

TITLE III: ADMINISTRATION

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CHAPTER 30: LEGISLATIVE AUTHORITY

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§ 30.01 LEGISLATIVE AUTHORITY.

The legislative authority of the city shall be vested in Common Council.

(I.C. 36-4-6-2) ('64 Code, § 30.1)

Statutory reference:

Division of powers of cities, see I.C. 36-4-4-1

Powers of the City Council, see I.C. 36-4-6-18

§ 30.02 COUNCILMANIC DISTRICTS.

(A) The councilmanic districts of the city are designated, defined, described, and established as follows:

(1) Councilmanic District 1. The following precincts shall be included and comprise Councilmanic District 1: 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, RICH-5 and UN-8.

(2) Councilmanic District 2. The following precincts shall be included and comprise Councilmanic District 2: 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, and 2-8.

(3) Councilmanic District 3. The following precincts shall be included and comprise Councilmanic District 3: 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, FC-2, FC-8, FC-9, FC-10, ADM-1 and ADM-3.

(4) Councilmanic District 4. The following precincts shall be included and comprise Councilmanic District 4: 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 4-7.

(5) Councilmanic District 5. The following precincts shall be included and comprise Councilmanic District 5: 5-1, 5-2, 5-3, 5-4, 5-5, 5-6 and LAF-4.

(6) Councilmanic District 6. The following precincts shall be included and comprise Councilmanic District 6: 6-1, 6-2, 6-3, 6-4, 6-5, 6-6 and 6-7.

(B) A councilmanic district map identifying and showing the boundaries of each councilmanic district and the wards and precincts included in each councilmanic district is on file in the office of the City Clerk for public inspection.

('64 Code, § 30.2) (Ord. 31-63, passed 10-29-63; Am. Ord. 8-67, passed 2-9-67; Am. Ord. 26-74, passed 6-13-74; Am. Ord. 100-82, passed 12-13-82; Am. Ord. 58-02, passed 12-16-02; Am. Ord. 103-04, passed 1-13-05; Am. Ord. 33-12, passed 12-13-12)

Statutory reference:

Council election districts in second-class cities, see I.C. 36-4-6-3

CHAPTER 31: EXECUTIVE AUTHORITY

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- 31.06 Claim payments in advance
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§ 31.01 ELECTIVE OFFICERS.

(A) The elective officers of the city shall be

- (1) The Mayor;
- (2) The City Clerk;
- (3) The City Judge; and
- (4) The members of Common Council.

(B) Such officers shall be elected in accordance with provisions of the state election laws. ('64 Code, § 31.1)

Statutory reference:

City primaries and elections, see I.C.

3-10-6-1 et seq.

Election of City Clerk, see I.C. 36-4-10-2

Election of Common Council, see I.C. 36-4-6-2

Election of Mayor, see I.C. 36-4-5-2

Powers and duties of City Clerk, see I.C. 36-4-10-4

Powers and duties of Mayor, see I.C. 36-4-5-3

§ 31.02 EXECUTIVE AUTHORITY.

(A) The executive and administrative authority of the city shall be vested in the Mayor, City Clerk, such departments as are provided by state law, and in such other officers as may be appointed by virtue of state law.

(B) The Mayor is the city executive and head of the executive branch and executive cabinet. The Mayor shall faithfully perform the duties and exercise the responsibilities of a city executive as required under the laws of the state, including but not limited to those contained in I.C. 36-4-5-3; as well as those contained in the city code.

(I.C. 36-4-4-3) ('64 Code, § 31.3) (Ord. 30-83, passed 5-12-83)

Cross-reference:

Mayor to preside at city cabinet meetings, see § 31.05(B)

§ 31.03 CONFLICT OF INTEREST.

(A) Whenever a claim, contract, purchase, or other matter comes before an executive agency for consideration, and a member of the agency or staff of the agency has a pecuniary interest in such matter, then:

(1) The public servant who has a pecuniary interest in the matter shall inform the agency of the interest, and

(2) The matter shall be referred to the president of the Common Council for assignment to a standing or special committee of the Council for consideration.

(B) The committee to which such matter is assigned is hereby empowered to act on such matter as if it were the executive agency originally having jurisdiction.

(C) It is the intent of this section that conflicts of interest in the executive branch be avoided, and the power here conferred upon the legislative branch to consider and take action on claims, contracts and purchases is limited to circumstances where consideration and action by an executive agency would constitute a violation of Indiana Public Law 304, Acts 1981.

(Ord. 51-81, passed 8-27-81)

§ 31.04 THIRTY-NINE ACCOUNT.

(A) There is established the Thirty-Nine Account in the budget for the office of Mayor.

(B) The Common Council is authorized to budget and appropriate funds from the general fund or from any other fund to pay the expenses incurred in promoting the goodwill and betterment of the city.

(C) Expenses from this account may include, but are not necessarily limited to the following:

(1) Membership dues 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 government operations.

(2) Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals, and travel.

(4) Commemorative plaques, certificates, or objects such as commemorative keys.

(5) Other purposes which are deemed by the Mayor to directly relate to the promotion of goodwill or betterment of the city.

(D) No expenses shall be allowed from this fund without prior authorization and approval of the Mayor. Claims for expenses under this account shall be allowed as prescribed by law.

(Ord. 73-82, passed 11-10-82)

§ 31.05 EXECUTIVE DEPARTMENTS; CITY CABINET.

(A) The executive branch of the city shall consist of the office of the Mayor, and the following executive departments:

- (1) Department of Finance
- (2) Department of Law
- (3) Department of Public Works
- (4) Department of Public Safety
- (5) Department of Parks and Recreation
- (6) Department of Personnel, Safety and Insurance
- (7) Department of Community Services and Economic Development

(B) In accordance with I.C. 36-4-5-6, the Mayor and the respective department heads shall constitute the cabinet of the executive branch. The cabinet shall meet at least once per month with the Mayor for consultation upon the affairs of the city. The Mayor may request the attendance at such meetings of any other person or group of persons whose presence is deemed to be necessary or helpful.

(Ord. 30-83, passed 5-12-83)

Statutory reference:

Establishment of executive departments, see I.C. 36-4-9-4

§ 31.06 CLAIM PAYMENTS IN ADVANCE.

(A) The Controller of the city may make claim payments in advance of Board allowance for the following types of expenses:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advanced funding is not prohibited; and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) A product or service for which the City Council has accepted a bid.
- (14) Any expense authorized by the City Controller.

(B) Each payment of expenses by the Controller pursuant to division (A) of this section must be supported by a fully itemized invoice or bill and certification by the Controller and the claim shall be reviewed for allowance at the next regular or special meeting of the city board having jurisdiction following the preapproved payment of the expense.

(Ord. 65-95, passed 12-14-95; Am. Ord. 51-96, passed 9-19-96)

§ 31.07 NOTIFICATION OF COUNCIL SCHEDULING.

(A) As soon as reasonably possible after general elections for city offices have been held in November, but in any case before November 20 of that year, the City Clerk shall notify all Council members who were elected to serve the following year, the Mayor elected to serve the following year and the Clerk elected to serve the following year of all scheduled meetings of the Common Council known, anticipated or scheduled.

(B) The notification required by this section shall be in writing and conveyed to the persons required to be notified either by certified U.S. Mail or by an employee of the Clerk's office personally handing a copy to the person required to be notified.

(Ord. 12-04, passed 3-11-04)

CHAPTER 32: DEPARTMENTS

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Cross-reference:

*Approval of expenditures and contracts by
Common Council required, § 30.03
Department of Stormwater Management, Ch.
51A*

***DEPARTMENT OF
EMERGENCY MANAGEMENT*****§ 32.01 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY. A condition resulting from enemy attack, or other hostile action, or from natural or technological disaster, which cannot be handled by normal operating personnel or facilities.

EMERGENCY MANAGEMENT. The preparation for and the execution of all emergency functions, other than functions for which the military forces are primarily responsible for, for protection against and to minimize injury and repair damage resulting from enemy attack, sabotage, hostile action, natural or technological disasters.

EMERGENCY MANAGEMENT VOLUNTEER. Any person who serves without compensation in the Emergency Management organization.

NATURAL DISASTER. Any condition seriously affecting or threatening public health, welfare, or security as a result of a blizzard, drought, earthquake, flood, landslide, tornado, subsidence, or wild fire which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. Riots, insurrection, or other civil disturbances shall not be included within the meaning of ***NATURAL DISASTER.***

TECHNOLOGICAL DISASTER. Any condition seriously affecting or threatening public health, welfare, or security as a result of severe fire, riots, civil disturbance, hazardous materials incident, fuel or material shortage, terrorism, enemy attack, or similar technological or accidental cause which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. ('64 Code, § 32.1) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.02 DEPARTMENT CREATED.

A Department of Emergency Management is created for the purpose of utilizing to the fullest extent the personnel and facilities of existing city departments and agencies to prepare for and meet any emergency as defined in § 32.01. The Mayor shall be responsible for its organization, administration, and operation. The organization shall consist of the following:

(A) A Department of Emergency Management shall exist within the executive department of the city government. There shall be an executive head of the

Department of Emergency Management appointed by the Mayor and approved by the City Council, who shall be known as the Director of Emergency Management, and such assistance, clerical help, other employees, and Emergency Management volunteers as are deemed necessary to the proper functioning of the organization. The term of office of the Director shall be four years.

(B) A Deputy Director of Emergency Management who shall be appointed by the Director with the approval of the Mayor, who shall serve until replaced.

(C) City Department Heads with responsibility for health, emergency care, police, fire and rescue, debris removal, utilities, public education, and wardens appointed by the Mayor, shall, so far as possible, assume the duty assignments during emergency operations, and it is the intent of this subchapter that these additional duties shall be as nearly consistent with normal duty assignments as possible.

(D) The employees, equipment, and facilities of all city departments and agencies suitable for, or adaptable to Emergency Management and designated by the Mayor to participate in the Emergency Management activity.

(E) Emergency Management volunteers, including persons and private agencies or government units offering services to the organization. ('64 Code, § 32.2) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

Cross-reference:

Board of Public Safety to have supervision over, see § 33.02

§ 32.03 MAYOR’S POWERS AND DUTIES.

(A) The powers and duties of the Mayor pertaining to Emergency Management in time of normal city operation are to maintain general supervision over the planning and administration for the Emergency Management organization and the execution of the Emergency Management Plan. He shall coordinate the Emergency Management activities

and make emergency assignments of Emergency Management forces in order to meet situations not covered in the normal duties of such forces.

(B) The Mayor and Department Heads, shall, within thirty days after taking office or within thirty days after the appointment to an office, designate a “line of succession” and specify their rank in order of succession after any duly authorized interim successor so that there will be not less than three duly authorized interim successors for each official.

(C) The Mayor may take all necessary action to exercise the Emergency Operations Plan.

(D) In the event of actual or threatened enemy attack, or natural or technological disaster, the Mayor, or in his absence or inability to serve, the Mayor Pro Tem, as defined by line of succession, and as conservator of the peace, shall:

(1) Declare a state of emergency within the city thereby placing in effect the Emergency Operations Plan required by this subchapter.

(2) As soon as may be thereafter, convene the City Council to perform its legislative and administrative functions as the situation may demand. In the event that one or more members of the council are declared “unavailable” pursuant to this section during a proclaimed state of emergency, a majority of the remaining council members may designate an “emergency interim successor” to the powers and duties of such unavailable council member or members. In the event that the remaining council members fail to act or are unable to act within a reasonable time during the state of emergency and the appointment of the “emergency interim successors” is required to enable the council to continue functioning, the Mayor, or Mayor Pro Tem, may designate “emergency interim successor” to the powers and duties of any unavailable council members.

(3) Status of “Emergency Interim Successor.”

(a) A person designated as an “emergency interim successor” holds that designation at the pleasure of the designator; provided, that he/she

must be replaced if removed. Such person retains this designation until replaced, termination of state of emergency, or return of council member that has requested reappointment by the president of the City Council.

(b) Formalities of taking office. At the time of their designation, “emergency interim successors” shall take the oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

(4) When a state of emergency has been declared, the council, by concurrent resolution, may terminate a local state of emergency at anytime. A state of emergency shall not be continued or renewed for a period in excess of seven days except by or with the consent of the council.

(5) When a state of emergency has been declared, the Mayor shall assemble and utilize Emergency Management and prescribe the manner and conditions of their use.

(6) Request the state, its agencies, or political subdivisions to send aid if the situation is beyond the control of the regular and emergency city forces.

(7) Have the power to command services and the use of equipment and facilities for such work and duties as the city may require to aid the regular and volunteer city forces in time of emergency.

(8) Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary to exercise the Emergency Operations Plan. All such regulations shall be subject to approval of the Council as soon as practicable subsequent to promulgation.

(D) The Mayor, or Mayor Pro Tem shall have the power to order Emergency Management personnel to the aid of the state or political subdivisions thereof subject to Council review as soon as practicable. ('64 Code, § 32.3) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.04 DIRECTOR AND DEPUTY DIRECTOR.

(A) The Director and Deputy Director shall meet the following qualifications:

(1) Completion of Introduction to Emergency Management and Emergency Planning courses as administered by and through the State and the Federal Emergency Management Agency (FEMA).

(2) Have knowledge of, or taken courses in Disaster Recovery Operations as administered by and through the State and the Federal Emergency Management Agency (FEMA).

(3) Have been trained with regard to Hazardous Materials - Operations Level as defined in CFR 1910.120.

(B) The Director shall be executive head of the Department of Emergency Management, and shall have responsibility for the organization, administration, and operation of the Emergency Management organization subject to the direction and control of the Mayor.

(C) The Director shall be responsible for public relations, information, and education regarding all phases of Emergency Management.

(D) The Director shall be responsible for the development of a Emergency Operations Plan, and on adoption, shall be responsible for such implementation, revision and distribution of the plan as to maintain it on a current state of readiness at all times.

(E) The Director shall coordinate all activities for Emergency Management and emergency operations, and shall maintain liaison and cooperate with all other interested and affected agencies, public and private.

(F) The Director shall initiate mutual aid agreements, upon approval of legal council, with public, private and neighboring jurisdictions to overcome any shortfalls in city resources or personnel.

(G) The Director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for Emergency Management purposes.

(H) The Director may issue proper insignia and papers to Emergency Management workers and other persons directly concerned with Emergency Management.

(I) The Director is authorized to exercise the powers granted to the Mayor in § 32.02 hereof, either in the absence or inability to serve of the Mayor and Mayor Pro Tem, or where delay in the exercise of such powers would be contrary to the public interest.

(J) During the time of normal city operations the Deputy Director of Emergency Management shall assist the Director in the performance of his duties. During an emergency the Deputy Director shall assist the Director and shall fulfill the duties of the Director in his absence or inability to serve.
(‘64 Code, § 32.4) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.05 EMERGENCY MANAGEMENT AND THE EMERGENCY OPERATIONS PLAN.

As soon as practicable, a comprehensive Emergency Operations Plan shall be adopted by resolution of the City Council on the recommendation of the Mayor. In the preparation of this plan, as it pertains to city organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent possible. When approved, it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. All officers and employees of the city shall cooperate with and give active support to the Mayor and Director of Emergency Management issued pursuant to this chapter.
(‘64 Code, § 32.5) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.06 FUNDS AND APPROPRIATIONS.

(A) The City Council shall appropriate such funds as it may deem necessary for the purpose of Emergency Management Operations.

(B) Such funds shall be administered by the Director of Emergency Management subject to the approval of the Board of Public Safety.

(C) A non-reverting account shall be established to allow donations to be accepted and administered by the Director of Emergency Management for the utilization of Emergency Management purposes, with the approval of the Board of Public Safety.
(‘64 Code, § 32.6) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.07 RESPONSIBILITY OF CITY.

(A) The city, and its accredited personnel, shall be held blameless and without responsibility for the loss of life or injury to any person or the destruction of any property during a Emergency Management exercise or emergency.

