

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN COUNCIL

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' 30.01 THREE-MEMBER TOWN COUNCIL.

(A) The Town Council is the town legislative body.

(B) The Council consists of three members whose terms of office are four years, beginning at noon on January 1 after election and continuing until successors are elected and qualified.
(1989 Code, ' 3-1)

Statutory reference:

Term of office of Council members, see I.C. 36-5-2-3
Town Council, see I.C. 36-5-2-1 et seq.

' 30.02 LEGISLATIVE DISTRICTS.

In all elections held in the town, each Council member shall be elected by the majority voters, voting at large.

(1989 Code, ' 3-2) (Ord. 103, passed 5-14-1981)

Statutory reference:

Composition of districts, see I.C. 36-5-1-10.1

Division of towns into districts, see I.C. 36-5-2-4.1

Legislative districts, see I.C. 36-5-2-5

' 30.03 STAGGERED ELECTION OF TOWN COUNCIL.

Commencing with the November, 1983 general election, the office of Council member in District 2 shall be designated a three-year term running from January 1, 1984 to December 31, 1986. In November, 1986, an election shall be held for said office, at which election said office shall be designated a four-year term. All other offices on the Town Council shall remain four-year terms, including Clerk-Treasurer.

(1989 Code, ' 3-3) (Ord. 115, passed 10-14-1982)

' 30.04 PRESIDENT OF THE TOWN COUNCIL.

(A) The Town Council shall select at its first annual meeting one of its members to be its President for a definite term which may not exceed his or her term of office.

(B) The President is the town executive.

(1989 Code, ' 3-4)

Statutory reference:

Selection of a President, see I.C. 36-5-2-7

Town Executive, see I.C. 36-5-2-2

' 30.05 QUORUM AND VOTES TO PASS ORDINANCES, ORDERS AND RESOLUTIONS.

(A) A majority of all elected members of the Town Council constitutes a quorum.

(B) Passage of ordinances, orders or resolutions shall be governed by applicable state statutes.

(C) Any legal action, whether or not it may bind the town, must be approved by a majority of the Town Council before any such action may be filed in any court of law.

(1989 Code, ' 3-5) (Ord. 07-2008, passed 6-3-2008)

Statutory reference:

Definition of quorum of the Town Council, see I.C. 36-5-2-9.2

Majority, two-thirds and unanimous votes, see I.C. 36-5-2-9.4 through 36-5-2-9.8

' 30.06 POWERS OF THE TOWN COUNCIL.

The Council may:

(A) Adopt ordinances and resolutions for the performance of functions of the town;

(B) Purchase, hold and convey any interest in property, for the use of the town;

(C) Adopt and use a common seal; and

(D) Exercise all powers that are needed for the effective operation of local governmental affairs.

(1989 Code, ' 3-6)

Statutory reference:

Home Rule powers of municipalities, see I.C. 36-1-3-1 through 36-1-3-9

Powers of the legislative body, see I.C. 36-5-2-9

' 30.07 REGULAR AND SPECIAL MEETINGS.

(A) *Regular meetings.* Regular meetings of the Town Council shall be held on the second Thursday of each month at 7:00 p.m.

(B) *Special meetings.* Special meetings shall be called pursuant to applicable state law provisions.

(1989 Code, ' 3-7) (Ord. 03-2008, passed 1-1-2008)

Statutory reference:

Indiana Open Door Law or ASunshine Law,@ see I.C. 5-14-1.5-1 through 5-14-1.5-8

' 30.08 ORDINANCES WHICH AMEND THE TOWN CODE.

All ordinances which are of a general and permanent nature, and which would amend the town code, shall be in the following form:

<p>Ord. No. _____</p> <p><i>(Include the last two digits of the calendar year followed by a dash and the chronological number of the ordinance: Ex. 94-1)</i></p> <p>(Short Title)</p> <p style="text-align: center;">AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ROSELAND, INDIANA, AMENDING TITLE _____, CHAPTER _____, SECTIONS(S) _____, OF THE ROSELAND TOWN CODE BY THE INCLUSION/DELETION OF SECTION(S), ENTITLED _____.</p> <p>Whereas, <i>(background statements setting forth the purpose or background of the ordinance where appropriate)</i></p> <p>Whereas,</p> <p>Whereas,</p> <p>NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ROSELAND, INDIANA, AS FOLLOWS:</p> <p><u>Section I.</u> Title _____, Chapter _____, Section(s) _____, of the Roseland Town Code, is/are hereby amended to read as follows: <i>(set forth specific amendatory language)</i></p> <p><u>Section II.</u> This ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Roseland, Indiana, this ____ day of _____, 20 ____.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p>Attest:</p> <p>_____ Clerk-Treasurer</p> </div> <div style="width: 35%; text-align: right;"> <p>By: _____ President</p> <p>_____ Member</p> <p>_____ Member</p> </div> </div>

(1989 Code, ' 3-9)

' 30.09 ORDER OF BUSINESS AND PRIVILEGE OF THE FLOOR.

(A) Business shall be conducted in the following order at every regular meeting of the Town Council unless the Town Council, by two-thirds vote, shall suspend the rules:

- (1) Call to order/Pledge of Allegiance;

- (2) Roll call;
- (3) Minutes/dockets: approval;
- (4) Introductions/announcements;
- (5) Town Attorney;
- (6) Old business;
- (7) New business;
- (8) Town health and safety;
- (9) Maintenance
- (10) Town financial business;
- (11) Town planning, zoning and development;
- (12) Town Park Board;
- (13) Public input; and
- (14) Adjournment.

(B) The following rules shall govern privileges of the floor.

(1) *Discussion of agenda items.* After the Town Council has completed its agenda, the President of the Town Council shall invite any individual who wish to speak on issues on the agenda to come up to the podium and state his or her name and address.

(a) Individuals will be limited to three minutes and may only speak once.

(b) The maximum time for this portion of the meeting is 30 minutes.

(2) *Discussion of proposed ordinances.* If the Town Council is considering an ordinance, the following shall govern privileges of the floor.

(a) The President of the Town Council shall read the proposed ordinance. After members of the Town Council have had the opportunity to discuss the proposed ordinance, the President of the Town Council shall then invite the individual to address the Town Council on the proposed ordinance.

(b) Individuals who wish to speak in favor of the proposed ordinance will then be invited to address the Town Council. Individuals will be limited to two minutes only to make their presentation. The maximum time for this portion of the meeting shall be six minutes.

