

**Ordinance No. FC0 2025-13**

**AN ORDINANCE FOR CONSTRUCTION AND REVIEW OF COUNTY CONTRACTS**

WHEREAS, pursuant to Indiana Code § 36-2-2.8, et seq. a County may require that a contract for the purchase of real property, tangible or intangible personal property, or services (as defined by Indiana Code § 5-22-2-30) contain certain provisions.

WHEREAS, pursuant to Indiana Code § 36-2-2.9, et. seq., a County Officer seeking to execute a contract necessary for the County officer to carry out a constitutional or statutory duty of the office, and for which funds have been appropriated by County Council to pay for the contract, must follow the statutory procedures set forth in that article.

WHEREAS, the Floyd County Board of Commissioners is the County Executive for Floyd County, Indiana.

WHEREAS, the Floyd County Board of Commissioners desire to establish a uniform process for the processing and evaluation of Floyd County contracts.

WHEREAS, the Floyd County Board of Commissioners desire to establish certain provisions be contained in all contracts related to the County and that all Officers of the County shall follow the statutory procedures for approval of Contracts.

WHEREAS, Floyd County, Indiana desires to require all County Contracts to contain the following provisions:

- A Contract must be executed in the name of the County. Said Contract shall be held and executed in the name "Floyd County, Indiana for {insert Office}."
- A Contract, or purchase, which includes the purchase of property shall require title any such property in the name of "Floyd County, Indiana."
- A Contract must include venue requirements for any litigation to be held in Floyd County, Indiana, unless otherwise approved by a majority of the Floyd County Commissioners in a public meeting.
- A Contract must include a provision for the notification of any requirements outlined in the Contract to be sent to the Floyd County Commissioners as well as the Floyd County Officer whose Office said Contract is being entered.
- A Contract for services must include a provision which names Floyd County as an additional insured on the Contractor's liability insurance policy.

WHEREAS Floyd County, Indiana hereby adopts and incorporates the following state statutes for construction and review of county contracts (Indiana Code § 36-2-2.8, et seq. and § 36-2-2.9, et. seq.):

**IC 36-2-2.8 Chapter 2.8. County Contracts; Requirements**

36-2-2.8-1	Applicability
36-2-2.8-2	"Contract"
36-2-2.8-3	"County officer"
36-2-2.8-4	Contract requirements
36-2-2.8-5	Ordinance requiring standard contractual language
36-2-2.8-6	County executive's delegation of contract approval authority

**IC 36-2-2.8-1 Applicability**

Sec. 1. This chapter only applies to a county not having a consolidated city.  
As added by P.L.139-2024, SEC.1.

**IC 36-2-2.8-2 "Contract"**

Sec. 2. (a) As used in this chapter, "contract" means a contract for the purchase of:  
    (1) real property;  
    (2) tangible or intangible personal property; or  
    (3) services (as defined in IC 5-22-2-30).  
(b) The term does not include a contract concerning the issuance of:  
    (1) a bond to finance the construction of a public facility; or  
    (2) a bond or other type of security for the payment of a lease obligation.

As added by P.L.139-2024, SEC.1.

**IC 36-2-2.8-3 "County officer"**

Sec. 3. As used in this chapter, "county officer" has the meaning set forth in IC 36-2-2.9-3.  
As added by P.L.139-2024, SEC.1.

**IC 36-2-2.8-4 Contract requirements**

Sec. 4. A contract entered into by a county, including a contract executed by a county officer, must meet the following requirements:

- (1) The contract must be executed in the name of the county.
- (2) Any property purchases for public use shall be:
  - (A) titled to; or
  - (B) documented as owned by;  
the county.

As added by P.L.139-2024, SEC.1.

**IC 36-2-2.8-5 Ordinance requiring standard contractual language**

Sec. 5. The county executive may, by ordinance, require standard contractual language to be used in all contracts entered into by the county, including contracts executed by a county officer. The ordinance may include:

- (1) provisions for indemnification;
- (2) dispute resolution provisions;
- (3) venue requirements;
- (4) termination provisions; and
- (5) notification provisions.

As added by P.L.139-2024, SEC.1.

IC 36-2-2.8-6 County executive's delegation of contract approval authority

Sec. 6. In addition to the county executive's authority under IC 36-2-2.9 to approve contracts, the county executive may adopt an ordinance to delegate additional authority to approve contracts to other county officers and employees.