(B) Owners of property commandeered for use in any emergency by any proper official shall be reimbursed for its use by the city in a manner approved by the City Council.
(‘64 Code, § 32.7) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98)

§ 32.08 MERIT SYSTEM FOR DEPARTMENT.

(A) There is established a merit system of personnel administration for all employees of the Emergency Management Agency of the city to be serviced by the state personnel division of the state.

(B) The Municipal Emergency Management Director is authorized and directed to enter into such arrangements and agreements with the State Emergency Management Agency and the state personnel division as may be necessary to provide for

a continuing merit program of personnel administration for all municipal Emergency Management employees.

(C) Such merit program shall be serviced by the state personnel division pursuant to the authority granted by § 37, Chapter 139, Act of 1941 of the Acts of the General Assembly, page 387 of the State Personnel Act, and shall meet the federal merit system standards of the United States Department of Defense, including the exemption of any positions from the merit program as is recognized in these same federal standards.

(D) For the purpose of administration of the merit program for all employees of the Emergency Management Agency, the Municipal Emergency Management Director is considered and designated as the appointing officer.

(‘64 Code, § 32.9) (Ord. 2-62, passed 1-17-62; Am. Ord. 37-98, passed 7-9-98)

§ 32.09 VIOLATIONS OR OBSTRUCTIONS.

It shall be unlawful for any person willfully to obstruct, hinder, or delay the Emergency Management Agency in the enforcement of any rule or regulation issued pursuant to §§ 32.01 through 32.08, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the Emergency Management Agency of the city unless authority so to do has been granted to such person by the proper officials.

(‘64 Code, § 32.99) (Ord. 2427, passed 9-15-59; Am. Ord. 37-98, passed 7-9-98) Penalty, see § 10.99

Cross-reference:

Violating regulations or orders, see § 130.99

DEPARTMENT OF AIR POLLUTION CONTROL

§ 32.10 DEPARTMENT OF AIR POLLUTION CONTROL.

For provisions regarding the Department of Air Pollution Control see § 90.011.

DEPARTMENT OF COMMUNITY DEVELOPMENT

§ 32.15 DEPARTMENT CREATED.

There is created the Department of Community Development of the city, which shall be organized by the Director, who shall have control of all matters and things pertaining to the work of the Department. (Ord. 74-74, passed 12-30-74)

§ 32.16 COMPOSITION.

The Department of Community Development shall have such staff and employees as shall be necessary for the efficient and effective performance of its functions including, but not limited to the following, a deputy director, project coordinator, neighborhood improvement officers, and administrative secretaries, together with such other permanent and temporary employees as shall be deemed needful for its purposes.

(Ord. 74-74 passed 12-30-74)

§ 32.17 DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

The Director of the Department of Community Development shall be appointed by the Mayor, with the concurrence of the Common Council, shall serve

at the pleasure of the Mayor and shall have full authority, responsibility, and accountability for all of the functions of the Department of Community Development, including its financial records and recording processes.

(Ord. 74-74 passed 12-30-74)

§ 32.18 DUTIES OF OFFICERS.

The officers of the city charged by law for the performance of duties in respect to the funds and accounts of the city shall perform the same duties with respects to the funds and accounts of the Department of Community Development. To the extent that the handling, deposit, and application of project funds resulting from advances, temporary and definitive loans, contributions, or any other forms of financial assistance form the federal government or any of its duly constituted or authorized agencies is required to be done in a manner specified by any federal law, rule, or regulation, such law, rules, and regulations shall be complied with in every instance.

(Ord. 74-74 passed 12-30-74)

DEPARTMENT OF DEVELOPMENT

§ 32.25 DEPARTMENT CREATED.

(A) There is created a Department of Development known as the Economic Development Commission, which shall be entitled to exercise all the rights, powers, and privileges accorded to such Department by the Municipal Economic Development Act of 1965, as amended by Chapter 240, Acts of the General Assembly of the State of Indiana, 1967, and Public Law 267 of the General Assembly of the State of Indiana, 1971.

(B) Such Department of Development shall be under the control of a Board of five members to be known as the Economic Development Commission.

(Ord. 7-72, passed 1-31-72; Am. Ord. 73-74, passed 12-30-74; Am. Ord. 56-79, passed 11-19-79)

Cross-reference:

Economic development target areas, see T.S.O. VIII

Statutory reference:

Promotion of economic development, see I.C. 36-7-12-3

§ 32.26 COMMISSION MEMBERS; APPOINTMENT; TERMS.

(A) There is created a Board to be known as the Economic Development Commission. Three members of the Commission shall be selected by the Mayor, one shall be nominated by the Madison County Council, and one shall be nominated by the Common Council of the city. The nomination made by the County Council and the Common Council shall be transmitted to the Mayor in writing within ten days after the adoption of this subchapter. The Commissioners shall take office on their appointment, and their terms shall run the following number of years from February 1 following such original appointment.

(B) The Commissioner nominated by the Common Council, two years, the Commissioner nominated by the County Council, one year, the three Commissioners selected by the Mayor three years. At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Mayor within ten days after receiving such nominations, and each succeeding member shall serve for a term of four years.

(C) In the event any person appointed as Commissioner shall fail to qualify within ten days after the mailing to him a notice of his appointment, or if any member after qualifying shall die, resign, or vacate such office, or be removed as hereinafter provided, a new member shall be chosen and

appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms, until their respective successors have been duly appointed and qualified. Such Commissioners shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

(Ord. 7-72, passed 1-31-72; Am. Ord. 73-74, passed 12-30-74; Am. Ord 56-79, passed 11-19-79)

Statutory reference:

Economic Development Commission, see I.C. 36-7-12-5

§ 32.27 QUALIFICATIONS OF COMMISSIONERS.

Commissioners shall have the qualifications prescribed by the Economic Development Act of 1965, as amended, and qualify as therein provided, shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by the act.

(Ord. 7-72, passed 1-31-72)

§ 32.28 DUTIES OF OFFICERS.

(A) The officers of the city charged by law with the performance of duties in respect to the funds and accounts of the city, shall perform the same duties with respect to the funds and accounts of the Department of Development, except as otherwise provided for in the Economic Development Act, as amended.

(B) Except that it is further provided that the handling deposit and application of project funds resultant from advances, temporary and definitive loans, grants, contributions, or any other form of financial assistance from the federal government or

any of its duly constituted or authorized agencies shall be performed according to the requirements of the federal government or its agencies.

(Ord. 7-72, passed 1-31-72; Am. Ord. 73-74, passed 12-30-74)

DEPARTMENT OF ENGINEERING

§ 32.35 GENERAL FUNCTIONS.

The following general functions shall be carried on by the Department of Engineering under the authority and general supervision of the Board of Public Works of the city:

(A) The design, construction, and maintenance of sewers;

(B) The design, construction, and maintenance of streets, alleys, and public ways;

(C) Enforcement of building, electrical, plumbing, and zoning codes by means of inspection services;

(D) Civil engineering, advice and services to the municipal utilities on request;

(E) Collection and preservation of maps, plans, and surveys and other data pertinent to the above activities;

(F) Collection and preparation of plans and records required by the city planning committee and the Board of Zoning Appeals;

(G) Assistance and advice on request to special consultants or consulting firms employed by the Board of Public Works or other public groups.

(‘64 Code, § 34.1) (Ord. 2305, passed 6-19-56)

§ 32.36 CONSULTANT TO STREET COMMISSIONER.

In addition to the duties enumerated above and in order to carry out these duties, the City Engineer shall also act as consultant to the Street Commissioner and shall be paid compensation for additional services and duties performed in the sum fixed by the Council per calendar year from funds allocated to the Street Department.

(‘64 Code, § 34.2) (Ord. 2305, passed 6-19-56)

DEPARTMENT OF FINANCE

§ 32.45 DEPARTMENT OF FINANCE.

(A) *Creation.* There is hereby created a Department of Finance, which shall be headed by the City Controller as Department head. The City Controller shall report to the Mayor, and shall be appointed by and serve at the pleasure of the Mayor.

(B) *Powers, duties, and responsibilities.* The powers, duties, and responsibilities of the Department of Finance shall include but not be limited to the following:

- (1) The development and oversight of Departmental budgets and monetary expenditures.
- (2) Planning, recording, and controlling of the financial affairs of the city.
- (3) Providing support and technical assistance to all executive departments.
- (4) The development and implementation of financial policies both within the Department of Finance and for the city at large.

(5) All other powers, duties, and responsibilities as required by the laws of the state, the code of ordinances of the city, and the Mayor. (‘64 Code, § 31.4(1)) (Ord. 30-83, passed 5-12-83)

Statutory reference:

Establishment of executive departments, see I.C. 36-4-9-4

Powers and duties of fiscal officer, see I.C. 36-4-10-5

DEPARTMENT OF LAW

§ 32.50 DEPARTMENT OF LAW.

(A) *Creation.* There is hereby created a Department of Law, headed by a department head who shall be the Corporation Counsel for the city. The Corporation Counsel shall report to the Mayor and shall be appointed by and serve at the pleasure of the Mayor.

(B) *Powers, duties, and responsibilities.* The powers, duties, and responsibilities of the Department of Law shall include but not be limited to the following:

- (1) Managing the legal affairs of the city.
- (2) Prosecuting violators of city ordinances.
- (3) Giving legal advise to the officers, departments, boards, commissions and other agencies of the city.
- (4) Drafting ordinances or other legal documents for the city and its departments, boards, commissions, and other agencies when requested by the proper officers.
- (5) Maintaining custody of the records of the Legal Department.
- (6) Making all title searches and examining all abstracts required in public work of any kind.

(7) Commencing all proceedings necessary or advisable for the protection of the enforcements of the rights of the city and public.

(8) Using all diligence to collect costs, fees, and recoveries within the scope of his duties.

(9) Reporting to the Mayor upon all important legal matters affecting the city.

(10) Reporting, in writing, to the City Controller all judgments for which the city is liable.

(11) Exercising such other powers, duties, and responsibilities as may be assigned by the statutes of the state, the ordinances of the city, and the Mayor. ('64 Code, § 31.4(2)) (Ord. 30-83, passed 5-12-83)

Statutory reference:

Establishment of executive departments, see I.C. 36-4-9-4
Department of Law, see I.C. 36-4-9-11, 36-4-9-12

DEPARTMENT OF PUBLIC SAFETY

§ 32.55 DEPARTMENT OF PUBLIC SAFETY.

(A) *Creation.* There is hereby created a Department of Public Safety, headed by the Chairman of the Board of Public Safety, who shall report to the Mayor. Members shall be appointed by and serve at the pleasure of the Mayor.

(B) *Powers, duties, and responsibilities.* The powers, duties, and responsibilities of the Department of Public Safety, to be exercised under the operational authority of the Board of Public Safety in accordance with I.C. 36-8-3-1 *et seq.*, shall include but not be limited to the following:

(1) The development and enactment of policies, actions, and programs for the Departments of Fire, Police, Animal Control and Civil Defense, and

the office of the Department of Municipal Development relative to safety of the atmosphere, buildings and/or properties;

(2) Provision for the public safety of the city and its citizens;

(3) Liaison and administrative assistance to the Office of Weights and Measures; and

(4) All other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances of the city, and the Mayor. ('64 Code, § 31.4(4)) (Ord. 30-83, passed 5-12-83; Am. Ord. 9-07, passed 2-8-07)

Cross-reference:

Board of Public Safety, see § 33.01

Statutory reference:

Establishment of executive departments, see I.C. 36-4-9-4
Membership, see I.C. 36-4-9-6

DEPARTMENT OF PUBLIC WORKS

§ 32.60 DEPARTMENT OF PUBLIC WORKS.

(A) *Creation.* There is hereby created a Department of Public Works headed by the Chairman of the Board of Public Works, who shall report to the Mayor and shall be appointed by and serve at the pleasure of the Mayor.

(B) *Powers, duties, and responsibilities.* The powers, duties, and responsibilities of the Department of Public Works, to be exercised under the operational authority of the Board of Public Works in accordance with I.C. 36-9-6-1 *et seq.*, shall include but not be limited to the following:

(1) Development and implementation of policies and enactment of programs and actions in the areas of utilities, data processing, streets and roads, sewer maintenance, water pollution control, central services, mass transit, and engineering.

(2) The maintenance of the public right-of-way of the city.

(3) The management of traffic, including but not limited to signalization, signage, and engineering.

(4) All other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances of the city, and the Mayor. ('64 Code, § 31.4(3)) (Ord. 30-83, passed 5-12-83)

Cross-reference:

Board of Public Works, see § 33.10

Statutory reference:

Establishment of executive departments, see I.C. 36-4-9-4

Membership, see I.C. 36-4-9-6

DEPARTMENT OF REDEVELOPMENT

§ 32.65 DEPARTMENT CREATED.

There is created the Department of Redevelopment, which shall be entitled to exercise all the rights, powers, privileges, and immunities accorded to such Department by the Redevelopment of Cities and Towns Act of 1953, Acts 1953, Chapter 176, General Assembly of the State of Indiana, as amended from time to time by all acts amendatory thereto.

('64 Code, § 33.1) (Ord. 2414, passed 5-19-59; Am. Ord. 7-70, passed 2-23-70)

Statutory reference:

Redevelopment of cities and towns, see I.C. 36-7-14-1 et seq.

§ 32.66 REDEVELOPMENT COMMISSION.

Such Department of Redevelopment of the city shall be under the control of a Board of five members to be known as the Redevelopment Commission.

('64 Code, § 33.2) (Ord. 2414, passed 5-19-59)

Statutory reference:

Redevelopment Commission, see I.C. 36-7-14-3

§ 32.67 REDEVELOPMENT TRUSTEES.

(A) There is created a Board to be known as the redevelopment trustees. Two of the trustees shall be selected by the Mayor, one shall be nominated by the judge of the Madison Circuit Court, and two shall be nominated by the Common Council. The nominations made by the judge of the Madison Circuit Court and the Common Council shall be transmitted to the Mayor in writing within ten days. One of the trustees nominated by the Common Council shall be appointed for a term of one year, and one for a term of four years, the trustee nominated by the judge of the Madison Circuit Court shall be appointed for a term of two years, and one of the trustees selected by the Mayor shall be appointed for a term of three years, and one for a term of four years, from the date of such appointments.

(B) At the expiration of the respective terms of each of the trustees originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Mayor within ten days after receiving such nominations, and each succeeding member shall serve for a term of four years. In the event any person appointed as a trustee shall fail to qualify within ten days after the mailing to him a notice of his appointment, or if any member after qualifying shall die, resign, or vacate such office by becoming a nonresident of the city, or be removed, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term. Trustees shall hold over after the expiration of their terms until their successors have been duly appointed and qualify. Such trustees shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

('64 Code, § 33.3) (Ord. 2444, passed 3-8-60)

§ 32.68 QUALIFICATIONS OF TRUSTEES.

Such trustees shall have the qualifications prescribed by the Redevelopment of Cities and Towns Act of 1953, as amended, and shall qualify as therein

provided, and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by the act.

('64 Code, § 33.4) (Ord. 2414, passed 5-19-59)

§ 32.69 APPOINTMENT OF COMMISSIONERS.

Each of the five Commissioners shall be appointed by a majority vote of the trustees and shall serve for one year from January 1 next following his appointment and until his successor is appointed and qualified. If a vacancy occurs the trustees shall appoint a successor in like manner, who shall serve for the remainder of the vacated term. The Commissioners first appointed shall serve from the date of their appointment until January 1 of the second year following their appointment.

('64 Code, § 33.5) (Ord. 2414, passed 5-19-59)

Statutory reference:

*Appointment of Commissioners, see I.C.
36-7-14-7*

§ 32.70 QUALIFICATION OF COMMISSIONERS.

Such commissioners shall have the qualifications prescribed by the Redevelopment of Cities and Towns Act of 1953, as amended, and shall qualify as therein provided, and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by the act, as now or hereafter amended. Such Commissioners shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

('64 Code, § 33.6) (Ord. 2414, passed 5-19-59)

Statutory reference:

*Qualification of Commissioners, see
I.C. 36-7-14-7*

§ 32.71 RESPONSIBILITY OF CITY OFFICERS.