(c) Individuals who wish to speak in opposition to the proposed ordinance shall then be invited by the President of the Town Council to only make their presentation. The maximum time for this portion of the meeting shall be six minutes.

(d) The Town Council may then continue to discuss the ordinance and proceed with a vote on the ordinance.

(3) *Procedure.* During the privileges of the floor portions of the meeting:

(a) Residents must be recognized by the Council President before speaking;

(b) Only one person may speak at a time; and

(c) Good manners must be maintained.

(1989 Code, ' 3-10) (Res. 34-88, passed 8-11-1988; Res. passed 5-11-1989)

' 30.10 PARLIAMENTARY PROCEDURE.

Any matter not addressed by any rules of procedure which may be adopted by the Town Council shall be governed by *Robert=s Rules of Order*. Unless the Town Council elects to suspend use of the *Robert=s Rules of Order* prior to the commencement of any proceeding at which such Rules would otherwise have been applicable, and further provide that other suitable rules have been adopted for said proceeding prior to the commencement of said proceeding.

(1989 Code, ' 3-11)

' 30.11 RECORDING AND PUBLISHING ORDINANCES.

(A) All ordinances, within a reasonable time after their passage, shall be recorded in a book kept for that purpose by the Clerk-Treasurer.

(B) Any adopted ordinance, order or resolution which must be promulgated or published before it takes effect shall be done pursuant to applicable state statute.

(1989 Code, ' 3-12)

Statutory reference:

Posting of ordinances in three public places and the publication of ordinances in a town code, see I.C. 36-4-6-14

' 30.12 COMPENSATION OF TOWN COUNCIL.

(A) The Town Council shall, by ordinance, fix the compensation of its own members.

(B) The compensation of an elected town officer may not be changed in the year below the amount fixed for the previous year.

(1989 Code, ' 3-13)

Statutory reference:

Compensation for members of the Town Council and other town officers and employees, see I.C. 36-5-3-2

' 30.13 LEGAL ACTION; MAJORITY APPROVAL.

Any legal action, whether or not it may bind the town, must be approved by a majority of the Town Council, before any such action may be filed in any court of law.

(Ord. 07-2008, passed 6-3-2008)

CHAPTER 31: TOWN OFFICIALS

Section

General Provisions

- 31.01 Town appointments
- 31.02 Compensation and salary
- 31.03 Official bond of officers

Town Clerk-Treasurer

- 31.15 Term of office of Clerk-Treasurer
- 31.16 Powers and duties of the Clerk-Treasurer
- 31.17 Compensation of Clerk-Treasurer
- 31.18 Deputies and employees

GENERAL PROVISIONS

' 31.01 TOWN APPOINTMENTS.

(A) The Town Council may employ such persons to effectively carry out the needs and services of the town.

(B) Positions which the Council may appoint include, but shall not be limited to, the following:

- (1) Town Manager;
- (2) Town Attorney;
- (3) Town Engineer;
- (4) Town Marshal;
- (5) Fire Chief; and

(6) Other officers and employees deemed necessary.

(C) Duties shall be set forth for each position by the Town Council and applicable state law.
(1989 Code, ' 2-19)

Statutory reference:

Duties and authorization to appoint a Town Manager, see I.C. 36-5-5-1 through 36-5-5-8

' 31.02 COMPENSATION AND SALARY.

The Town Council shall fix the compensation or salary of all town employees and officers by appropriate ordinance.

Statutory reference:

Setting of salaries or compensation for employees and officers, see I.C. 36-1-4-15

' 31.03 OFFICIAL BOND OF OFFICERS.

(A) Official bonds of officers required by I.C. 5-4-1-18, as it may be amended from time to time, shall be provided by the town.

(B) A blanket bond may be obtained to cover the faithful performance of all other employees, commission members and persons acting on behalf of the town, so required to be covered. The town shall secure an official blanket bond in the minimum amount of \$10,000 covering all employees of the town, excluding the Clerk-Treasurer who shall be bonded individually as prescribed by state law.

(C) Bonds of the Clerk-Treasurer and Town Marshal shall be approved by the Town Council pursuant to 1025.1.1. (See I.C. 5-4-1-18).

(D) The town shall secure an official blanket bond covering the Town Marshal and the Deputy Town Marshals of the Town Police Department.

(1989 Code, ' 2-21) (Ord. 206-96, passed 7-11-1996; Ord. passed 5-8-1997)

TOWN CLERK-TREASURER

' 31.15 TERM OF OFFICE OF CLERK-TREASURER.

(A) The Town Clerk-Treasurer is an elected position whose term of office is for four years, beginning at noon on January 1 after his or her election and continuing until a successor is elected and qualified.

(B) The Town Clerk-Treasurer shall be elected by the voters of the whole town.
(1989 Code, ' 2-1)

Statutory reference:

Clerk-Treasurer=s term of office, see I.C. 36-5-6-3

' 31.16 POWERS AND DUTIES OF THE CLERK-TREASURER.

(A) The Town Clerk-Treasurer may administer oaths, takes depositions and takes acknowledgments of instruments as required by law.

(B) The Town Clerk-Treasurer may perform all duties prescribed by law, which include, but are not limited to, the following:

(1) Receive and care for all town monies, and pay them out upon order of the Town Council;

(2) Keep accounts of all town monies;

(3) File monthly reports with the Town Council showing all receipts and disbursements of the town treasury for the preceding month;

(4) Maintain records which are open for inspection by the Town Council;

(5) Collect fines resulting from ordinance violations;

(6) Issue all licenses; and

(7) Attend all Town Council meetings and maintain a recording of its proceedings.

(C) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to I.C. 36-5-6-2.
(1989 Code, ' 2-2)

Statutory reference:

Authorizing the Clerk-Treasurer to administer oaths and related powers, see I.C. 36-5-6-5

Powers and duties of the Town Clerk-Treasurer, see I.C. 36-5-6-6

Setting forth the Clerk-Treasurer=s role to the Town Council, see I.C. 36-5-2-8

' 31.17 COMPENSATION OF CLERK-TREASURER.

The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council.

(1989 Code, ' 2-3)

Statutory reference:

Compensation for the Town Clerk-Treasurer, see I.C. 36-5-3-2

' 31.18 DEPUTIES AND EMPLOYEES.