As added by P.L.139-2024, SEC.1.

#### **IC 36-2-2.9 Chapter 2.9. Review of County Contracts**

36-2-2.9-1	Applicability
36-2-2.9-2	Definitions in IC 36-2-2.8 apply
36-2-2.9-3	"County officer"
36-2-2.9-4	Requirements for execution of certain contracts of county officers
36-2-2.9-5	Initiation of contract review
36-2-2.9-6	Contract review and notification; time period
36-2-2.9-7	County attorney review; disapproval of contract
36-2-2.9-8	Approval of contract by county executive
36-2-2.9-9	Disapproval of contract by county executive; written statement required
36-2-2.9-10	Responsibility for notification of review results
36-2-2.9-11	Review and notification not completed within time period; contract considered acceptable
36-2-2.9-12	County officer options after contract disapproval
36-2-2.9-13	Submission of executed contract to county auditor
36-2-2.9-14	Upload of contract to Indiana transparency website

#### **IC 36-2-2.9-1 Applicability**

Sec. 1. This chapter only applies to a county not having a consolidated city.

As added by P.L.139-2024, SEC.2.

#### **IC 36-2-2.9-2 Definitions in IC 36-2-2.8 apply**

Sec. 2. The definitions in IC 36-2-2.8 apply to this chapter.

As added by P.L.139-2024, SEC.2.

#### **IC 36-2-2.9-3 "County officer"**

Sec. 3. As used in this chapter, "county officer" means the following:

- (1) Assessor.
- (2) Auditor.
- (3) Coroner.
- (4) Recorder.
- (5) Sheriff.
- (6) Surveyor.
- (7) Treasurer.
- (8) Clerk of the circuit court.
- (9) County fiscal body.

As added by P.L.139-2024, SEC.2.

#### **IC 36-2-2.9-4 Requirements for execution of certain contracts of county officers**

Sec. 4. (a) If a county officer has a proposed contract:

- (1) that the county officer believes is necessary for the county officer to carry out a constitutional or statutory duty of office; and
- (2) for which funds have been appropriated by the county fiscal body to pay for the contract;

the county officer must have the county executive execute the contract or submit the contract for review under this chapter.

(b) The county executive may void a contract that a county officer executes without first complying with this chapter.

As added by P.L.139-2024, SEC.2.

#### **IC 36-2-2.9-5 Initiation of contract review**



Sec. 5. To initiate a contract review, the county officer must submit to the county auditor the following:

- (1) A request for review.
- (2) A copy of the proposed contract. The contract must comply with IC 36-2-2.8, including using the standard terms required by ordinance under IC 36-2-2.8-5.

The county auditor shall date stamp the request and immediately forward copies of the request and contract to the president of the county executive and county attorney.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-6 Contract review and notification; time period**

Sec. 6. Not later than twenty (20) days after the request is filed with the county auditor:

- (1) the county executive and county attorney shall review the proposed contract; and
- (2) the county executive shall notify the county officer of the results of the review.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-7 County attorney review; disapproval of contract**

Sec. 7. (a) If the county attorney advises the county executive that the contract does not comply with:

- (1) state law; or
- (2) any applicable public purchasing or bidding laws;

the county executive may disapprove the contract and the contract may not be executed by the county officer.

(b) The county attorney shall notify the county executive of the results of the review.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-8 Approval of contract by county executive**

Sec. 8. If the contract:

- (1) is not disapproved under section 7 of this chapter; and
- (2) the county executive finds the contract:
  - (A) complies with IC 36-2-2.8; and
  - (B) is otherwise acceptable;

the county executive may approve and authorize execution of the contract by the county officer or the county executive.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-9 Disapproval of contract by county executive; written statement required**

Sec. 9. (a) If the county executive finds the contract:

- (1) does not comply with IC 36-2-2.8; or
- (2) is otherwise not acceptable for reasons other than those determined under section 7 of this chapter;

the county executive must provide the county officer with a written statement described in subsection (b).