The officers of the city charged by law for the performance of duties in respect to the funds and accounts of the city shall perform the same duties with

respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in the Redevelopment Act, as amended. Except that it is further provided that the handling deposit and application of project funds resultant from advances, temporary and definitive loans, grants, contributions, or any other form of financial assistance from the federal government or any of its duly constituted or authorized agencies shall be performed according to the requirements of the federal government or its agencies.

('64 Code, § 33.7) (Ord. 2414, passed 5-19-59)

Statutory reference:

Duties of city officers, see I.C. 36-7-14-21

MADISON COUNTY COUNCIL OF GOVERNMENTS

§ 32.80 MADISON COUNTY COUNCIL OF GOVERNMENTS.

(A) The Mayor of the city, a Plan Commission representative, a Board of Public Works representative, and a member of the Common Council are authorized and directed to enter into an agreement with the City of Elwood, Indiana, the City of Alexandria, Indiana, and the County of Madison, Indiana, a copy of which agreement is made a part hereof by reference.

(B) Council ratifies, confirms, and approves the action taken in connection with the agreement and authorizes the officers to do all things necessary to effect the intent of the agreement.

(C) This section shall be and constitute authority for the Mayor of the city, a Plan Commission representative, and a member of the Common Council to do all things necessary and proper to establish the Madison County Council of Government in accordance with the terms of the agreement, a copy of which is made a part hereof by reference.

('64 Code, § 31.7; Am. Ord. 51-68, passed 9-12-68)

***DEPARTMENT OF
PUBLIC TRANSPORTATION***

§ 32.90 DEPARTMENT OF PUBLIC TRANSPORTATION.

(A) There is established a Department of Public Transportation for the purpose of providing public transportation for the city, which shall be entitled to exercise all the rights, powers, privileges, and immunities accorded to such department by I.C. 36-4-9-1.

(B) The Department of Transportation herein created, shall be responsible for the operation, management, and control of the city transportation system.

(C) The Mayor shall appoint the Director of the Department of Public Transportation.

(D) The Department of Public Transportation may apply to state and federal agencies for grants, make or execute representations, assurances, and contracts, enter into covenants and agreements with any state or federal agency relative to public transportation systems, and comply with state and federal statutes and rules concerning the acquisition, development, operation, and administration of the Department of Public Transportation.

(E) The Department of Public Transportation may accept, receive, and receipt for state, federal, and other public and private moneys for the acquisition, construction, improvement, maintenance, equipment, or operation of the Department of Public Transportation.

(F) The Department of Public Transportation shall comply with state and federal statutes and rules concerning the expenditure of moneys for the city transportation system.

(G) The Common Council may appropriate moneys from the general fund or from a special fund

established for the Department of Public Transportation for capital and operating expenditures based on the minimum percentage of moneys required to match state and federal statutes and rules in order to receive moneys from state and federal agencies for the acquisition, development, operation, maintenance, and administration of the city transportation system.

(H) The Board of Public Works is authorized to contract for consulting services and other contractual services, prescribe the terms and conditions, and fix by contract the price for any services for the city transportation system.

(I) The Board of Public Works is authorized to make rules, regulations, and set fare policy governing the use, operation, and maintenance of the Department of Public Transportation, and establish routes to insure adequate and efficient transportation services for the citizens of the city.

(J) The Department of Public Transportation is authorized on behalf of the city to make application and acquire all certificates and permits required by the State Public Service Commission and any other state or federal agency for the operation of the city transportation system.

(K) The Department of Public Transportation for the city shall be known as the City of Anderson Transportation System (C.A.T.S.).
(Ord. 62-82, passed 11-10-82)

***DEPARTMENT OF COMMUNITY SERVICES
AND ECONOMIC DEVELOPMENT***

§ 32.95 CREATION.

There is hereby created a Department of Community Services and Economic Development, which shall be headed by a department head, who shall report to the Mayor and shall be appointed by and serve at the pleasure of the Mayor.
(Ord. 30-83, passed 5-12-83)

§ 32.96 POWERS AND DUTIES.

The powers, duties, and responsibilities of the Department of Community Services and Economic Development shall include but not be limited to the following:

(A) The development, coordination, and implementation of the economic development activities of the city.

(B) The planning and administration of community services for the city as directed by the Mayor or the cabinet of the executive branch.

(C) Procurement, distribution, and coordination of federal and state grant programs; as well as the procurement, distribution, and coordination of such state or federal funds as may thereby be available to the city.

(D) Acting as liaison between the city and the Anderson Business Development Corporation, the Anderson Downtown Development Corporation, the Mayor's Council for Economic Development, the Economic Development Commission, and similar boards, commissions, and lay groups.

(E) Any other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances of the city, and the Mayor. (Ord. 30-83, passed 5-12-83)

DEPARTMENT OF HUMAN RELATIONS**§ 32.100 CREATION.**

There is hereby created a Department of Human Relations, which shall be headed by a department head, who shall report to the Mayor and shall be appointed by and serve at the pleasure of the Mayor. (Ord. 36-83, passed 5-12-83; Am. Ord. 5-90, passed 2-8-90)

§ 32.101 POWERS AND DUTIES.

The powers, duties, and responsibilities of the Department of Human Relations shall include but not be limited to the following:

(A) The development and implementation of programs to assure that the city will afford every citizen equal opportunity as defined in § 35.095.

(B) The promotion of affirmative action to provide for equal employment opportunity.

(C) The provision of consultative services to all municipal departments under the executive authority of the Mayor with regard to the drafting and implementation of the affirmative action plan for the city.

(D) The provision of liaison assistance to the Commission on Human Relations as required by §§ 33.40 *et seq.*

(E) The development and dissemination of information for the public at-large regarding municipal policies and procedures relative to affirmative action and equal employment opportunity.

(F) Any other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances of the city, and the Mayor. (Ord. 36-83, passed 5-12-83; Am. Ord. 5-90, passed 2-8-90)

Cross-reference:

Affirmative action, see §§ 35.095 through 35.098

Open housing, see Chapter 95

**DEPARTMENT OF PERSONNEL,
SAFETY AND INSURANCE****§ 32.110 CREATION; HEAD.**

There is hereby created a Department of Personnel, Safety and Insurance to be headed by a

department head, who shall report to the Mayor and shall be appointed by and serve at the pleasure of the Mayor.

(Ord. 30-83, passed 5-12-83)

Cross-reference:

Personnel policies and procedures, see Ch. 35

§ 32.111 POWERS AND DUTIES.

The powers, duties, and responsibilities of the Department of Personnel, Safety and Insurance shall include but not be limited to the following:

(A) The development and implementation of programs and actions concerning personnel and labor relations, safety, and insurance.

(B) All other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances of the city, and the Mayor.

(Ord. 30-83, passed 5-12-83)

§ 32.112 EMPLOYEE INCENTIVE SAFETY PROGRAM.

(A) There is hereby established for the city an Employee Incentive Safety Program to be administered by the Department of Personnel, Safety, and Insurance and coordinated with each participating department of the city.

(B) Disbursements for participation in the Program shall be from each department's funds appropriated for safety or miscellaneous expenses.

(C) Disbursements for participation in the Program shall be to pay the expenses incurred in rewarding department employees for achieving or maintaining an outstanding safety record. These expenses may include only those for breakfasts and safety memorabilia, such as certificates, pins, or plaques. Disbursements for these expenses shall be

only on approved claims submitted by each department and allowed and authorized by the Administrator of the Department of Personnel, Safety, and Insurance. Claims for expenses under this Program shall be allowed as prescribed by law.

(Ord. 3-89, passed 2-9-89)

DEPARTMENT OF PARKS AND RECREATION

§ 32.120 CREATION.

There is hereby created a Department of Parks and Recreation in accordance with the provisions of I.C. 36-10-3, which shall be managed by a Board of Parks and Recreation. The Board shall consist of four members appointed by the Mayor and such ex-officio members as may be appointed in accordance with I.C. 36-10-3-4. The Department of Parks and Recreation shall be headed by a Superintendent of Parks and Recreation, who shall be appointed by and serve at the pleasure of the Mayor.

(Ord. 30-83, passed 5-12-83)

§ 32.121 POWERS AND DUTIES.

The powers, duties, and responsibilities of the Department of Parks and Recreation shall include but not be limited to the following:

(A) Such powers, duties, and responsibilities as are delegated by I.C. 36-10-3-14 with regard to operational authority under the direction of the Board of Parks and Recreation.

(B) Construction, operation, and maintenance of all city parks and recreation facilities.

(C) All other powers, duties, and responsibilities assigned by the statutes of the state, the code of ordinances, and the Mayor.

(Ord. 30-83, passed 5-12-83)

ADULT PROBATION DEPARTMENT**§ 32.130 CREATION.**

For provisions concerning the Adult Probation Department, see §§ 36.10 through 36.12.

DEPARTMENT OF MUNICIPAL DEVELOPMENT**§ 32.140 CREATION.**

(A) There is created the Department of Municipal Development (DMD). The Department shall be organized and managed by the Development Planning Director as the department head. The Director shall be selected by the Mayor, confirmed by majority vote of the Plan Commission and serve at the Mayor's pleasure.

(B) The Department shall be comprised of the Office of the Building Commissioner and the Planning Department.

(C) The powers, duties, reporting, and responsibilities of the Department shall include but not be limited to the following:

(1) Management and oversight of the Office of the Planning Department. The Development Planning Director shall also be known as the Planning Director for all purposes related to planning and zoning in this code and I.C. 36.

(2) Management and oversight of the Office of the Building Commissioner. The Development Planning Director shall also be known as the Building Commissioner for all purposes related to the Building Commission in this code and I.A.C. 675.

(3) Supervision of Zoning, Subdivision Control and Development Planning activities. The Director shall also carry out any responsibilities or activities assigned by the Plan Commission.

(4) Management, oversight and enforcement of the nuisance control activities.

(5) The Department shall report to the Plan Commission, Board of Zoning Appeals, and/or the Board of Public Safety, depending on the applicable statutes or ordinances concerned.

(6) The Department's hiring of an Assistant Director, Zoning Administrators or other Development Planning Department staff shall be confirmed by the Plan Commission.

(7) The Department's hiring of Building Inspectors or Nuisance Field Inspectors shall be confirmed by the Board of Public Safety.

(8) Expenditures shall be reviewed and approved by the Board of Public Works.

(9) The Department is charged with the issuance of permits for improvement location, signs, building, demolition, electrical, HVAC, plumbing and other purposes, as directed or required. (Ord. 18-05, passed 4-14-05)

CHAPTER 33: BOARDS AND COMMISSIONS

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Cross-reference:

Approval of expenditures and contracts by Common Council required, see § 30.03

BOARD OF PUBLIC SAFETY**§ 33.01 CREATION OF BOARD.**

(A) There is created in the city a Board to be known as the Board of Public Safety. Such Board shall consist of three members who shall be appointed by the Mayor to serve at his pleasure.

(B) The members of the Board of Public Safety shall be legal residents and freeholders of the city.

(C) Each member of the Board of Public Safety shall receive for his services compensation in an amount to be fixed by the Mayor subject to the approval of the Common Council.

(D) The Mayor shall appoint a clerk of the Board of Public Safety and shall fix, subject to the approval of the Common Council, the amount of compensation to be received by such clerk.

(E) Each member of the Board of Public Safety before assuming the duties of his office shall be required to furnish a bond, payable to the city and conditioned on the faithful performance of his duties, in the amount of \$5,000, and such bond shall be filed in the office of the County Recorder as prescribed by law.

(F) The duties of the Board of Public Safety shall be the same as prescribed by law for Boards of Public Safety in the state.

('64 Code, § 31.6) (Ord. 2438, passed 1-1-60)

Statutory reference:

Appointments by Mayor in second-class cities, see I.C. 36-4-9-6 and 36-8-3-1

§ 33.02 SUPERVISION OF CERTAIN DEPARTMENTS.

The Board of Public Safety shall have supervision and control over the operation of the Department of Emergency Management, the animal shelter, and the Office of Weights and Measures of the city. The Board of Public Safety's supervision and control shall include, but not be limited to, approval of expenditures made by these departments and the enactment of policies and programs for these departments.

(Ord. 4-85, passed 3-14-85; Am. Ord. 78-05, passed 10-13-05; Am. Ord. 25-06, passed 5-11-06)

BOARD OF PUBLIC WORKS

§ 33.10 CREATION OF BOARD.

(A) There is created a Board to be known as the Board of Public Works; such Board shall consist of three members who shall be appointed by the Mayor

to serve at his pleasure. The members of the Board of Public Works shall be required to be legal residents and freeholders of the city.

(B) The compensation of the Board of Public Works shall be fixed by the Mayor, subject to the approval of the Common Council.

(C) The Mayor shall appoint a clerk of the Board of Public works, and the Mayor shall, subject to the approval of the Common Council, fix the compensation to be received by such clerk.

(D) Each member of the Board of Public Works before assuming the duties of his office shall furnish a bond payable to the city conditioned upon the faithful performance of his duties in the amount of \$5,000. Such bond shall be filed in the office of the County Recorder as by law required.

(E) The duties of such Board of Public Works shall be the same as prescribed by law in the State of Indiana for Boards of Public Works.

('64 Code, § 31.5) (Ord. 2438, passed 1-1-60)

Statutory reference:

Appointments by Mayor in second-class cities, see I.C. 36-4-9-6 and 36-9-6 et seq.

CITY PLAN COMMISSION

§ 33.20 COMMISSION ESTABLISHMENT.

There is established an Advisory City Plan Commission for the city under the authority of I.C. 36-7-4-207.

(Ord. 46-85, passed 7-11-85)

§ 33.21 MEMBERSHIP.

The Advisory City Plan Commission shall consist of nine members, composed as follows.

(A) One member appointed by the city legislative body from its membership.

(B) One member appointed by the Park Board from its membership.

(C) One member or designated representative appointed by the City Works Board.

(D) The City Civil Engineer or a qualified assistant appointed by the City Civil Engineer.

(E) Five citizen members, of whom no more than three may be of the same political party, appointed by the City Executive.
(Ord. 46-85, passed 7-11-85)

§ 33.22 TERMS AND QUALIFICATIONS.

(A) The citizen members of the Advisory City Plan Commission shall initially be appointed for the following terms of office.

- (1) One for a term of two years.
- (2) Two for a term of three years.
- (3) Two for a term of four years.

(B) The term of office of a member other than a citizen member shall be coextensive with that person's term of office as specified in § 33.21(A) through (D), unless the given body, board, or municipality at its first regular meeting in any year appoints another to serve as its representative.

(C) A citizen member may not hold other elective or appointive office in municipal, county, or state government. A citizen member must be a resident of the jurisdictional area of the Commission.

(D) Each member's term expires on the first Monday of January on the second, third, or fourth years, respectively, after the year of the member's

appointment. If a vacancy occurs among the members of the Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member.

(E) Each citizen member shall be appointed because of his knowledge and experience in community affairs, his awareness of the social, economic, agriculture, and industrial problems of the area, and his interest in the development and integration of the area.
(Ord. 46-85, passed 7-11-85)

CITY YOUTH COMMISSION

§ 33.25 COMMISSION ESTABLISHED.

A Mayor's City Youth Commission is hereby established to promote the educational, cultural, economic and general welfare of the youth of this community by their participation in the governmental process of the city in accordance with the provisions of this subchapter.

(A) *Membership of the Commission.* The Mayor's City Youth Commission shall consist of 30 voting members. Members may represent city and private high schools within the city. Membership shall be selected on a pro rata basis to the enrollment of each high school within the city.

(B) *Terms of office.* The members selected to serve on this Commission shall be appointed for a term of one school year, commencing the last week of September each year to the last week of May of the year following and until their successors have been appointed and qualified. Appointment to this Commission shall be made by the Mayor's Adult Advisory Committee, which shall make such appointments on the basis of written applications, personal interviews, and faculty recommendation.
(Ord. 54-96, passed 10-10-96)

§ 33.26 PURPOSE.