(A) The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council.

(B) Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.
(1989 Code, ' 2-4)

Statutory reference:

Authorizing the Clerk-Treasurer to appoint deputies and employees, see I.C. 36-5-6-7

CHAPTER 32: BOARDS, BUREAUS, COMMISSIONS AND DEPARTMENTS

Section

General Provisions

- 32.01 Boards and Commissions established
- 32.02 Departments of the town established
- 32.03 Violations Bureau established
- 32.04 Schedule of ordinance and code violations

Department of Redevelopment

- 32.15 Redevelopment Commission established
- 32.16 Power and authority
- 32.17 Taxing district
- 32.18 Appointments

GENERAL PROVISIONS

' 32.01 BOARDS AND COMMISSIONS ESTABLISHED.

(A) The town shall establish such boards and commissions as a deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(B) All such board and commission members shall serve at the pleasure of the Town Council.
(1989 Code, ' 2-45)

' 32.02 DEPARTMENTS OF THE TOWN ESTABLISHED.

(A) The town shall establish such departments as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(B) The following departments are established:

(1) Department of Parks and Recreation; and

(2) Police Department.

(1989 Code, ' 2-50) (Ord. 97, passed 9-13-1979)

' 32.03 VIOLATIONS BUREAU ESTABLISHED.

(A) There is established a Town Ordinance Violations Bureau as provided by I.C. 33-36-1 et seq.

(B) The Clerk-Treasurer shall be the Administrator of the Town Ordinance Violations Bureau.

(1989 Code, ' 2-51) (Ord. 131, passed 3-10-1988)

' 32.04 SCHEDULE OF ORDINANCE AND CODE VIOLATIONS.

(A) The schedule of ordinance and code provisions, copies of which are on file in the office of the Town Clerk-Treasurer, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(B) This schedule shall establish civil penalties to be assessed a violator who elects to admit to an ordinance or code violation, but shall in no way impair the ability of the town to assess or bring suit to seek the imposition of any fine greater than that provided for by the schedule that is otherwise allowed by the town code and/or any state law.

(C) Civil penalties shall be paid to, receipted and accounted for by the Clerk-Treasurer under procedures provided by the State Board of Accounts.

(D) Payment of civil penalties may be made in person or by mail to the Clerk-Treasurer.

(E) Upon a person waiving the right to trial and entering an admission of a violation with the Clerk-Treasurer, the Clerk-Treasurer shall assess and receive from the violator the amount prescribed by the schedule as adopted by reference in division (A) above.

(F) The provisions of I.C. 33-36-2-1 through 33-36-2-3, as they may be amended from time to time, shall govern the operation of the Clerk-Treasurer and collection of all civil penalties.

(1989 Code, ' 2-52) (Ord. 156-89/90, passed 4-12-1990)

DEPARTMENT OF REDEVELOPMENT

' 32.15 REDEVELOPMENT COMMISSION ESTABLISHED.

The Town Department of Redevelopment (the ADepartment@), controlled by a board of five members to be known as the ATown of Roseland Redevelopment Commission@ (the ACommission@) is hereby created and established.
(Ord. 266-05, passed 4-22-2005)

' 32.16 POWER AND AUTHORITY.

The Department shall be governed by I.C. 36-7-14 and the Commission shall have the power and authority to do and perform all things now or hereafter granted to it by I.C. 36-7-14 and 36-7-25.
(Ord. 266-05, passed 4-22-2005)

' 32.17 TAXING DISTRICT.

All of the territory within the corporate boundaries of the town constitutes a taxing district for the purpose of levying and collecting special benefit taxes as provided in I.C. 36-7-14.
(Ord. 266-05, passed 4-22-2005)

' 32.18 APPOINTMENTS.

Appointments of members to the Board shall be governed by the applicable provisions of I.C. 36-7-14.
(Ord. 266-05, passed 4-22-2005)

CHAPTER 33: POLICE DEPARTMENT

Section

Town Marshal

- 33.01 Appointment, compensation, tenure of Town Marshal
- 33.02 Powers and duties of the Town Marshal
- 33.03 Deputy Marshals
- 33.04 Police uniforms
- 33.05 Adoption by reference of police manual

Police Reserves

- 33.20 Training and probation
- 33.21 Number of police reserves
- 33.22 Appointment as a police reserve
- 33.23 Police reserves deemed special officers
- 33.24 Salary
- 33.25 Uniforms for police reserves
- 33.26 Police powers

TOWN MARSHAL

' 33.01 APPOINTMENT, COMPENSATION, TENURE OF TOWN MARSHAL.

(A) The Town Council shall appoint a Town Marshal and shall fix his or her compensation.

(B) The Town Marshal serves at the pleasure of the Town Council and may be subject to the minimum basic training requirements.

(1989 Code, ' 2-7)

Statutory reference:

Addressing the compensation of the Town Marshal, see I.C. 36-5-3-2

Authorizing the Town Council to appoint a Town Marshal. see I.C. 36-5-7-2

' 33.02 POWERS AND DUTIES OF THE TOWN MARSHAL.

The Town Marshal is the chief police officer and has the powers of other law enforcement officers as set forth in I.C. 36-5-7-4, as it may be amended from time to time.
(1989 Code, ' 2-8)

' 33.03 DEPUTY MARSHALS.

The Town Council may authorize the appointment of Deputy Marshals pursuant to I.C. 36-5-7-6, as it may be amended from time to time.
(1989 Code, ' 2-9)

' 33.04 POLICE UNIFORMS.

(A) (1) The clothing allowance for each full-time police officer shall not exceed the town=s annual budget guidelines.

(2) The clothing and equipment will be purchased by the Town Police Department, with the Clerk-Treasurer keeping track of the expenditures for the year.

(B) The required uniform shall consist of the following: shirt, pants, body armor for the torso, tie, sweater, jacket, black shoes and/or boots, black leather apparel such as duty belt, holster, handcuff cases, ammunition cases, keepers, flashlight holders and trouser belt.

(1) Duty apparel and a hat may be a one-time purchase made by the town for employees hired after December 12, 1996;

(2) Body armor has the meaning set forth in I.C. 35-47-5-13(a). Body armor for the torso shall be replaced according to the replacement period recommended by the manufacturer of the body armor for the torso. Maintenance of the body armor will be paid by the town. All body armor for the torso remains the property of the town. See I.C. 36-5-7-7.

