
  - (a) This Agreement constitutes the entire Agreement between the Parties regarding the operation of a joint Animal Care and Services Department and supersedes any prior written or oral agreement.
  - (b) The provisions of this Agreement are severable, and if any one or more provisions may be determined to be illegal or otherwise unenforceable, in whole or in part, the remaining provisions and any partially unenforceable provisions to the extent enforceable shall nevertheless be binding and enforceable.

(c) This Agreement may only be modified in writing signed by all parties and approved in accordance with Ind.Code sec 36-1-7 et seq., as it may be amended.

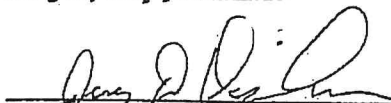
(d) Notices: All notices which may be required pursuant to the terms of this Agreement shall be provided as follows:

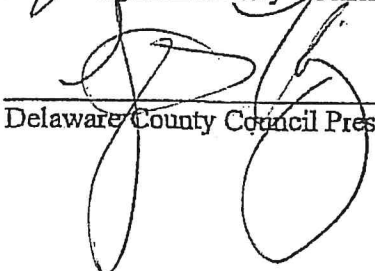
To the County: Delaware County Commissioners  
100 W. Main Street  
Muncie, Indiana 47305


To the City: Mayor, City of Muncie  
300 N. High Street  
Muncie, Indiana 47305

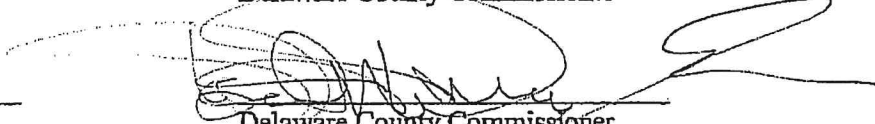
IN WITNESS OF THE ABOVE, the undersigned have set their hands and seals as of the 19 day of March, 2012.

  
\_\_\_\_\_  
Mayor, City of Muncie

  
\_\_\_\_\_  
President, Muncie City Council

  
\_\_\_\_\_  
Delaware County Council President

  
\_\_\_\_\_  
Delaware County Commissioner

  
\_\_\_\_\_  
Delaware County Commissioner

  
\_\_\_\_\_  
Delaware County Commissioner

**ORIGINAL**

**AMENDMENT #1 TO INTERLOCAL AGREEMENT DATED 3-19-12**

This Amendment to the Interlocal Agreement dated March 19, 2012 is entered into by and between Delaware County, Indiana ("County"), an Indiana political subdivision, and the City of Muncie, Indiana ("Muncie"), an Indiana political subdivision, this 1<sup>st</sup> day of May, 2017.

WHEREAS, Muncie and the County have previously entered into an Interlocal Agreement with regard to animal control; and

WHEREAS, Muncie and the County have realized in order to continue to provide the exceptional service since March 19, 2012, some minor changes need to be made to the original Interlocal Agreement; and

WHEREAS, in an effort to continue the joint agreement, the County and Muncie have agreed to modify page 4, section 16 of the March 19, 2012 Interlocal Agreement. The parties further agree that this is the only section that shall be modified with this Amendment and all other sections shall remain in full force and effect.

NOW, THEREFORE, the parties hereby agree as follows:

1. Purpose. The purpose of this Amendment is to set forth the rights and responsibilities of the parties in the financing of the operation of the Center.
2. Term. The term of this Amendment shall be in accordance with the term set out in the original Interlocal Agreement dated 3-19-12.
3. Governance. The Governance of this Amendment shall be in accordance with the term set out in the original Interlocal Agreement dated 3-19-12.
4. Page 4, Section 16 shall be amended to read as follows:


The operation of the Animal Care and Services Department shall be partially funded by and through the City and the County. The County shall pay the sum of one hundred fifty thousand dollars (\$150,000.00) per year to the City for its share of the operating expenses of the Animal Care and Services Department. The County shall pay one-half of said sum on February 15 of each year and one-half of said sum on August 15 of each year. The City shall contribute the sum of three hundred fifty thousand dollars (\$350,000.00) towards operating expenses of the Animal Care and Services Department. In addition to the above, the County shall pay a one-time fee of eighty thousand seven hundred eighty dollars (\$80,780.00), the equivalent of twenty-eight percent (28%) of the costs towards the remodeling or reconstruction of a new Animal Care and Services building located at 901 W Riggins Rd, Muncie IN, 47303.

IN WITNESS OF THE ABOVE, the undersigned have set their hands and seals as of the  
\_\_\_\_ day of \_\_\_\_\_, 2017.

  
\_\_\_\_\_  
Mayor, City of Muncie

  
\_\_\_\_\_  
President, Muncie City Council

  
\_\_\_\_\_  
Delaware County Council President

  
\_\_\_\_\_  
Delaware County Commissioner

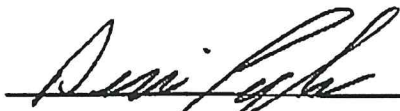
  
\_\_\_\_\_  
Delaware County Commissioner

  
\_\_\_\_\_  
Delaware County Commissioner

  
\_\_\_\_\_  
Auditor

First Signature of Council 8/22/2017

Approval of the Mayor



Dennis Tyler

7-19-17

Date

Board of Public Works & Safety approved Agreement/Contract for

Amendment #1 to Interlocal Agreement Dated 3-19-12.  
with regard to Georgia Contract

On this 19<sup>th</sup> day of July, 20 17.

Board of Public Works & Safety



President, John Quirk

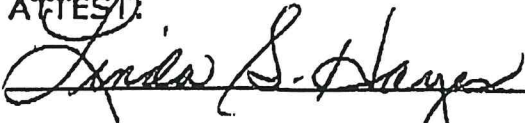


Vice-President, Roger Overbey



Secretary, Bobble Clemens

ATTEST:



Linda S. Hayes, Recording Secretary