The Mayor's youth Commission, consisting of volunteer applicants to be selected by the Mayor and the Mayor's Adult Advisory Panel, is created with the intent to give the youth of the city a direct voice in their local government. The Youth Commission has the potential to tap a vast new range of ideas to serve the community. It is hoped that through this experience of participation in the American government process, the members of the Commission will benefit this city's government, business community, and youth sector.

(Ord. 54-96, passed 10-10-96)

§ 33.27 MAYOR'S ADULT ADVISORY COMMITTEE.

There shall be one adult representative from each of the area high schools. This representative shall be selected by the administration of that particular high school. There shall be two members to be appointed from the community by the Mayor, each member shall

be appointed for a term of one year, and until their successors have been appointed and qualified.

(Ord. 54-96, passed 10-10-96)

§ 33.28 POWERS AND DUTIES OF COMMISSION.

(A) The Commission shall have the power to adopt and amend the constitution and bylaws within the spirit and intent of this subchapter.

(B) The Commission shall have the power to adopt and amend the rules and procedures to carry out the duties as set forth in this subchapter.

(C) The Commission shall have the power to adopt and amend its constitution, bylaws, and rules of procedure at any regularly scheduled meeting or at any specially called meeting requested by a simple majority of the membership for that purpose. A simple majority of the membership shall constitute a quorum at any meeting of the Commission, and amendments to the constitution, bylaws and rules of procedure shall be made and any other action may be adopted and taken by a simple majority vote of those members present and voting.

(D) The members of the Commission shall have the right to attend all publicly held meetings of the various units of city government and to make recommendations to all units of city government.

(Ord. 54-96, passed 10-10-96)

§ 33.29 OFFICERS.

At the second regular meeting the Commission shall elect from their members a president, vice-president, corresponding secretary, and treasurer and the Commission shall have the power to elect or appoint other officers as shall be provided in their bylaws.

(Ord. 54-96, passed 10-10-96)

§ 33.30 VOTING.

The 30 regular members of the Commission shall be entitled to vote on all issues presented to the Commission.

(Ord. 54-96, passed 10-10-96)

§ 33.31 NONPARTISAN SELECTION OF MEMBERS.

This shall be a politically nonpartisan Commission.

(Ord. 54-96, passed 10-10-96)

§ 33.32 DISCIPLINE.

If any member of the Commission is suspended from school for any reason, or if any member shall be convicted of a criminal act, or adjudicated to have committed an act of juvenile delinquency, and upon presentation of documentation of such circumstances to the office of the Mayor, said member shall be dismissed from the Commission.

(Ord. 54-96, passed 10-10-96)

COMMISSION ON HUMAN RELATIONS

§ 33.40 PUBLIC POLICY AND PURPOSE.

(A) It is the public policy of the city to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(B) The practice of denying these rights to persons because of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the city, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap is the purpose of this subchapter.

(C) It is also the public policy of the city to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institution from unfounded charges of discrimination.

(D) It is declared to be contrary to the public policy of the city and an unlawful practice to induce or attempt to induce any person to sell or rent or not to sell or rent any dwelling to another person because of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap. ('64 Code, § 36.1; Am. Ord. 32-68, passed 7-11-68; Am. Ord. 39-80, passed 8-14-80; Am. Ord. 33-15, passed 12-10-15)

Cross-reference:

Affirmative action requirements in city contract awards, see Ch. 38

Department of Affirmative Action, see §§ 32.100, 32.101

Open housing, see Ch. 95

§ 33.41 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACQUISITION OF REAL PROPERTY. The sale, rental, lease, sublease, construction, or financing, including negotiations and any other activities or procedures incidental thereto, of:

(1) Any building, structure, apartment, single room, suite of rooms, or other portion of a

building occupied as, designed, or intended for occupancy as living quarters; or

(2) Any building, structure, or portion thereof or any improved or unimproved land utilized, or designed or intended for utilization, for business, commercial, industrial, or agricultural purposes; or

(3) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

AFFIRMATIVE ACTION. Those acts which the Commission deems necessary to assure compliance with the city human relations subchapter.

ANCESTRY. Both the country from which a person's ancestors came and the citizenship of a person's ancestors.

COMMISSION. The Human Relations Commission.

COMMISSION ATTORNEY. The City Attorney, or such assistants of the City Attorney as may be assigned to the Commission, or such other attorney as may be engaged by the Commission or voluntarily lend his services to the Commission.

COMPLAINANT. Any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice or the Director or a Commissioner of the Human Relations Commission charging that a discriminatory practice was committed against a person, other than himself, or a class of people in order to vindicate the public policy of the state as defined at I.C. 22-9-1-2, and the public policy of the city as defined in this subchapter.

COMPLAINT. Any written grievance filed by a complainant with the Commission. The original shall be signed and verified before a Notary Public or another person authorized by law to administer oaths and take acknowledgements. Notarial service shall be furnished by the Commission without charge.

COMPENSATION and COMPENSATORY DAMAGES. Actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits.

CONSENT AGREEMENT. A formal agreement entered into in lieu of adjudication.

DIRECTOR. The Director of the Human Relations Commission.

DISCRIMINATORY PRACTICE. The exclusion of a person by another person from equal opportunities because of race, religion, color, sex, national origin, ancestry, or handicap, or a system which excludes persons from equal opportunities because of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap, or the promotion or assistance of segregation or separation in any manner on the basis of the above categories. It shall not be a discriminatory practice for an employment agency to refer for employment any individual, or for a joint labor, management committee controlling apprenticeship, or other training or retraining program to admit or employ any individual in such program on the basis of his religion, sex, sexual orientation, gender identity, or national origin in those particular instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, provided, that it shall not be a discriminatory practice for an employer to fail to employ or retain as an employee any person who because of a handicap is physically or otherwise unable to efficiently and safely perform, at the standards set by the employer and the duties required in that job. It shall not be a discriminatory practice to fail to promote or transfer a handicapped person to another job or occupation after he or she is employed unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation, provided, that it shall not be a discriminatory practice for an employer to fail to modify physical accommodations or administrative procedures to accommodate a handicapped person.

EDUCATIONAL INSTITUTION. All public and private schools and training centers, except that the term does not include those educational institutions affiliated with religious institutions which may give preference to members of their religious group in

selecting their students, nor does the term include any state agency.

EMPLOYEE. Any person employed by another for wages or salary, provided, that it shall not include any individual employed by his parents, spouse, or child.

EMPLOYER. The city or any department thereof and any person employing six or more employees within the city, except that the term **EMPLOYER** does not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, nor any school, educational, or charitable religious institution owned or conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation, or association that is not organized for profit, nor any state agency.

EMPLOYMENT AGENCY. Any person undertaking with or without compensation to procure, recruit, refer, or place employees.

GENDER IDENTITY. A person's actual or perceived gender-related attributes, self-image, appearance, expression or behavior, whether or not such characteristics differ from those associated with the person's assigned sex at birth.

HANDICAP or HANDICAPPED. The physical or mental condition of a person which constitutes a substantial disability. In reference to employment under this chapter, **HANDICAP** or **HANDICAPPED** also means the physical or mental condition of a person which constitutes a substantial disability unrelated to such person's ability to engage in a particular occupation. To be classified as **HANDICAPPED**, a person shall be certified as such pursuant to the procedures, rules, and regulations issued by the State Rehabilitation Services Board pursuant to I.C. 22-9-1-13(c).

LABOR ORGANIZATION. Any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for mutual aid or protection in relation to employment.

LENDING INSTITUTION. Any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in making or guaranteeing loans secured by real estate or an interest therein.

NATIONAL ORIGIN. Both the country from which a person came and the citizenship of the person.

PERSON. One or more individuals, partnerships, associations, organizations, labor organizations, corporations, cooperatives, legal representatives, trustees in bankruptcy, trustees, receivers, the state or any of its subdivisions, and other organized groups of persons.

PUBLIC ACCOMMODATION. Any establishment which offers its service, facilities, or goods to the general public.

RESPONDENT. One or more persons against whom a complaint is filed under this subchapter, and who the complaint alleges has committed or is committing a discriminatory practice.

SEX. As it is applied to segregation or separation in this chapter, shall apply to all types of employment, education, public accommodations, and housing, provided, that it shall not be a discriminatory practice to maintain separate rest rooms or dressing room. It shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for any employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and that it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

SEXUAL ORIENTATION. An individual's actual or perceived identity or practice as a male or female heterosexual person, bisexual person or homosexual person.

STATE AGENCY. Every office, officer, board, commission, department, division, bureau, committee, fund, agency, and without limitation by reason of any enumeration herein, every other instrumentality of the state, every hospital, every penal institution, and every other institutional enterprise and activity of the state, wherever located, the universities supported in whole or in part by state funds, and the judicial department of the state. **STATE AGENCY** does not mean counties, county departments or public welfare, cities, towns, townships, school cities, school towns, school townships, school districts, or other municipal corporations, political subdivisions, or units of local government.

(Ord. 39-80, passed 8-14-80; Am. Ord. 33-15, passed 12-10-15)

§ 33.42 COMMISSION CREATED; MEMBERSHIP; TERMS.

(A) There is created a Human Relations Commission composed of 11 members representative of the racial, ethnic, religious, economic, sexual, and educational groups from the city community. They shall be appointed by the Mayor with the advice and consent of the Council within 30 days from the date of passage of this subchapter. Of the 11 members first appointed, four shall be appointed for one year, four for two years and three for three years. Thereafter, each appointment shall be for a term of three years. However, one of the 11 commissioners may be appointed by the Mayor from the current membership of the Mayor's City Youth Commission, provided such member has attained 18 years of age, in which event that commissioner's appointment shall be for a term concurrent with the term as a member of the Mayor's City Youth Commission. Such commissioner who is also a member of the Mayor's City Youth Commission shall not act as chairperson, a probable cause officer, a pre-hearing officer, or participate at public hearing, as such functions are defined within this chapter. No Commission member may serve more than two consecutive three year terms.

(B) If a member dies or resigns, his successor shall be appointed to serve the unexpired period of the term to which his predecessor had been appointed. The Mayor may remove Commission members for reasonable cause but for no other reason.

(C) The Commission shall elect from its membership at its first meeting and thereafter at its April meeting annually a chairman, vice-chairman, and secretary. These officers may not hold the same office for a consecutive period of more than three years. The first meeting of the Commission shall be held within 30 days after its appointment. The expenses for carrying on the Commission's activity shall be paid out of funds in the City Treasury. A quorum shall be present at all meetings in order for the Commission to conduct business. A quorum shall consist of six or more members of the Commission. ('64 Code, § 36.2; Am. Ord. 32-68, passed 7-11-68; Am. Ord. 39-80, passed 8-14-80; Am. Ord. 3-90, passed 2-8-90)

§ 33.43 POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(A) To establish and maintain a permanent office in the city.

(B) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this subchapter.

(C) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, or handicap.

(D) To initiate or receive charges of discriminatory practices or complaints, except that no commissioner who initiates a complaint may participate as a member of the agency in the hearing or disposition of the complaint.

(1) On the request of the complainant, the Commission or staff shall aid the complainant in drafting the complaint. To be acceptable to the Commission, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant, the name and address of the respondent against whom the complaint is made, the alleged discriminatory practice and a statement of particulars thereof, the date and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which the continuing acts of discrimination are alleged to have occurred, and a statement as to any other action, civil or criminal, instituted in any other forum based on the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action, provided, that no complaint or charge of discrimination in employment on the basis of handicap shall be considered valid and acceptable to the Commission unless it is submitted by and individual who has been properly certified as a handicapped person as defined in § 33.41.

(2) No complaint shall be valid unless filed within 180 days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union, provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the Commission for purposes of measuring the 180 day limitation, as long as the complaint is otherwise within the Commission's jurisdiction, provided, further, that the Commission shall have no jurisdiction over the state or any of its agencies.

(E) To receive and investigate charges of discriminatory practices or complaints.

(1) All investigations of complaints shall be conducted by staff members of the City Human Relations Commission or their agents. Where the investigating staff member or agent finds facts sufficient to support a finding of probable cause, the finding shall be made and the case then referred to the Commission for public hearing. However, subsequent

to the setting of the case for public hearing and prior to the hearing, the Commission staff shall make reasonable effort to conciliate all issues raised during the investigation of the case.

(2) When the recommendation after the investigation is no probable cause, the complainant shall be furnished with a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefor, to the Commission for review of the finding. On the receipt of the request for review, the chairman of the Commission shall appoint a hearing commissioner who will review complainant's request and whose decision will be binding and final on adoption by a majority of the commissioners present who are qualified to participate in the final decision. Whenever such commissioner is named for the purpose of reviewing a request for reconsideration by a complainant, the commissioner shall be disqualified from any further participation in that case, except as a witness at a public hearing on the complaint.

(3) When a complaint is filed with the Commission and it has no professional staff, the chairman shall designate on a rotating basis three Commissioners during each calendar month, who shall serve as panel hearing officers on the complaint. Any commissioners involved in an investigation or attempt at conciliation of a complaint shall be disqualified from being a commissioner who hears a complainant's request for review on that complaint or participating in the final decision except as a witness at a public hearing on the complaint. If the panel commissioners hearing the complaint shall find no probable cause to credit the allegations, a written statement of the findings of fact and decision shall be sent to the complainant who shall have ten days from receipt thereof to submit a written request to the Commission for a review of the decision with the reasons therefor.

(4) When the chairman receives such a request for review, he shall appoint a commissioner to review the findings of fact made by the investigating commissioner and any additional evidence which is subsequently available. If the reviewing commissioner shall reach the same decision as the investigating commissioner, the decision shall be final on adoption by a majority of the commissioners present who are

qualified to participate in the final decision. If the two commissioners differ in their conclusions and the matter is not conciliated, the complaint shall be set for public hearing before the other members of the Commission.

(F) To reduce the terms of conciliation agreed to by the parties to writing to be called a consent agreement which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to division (J) below. If the Commission determines that a party to the consent agreement is not complying with it, the Commission may obtain enforcement of the consent agreement in a circuit or superior court on showing that the party is not complying with the consent agreement, and the party is subject to the Commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

(G) To hold hearings, to subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath, and require the production for examination of any books and papers pertaining to any matter under investigation or in question before the Commission. The Commission may make rules governing the issuance of subpoenas by individual commissioners.

(H) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because he filed a complaint or testified in any hearing before this Commission or in any way assisted the Commission in any matter under its investigation.

(I) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of a complaint; provided:

(1) That no temporary emergency order shall be issued unless a time and place for hearing on the temporary emergency order is designated in the order;

(2) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless continued by the Commission at the request of the respondent. The Commission shall thereupon weigh the comparative hardship to complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive the hearing without prejudice to his defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint.

(3) The Commission may by rule provide for issuance of its temporary order by a single member of the Commission, and it may compel compliance with any such temporary order by bringing a proceeding in any circuit or superior court for prohibitory or mandatory injunction on showing that such person is subject to the court's jurisdiction, resides or transacts business within the county in which the proceeding is brought and that such injunction is necessary to protect the complainant's rights under this subchapter until his complaint is resolved through conciliation or public hearing.

(J) (1) To state its findings of fact after hearing, which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the Commission shall give due consideration to its prior decisions which may be applicable. If a majority of the Commissioners who hear the case find that a person has engaged in an unlawful discriminatory practice, the Commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purpose of this subchapter.

(2) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action, including, but not limited to, hiring,

reinstatement, and upgrading of employees or people deprived of employment opportunity to the status to which the complainant's would have been entitled had they not been deprived of equal opportunity, and, alternatively or in addition thereto, an order may be issued requiring the respondent to pay to complainant compensatory damages.

(3) If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including, but not limited to, renting, selling, or leasing to a person deprived of equal opportunity, and such other affirmative action as will effectuate the purposes of this chapter, including, but not limited to, the power to restore complainant's losses incurred as a result of the discriminatory treatment, as the Commission may deem necessary to assure justice.