(3) Any additional or replacement items may be determined by majority vote of the Town Council.

(C) Bills shall be submitted for reimbursement to the Clerk-Treasurer at least five days prior to a regular public Council meeting.

(D) Such items shall be the permanent property of the town and shall not be retained by the employee on his or her termination.

(1989 Code, ' 2-10) (Ord. 186-93, passed 7-8-1993; Ord. 211-96, passed 12-12-1996; Res. 04-00, passed 12-14-2000)

' 33.05 ADOPTION BY REFERENCE OF POLICE MANUAL.

The *Town of Roseland Police Department Police Manual*, as adopted by Resolution 81-95, copies of which are on file in the office of the Town Clerk-Treasurer, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.
(Res. 81-95, passed 2-9-1995)

POLICE RESERVES

' 33.20 TRAINING AND PROBATION.

(A) The Police Department may establish rules concerning training and probationary periods for potential reserve members, in which case a police reserve officer may not be appointed until he or she has successfully completed a mandatory training period of the required certified 40-hour pre-basic course, as per the Law Enforcement Training Board, and then placed on a one-year probationary period of service.

(B) Any reserve officer on probation may be removed from the Department at any time during the first year by the Town Marshal or by the Town Council. Reserve officers may be scheduled as needed.
(Ord. passed 9-13-2001)

' 33.21 NUMBER OF POLICE RESERVES.

The number of police reserves to be appointed by the Town Council shall not exceed five, though it is specifically contemplated that such number may be increased or decreased by the subsequent action of the Town Council.
(Ord. passed 9-13-2001)

' 33.22 APPOINTMENT AS A POLICE RESERVE.

Appointment as a police reserve officer for the town shall be made by the Town Council pursuant to such reasonable and appropriate standards as the Town Council may from time to time hereafter establish and implement.
(Ord. passed 9-13-2001)

' 33.23 POLICE RESERVES DEEMED SPECIAL OFFICERS.

The police reserves appointed pursuant to this subchapter shall be deemed special officers of the town consistent with I.C. 5-2-1-2, and shall be exempt from the formal training and schooling requirements of law enforcement officers as contemplated by I.C. 5-2-1-1 et seq.
(Ord. passed 9-13-2001)

' 33.24 SALARY.

Police reserve officers for the town shall not be paid except for court appearances.
(Ord. passed 9-13-2001)

' 33.25 UNIFORMS FOR POLICE RESERVES.

The town will furnish uniforms which include one long sleeve shirt, one short sleeve shirt, one pair of pants, one badge, one jacket and one body armor for the torso. The reserves will buy and own a .40 caliber or 9mm handgun and all necessary and leather accessories.

(Ord. passed 9-13-2001)

Statutory reference:

Similar, see I.C. 36-5-7-7

' 33.26 POLICE POWERS.

Reserve officers, after completion of 100 hours of training and upon evaluation by Town Marshal, Town Council and legal counsel shall be considered for 24-hour police authority as regular members.
(Ord. passed 9-13-2001)

CHAPTER 34: PERSONNEL POLICIES

Section

Personnel Policies

- 34.01 Adoption of personnel policy by reference

Nepotism; Conflict of Interest

- 34.15 Nepotism policy
34.16 Nepotism
34.17 Contracting with town

PERSONNEL POLICIES

' 34.01 ADOPTION OF PERSONNEL POLICY BY REFERENCE.

The town personnel policy, as adopted by Resolution 80-95, as amended from time to time, copies of which are on file in the office of the Town Clerk-Treasurer, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Res. 26, passed 1-14-1988; Ord. 144-88, passed 9-15-1988; Ord. 145-88, passed 10-13-1988; Ord. 2-89, passed 12-8-1988; Res. 80-95, passed 2-9-1995; Ord. 212-96, passed 12-12-1996; Ord. 230-01, passed 5-10-2001; Ord. 232-01, passed 6-14-2001; Ord. passed 7-12-2001; Ord. 231-01, passed 7-12-2001; Ord. passed 10-11-2001; Ord. 236-02, passed 4-11-2002; Ord. 269-06, passed 3-9-2006; Ord. 02-2008, passed 8-14-2008; Res. 01-2011, passed 7-21-2011)

NEPOTISM; CONFLICT OF INTEREST

' 34.15 NEPOTISM POLICY.

(A) For purposes of this section, ***RELATIVE*** is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law.

(B) The town finds that it is necessary and desirable to adopt a policy of conduct with regard to

nepotism in the employment with the town and in contracting with the town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as I.C. 36-1-20.2 and I.C. 36-1-21, respectively.

(C) On July 1, 2012 the town shall have a nepotism and a contracting with a unit policy that complies with the minimum requirements of I.C. 36-1-20.2 (hereinafter Anepotism policy@) and I.C. 36-1-21 (hereinafter Acontracting with the town by a relative policy@) and implementation will begin.

(D) The town nepotism policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition I.C. 36-1-20.2, nepotism, in effect on July 1 is set out in ' 31.16 hereinafter.

(E) The town contracting with a unit by a relative policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, I.C. 36-1-21, nepotism, in effect on July 1 is set out in ' 31.17 hereinafter.

(F) The town finds that both I.C. 36-1-20.2 and I.C. 36-1-21 specifically allow a unit to adopt requirements that are Amore stringent or detailed@ and that more detailed are necessary.

(G) The town further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he or she will not be in the direct line of supervision. See I.C. 36-4-6-11 and I.C. 36-5-2-9.4.

(H) The town finds that a single member of governing bodies with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.

(I) All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this section and demonstrating compliance with these same policies.

(J) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the nepotism policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the nepotism policy may be subject to action allowed by law.

(K) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the contracting with unit by a relative policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the contracting with unit by a relative policy may be subject to action allowed by law.

(L) The policies created by this section are hereby directed to be implemented by any of the following actions:

(1) Posting a copy of this section in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees;

(2) Providing a copy of this section to its employees and elected and appointed officials;

(3) Providing or posting a notice of the adoption of this section;

(4) Any such other action or actions that would communicate the policies established by this subchapter to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the town.

(M) A copy of the provisions of I.C. 36-1-20.2 and I.C. 36-1-21 effective July 1, 2012 are set out in " 31.16 and 31.17 hereinafter.