(b) The county executive must provide a written statement as part of the notification of the review results under section 11 of this chapter that:

- (1) explains why the contract is not acceptable; and
- (2) provides recommendations, if any, for making the contract acceptable to the county executive.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-10 Responsibility for notification of review results**

Sec. 10. The county executive has the responsibility of notifying the county officer of the results of the review conducted by the county attorney and the county executive.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-11 Review and notification not completed within time period; contract considered acceptable**

Sec. 11. If:

- (1) the review; and

(2) the notification of the review results, including the written statement under section 9(b) of this chapter, if applicable;  
are not made within the time required under section 6 of this chapter, the contract shall be considered acceptable and the county officer may execute the contract.  
As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-12 County officer options after contract disapproval**

Sec. 12. (a) This section only applies to a contract that:

- (1) the county executive does not disapprove under section 7 of this chapter; and
- (2) is found to be unacceptable by the county executive under section 9 of this chapter.

(b) The county officer may do the following:

- (1) Revise the contract and file a new request for review under this chapter.
- (2) Execute the contract, if the county officer determines the contract complies with IC 36-2-2.8.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-13 Submission of executed contract to county auditor**

Sec. 13. (a) A county officer must submit the contract to the county auditor not more than ten (10) days after the contract is executed.

(b) A contract that is executed by a county officer:

- (1) under section 12(b)(2); and
- (2) submitted to the county auditor more than ten (10) days after execution;

is voidable by the county executive.

As added by P.L.139-2024, SEC.2.

**IC 36-2-2.9-14 Upload of contract to Indiana transparency website**

Sec. 14. The county auditor shall upload a contract submitted under section 13 of this chapter to the Indiana transparency website.

As added by P.L.139-2024, SEC.2.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FLOYD COUNTY, INDIANA, THAT:

1. The Floyd County Commissioners hereby adopt Indiana Code § 36-2-2.8, et seq. and § 36-2-2.9, et. seq, as set out herein, including any subsequent modifications to said statutes.
2. Pursuant to IC 36-2-2.8-4, all County contracts shall be in the name of "Floyd County, Indiana". Said Contract shall be held and executed in the name "Floyd County, Indiana for {insert Office}."
3. All Contracts must contain/abide by the following provisions:
  - a. A Contract must be executed in the name of the County. Said Contract shall be held and executed in the name "Floyd County, Indiana for {insert Office}."
  - b. A Contract, or purchase, which includes the purchase of property shall require title any such property in the name of "Floyd County, Indiana."



- c. A Contract must include venue requirements for any litigation to be held in Floyd County, Indiana, unless otherwise approved by a majority of the Floyd County Commissioners in a public meeting.
  - d. A Contract must include a provision for the notification of any requirements outlined in the Contract to be sent to the Floyd County Commissioners as well as the Floyd County Officer whose Office said Contract is being entered.
  - e. A Contract for services must include a provision which names Floyd County as an additional insured on the Contractor's liability insurance policy.
4. The County Officer who wishes to enter into a Contract must submit the request for review of a Contract, with a copy of said Contract, to the County Auditor, the secretary for the Floyd County Commissioners, and the County Attorney. The County Auditor shall immediately date stamp said Contract and forward a copy to the Floyd County Commissioners secretary and the County Attorney. If the County Officer has not received notice of the review of the contract, the County Officer shall (by email) contact the secretary for the Floyd County Commissioners, and the County Attorney that a response has not been received and request a response to the proposed Contract. This notice by email, contacting the secretary for the Floyd County Commissioners and the County Attorney, is required before the County Officer can take action pursuant to IC 36-2-2.9-11.
5. After review by the Commissioners and County Attorney, the Contract shall be placed on the next regular agenda of the Commissioners for approval or denial of said contract.
6. This Ordinance in no way modifies or changes the statutory requirements for quoting/bidding for certain contracts. The County Officer shall comply with all such statutes. The Commissioners reserve the right to request copies of any quoting done by a County Officer. Any competitive/sealed bidding required under the statute shall be opened in the Commissioner's meetings.

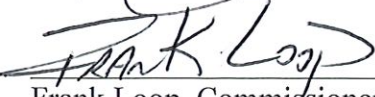
**ADOPTED** by the Floyd County BOARD OF COMMISSIONERS this 15<sup>th</sup> day of April, 2025.

  
Al Knable, President



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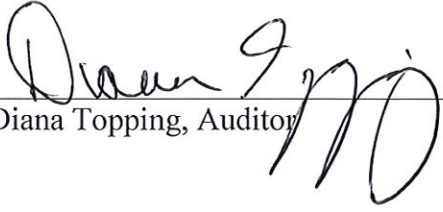
Jason Sharp, Commissioner



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Frank Loop, Commissioner

Attest:



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Diana Topping, Auditor