(4) If unlawful discrimination is found in the area of public accommodations, an order shall be issued requiring respondent to take affirmative action including, but not limited to, providing service, goods, or access to property, reinstatement to membership, reinstatement to membership, and posting of notice that the facility is a public accommodation, with compensatory damages to which the complainant would be entitled because of the denial of equal opportunity.

(5) If unlawful discrimination is found in the area of education, an order may be issued requiring respondent to take affirmative action including, but not limited to, a review and revision of school boundaries, revision of teaching aids and materials, human relations training for personnel, recruitment of minority people for professional staff, with compensatory damages to which the complainant would be entitled because of denial of equal opportunity.

(6) If, on all the evidence, the Commission shall find that a person has not engaged in any such unlawful practice or violation of this subchapter, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person.

(7) Affirmative Action within the meaning of this chapter includes the power to assess punitive damages within the discretion of the Commission. Any award of punitive damages may not exceed the sum of \$1,000 and any award shall only be upon a two-thirds majority of the Commission sitting at public hearings. In addressing the issue of punitive damages, the Commission shall consider the following factors: the oppressiveness or egregiousness of respondent's conduct; whether or not the respondent has been found by a court, commission or other adjudicative body having the power to enforce civil right ordinances or statutes, to have violated civil rights laws, within the preceding three calendar years; whether the respondent's violation consisted of a single act, an on-going act, or a series of acts; and the extent to which such award is necessary to effectuate the purposes of this chapter.

(8) A member of the City Legal Department shall be in attendance and assist the Commission at any hearings, including but not limited to, conciliation conferences, pre-hearing conferences, and public hearings.

(K) Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this subchapter may be obtained by filing in the county circuit or superior courts. The scope of review shall be in accordance with the provisions set out in I.C. 4-22-1. If no proceeding to obtain judicial review is instituted within 15 days from the receipt of notice by a person that such order has been made by the Commission, the Commission, if it determines that the person on whom the cease and desist order has been served is not complying or making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior Court on showing that such person is subject to the Commission's jurisdiction and resides and transacts business within the county in

which the petition for enforcement is brought, or may request the City Attorney, Commission Attorney, or attorney representing the complainant to seek enforcement.

('64 Code, 36.3) (Ord. 32-68, passed 7-11-68; Am. Ord. 50-71, passed 9-13-71; Am. Ord. 39-80, passed 8-14-80; Am. Ord. 58-83, passed 7-14-83; Am. Ord. 3-90, passed 2-8-90; Am. Ord. 36-93, passed 9-9-93; Am. Ord. 33-15, passed 12-10-15)

Cross-reference:

Powers of Human Relations Commission regarding affirmative action requirements in city contract awards, see §§ 38.04, 38.11, 38.12, 38.98

§ 33.44 EDUCATIONAL PROGRAMS.

In order to eliminate prejudice among the various racial, religious, and ethnic groups in the city and to further good will among such groups, the Commission, in cooperation with the city community school corporation, may prepare a comprehensive educational program designed to emphasize the origin of prejudice against such minority groups, its harmful effects, and its incompatibility with the principles of equality.

(Ord. 39-80, passed 8-14-80)

§ 33.45 RULES AND REGULATIONS.

(A) The Commission may adopt rules and regulations, both procedural and substantive, to effectuate the purposes of this subchapter and to make more specific the procedures deemed necessary for orderly and equitable compliance with this subchapter.

(B) New rules, regulations, and guidelines may be adopted by the Commission after a public hearing by a majority vote of the Commission.

(C) The rules, regulations, and guidelines of the Commission shall be available to the public at the office of the Commission.

(Ord. 39-80, passed 8-14-80)

Cross-reference:

Procedural rules and regulations adopted by Human Relations Commission concerning affirmative action in city contract awards, see § 38.04

§ 33.46 RELATIONSHIP WITH STATE CIVIL RIGHTS COMMISSION.

Any person who files a complaint with the City Human Relations Commission may not also file a complaint with the State Civil Rights Commission concerning any of the matters alleged in such complaint, and any person who files a complaint with the State Civil Rights Commission may not also file a complaint with the City Human Relations Commission concerning any of the matters alleged in such complaint. In the event that a complaint is filed with the State Civil Rights Commission alleging discriminatory practices occurring within the city, such complaint may be transferred by the State Civil Rights Commission to the City Human Relations Commission for disposition consistent with this subchapter. Any complaint filed with the City Human Relations Commission may be transferred by such Commission, by a majority vote thereof, to the State Civil Rights Commission, if such State Commission would

otherwise have jurisdiction of the complaint. In the event that any complaint of discriminatory practice is transferred to the City Human Relations Commission by the State Civil Rights Commission as herein provided, the Commission shall proceed to act on such complaint as if it had been originally filed with the Commission as of the date that the complaint was filed with the State Civil Rights Commission. Nothing in this subsection shall affect a person's right to pursue any and all other rights and remedies available in any other state or federal forum.

('64 Code, § 36.4) (Am. Ord. 32-68, passed 7-11-68; Am. Ord. 39-80, passed 8-14-80)

§ 33.47 APPROVAL OF SUBPOENAS, ORDER, AND CONCILIATION AGREEMENTS.

All subpoenas, orders, temporary emergency orders, and conciliation agreements must be approved for form by the City Attorney. The approval shall be endorsed on the subpoena, order, temporary emergency order, or conciliation agreement, and the date and time of the approval shall be noted thereon, except that if the city is respondent, approval shall be by any duly licensed attorney-at-law.

(Ord. 39-80, passed 8-14-80)

PERSONNEL ADVISORY BOARD

§ 33.55 CREATION OF BOARD.

(A) There is created a Personnel Advisory Board for the purpose of recommending revisions and adjustments in the classification for COMOT (Clerical, Office Machine Operators and Technicians), LTC (Labor, Trades, and Crafts), PAT (Professional, Administrative and Technological) and POLE (Protective Occupation, Law Enforcement) positions in response to employee requests for review of their positions.

(B) The Advisory Board shall consist of seven members. Two members shall be selected by the Mayor, and two members shall be selected by the Common Council. These four selected members shall serve for the term of two years and until such time as a successor has been selected and qualified by the appointing authority. The remaining members of the Advisory Board shall be ex officio members and shall be the Personnel Director, Human Relations Director, and one member of the Board of Public Works. The Board of Public Works shall select a member from that Board to serve as a member of the Advisory Board.

(Ord. 43-88, passed 8-22-88; Am. Ord. 47-92, passed 9-10-92; Am. Ord. 5-05, passed 1-13-05)

§ 33.56 ORGANIZATION; DUTIES; MEETINGS.

The Personnel Advisory Board may meet as frequently as necessary. A majority of the Board shall constitute a quorum. The Board will be chaired by the Personnel Director, who shall call all meetings and preside at all meetings. The Chairperson shall be entitled to vote on all matters considered by the Board, with the exception that no member of the Board shall vote on a re-classification request concerning his or her own position. The City Clerk or a designated employee of the Clerk shall act as the secretary of all meetings of the Advisory Board and minutes of all meetings shall be kept. All meetings of the Advisory Board shall be public meetings.

(Ord. 43-88, passed 8-22-88; Am. Ord. 5-05, passed 1-13-05)

§ 33.57 RIGHT TO PETITION BOARD.

(A) Any employee of the city whose salary is determined by the classifications within the COMOT, LTC, PAT, and POLE job categories shall have the right to request a review of such classification and it shall be the duty of the Personnel Advisory Board to hear and recommend to City Council any change in classification in response to an employee's request. Such employees may present their request for review

by completing a Review Form and presenting it, through their immediate department head, who in turn shall file the Review Form with the City Clerk, who shall immediately inform the Director of Personnel of the receipt of the Review Form.

(1) Within 30 calendar days of the filing of the Review Form with the City Clerk, the Personnel Director shall provide the employee with a copy of the current job description and a job questionnaire to be completed by the employee.

(2) Upon completion of the job questionnaire, the employee will return the questionnaire, through his immediate department head to the Director of Personnel.

(3) The Director of Personnel shall produce a new job description based on the information provided by the employee and the department head, and, in consultation with key staff, other officials, and other technical resources, as appropriate, shall recommend the classification of the position to the appropriate class. This recommendation shall be presented to the Personnel Advisory Board, where the recommendation may be accepted or rejected. The Personnel Advisory Board's action shall be presented to the Common Council where, if there has been a recommended change in classification, the concurrence of the Common Council is required to enact the change.

(B) All requests for review from employees shall be heard by the Personnel Advisory Board within 60 days of the filing of the request with the City Clerk. Each employee shall be notified, in writing, of the recommendation of the Board, with a copy also delivered to the employee's immediate department head.

(C) Due to the city's economic situation an execution order or a council resolution can place the requests for reclassification on hold for a period of

one year. This period may be extended by the same procedure if the city's economic situation does not improve.

(Ord. 43-88, passed 8-22-88; Am. Ord. 47-92, passed 9-10-92)

§ 33.58 AUTHORITY OF BOARD.

The Personnel Advisory Board shall have the authority to recommend the change in position classification of all employees who have filed a request for review. No second or subsequent request for review shall be filed by the employee in the position or heard by the Board within less than one year after the Board's recommendation of the prior request.

(Ord. 43-88, passed 8-22-88)

§ 33.59 PRIVILEGE OF EMPLOYEES.

The privileges afforded to employees of the city by this subchapter are to be construed as being privileges only and not rights. The city reserves the right to abandon the use of a classification system in the fixing and determining of salaries for its employees and it further reserves the right to abolish the Personnel Advisory Board created hereby. Inasmuch as the extension of privileges to employees of the city by this subchapter has been accomplished voluntarily by the city, the same may be withdrawn, cancelled and abrogated at any time.

(Ord. 43-88, passed 8-22-88)

§ 33.60 APPLICABILITY OF SUBCHAPTER.

The terms and provisions of this subchapter shall not be applicable to any employee of the city whose wage or salary is fixed or determined by a statement of policy adopted by the Board of Public Works or Board of Public Safety, to firemen or policemen, nor to any employee whose wage or salary is fixed and determined by reference to an agreement by and

between the city and any labor organization recognized for purposes of collective bargaining. (Ord. 40-77, passed 11-10-77)

ADDITIONAL BOARDS AND COMMISSIONS

§ 33.70 AIR POLLUTION APPEALS BOARD.

For provisions regarding the Air Pollution Appeals Board, see § 90.020. (Ord. 13-76, passed 3-11-76)

§ 33.71 ANIMAL CONTROL COMMISSION.

For provisions regarding the Animal Control Commission, see § 91.10.

§ 33.72 BOARD OF HEATING AND AIR CONDITIONING EXAMINERS.

For provisions regarding the Board of Heating and Air Conditioning Examiners, see § 152.04.

§ 33.73 DEPARTMENT OF PARKS AND RECREATION; BOARD OF PARKS AND RECREATION.

(A) For provisions concerning the Department of Parks and Recreation, see §§ 32.120 and 32.121 of this code.

(B) For provisions regarding the Board of Parks and Recreation, see I.C. 36-10-3-3 *et seq.* and §§ 32.120 and 32.121 of this code. (Ord. 106-72, passed 10-30-72)

§ 33.74 BOARD OF PLUMBING EXAMINERS.

For provisions regarding the Board of Plumbing Examiners, see § 159.04.

§ 33.75 BOARD OF ZONING APPEALS.

For provisions regarding the Board of Zoning Appeals, see § 160.17.

§ 33.76 BUREAU OF FIRE PREVENTION.

For provisions regarding the Bureau of Fire Prevention, see § 92.10.

§ 33.77 CLEAN AIR COUNCIL.

For provisions regarding the Clean Air Council, see § 90.010.

§ 33.78 ECONOMIC DEVELOPMENT COMMISSION.

For provisions regarding the Economic Development Commission, see § 32.26.

§ 33.79 ELECTRICAL BOARD.

For provisions regarding the Electrical Board, see § 151.14.

§ 33.80 HISTORIC AND CULTURAL PRESERVATION COMMISSION.

For provisions regarding the Historic and Cultural Preservation Commission, see § 153.03.

§ 33.81 MUNICIPAL PARKING AUTHORITY COMMISSION.

For provisions regarding the Municipal Parking Authority Commission, see § 72.40.

§ 33.82 REDEVELOPMENT COMMISSION.

For provisions regarding the Redevelopment Commission, see § 32.66.

§ 33.83 INSURANCE REVIEW COMMITTEE.

For provisions concerning the Insurance Review Committee, see § 37.003.

§ 33.84 CIVILIAN REVIEW BOARD.

(A) (1) *Creation.* There is established a Civilian Review Board (“Board”), which is composed of nine members to be appointed by the Common Council. The Board may conduct business only upon the presence of at least five members. Each Council person will appoint one member to the Civilian Review Board. If any such Council person shall fail or refuse to make such appointment, then such appointment shall be made by vote of majority of the members of the Council. Appointments to the Civilian Review Board shall be made within 60 days of the enactment of this section. The initial appointments shall be as follows: Appointments by Council at Large members shall be for a one year term; appointments by district members shall be for two years. Thereafter all subsequent appointments shall be for a term of four years.

(2) *Eligibility.* Members of the Board must be adults living within the city limits of Anderson. Elected officials, candidates for elected office, city employees, contractors and vendors doing business with the city, and persons with felony convictions are not eligible.

(B) *Purpose and operation.* The Civilian Review Board is established to:

(1) Provide a mechanism to address a bona fide concern or complaint that establishes a violation of a citizen’s civil rights and/or mistreatment at the hand of a city employee, official, or department. Frivolous complaints or complaints of de minimis nature may be summarily rejected by the Board. Complaints shall not include any matters related to personnel issues of city employees. Complaints for which a person may take redress by way of established administrative or judicial review of an administrative matter shall not be considered by the Board. Before any matter is considered by the Board, at least five members shall indicate their willingness to consider hearing the matter.

(2) Provide a mechanism to protect the rights of city employees, officials, departments and complainants.

(3) The Board, after due consideration of any concern or complaint, may make a recommendation as allowed hereafter.

(a) Recommendations by the Board shall be based upon findings of fact and conclusions thereon.

(b) Recommendations of the Board shall be advisory only and non-binding as to the city, its departments, boards, commissions, officers, officials and employees. Any recommendation of the Board shall be forwarded to the Common Council, which may accept, modify or reject the same. The Common Council shall not hear any matter on a de novo basis.

(4) The Board may adopt appropriate rules governing its procedure, meetings, and training for its members. Such rules shall be made available to the public in writing at the office of the City Clerk.

(5) The Board shall hold public meetings for the purpose of gathering facts concerning complaints. The Board shall be subject to all requirements of state law dealing with public meetings and public access to records.

(6) If the operative facts of a complaint received by the Board are substantially related to the operative facts that form the basis of any pending action before an administrative body, court, or of a notice of tort claim or other threatened litigation, the Board shall not take any further action on the complaint.

(7) *Conflict of interest.* Each member of the Board shall disclose any possible conflict of interest created by personal experiences, or relationships with the complainant or persons mentioned in complaints, and shall not hear any matter in which they or any person who is a spouse, son, daughter, or other lineal descendant, parent, sibling or son or daughter of a sibling, or cousin within the second degree of relationship, have a personal or financial interest. Board members shall base their decisions entirely on information presented to the entire Board. Accordingly, members shall refrain from having private communications with complainants or witnesses. If a member is approached by any person regarding a matter being investigated by the Board, that member shall immediately disclose that fact to the Board. If a member has any conflict of interest with respect to a particular matter being investigated, that member shall not participate in any way.

(8) A complainant must notify the head of the appropriate city department within 15 days of the incident complained of, excluding weekends and city holidays. If a complainant has not lodged his complaint with the city department within that time

frame, he may not pursue a claim with the Board, unless the complainant was unable to file the complaint on a timely basis due to a physical or mental incapacity. A complainant shall not be allowed to lodge a complaint with the Board until 30 days have elapsed from the time the complaint was first made to the head of the city department concerned.