(N) Two copies of I.C. 36-1-20.2 and I.C. 36-1-21, and as supplemented or amended, are on file in the office of the Clerk-Treasurer for the town for public inspection as maybe required by I.C. 36-1-5-4. (Ord. 06-2012, passed - -)

' 34.16 NEPOTISM.

(A) I.C. 36-1-20.2 applies to this town.

(B) An individual who is employed by the town on July 1, 2012, is not subject to I.C. 36-1-20.2 unless the individual has a break in employment with the unit. The following are not considered a break in employment with the town:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the town is terminated followed by immediate reemployment by the town, without loss of payroll time.

(C) For purposes of this section, the performance of the duties of:

- (1) A precinct election officer (as defined in I.C. 3-5-2-40.1) that are imposed by I.C. 3; or
- (2) A volunteer firefighter;

is not considered employment by the town.

(D) As used in this section, ***DIRECT LINE OF SUPERVISION*** means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the town.

(E) As used in this section, ***EMPLOYED*** means an individual who is employed by the town on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the town.

(F) As used in this section, ***MEMBER OF THE FIRE DEPARTMENT*** means the fire chief or a firefighter appointed to the department.

(G) As used in this section, ***MEMBER OF THE POLICE DEPARTMENT*** means the police chief or a police officer appointed to the department.

(H) (1) As used in this section, ***RELATIVE*** means any of the following:

- (a) A spouse.
- (b) A parent or stepparent.
- (c) A child or stepchild.
- (d) A brother, sister, stepbrother, or stepsister.
- (e) A niece or nephew.
- (f) An aunt or uncle.
- (g) A daughter-in-law or son-in-law.

(2) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(3) For purposes of this section, the terms Abrother@ and Asister@ include a brother or sister

by the half blood.

(I) (1) This section establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this section. However, the policy may:

(a) Include requirements that are more stringent or detailed than any provision in this section; and

(b) Apply to individuals who are exempted or excluded from the application of this section.

The town may prohibit the employment of a relative that is not otherwise prohibited by this section.

(2) The annual report filed by a unit with the state board of accounts under I.C. 5-11-13-1 must include a statement by the executive of the town stating whether the unit has implemented a policy under this section.

(J) Individuals who are relatives may not be employed by a unit in a position that results in one relative being in the direct line of supervision of the other relative.

(K) (1) This division applies to an individual who:

(a) Is employed by the town on the date the individual's relative begins serving a term of an elected office of the town; and

(b) Is not exempt from the application of this section under division (B) above.

(2) Unless a policy adopted under division (I) above provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate division (J) above.

(3) Unless a policy adopted under division (I) above provides otherwise, an individual described in this division (K)(2) may not:

(a) Be promoted to a position; or

(b) Be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate division (J) above.

(L) This section does not abrogate or affect an employment contract with a town that:

- (1) An individual is a party to; and
- (2) Is in effect on the date the individual's relative begins serving a term of an elected office of the town.

(M) Unless the policy adopted under division (I) above provides otherwise, a sheriff's spouse may be employed as prison matron for the county under I.C. 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

(N) Unless the policy adopted under division (I) above provides otherwise, an individual:

- (1) Who served as coroner;
- (2) Who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
- (3) Who, as coroner, received certification under I.C. 36-2-14-22.3; and
- (4) Whose successor in the office of coroner is a relative of the individual;
- (5) May be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

(O) (1) If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under division (I) above provides otherwise the township trustee may hire only one employee who is a relative;

(2) The employee:

- (a) May be hired to work only in the township trustee's office;
- (b) May be in the township trustee's direct line of supervision; and
- (c) May not receive total salary, benefits, and compensation that exceed \$5,000 per year.

(P) Each elected officer of the town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An officer shall submit the certification to the executive of the town not later than December 31 of each year.

(Q) If the State Board of Accounts finds that the town has not implemented a policy under I.C. 36-1-20.2, the State Board of Accounts shall forward the information to the department of local government finance.

(R) If the town has not implemented a policy under I.C. 36-1-20.2, the department of local

government finance may not approve:

- (1) The town's budget; or
- (2) Any additional appropriations for the town;

for the ensuing calendar year until the State Board of Accounts certifies to the department of local government finance that the town is in compliance with I.C. 36-1-20.2.

(I.C. 36-1-20.2) (Ord. 06-2012, passed - -)

' 34.17 CONTRACTING WITH A UNIT.

(A) I.C. 36-1-21 applies only to the town.

(B) As used in this section, ***ELECTED OFFICIAL*** means:

- (1) The executive or a member of the executive body of the town;
- (2) A member of the legislative body of the town; or
- (3) A member of the fiscal body of the town.

(C) (1) As used in this section, ***RELATIVE*** means any of the following:

- (a) A spouse.
- (b) A parent or stepparent.
- (c) A child or stepchild.
- (d) A brother, sister, stepbrother, or stepsister.
- (e) A niece or nephew.
- (f) An aunt or uncle.
- (g) A daughter-in-law or son-in-law.

(2) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(3) For purposes of this section, the terms Abrother@ and Asister@ include a brother or sister by the half blood.

(D) (1) This section establishes minimum requirements regarding contracting with a town. The legislative body of the town shall adopt a policy that includes, at a minimum, the requirements set forth in this section. However, the policy may:

(a) Include requirements that are more stringent or detailed than any provision in this section; and

(b) Apply to individuals who are exempted or excluded from the application of this section.

The town may prohibit or restrict an individual from entering into a contract with the town that is not otherwise prohibited or restricted by this section.

(2) The annual report filed by a unit with the state board of accounts under I.C. 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this section.

(E) (1) The town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

(a) An individual who is a relative of an elected official; or

(b) A business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this division are satisfied and the elected official does not violate I.C. 35-44-1-3.

(2) The town may enter into a contract or renew a contract with an individual or business entity described in division (E)(1) if:

(a) The elected official files with the town a full disclosure, which must:

1. Be in writing;

2. Describe the contract or purchase to be made by the town;

3. Describe the relationship that the elected official has to the individual or business entity that contracts or purchases;

4. Be affirmed under penalty of perjury;

5. Be submitted to the legislative body of the town and be accepted by the legislative body in a public meeting of the town prior to final action on the contract or purchase; and

6. Be filed, not later than 15 days after final action on the contract or purchase, with:

a. The State Board of Accounts; and

b. The Clerk of the Circuit Court in the county where the town takes final action on the contract or purchase;

(b) The appropriate agency of the town:

1. Makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or

2. Makes a certified statement of the reasons why the vendor or contractor was selected; and

(c) The town satisfies any other requirements under I.C. 5-22 or I.C. 36-1-12.

(3) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.

(4) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the town begins.

(F) Each elected officer of the town shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this section. An officer shall submit the certification to the executive of the town not later than December 31 of each year.

(G) If the State Board of Accounts finds that a unit has not implemented a policy under this section, the State Board of Accounts shall forward the information to the department of local government finance.

(H) If the town has not implemented a policy under this section, the department of local government finance may not approve:

(1) The town's budget; or

(2) Any additional appropriations for the town;

for the ensuing calendar year until the State Board of Accounts certifies to the department of local government finance that the town has adopted a policy under this section.

(I.C. 36-1-21) (Ord. 06-2012, passed - -)

CHAPTER 35: FINANCES

Section

Funds

- 35.01 Cumulative Capital Improvement Fund
- 35.02 Motor Vehicle Highway Fund (MVH)
- 35.03 Levy Excess Fund
- 35.04 Roseland Town Welcome Sign Fund
- 35.05 Local Road and Street Fund (LRS)
- 35.06 Local Law Enforcement Continuing Education Fund
- 35.07 Abandoned Vehicle Fund
- 35.08 Police Donations Fund
- 35.09 Petty Cash Fund
- 35.10 Cumulative Capital Development Fund
- 35.11 General Fund expense account
- 35.12 Promotional Fund
- 35.13 Holy Cross Village Police Patrol Fund
- 35.14 Rainy Day Fund

FUNDS

' 35.01 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) *Fund established.*

(1) In accordance with the requirements of applicable state law, the Cumulative Improvement Fund is a special fund into which the cigarette taxes allotted to the town by reason of the Indiana Cigarette Tax Law, being I.C. 6-7-1 et seq., as amended, shall be deposited.

(2) The Fund is established for the purpose of receiving applicable state funds and making expenditures permitted by state statute.

(B) *Definition.* The term ***CAPITAL IMPROVEMENTS*** shall be defined as set forth by applicable state law.

(C) *Use of monies.* The Cumulative Capital Improvement Fund allows fund monies funded from cigarette taxes to be used to:

- (1) Design, develop, purchase, lease, upgrade, maintain or repair:
 - (a) Computer hardware;
 - (b) Computer software;
 - (c) Wiring and computer networks; and
 - (d) Communications access systems used to connect with computer networks or electronic gateways.
- (2) Pay for the services of full-time computer maintenance employees;
- (3) Conduct nonrecurring in-service technology training of unit employees; or
- (4) Undertake internet application development.

(1989 Code, ' 2-56) (Ord. 183-93, passed 3-11-1993; Ord. 239-02, passed 8-8-2002)

Statutory reference:

Cumulative funds and cumulative capital improvement funds, see I.C. 36-9-16-1 through 36-9-16-6 and 6-7-1-31.1

' 35.02 MOTOR VEHICLE HIGHWAY FUND (MVH).

The Motor Vehicle Highway Fund is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.

(1989 Code, ' 2-57)

' 35.03 LEVY EXCESS FUND.

According to I.C. 36-1-3, there is hereby a fund established known as the Levy Excess Fund.
(Ord. 196-95, passed 7-13-1995)

' 35.04 ROSELAND TOWN WELCOME SIGN FUND.

(A) Specific donations shall be deposited into the fund known as the Roseland Town Welcome Sign Fund.

(B) Said Fund shall be used specifically for the purchase of three town welcome signs.
(Ord. 200-96, passed 3-28-1996)

' 35.05 LOCAL ROAD AND STREET FUND (LRS).

The Local Road and Street Fund (LRS) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.
(1989 Code, ' 2-60)

' 35.06 LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND.

(A) According to I.C. 5-2-1 there shall be a fund known as the Local Law Enforcement Continuing Education Fund.

(B) All monies receipted into and disbursed from the fund shall be in accordance with I.C. 5-2-8-2.
(1989 Code, ' 2-62) (Ord. 133, passed 5-12-1988)

' 35.07 ABANDONED VEHICLE FUND.

The Town Abandoned Vehicle Fund shall be a revolving fund as established in this code of ordinances.
(1989 Code, ' 2-64)

' 35.08 POLICE DONATIONS FUND.

A Police Donations Fund is established for the purpose of receiving donations which would benefit the Police Department of the town. Appropriations therefrom shall be done pursuant to applicable state law provisions and regulations of the State Board of Accounts.
(1989 Code, ' 2-65)

' 35.09 PETTY CASH FUND.

(A) According to I.C. 36-1-8-3, there is a fund established known as the Petty Cash Fund.

(B) The maximum amount shall be \$100, and the Clerk-Treasurer shall be the custodian of the Fund.

(1989 Code, ' 2-67) (Ord. 192-94, passed 2-10-1994)

' 35.10 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is re-established a Cumulative Capital Development Fund.

(B) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund.

(C) The tax levy which will be imposed upon real property within the town shall be determined by multiplying each \$100 of assessed valuation of real estate property by the following tax rates:

(1) \$0.12 per \$100 assessed valuation levied in the first year;

(2) \$0.12 per \$100 assessed valuation levied in the second year; and

(3) \$0.12 per \$100 assessed valuation levied in the third year.

(D) The length of time during which a property tax shall be imposed under I.C. 36-9-15.5 shall be three years, commencing with the year 1994.

(E) The funds accumulated in the Cumulative Capital Development Fund shall include all of the purposes cited in I.C. 36-9-15.5.

(F) This fund takes effect upon approval of the State Board of Tax Commissioners.
(1989 Code, ' 2-68) (Ord. 188-93, passed 5-13-1993)

' 35.11 GENERAL FUND EXPENSE ACCOUNT.

An expense account identified as Amiscellaneous supplies@ is hereby established.
(Ord. 229-00, passed 8-10-2000)

' 35.12 PROMOTIONAL FUND.

(A) (1) The Town Development Fund shall pay the expense of or to reimburse town officials as the cause may be for the expense incurred in promoting the best interests of the town.