(9) The Board is composed of citizen volunteers, who shall be entitled to no compensation for their service. However, members shall select, from among the members, a Chairperson. The Chairperson shall be the official spokesman of the Board and shall sign and date all findings, conclusions, and recommendations. The Chairperson shall receive a \$1,500 per year salary. The salary received by the Chairperson shall be paid monthly in equal installments from the funds appropriated for the Clerk of the City of Anderson.

(10) On a quarterly basis at minimum, or more often as needed, the Civilian Review Board shall report to the Common Council. This report shall detail the number and general nature of complaints pending, their status including any final recommendations made by the Board, and any other matter specifically requested by the Common Council. Pursuant to I.C. 36-1-4-12, the Board shall have the power to issue subpoenas to compel the appearance of a witness or individual deemed necessary to the investigation of a complaint. All subpoenas shall be reviewed and approved by the city legal department as to proper form.

(11) The Board shall be entitled to the assistance of the city legal department attorneys as they may deem necessary.

(12) The Board is authorized to expend annually a sum of not more than \$250 for postage and miscellaneous supplies, to be paid from funds appropriated within the budget of the Clerk. (Ord. 37-11, passed 12-8-11; Am. Ord. 39-11, passed 12-28-11; Am. Ord. 38-13, passed 9-12-13)

URBAN ENTERPRISE ASSOCIATION**§ 33.90 CREATION OF ASSOCIATION.**

There is hereby created an Urban Enterprise Association, which shall be entitled to exercise all the rights, powers, and privileges accorded to such associations by state law.

(Ord. 103-83, passed 11-10-83)

Statutory reference:

Enterprise zones, see I.C. 5-28.

§ 33.91 ORGANIZATION.

(A) This association shall be under the control of an association of 11 members, to be known as the Urban Enterprise Association, hereinafter referred to as the U.E.A.

(B) Members shall be appointed as follows:

(1) The Mayor shall appoint five members to the U.E.A. which shall be as follows:

(a) One representative of the Plan Commission having jurisdiction over the zone.

(b) One representative of the city's Planning or Economic Development Department.

(c) Two representatives of business located in the zone, one of which shall be from a manufacturing concern.

(d) One resident of the zone.

(2) The Common Council shall appoint the following:

(a) One member of the City Council whose district includes all or part of the zone.

(b) One representative of a business in the zone.

(c) Two residents of the zone.

(3) The Governor of the state shall appoint the following:

(a) One state legislator whose district includes all or part of the zone, who shall not be a voting member of the U.E.A.

(b) One representative of the State Department of Commerce, who shall not be a voting member of the U.E.A.

(C) Members of the U.E.A. shall serve four-year terms. The appointing authority shall fill any vacancy for the balance of the vacated term. Members may be dismissed only by the appointing authority, and only for just cause.

(D) The members shall elect a Chairman, Vice Chairman, and a Secretary by majority vote. This election shall be held every two years in the same month as the first meeting.

(Ord. 103-83, passed 11-10-83)

§ 33.92 POWERS AND DUTIES.

The Association shall have the general power to perform all acts necessary to achieve the general objectives of the U.E.A. as set forth by I.C. 5-28.

(Ord. 103-83, passed 11-10-83)

§ 33.93 DISSOLUTION.

If the city's application for an enterprise zone is rejected, the U.E.A. for the city is dissolved.

(Ord. 103-83, passed 11-10-83)

*MAYOR'S COMMISSION ON
DOMESTIC VIOLENCE*

§ 33.115 PURPOSE.

(A) The purpose of the Mayor's Commission on Domestic Violence is to eliminate violence in interpersonal relationships within families in our community.

(B) This it shall do by:

(1) Implementing a community-wide effort to enable persons to become more aware of the high incidence of domestic violence that occurs;

(2) Seeking to understand more about the causes of domestic violence and to discover ways of eliminating these causes;

(3) Helping persons understand the dehumanizing effects of domestic violence and enabling them to find constructive ways of resolving conflicts and differences in their interpersonal relationships;

(4) Promoting and strengthening community efforts for providing counsel and other needed forms of assistance for victims of abuse and encouraging victims to seek such help;

(5) Effectively organizing all segments of the community so that we can work cooperatively together to discover ways of eliminating violence; and

(6) Recommending policies which both hold the perpetrator accountable for abusive behavior and provide motivation and opportunity to change this behavior.
(Ord. 82-88, passed 12-8-88)

§ 33.116 ESTABLISHMENT.

There is hereby created a commission of municipal government known as the Mayor’s Commission on Domestic Violence.
(Ord. 82-88, passed 12-8-88)

§ 33.117 MEMBERSHIP; TERMS AND OFFICERS.

(A) The Mayor’s Commission on Domestic Violence shall consist of at least 15 but not more than 50 members. Of the said membership, there shall be at least one representative from the following organizations: the Common Council of this city; the Madison County Victim Advocates Office; Women’s Alternatives, Inc.; the Madison County Prosecuting Attorney’s Office; the Anderson Police Department;

the Child Sexual Abuse Task Force; the Exchange Club Center for the Prevention of Child Abuse; and the Mayor or his designee. The additional members of the Commission shall be drawn from the following segments of the community: law enforcement agencies, mental health professions, the judicial system, community service organizations, the educational system, social service organizations, business and industry, the legal profession, victims of domestic violence, the medical profession, the religious community, and the community at large.

(B) All members of the Commission shall be appointed by the Mayor for a term of two years, and shall serve during said term at the pleasure of the Mayor. All appointments shall be made within 30 days of the passage of this subchapter with the approval of the Common Council. Subsequent appointment to the Commission shall be by the Mayor with the approval of the Common Council.

(C) The Mayor shall appoint from the membership at its first meeting annually a Chairperson of the Commission. The Commission shall elect from its membership at its first meeting annually a Vice-Chairperson, Secretary, and Treasurer.
(Ord. 82-88, passed 12-8-88; Am. Ord. 80-94, passed 12-19-94)

§ 33.118 POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(A) To create by-laws, sub-committees, and advisory committees as in its judgment will aid in effectuating the purpose of this subchapter.

(B) To recommend to the Mayor and all departments of the city government such policies as the Commission believes will tend to minimize or eliminate domestic violence within the community.

(C) To assist any department of city government or any person or entity within the community in the implementation of such policies to minimize or eliminate domestic violence.

(D) To issue such publications and such results of investigation and research as in its judgment will tend to educate the public in general regarding all facets of domestic violence.

(Ord. 82-88, passed 12-8-88)

§ 33.119 TRUST AND AGENCY FUND.

(A) There is created a Special Trust and Agency Fund to be utilized by The Mayor's Commission On Domestic Violence. Donations to the Commission may be deposited into such account.

(B) Expenditures may be made from this Fund without appropriation from the Common Council. Monies from the Fund shall be disbursed only on approved claims allowed and signed by the Chairperson and Secretary of the Commission.

(Ord. 82-88, passed 12-8-88)

COMMISSION ON CITY'S EMPLOYEES ASSISTANCE

§ 33.130 PURPOSE.

The purpose of the Commission on The City's Employees Assistance is to assure that any employee having a personal problem that hampers his ability to work will receive careful consideration and access to professional assistance. This goal shall be hopefully attained by the following:

(A) The earliest intervention possible either by self-referral, employee's assistance program representative referral, or management referral related to job performance;

(B) Referral procedures that will be designed to facilitate self referral, employee's assistance program representative referral, and management referral;

(C) Encouraging employee's voluntary participation for counseling, diagnosis, and treatment to enable future job security and promotional opportunities;

(D) The clear establishment of employee's assistance program representative obligations and management obligations toward the implementation of this policy;

(E) Recognition that the employee's assistance program is not a substitute for disciplinary procedures and that the decision to request or accept assistance is a personal choice of the individual; and

(F) The maintenance of all confidentiality of records and information pertaining to the program in accordance with the law.

(Ord. 55-89, passed 9-25-89)

§ 33.131 ESTABLISHMENT.

There is hereby created a commission of municipal government known as the Commission on the City's Employees Assistance.

(Ord. 55-89, passed 9-25-89)

§ 33.132 MEMBERSHIP; TERMS AND OFFICERS.

(A) The Commission on City's Employees Assistance shall consist of 18 members. Of the said membership, there shall be two representatives of each of the following unions: Utility Workers of America, Local 108; the American Federation of State, County and Municipal Employees, Local 1913; the Fraternal Order of Police; the International Association of Firefighters, Local 1262; and the International Brotherhood of Electrical Workers, Local 281. The additional members of the Commission shall be appointed by the Mayor.

(B) One-half of all members of the Commission shall be appointed for an initial term of one year, and thereafter said appointees, or their successors, shall be appointed to a term of two years. All other members of the Commission shall be appointed to a term of two years. All appointments shall be made within 30 days of the date of passage of this subchapter with the approval of the Common Council. Subsequent

appointment to the Commission shall be by the Mayor or respective union with the approval of the Common Council.

(C) The Commission shall elect from its membership at its first meeting a President, Vice-President, Secretary, and Treasurer. Initial term of office for the Vice-President and Secretary shall be one year, and thereafter those officers shall have terms of two years. The initial term and all subsequent terms of office of the President and Treasurer shall be two years.
(Ord. 55-89, passed 9-25-89)

§ 33.133 POWERS AND DUTIES.

The Commission on City’s Employees Assistance shall have the following powers and duties:

(A) To create bylaws, sub-committees, and advisory committees as in its judgement will aid in effectuating the purpose of this subchapter.

(B) To recommend to the Mayor and all departments of the city government such policies as the Commission believes will tend to minimize and eliminate the aforementioned personal problems of employees and to otherwise effectuate the goals and purposes of this subchapter.

(C) To issue such publications and other informational materials that will be helpful in the education of city employees in regard to the city employee’s assistance program.
(Ord. 55-89, passed 9-25-89)

§ 33.134 SPECIAL TRUST AND AGENCY FUND.

(A) There is created a Special Trust and Agency Fund to be utilized by the Commission on the City’s Employees Assistance. Donations and other moneys raised by the Commission by way of fund raising efforts, may be deposited into such account.

(B) Expenditures may be made from this Special Trust and Agency Fund without appropriation from

the Common Council. moneys from the Fund shall be dispersed only on approved claims allowed and signed by the President and Secretary of the Commission.
(Ord. 55-89, passed 9-25-89)

REDEVELOPMENT AUTHORITY

§ 33.145 ESTABLISHMENT.

There is created the City Redevelopment Authority as a separate body corporate and politic and as an instrumentality of the city to finance local public improvements for lease to the City Redevelopment Commission pursuant to I.C. 36-7-14.5.
(Ord. 45-89, passed 7-13-89)

HOUSING REHABILITATION LOAN BOARD

§ 33.155 DEPARTMENT OF COMMUNITY DEVELOPMENT TO ADMINISTER LOAN PROGRAM.

The Department of Community Development of the city, hereinafter referred to as “the Department”, is hereby designated to implement, administer and carry out the required duties and functions of the Housing Rehabilitation Low Interest Rate Loan Program, hereinafter referred to as the HRLIRL Program, as set forth in I.C. 36-7-16 and all federal regulations governing the HRLIRL Program for the city and to serve as the compliance agent for loan administration.
(Ord. 19-91, passed 6-13-91)

§ 33.156 BOARD CREATED; COMPOSITION.

There is hereby created a Housing Rehabilitation Loan Board, hereinafter referred to as the Board, and consisting of the following:

(A) Controller of the city.

(B) One officer of Citizens Banking Company.

(C) Director of the Community Development Department.
(Ord. 19-91, passed 6-13-91)

(B) All appointments shall be made by the President of the City Council, shall be reviewed by the Council in regular session and approved by the Council in regular session.
(Res. 9-94, passed 1-13-94)

HEALTH CARE TASK FORCE

§ 33.165 CREATION; PURPOSE.

A task force is now established by the Common Council for the purpose of exploring the various issues relating to health care needs of the citizens of Anderson. Such issues may include, but are not necessarily limited to health care costs, availability, services, insurance, and needs of children and seniors. Further, the purpose of the task force shall be to inform and educate the Council, the city and its citizens of its findings relative to these matters.
(Res. 9-94, passed 1-13-94)

§ 33.166 MEMBERSHIP.

(A) The task force shall be composed of the following appointees:

- (1) Three members of the City Council;
- (2) The City Controller;
- (3) The Director of Personnel and Insurance;
- (4) One representative of each hospital in the city;
- (5) Three representatives of the health insurance industry, one of which shall be a person knowledgeable about retirement health care benefits and pensions; and
- (6) One representative of the city union employees coalition.

MUNICIPAL EMERGENCY PLANNING COMMITTEE

§ 33.175 DEFINITIONS.

EXTREMELY HAZARDOUS SUBSTANCE. Any substance so designated by the U.S. Environmental Protection Agency (EPA) by regulations adopted under the Federal Act.

FACILITY. All buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned, operated or leased by the same person or by any person who controls, is controlled by, or is under common control with that person. For purposes of the notification requires by § 33.179 hereof, the term includes motor vehicles, rolling stock, and aircraft.

FEDERAL ACT. Title 111 of the "Superfund Amendments and Reauthorization Act of 1986," 100 STAT. 1728, 42 U.S.C. 11001, as amended.

FIRE DEPARTMENT. The appropriate fire department to which reporting is required under the Federal Act.

HAZARDOUS CHEMICAL. Has the meaning given to that term in 29 C.F.R. 1910.1200(c), but does not include any of the following:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration of the United States Department of Health and Human Services;

(2) Any substance present as a solid in any manufactured item to the extent that exposure to the substance does not occur under normal conditions of use;

(3) Any substance to the extent it is used for personal, family, or household purposes or is present in the same form and concentration as a product packaged for distribution to and used by the general public, including, without limitation, household and consumer products that are stored prior to or displayed for distribution to the consumer when in the same form and concentration as such products when not intended for use by the general public in the same form and concentrations;

(4) Any substance to the extent it is used in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual;

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

HAZARDOUS MATERIAL. Has the meaning given to that term in 49 CFR 171.8.

HAZARDOUS SUBSTANCE. Any substance so designated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 94 STAT. 2767, 42 U.S.C. 9601, as amended and regulations promulgated thereunder.

MUNICIPAL EMERGENCY PLANNING COMMITTEE or **MEPC** or **COMMITTEE.** The City of Anderson's Municipal Emergency Planning Committee.

PERSON. Any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body.

U.S. EPA. The United States Environmental Protection Agency.

(Ord. 23-98, passed 6-11-98)

Cross-reference:

Hazardous materials, see Ch. 101

§ 33.176 ESTABLISHMENT OF COMMITTEE.

(A) Creation. There is hereby created a Municipal Emergency Planning Committee (the MEPC or the Committee), headed by the Chairman of the Board of Public Safety, who reports to the Mayor. Upon passage of this subchapter, the Mayor shall form the Committee which shall be composed of the Chairman of the Board of Public Safety, the Director of the Department of Emergency Management, the Fire Chief or his designee, and the Police Chief or his designee. The designees of the Police and Fire Departments, if chosen, shall be with the consent of the Mayor.

(B) Powers, duties, and responsibilities. The Committee shall operate under the authority and powers granted to it by this subchapter, and amendments thereto, and other ordinances of the City of Anderson dealing with Hazardous Materials as defined herein.

(Ord. 23-98, passed 6-11-98)

§ 33.177 REPORTING REQUIREMENTS.

Except as provided in division (D) of this section, any person who owns or operates a Facility and is required to prepare or have available a Material Safety Data Sheet (MSDS) for a Hazardous Chemical under the "Occupational Safety and Health Act of 1970," 84 STAT. 1590, 29 U.S.C. 65 1, as amended, and regulations promulgated thereunder, and who has not already complied with the provisions of this section, shall no later than thirty (30) days after the effective date of this subchapter, submit to the Municipal Emergency Planning Committee and the Fire

Department a list of any Hazardous Chemicals and Extremely Hazardous Substances that are present at the Facility in any amount that exceeds the threshold level applicable to each Hazardous Chemical and Extremely Hazardous Substance established by regulation adopted under the Federal Act. The list shall include all of the following:

(1) A listing of the Hazardous Chemicals and Extremely Hazardous Substances for which a Material Safety Data Sheet is required, grouped by hazard category in the manner prescribed by regulations adopted under the Federal Act;

(2) The chemical name or common name of each Hazardous Chemical and Extremely Substance.