(2) A Town Development Fund is created to be used to pay expenses incurred in promoting the betterment of the town, including, but not necessarily limited to, the following:

(a) Membership dues in local, regional, state and national associations of civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal operations;

(b) Direct expenses for travel, meals and lodging in conjunction with town business or meetings of organizations to which the town belongs;

(c) Expenses incurred in the promotion of economic or industrial development for the town, including, but not limited to, meeting room rental, meals, decorations, travel, awards, memorabilia;

(d) Expenses incurred in developing relations with other units of government; and

(e) Other expenses of a civic or governmental nature deemed to be in the best interest of the town.

(B) The Town Promotional Fund shall pay for the expense incurred in the promotion of the town and town employees including, but not limited to:

(1) Town memorabilia:

(a) Polo shirts;

(b) Pens/pencils;

(c) Ball caps;

(d) Mugs; and

(e) Other merchandise.

(2) Town employees appreciation awards and/or cook out;

(3) Flowers for a death of an employee and or an elected official or a family member; and

(4) Flowers for beautification of Town Hall.

(Ord. 240-02, passed 7-11-2002)

' 35.13 HOLY CROSS VILLAGE POLICE PATROL FUND.

(A) The Town Council recognizes that the Town Police Department shall be patrolling Holy Cross Village daily and receiving payment.

(B) The Town Council believes that it is in the best interest to establish the Holy Cross Village Police Patrol Fund.

(C) The Town Council believes that the monies received shall go into this Fund and be used for the following Police Department functions:

(1) Equipment/office purchases;

(2) Equipment/vehicle repair;

(3) Uniforms; and

(4) Police vehicle lease.

(Ord. 246-02, passed 12-12-2002)

' 35.14 RAINY DAY FUND.

(A) A town in any fiscal year may transfer unused and encumbered funds in an amount that does not exceed 10% of the political subdivision's annual budget for that fiscal year, adopted under I.C. 6-1.1-17, to the Rainy Day Fund.

(B) I.C. 6-3.5-1.1-21.1 allows for a supplemental distribution of excess balances of county adjusted gross income tax, as calculated on or before October 2 of the current year and recommended by the budget agency, to be made in January of the ensuing calendar year and allocated and used in the same manner as certified distributions, to be deposited to the civil taxing unit's Rainy Day Fund.

(C) I.C. 6-3.5-6-17.3 allows for a supplemental distribution of excess balances of county economic development income tax as determined on or before October 2 of the current year and recommended by the budget agency, to be made in January of the ensuing calendar year and allocated and used in the same manner as certified distributions, to be deposited to the civil taxing units' Rainy Day Fund.

(D) There is hereby established a Rainy Day Fund and all aforementioned revenue shall be receipted into the Fund.

(E) The revenue receipted into the Rainy Day Fund shall be used for any governmental purpose.

(F) The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money. The fiscal body shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the Fund.

(Ord. 259-04, passed 3-31-2004)

CHAPTER 36: FEES

Section

- 36.01 Building permits and fees
- 36.02 Subdivision and zoning permits and fees
- 36.03 Costs for copies

' 36.01 BUILDING PERMITS AND FEES.

Specific provisions governing the requirements for building permits and fees may be found in Chapter 150 of this code of ordinances.
(1989 Code, ' 4-22)

' 36.02 SUBDIVISION AND ZONING PERMITS AND FEES.

Specific provisions governing the requirements for subdivisions and zoning may be found in Chapter 152 of this code of ordinances.
(1989 Code, ' 4-23)

' 36.03 COSTS FOR COPIES.

(A) I.C. 36-1-3 permits a unit to exercise certain powers.

(B) The Town Council shall rescind the minimum fee of \$1 per incidental copy; and a \$3 fee per certified copies; and a \$5 fee per copy of all audio tapes, and reflect on Resolution 35-88, which reads that the town shall impose a minimum fee of \$0.10 per incidental copy; and a \$2 fee per copy on certified forms upon request.

(1989 Code, ' 2-5) (Res. 35-88, passed 10-13-1988; Ord. 09-2008, passed 7-10-2008)

CHAPTER 37: TOWN POLICIES AND AGREEMENTS

Section

Town Memberships and Interlocal Cooperation

- 37.01 Payment of dues for town memberships
- 37.02 Interlocal cooperation
- 37.03 Clay Township fire protection territory agreement
- 37.04 County multi-hazard mitigation plan adopted

Other Administrative Regulations

- 37.15 Payment of claims
- 37.16 Complaint procedures
- 37.17 Monies and property obtained through authorized forfeiture or seizure

Purchasing Policies

- 37.30 Designation of purchasing agency; powers and duties; purchasing agent
- 37.31 Protection of offers; status of documents as public records
- 37.32 Discussion with offerors responding to a request for proposals
- 37.33 Delay of opening offers
- 37.34 Evidence of financial responsibility
- 37.35 Use of RFP for purchases of designated type of supplies
- 37.36 Modification and termination of contracts
- 37.37 Purchase of supplies manufactured in the United States

Americans With Disabilities Act

- 37.50 Accessibility guidelines and pedestrian facilities
- 37.51 ADA Coordinator and procedures
- 37.52 Pedestrian network

TOWN MEMBERSHIPS AND INTERLOCAL COOPERATION

' 37.01 PAYMENT OF DUES FOR TOWN MEMBERSHIPS.

(A) The Town Council is authorized to budget and appropriate funds to provide memberships for the town, its elected and appointed officials, and its boards, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal operations.

(B) The Town Council is authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the town belongs.

(1989 Code, ' 2-69)

' 37.02 INTERLOCAL COOPERATION.

The town is authorized pursuant to I.C. 36-1-7-1 through 36-1-7-12, as it may be amended from time to time, to enter into joint agreements for the purchase or exchange of property and service with other governmental bodies.

(1989 Code, ' 2-70)

' 37.03 CLAY TOWNSHIP FIRE PROTECTION TERRITORY AGREEMENT.

(A) The town hereby approves the inclusion of Harris Township as a participating unit in the Clay Township Fire Protection Territory.

(B) The town hereby approves the Agreement for Expansion of the Clay Fire Protection Territory to include Harris Township, allowing the inclusion of Harris Township as a participating unit, pursuant to the amended agreement attached hereto and made a part hereof by reference, and further authorizes its executive to execute the same and have the same recorded, following execution by all parties thereto.

(Ord. 05-2008, passed 3-13-2008)

' 37.04 COUNTY MULTI-HAZARD MITIGATION PLAN ADOPTED.

(A) The town participated jointly in the planning process with other local units of government within the county to prepare a multi-hazard mitigation plan.

(B) The town hereby adopts the St. Joseph County Multi-Hazard Mitigation Plan as an official plan.

(C) The County Emergency Management Agency will submit on behalf of the participating municipalities the adopted multi-hazard mitigation plan to the Indiana Department of Homeland Security and the Federal Emergency Management Agency for final review and approval.

(Res. 01-2010, passed 5-13-2010)

OTHER ADMINISTRATIVE REGULATIONS

' 37.15 PAYMENT OF CLAIMS.

(A) The Town Clerk-Treasurer may make claim payments in advance of Council allowance for the following expenses:

- (1) License and permit fees;
- (2) Insurance premiums;
- (3) Utility payments;
- (4) Grants of state and federal funds authorized by statute;
- (5) Maintenance or service agreements;
- (6) Leases or rental agreements;
- (7) Principal and interest payments on bonds;
- (8) Bond or coupon payments;
- (9) Payroll; and
- (10) State, federal or county taxes.

(B) Each payment of expenses under this section must be supported by a fully itemized claim.

(C) The town legislative body or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the body=s or Council=s next regular or special meeting following the pre-approved payment of the expense.

(1989 Code, ' 2-75) (Ord. 176-92, passed 6-11-1992)

' 37.16 COMPLAINT PROCEDURES.

(A) Any citizen of or business in the town desirous of filing a complaint concerning any matter in which the town has jurisdiction, authority or an interest therein, shall reduce or record the complaint in writing before delivering, mailing or presenting the complaint to a Council member or Town Clerk-Treasurer.

(B) This written complaint shall be specific and clear enough so as to permit the Town Clerk-Treasurer or Council member to investigate and must be signed by complainant.

(C) This written requirement for presenting complaints may be waived by a Council member or Town Clerk-Treasurer in cases of emergency or extraordinary circumstances.
(1989 Code, ' 2-76)

' 37.17 MONIES AND PROPERTY OBTAINED THROUGH AUTHORIZED FORFEITURE OR SEIZURE.

The Town Police Department, through the Town Marshal, is authorized to apply to the appropriate authority for the transfer of money and property forfeited or seized pursuant to state or federal laws, and the Town Marshal is further hereby authorized to accept any such money or property transferred to the Town Police Department, provided that the transfer of any forfeited or seized money or property complies with the following conditions:

(A) Any money and property transferred will be used for law enforcement purposes, including, but not limited to, the payment of salaries, the purchase of vehicles, the purchase of equipment and the placement of property into official use;

(B) All money received pursuant to a request for transfer will be deposited and accounted for consistent with applicable state laws, regulations and State Board of Account requirements;

(C) Upon request, the Town Marshal must furnish a report to the Town Council on the actual use of the money or property transferred; and

(D) Any funds advanced by the town in aid of the Police Department receiving a transfer of money or property shall be reimbursed before any seized money or property is used by the Police Department.
(Ord. 222-98, passed 8-13-1998)

PURCHASING POLICIES

' 37.30 DESIGNATION OF PURCHASING AGENCY; POWERS AND DUTIES; PURCHASING AGENT.

(A) The Town Council is established as the purchasing agency for the town.

(B) The purchasing agency shall possess all the powers and duties authorized under I.C. 5-22 (the AAct@), as may be supplemented from time to time by ordinances adopted by the Council and policies adopted by the purchasing agency.

(C) The purchasing agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the town.

(D) The purchasing agency may designate in writing any employee of the town as a purchasing agent.

(Ord. 221-98, passed 6-17-1998; Ord. passed 12-10-1998)

' 37.31 PROTECTION OF OFFERS; STATUS OF DOCUMENTS AS PUBLIC RECORDS.

(A) *Protection of offers prior to opening.* The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. passed 12-10-1998)

' 37.32 DISCUSSION WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(Ord. passed 12-10-1998)

' 37.33 DELAY OF OPENING OFFERS.

When the Town Council makes a written determination that is in the town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(Ord. passed 12-10-1998)

' 37.34 EVIDENCE OF FINANCIAL RESPONSIBILITY.

(A) *Purchases less than \$25,000.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(B) *Purchases between \$25,000 and \$100,000.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.
(Ord. passed 12-10-1998)

' 37.35 USE OF RFP FOR PURCHASES OF DESIGNATED TYPE OF SUPPLIES.

Consistent with and subject to the Act, the town reserves the right to make requests for proposals if it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding, and receiving proposals is the preferred method for purchasing a particular type of supplies.
(Ord. passed 12-10-1998)

' 37.36 MODIFICATION AND TERMINATION OF CONTRACTS.

(A) *Price adjustments.*

(1) The purchasing agent may include provisions to permit price adjustments in a purchase contract.

(2) The following provisions for price adjustments may be included:

(a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(c) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(d) Price adjustments must be computed in such other manner as the contracting parties may mutually agreed upon; or

(e) In the absence of agreement by the parties, price adjustments must be computed by a

unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) *Unilateral rights of town.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual amount delivered.

(Ord. passed 12-10-1998)

' 37.37 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines that:

(A) The supplies are not manufactured in the United States in reasonably available quantities;

(B) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(D) The purchase of supplies manufactured in the United States is not in the public interest.
(Ord. 221-98, passed 6-17-1998; Ord. passed 12-10-1998)

AMERICANS WITH DISABILITIES ACT

' 37.50 ACCESSIBILITY GUIDELINES AND PEDESTRIAN FACILITIES.

The Town Council hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.
(Res. 08-2012, passed 12-27-2012)

' 37.51 ADA COORDINATOR AND PROCEDURES.

(A) The Clerk-Treasurer is designated as the ADA Coordinator for the town.

(B) The notice under the Americans with Disabilities Act, a copy of which is attached to the resolution codified herein, is adopted as the town notice under the Americans with Disabilities Act.

(C) The town grievance procedure under the Americans with Disabilities Act, a copy of which is attached to the resolution codified herein, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the town.

(D) In compliance with federal and state laws as set forth above, the Town Council resolves to post the required information regarding the ADA Coordinator, notice under the Americans with Disabilities Act, and town grievance procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

(Res. 09-2012, passed 12-27-2012)

' 37.52 PEDESTRIAN NETWORK.

The Town Council approves the ADA transition plan: pedestrian network.

(Res. 10-2012, passed 12-27-2012)