(3) Except for the reporting of mixtures under division (B) of this section, any hazardous component of each Hazardous Chemical as provided on the Material Safety Data Sheet;

(4) For each Hazardous Chemical or Extremely Hazardous Substance, an indication as to whether the owner or operator of the facility has withheld information pursuant to a trade secret claim under the Federal Act.

(B) The owner or operator of the Facility may meet the requirements of division (A) of this section for a Hazardous Chemical that consists of a mixture of Hazardous Chemicals by (1) providing the information required by division (A) of this section for each component in the mixture that is a Hazardous Chemical, or (2) providing the information required by division (A) of this section on the mixture itself.

(C) Within 60 days after discovery of significant new information concerning a Hazardous Chemical or Extremely Hazardous Substance identified in the list required by division (A) of this section or within 60 days after first obtaining a Hazardous Chemical or Extremely Hazardous Substance for which reporting a Materials Safety Data Sheet such owner or operator shall also submit a revised Material Safety Data Sheet to the Committee and the Fire Department.

(D) The owner or operator of any Facility at which no more than ten Hazardous Chemicals or

Extremely Hazardous Substances are present in any amount that exceeds the threshold level applicable to each Hazardous Chemical or Extremely Hazardous Substance established by regulations adopted under the Federal Act may, in lieu of the list required under division (A) of this section, submit the applicable Material Safety Data Sheet to the Municipal Emergency Planning Committee and the Fire Department.

(E) No person shall fail to comply with this section. Each day that a person is in noncompliance with this section shall constitute a separate violation hereunder, and any person who violates this section shall pay a civil penalty, of not more than \$2,500 for each such violation. The Committee may, in its discretion, commence an action under this section against any person who violates the provisions of this section. Any action under this section is a civil action, governed by the general rules, practices and procedures applicable to civil actions in the State of Indiana. In addition to an action for civil penalties, the Committee may, in its discretion, bring an action for injunctive relief to permanently enjoin any person from further violations of the provisions of this section and the Federal Act.

(Ord. 23-98, passed 6-11-98)

§ 33.178 ANNUAL REPORTING REQUIREMENTS.

(A) The owner or operator of a facility is required to prepare or have available a Material Safety Data Sheet for a Hazardous Chemical under the "Occupational Safety and Health Act of 1970" 84 STAT. 1590, 29 U.S.C. 1651, as amended, and regulations promulgated thereunder, and that had at the Facility during the preceding calendar year an amount of a Hazardous Chemical or Extremely Hazardous Substance exceeding the threshold level for that chemical or substance established by regulations under the Federal Act shall, no later than the effective date of this subchapter, and no later than the first day of March annually thereafter, submit an Emergency and Hazardous Chemical Inventory Form (the "Inventory Form") to the Municipal Emergency Planning Committee and to the Fire Department. The Inventory Form shall be that prescribed by the

Committee and shall contain for each such Hazardous Chemical or Extremely Hazardous Substance information that has been designated as Tier I information under the Federal Act. The owner or operator of such Facility may submit an "Inventory Form" containing information that has been designated Tier II information under the Federal Act in lieu of Tier I information for any Hazardous Chemical or Extremely Hazardous Substance present at the Facility. Upon request of the Municipal Emergency Planning Committee or the Fire Department, the owner or operator of a Facility that is subject to this section shall, no later than 30 days after receiving such request, submit an Inventory Form containing information that has been designated as Tier II information under the Federal Act. Such Inventory Form shall include all of the following information:

(1) The chemical or common name of the chemical as provided on the Material Safety Data Sheet.

(2) An estimate of the maximum daily amount, in pounds, of the Hazardous Chemicals reported in reporting ranges as established in regulations adopted under the Federal Act present at the Facility on any single day during the reporting period.

(3) An estimate in pounds of the average daily reporting ranges that are present at the Facility during the reporting period.

(4) A brief description of the manner of storage of the Hazardous Chemical or Extremely Hazardous Substance.

(5) All non-confidential locations of the Hazardous Chemical or Extremely Hazardous Substance.

(6) An indication as to whether the owner or operator chooses to assert a trade secret claim with respect to any of the Hazardous Chemical or Extremely Hazardous Substance that was present at the Facility at any time during the preceding year in

accordance with the provisions of the Federal Act. The owner or operator of such Facility shall submit the Tier II information on inventory Form prescribed by the Committee.

(B) No person shall fail to comply with this section. Each day that a person is in noncompliance with this section shall constitute a separate violation hereunder, and any person who violates this section shall pay a civil penalty of not more than \$2,500 for each such violation. The Committee or the Fire and Emergency Department may, in its discretion, commence an action under this section against any person who violates the provisions of this section. Any action under this section is a civil action, governed by the general rules, practice all procedure applicable to civil actions in the State of Indiana. In addition to an action for civil penalties, the Committee or the Fire and Emergency Department may, in its discretion, bring an action for injunctive relief to permanently enjoin any person from further violations of the provisions of this section and the Federal Act. (Ord. 23-98, passed 6-11-98)

§ 33.179 AFFIRMATIVE OBLIGATION.

(A) The owner or operator of any Facility at which there is present a Hazardous Chemical or Extremely Hazardous Substance in an amount that exceeds the threshold level for that substance established by regulations adopted under the Federal Act shall, in accordance with such Act, and regulations promulgated thereunder, do all of the following:

(1) No later than three months after becoming subject to the Federal Act, notify the Committee that the Facility is subject to the Federal Act and shall further notify the Committee of a Facility Representative who will participate in the Committee's Emergency Planning Process as the Coordinator.

(2) Promptly inform the Municipal Emergency Planning Committee of any changes occurring at the facility that may be relevant to the Emergency Planning Process.

(3) Upon request of the Municipal Emergency Planning Committee, promptly provide information to the Committee that is necessary for developing and implementing the Local Emergency Response Plan as that term is defined under the Federal Act. Information that is provided under this section is subject to the restrictions on the release of trade secret information under the Federal Act.

(4) No person shall fail to comply with this section. Each day that a person is in noncompliance with this section shall constitute a separate violation hereunder, and any person who violates this section shall pay a civil penalty of not more than \$2,500 for each such violation. The Committee or the Fire and Emergency Department may, in its discretion, commence an action under this section against any person who violates the provisions of this section. Any action under this section is a civil action, governed by the general rules, practices and procedures applicable to civil actions in the State of Indiana. In addition to an action for civil penalties, the Committee or the Fire and Emergency Department may, in its discretion, bring an action for injunctive relief to permanently enjoin any person from further violations of the provisions of this section and the Federal Act.

(Ord. 23-98, passed 6-11-98)

§ 33.180 EVENT OF RELEASE.

(A) In the event of a release of a Hazardous Material or Extremely Hazardous Substance from a Facility that is reportable under the Federal Act, the owner or operator of such Facility shall immediately notify both the Municipal Emergency Planning Committee and the Fire Department.

(B) For any release for which a written follow-up emergency notice is required by the Federal Act, that notice shall be provided to the Municipal Emergency Planning Committee.

(C) Whenever an owner or operator of a Facility is required to submit any report to the U.S. EPA under regulations adopted under Section 104 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," 94 STAT.

2767, 42 U.S.C. 9601, as amended, concerning the circumstances relating to the sudden accidental release of a Hazardous Material or Extremely Hazardous Substance at or from the Facility, such owner or operator shall submit a copy of the Report to the Municipal Emergency Planning Committee at the same time.

(D) No person shall fail to comply with this section. Each day that a person is in noncompliance with this section shall constitute a separate violation hereunder, and any person who violates this section shall pay a civil penalty of not more than \$2,500 for each such violation. The Committee or the Fire and Emergency Department may, in its discretion, commence an action under this section against any person who violates the provisions of this section. Any action under this section is a civil action, governed by the general rules, practices and procedures applicable to civil actions in the State of Indiana. In addition to an action for civil penalties, the Committee or the Fire and Emergency Department may, in its discretion, bring an action for injunctive relief to permanently enjoin any person from further violations of the provisions of this section and the Federal Act.

(Ord. 23-98, passed 6-11-98)

§ 33.181 SUPPLEMENT TO STATE AND FEDERAL LAW.

It is the intent of this subchapter to supplement the provisions of the Federal Act and such other federal and state statutes, rules and regulations as may be applicable with respect to any facility that produces, uses, stores or otherwise has possession of Hazardous Chemicals, Hazardous Substances or Extremely Hazardous Substances. No provision of this subchapter shall be deemed to supersede any federal or state requirement and to the extent that any provision herein conflicts with the Federal Act or any other federal or state statute, rule or regulation, such federal or state statute, rule or regulation shall control.

(Ord. 23-98, passed 6-11-98)

§ 33.182 JURISDICTION AND ENFORCEMENT.

The Municipal Emergency Planning Committee and the Fire and Emergency Department shall have the responsibility of enforcing the provisions of this subchapter and may bring an action, as authorized under this subchapter, in any court of general jurisdiction of Madison County.
(Ord. 23-98, passed 6-11-98)

§ 33.183 COLLECTION OF PENALTIES.

Any civil penalties imposed under §§ 33.177, 33.178, and 33.179 of this subchapter shall be paid to the City of Anderson’s Controller for deposit into an account maintained for the use and benefit of the Municipal Emergency Planning Committee.
(Ord. 23-98, passed 6-11-98)

***COMMISSION ON
AFRICAN-AMERICAN MALES***

§ 33.190 LEGISLATIVE FINDINGS.

(A) The Common Council acknowledges that, if a segment of our residents and community are not doing well, this affects the overall well-being of our entire community.

(B) Statistical studies detailing the status of African-American Males reveal startling and disturbing conditions and trends which are impeding progress toward full participation in the mainstream of our society.

(C) Poverty, violence, drug abuse, debilitating health problems, and the undereducation, underemployment and unemployment of black males promote self-destructive behaviors and create a myriad of community problems.

(D) There is a need in the city to create practical proposals and workable remedies in the areas of

employment, education, health and criminal justice to reduce the problems which black males face.
(Ord. 84-98, passed 12-14-98; Am. Ord. 15-08, passed 5-8-08)

§ 33.191 ESTABLISHMENT AND MEMBERSHIP.

(A) The Anderson Commission on African-American Males is established.

(B) The Anderson Commission on African-American Males shall consist of 11 members. Each member shall be selected by the group or organization whom he or she represents unless otherwise specified. The appointment shall be appointed as follows:

(1) Six persons appointed by the Anderson Common Council; and

(2) Five persons appointed by the Mayor.

(C) Appointments made for divisions (B)(1) and (2) must be bona fide residents of the city. The appointments referred to in subdivisions (B)(1) and (2) will have each appointing authority include one such appointment to be a youth between the ages of 15 and 24; and these appointing authorities shall confer so that each of the following organizations or their successor organizations are represented: Family and Children’s Services, Inc., NAACP, Urban League, and Workforce Development Services. Each appointing authority shall make two of the four appointments from the organizations referred to herein.

(Ord. 84-98, passed 12-14-98; Am. Ord. 15-08, passed 5-8-08)

§ 33.192 GOVERNING REGULATIONS.

(A) All individuals appointed shall have an active interest in addressing the overall purposes and goals of the Commission.

(B) All members shall serve without compensation.

(C) All members shall serve for a term of two years.

(D) A member of the Commission may be removed by the member’s appointing authority for absenteeism or for cause during his or her term.

(E) The appointing authority shall fill a vacancy on the Commission by appointing a new member for the unexpired term.

(F) At the first meeting in January of each year, the members of the Commission shall elect one member to be the Commission’s Chairperson, one member to be the Commission’s Vice-Chairperson, one member to be the Recording Secretary and one member to be Treasurer.

(G) The Commission shall meet on a minimum of a quarterly basis and is subject to notice of such meetings pursuant to the Open Door Law of the State of Indiana.

(H) Minutes of all meetings shall be sent to the City Clerk and the Mayor’s Office of the city within 30 days following said meeting.

(I) Six members of the Commission shall constitute a quorum.

(J) There shall be created an executive board of the officers who shall conduct the business of the Commission when the Commission does not meet in its regular session.

(K) The Human Relations Department shall serve as liaison to the Commission. (Ord. 84-98, passed 12-14-98; Am. Ord. 15-08, passed 5-8-08)

§ 133.193 DUTIES AND RESPONSIBILITIES.

(A) The Anderson Commission on African-American Males shall:

- (1) Develop annual and long-range goals.

(2) Develop action committees addressing:

- (a) Neighborhoods;
- (b) Criminal Justice;
- (c) Education;
- (d) Employment;
- (e) Health;
- (f) Social Factors; and

(g) Awareness and Conference Planning, which may use resource individuals who are not members of the Commission, including but not limited to the following entities:

- 1. Anderson Common Council;
- 2. Mayor’s Office;
- 3. Anderson Community Schools;
- 4. St. John’s Hospital;
- 5. Community Hospital;
- 6. Center for Mental Health;
- 7. Anderson Police Department;
- 8. Anderson City Court and Probation;
- 9. Local universities and colleges;
- 10. Trade unions;
- 11. Madison County Courts;
- 12. Workforce One;
- 13. Justice Center;

14. Madison County Sheriff; and

15. Governmental entities.

(3) Develop and coordinate information and programs for public institutions and the private sector, and for associations and individuals, which address poverty, violence, drug abuse, racism, debilitating health problems, the underemployment and unemployment of black males, all of which promote self-destructive behaviors which exasperate a myriad of community problems.

(4) Serve as a catalyst and broker to facilitate a common foundation upon which viable courses of action can be initiated, monitored, evaluated, and fine-tuned in order to promote positive public and private remedies to the multifaceted problems confronting black males in our community and the resulting effects on the entire community.

(5) Network with the African-American Male National Council, the Indiana Commission on the Social Status of Black Males and all local male commissions operating throughout the state by sharing ideas, information, statistical data, and action plans.

(6) Issue an annual written report summarizing the results of each of the above-described duties and responsibilities, and provide recommendations for improvement. The Commission shall submit such report to the Anderson Common Council at its first regular meeting in March of each year under Special Business. The city shall, at its expense, provide copies of such reports to each Commission member, all appointing authorities, and make copies of the same available to members of the public through the City Clerk's Office.

(Ord. 84-98, passed 12-14-98; Am. Ord. 15-08, passed 5-8-08)

MAYOR'S COMMISSION FOR UNITY

§ 33.205 COMMISSION CREATED.

There is hereby created a commission of the municipal government known as the Mayor's Commission for Unity.

(Ord. 47-02, passed 11-14-02)

§ 33.206 PURPOSE.

The purpose of the Mayor's Commission for Unity will be to ensure equal accessibility to health, education, employment and housing to all within the community. This will be accomplished by examining each of these areas by working through existing organizations to identify problems. It will be the function of the Commission to develop recommendations to correct inadequacies or inequalities in the fields of health, education, employment and housing. In addition, the Commission will endeavor to make persons from other cultures within the city limits aware of requirements and expectations of our society and at the same time will endeavor to prepare the community to accept those who come from these different cultures.

(Ord. 47-02, passed 11-14-02)

§ 33.207 MEMBERSHIP; TERMS AND OFFICERS.

(A) The Mayor's Commission on Unity shall consist of a minimum of 15 but not more than 40 members, reflecting the diverse population of Anderson.

(B) (1) There shall be at least one representative of the following organizations:

(a) The Madison County Community Health Center;

- System;
- (b) The Anderson Community School
 - (c) Jobsource;
 - (d) The Anderson Police Department;
 - (e) The Anderson Housing Authority;
 - (f) The Anderson City Common Council, as chosen by the Council; and
 - (g) The Anderson Fire Department.

(2) Additional members of the Commission shall be drawn from those citizens having an interest in ensuring the precepts and goals of the Mayor's Commission on Unity are achieved.

(C) All appointments shall be made by the Mayor for a term of two years and with approval of the Common Council. There shall be no limitations on terms, but the Common Council shall approve all new and re-appointed members to the Commission. Members who fail to abide by the policies and procedure of the Commission may be referred to the Mayor for removal.

(D) The Mayor shall appoint from the membership at its first meeting annually a Chairperson of the Commission. The Commission shall elect from its membership at its first meeting annually a Vice-Chairperson, Secretary and Treasurer.
(Ord. 47-02, passed 11-14-02)

§ 33.208 POWERS AND DUTIES.

The Commission shall have the following powers and duties:

(A) To create bylaws, subcommittees and advisory committees as in its judgment will aid in effectuating the purposes of the Commission.

(B) To recommend to the Mayor and all departments of the city government such policies as

the Commission believes will tend to further the goals of the Commission.

(C) To assist any department of city government or any person or entity within the community in the implementation of such policies as to advance the goals of the Commission.
(Ord. 47-02, passed 11-14-02)

§ 33.209 TRUST AND AGENCY FUND.

(A) There is created an agency fund to be utilized by the Mayor's Commission for Unity. Donations to the Commission may be deposited into such account.

(B) Expenditures may be made from this fund without appropriation from the Common Council. Monies from the fund shall be disbursed only on approved claims allowed and signed by the Chairperson and Secretary of the Commission.
(Ord. 47-02, passed 11-14-02)

CITY COUNCIL

§ 33.225 CITY COUNCIL MEETINGS, AUDITORIUM USE.

(A) The City Hall auditorium shall not be permitted to be used for events at the time of regularly scheduled City Council meetings. If any event is scheduled in the auditorium on the same day as a regular City Council meeting, such event must be concluded and the auditorium cleaned up and closed at least 90 minutes prior to the scheduled start of the Council meeting.

(B) The Council may waive the restrictions above for an individual event, if a written request to do so is received and approved by the Council at or before the regular Council meeting in the month preceding the event.
(Ord. 36-06, passed 6-8-06)

EMPLOYEE HEALTH COMMISSION

§ 33.240 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HEALTH CARE. Medical, dental and/or optical care.
(Ord. 47-09, passed 12-10-09)

§ 33.241 PURPOSE.

There is hereby established the City of Anderson Employee Health Commission (“Commission”) for the following purposes.

(A) The Director of Personnel and Insurance or any member of the Commission shall make known to the Commission shall explore and recommend the health care benefits, or any proposed changes thereto, for the employees of the city. For purposes of this subchapter, “employees” shall include, but are not limited to, employees, including retired employees of the city, whose terms and conditions of employment are controlled by a collectively bargained agreement between the city and a duly chosen collective bargaining unit.

(B) Further, the purpose of the Commission shall be to explore the various issues relating to health care of the employees and the provision of benefits by the city for the same, including, but not necessarily limited to, health care costs, availability, services, relative insurance costs to the city and its employees and needs of the employees.

(C) Further, the purpose of the Commission shall be to inform and educate the public, the employees, the administration and the Common Council of its findings and recommendations.
(Ord. 47-09, passed 12-10-09)

§ 33.242 COMPOSITION.

The Commission shall be composed of the following appointees:

(A) Six members, who shall be the following:

- (1) The Chairperson of the Board of Public Works;
- (2) The Chairperson of the Board of Public Safety;
- (3) The Director of Personnel and Insurance;
- (4) The City Controller;
- (5) The Insurance Benefit Specialist; and
- (6) One Councilperson, appointed by the City Council President.

(B) Six members, who shall be the presidents of each of the collective bargaining units of the employees of the city, or the designee of any such President.
(Ord. 47-09, passed 12-10-09)

§ 33.243 VOTING.

Each member of the Commission shall have a vote upon any matter brought before it. Provided, that any recommendations or item pertaining to the health care plan design or benefits of the employees, including any changes to existing plan design or benefits, shall be made only upon an affirmative vote of two-thirds of the members of the Commission. Rulings of the Commission shall be thereafter made in writing and provided to the members of the Commission and be binding upon the employees and the city.
(Ord. 47-09, passed 12-10-09)

§ 33.244 DIRECTOR OF PERSONNEL.

In carrying out their duties, the Director of Personnel shall serve as the Chairperson of the Commission, and the Clerk of the city or his or her designee shall serve as the secretary.

(Ord. 47-09, passed 12-10-09)

§ 33.245 MEETINGS.

The Commission shall meet a minimum of four times a year during the months of March, June, September and December. Meetings shall be called by the Chairperson. Four other members may request a special meeting date in writing to the Chairperson, in which case such meeting shall be scheduled within ten days of the written request. A report of the Commission's findings shall be furnished to the executive of the city and the legislative body of the city.

(Ord. 47-09, passed 12-10-09)

CHAPTER 34: OFFICERS AND EMPLOYEES

Section

- 34.01 Salaries
- 34.02 Elective officers
- 34.03 Building Commissioner
- 34.04 Director of Community Development
- 34.05 Electrical Inspector
- 34.06 Humane Officer
- 34.07 Plumbing Inspector
- 34.08 Special Assistant for Community Affairs
- 34.09 Deputy Mayor

§ 34.01 SALARIES.

(A) The compensation of elected officers shall be set by Council as provided by I.C. 36-4-7-2.

(B) The compensation of appointive officers and employees shall be set as provided by I.C. 36-4-7-3. ('64 Code, § 31.2) (Ord. 6-63, passed 4-1-63; Am. Ord. 10-71, passed 3-22-71)

Cross-reference:

City Clerk, see § 31.01

City Judge, see § 31.01

Common Council, see § 31.01

Mayor, see § 31.01

§ 34.02 ELECTIVE OFFICERS.

For provisions regarding elective officers, see § 31.01.

§ 34.03 BUILDING COMMISSIONER.

For provisions regarding the Building Commissioner, see § 150.20.

§ 34.04 DIRECTOR OF COMMUNITY DEVELOPMENT.

For provisions regarding the Director of Community Development, see § 32.17.

§ 34.05 ELECTRICAL INSPECTOR.

For provisions regarding the Electrical Inspector, see § 151.10.

§ 34.06 HUMANE OFFICER.

For provisions regarding the Humane Officer, see § 91.14.

§ 34.07 PLUMBING INSPECTOR.

For provisions regarding the Plumbing Inspector, see § 159.03.

§ 34.08 SPECIAL ASSISTANT FOR COMMUNITY AFFAIRS.

(A) *Position created.* There is hereby created the office of Special Assistant to the Mayor for Community Affairs. The Special Assistant for Community Affairs shall be appointed by the Mayor and shall serve at the Mayor's pleasure. He shall receive remuneration as set by the Mayor and approved by the Common Council.

(B) *Duties and responsibilities.* It shall be the duty and responsibility of the Special Assistant to serve as liaison between the Mayor and those business development, religious, fraternal, social and other organizations on matters pertaining to the betterment of community relations in the city. It shall also be the duty and responsibility of the Special Assistant to serve as liaison between the Mayor, the Common Council and any boards, commissions or departments of the city on matters pertaining to community relations in the city. It shall be the duty and responsibility of the Special Assistant to advise and monitor existing citizen groups on matters pertaining to community relations in the city, to encourage the formation of new ones where deemed necessary and recommend the merging or disbandment of those whose usefulness has diminished or ceased.

(Ord. 56-81, passed 9-19-81)

Cross-reference:

Mayor, see § 31.01

§ 34.09 DEPUTY MAYOR.

(A) There is established the position of Deputy Mayor, which in the event of the Mayor's inability to fulfill his or her duties due to injury, incapacitation, absence or illness, shall have all powers of the office of Mayor as established by ordinance, statute or other law.

(B) The Deputy Mayor shall be appointed by and serve at the pleasure of the Mayor.

(C) The Deputy Mayor position is an unpaid position and a person shall be entitled to no salary, per diem payments or other compensation for holding this office.

(Ord. 9-04, passed 5-13-04)

CHAPTER 35: PERSONNEL POLICIES AND PROCEDURES

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- 35.002 Nepotism
- 35.003 Contracting with a unit

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- 35.005 Basic work week
- 35.006 Recording time worked
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- 35.015 [Reserved]
- 35.016 Recruitment
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(2) The individual’s employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

GENERAL PROVISIONS

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

§ 35.001 INTRODUCTION.

(A) This policy applies to all nonunion employees of the city with the following exceptions:

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

- (1) Elected officials.
- (2) Employees appointed by the Mayor.
- (3) Members of boards and commissions.

(2) A volunteer firefighter;
is not considered employment by a unit.

(B) This policy is not a contract and is not intended or considered to be a contract, and employment is at-will.

(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 unit.

(C) The city reserves the right to modify, change, or delete its policies and regulations or to add additional policies as it deems appropriate. (Res. 14-89, passed 3-9-89)

(E) As used in this section, **EMPLOYED** means an individual who is employed by a unit 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 unit.

§ 35.002 NEPOTISM.

(A) This section applies to all units.

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

(B) An individual who is employed by a unit on July 1, 2012, is not subject to this section unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit.

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

(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.

(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 division (H), an adopted child of an individual is treated as a natural child of the individual.

(3) For purposes of this division (H), the terms “brother” and “sister” 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 chapter. However, the policy may:

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

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

(2) The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(3) 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 chapter.

(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 a unit on the date the individual’s relative begins serving a term of an elected office of the unit; and

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

(2) Unless a policy adopted under division (I) of this section 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) of this section.

(3) Unless a policy adopted under division (I) of this section provides otherwise, an individual described in division (K)(2) of this section 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) of this section.

(L) This chapter does not abrogate or affect an employment contract with a unit 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 unit.

(M) Unless the policy adopted under division (I) of this section 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) of this section provides otherwise, an individual:

- (1) Who served as coroner;
- (2) Who is currently ineligible to serve as coroner under Indiana Const. Art. 6, § 2(b);
- (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; may be hired in the position of deputy coroner and be in the coroner’s direct line of supervision.

(O) If the township trustee’s office is located in the township trustee’s personal residence, unless the policy adopted under division (I) of this section provides otherwise the township trustee may hire only one employee who is a relative. The employee:

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

(P) Each elected officer of the unit 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 unit not later than December 31 of each year.

(Q) 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.

(R) If a unit has not implemented a policy under this section, the Department of Local Government Finance may not approve:

- (1) The unit’s budget; or
- (2) Any additional appropriations for the unit;

for the ensuing calendar year until the State Board of Accounts certifies to the Department of Local Government Finance that the unit is in compliance with this section. (Ord. 8-12, passed 6-14-12)

§ 35.003 CONTRACTING WITH A UNIT.

(A) This section applies only to a unit.

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

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

(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 division (C), an adopted child of an individual is treated as a natural child of the individual.

(3) For purposes of this division (C), the terms “brother” and “sister” include a brother or sister by the half blood.

(D) (1) This section establishes minimum requirements regarding contracting with a unit. 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 chapter; and

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

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

(3) 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) A unit 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 section are satisfied and the elected official does not violate state law.

(2) A unit may enter into a contract or renew a contract with an individual or business entity described in division (E)(1) of this section if:

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

1. Be in writing;

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

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 unit and be accepted by the legislative body in a public meeting of the unit 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:

(i) The State Board of Accounts; and

(ii) The clerk of the circuit court in the county where the unit takes final action on the contract or purchase;

(b) The appropriate agency of the unit:

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 unit 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 I.C. 35-44-1-3, if applicable.

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

(F) Each elected officer of the unit 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 unit 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 a unit has not implemented a policy under this section, the Department of Local Government Finance may not approve:

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

for the ensuing calendar year until the State Board of accounts certifies to the Department of Local Government Finance that the unit has adopted a policy under this chapter.
(Ord. 8-12, passed 6-14-12)

HOURS OF WORK

§ 35.005 BASIC WORK WEEK.

It is the policy of the city to maintain a scheduled work week of 40 hours, consisting of five consecutively scheduled eight-hour days. The actual work schedule will be determined by the Personnel Department. Business, economics, or other conditions may warrant greater or lesser numbers of hours or

days; therefore this policy is not to be construed as a guarantee of hours or days.
(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.006 RECORDING TIME WORKED.

It is necessary to maintain accurate and complete records of the time worked by all nonexempt employees (covered by the Fair Labor Standards Act). To ensure compliance, the following guidelines apply:

(A) Nonexempt employees who punch time cards are required to record the time at which they commence working and stop working each day.

(B) Time cards must reflect actual hours worked, and all such hours are to be compensated accordingly. If an adjustment of hours needs to be made, compensation will be paid on next pay period.

(C) No employee may record the time of any other employee, nor may they permit or request another employee (except the supervisor or an individual designated by the supervisor) to record their time.

(D) No employee may ring another employee's time card.

(E) Any omissions of starting and stopping times must be approved by the supervisor. Any deviations from regular starting and stopping times must also be approved by the supervisor.

(F) Nonexempt employees are not permitted to start working before their regularly scheduled starting time, nor continue working past their regularly scheduled quitting time, unless prior permission to work overtime has been approved by the department head.

(G) For nonexempt employees overtime shall consist of 1-1/2 times the regular rate of pay or compensation for hours worked over 40. Forty work

hours include lunch hours and any other paid status an employee may have used, but not physically worked for that week.

(H) Employees are to be told their regularly scheduled working hours at the time they are hired. Any changes in scheduled hours are to be communicated to employees as soon as practical, and prior to the change in hours.

(I) Nonexempt employees are not permitted to take work home without the permission of supervision.

(J) Exempt employees are not eligible for compensation time or overtime pay unless special circumstances warrant it with appropriate board and Personnel Director's approval.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92; Am. Res. 58-99, passed 12-9-99)

§ 35.007 BREAK PERIODS; MEAL PERIODS.

(A) Full-time employees are allowed two break periods of 15 minutes each during the workday, not to be taken consecutively. Break periods are paid at the regular rate of pay.

(B) A meal period will be provided.
(Res. 14-89, passed 3-9-89)

PERSONNEL RECRUITING

§ 35.015 [RESERVED].

§ 35.016 RECRUITMENT.

(A) It shall be the policy of the city to recruit and select qualified candidates for available positions. The city is committed to recruitment practices that draw from all geographic areas and types of people.

Recruitment will be conducted in an affirmative manner to insure open and fair competition. The responsibility for the recruitment of job applicants is the function of the Personnel Department. In preparing position announcements all relevant information will be provided including: job title, job qualifications, examination information, salary range and application procedures.

(1) Internal posting. Before any outside candidates will be considered, current city employees shall have an opportunity to apply for openings. Available job openings will be posted within the city for five working days before they become available to the public. It should be posted in a place where city employees have an opportunity to see the announcement. The posting will provide relevant information on the position and the qualifications. Employees who are interested in, and meet the minimum qualifications for the position should contact the Personnel Department. Their name will be placed on an interest list, and their qualifications will be reviewed for consideration of the position. However, the internal posting process in no way prohibits the city from seeking qualified candidates from the outside.

(2) External recruitment. If positions are not filled internally, efforts will be made to identify qualified candidates from the outside. Under no circumstances will recruiting be allowed by any other department other than the Personnel Department. A wide variety of sources will be utilized in this effort, including:

- (a) Applications currently on file;
- (b) Agencies and schools;
- (c) Advertising in newspapers and journals;
- (d) Government employment agencies;
- (e) Qualified candidates who have applied for the job;

(f) Minority organizations; and

(g) Individuals recommended by present employees.

(B) All applicants applying for employment must have an active application on file in the Personnel Department.

(Res. 14-89, passed 3-9-89)

§ 35.017 APPLICATION PROCEDURES.

(A) *Application forms.* The Personnel Department is responsible for approving and selecting all application forms used in the recruitment and placement process. Application forms shall not elicit any information concerning race, color, religion, sex, age, disability, national origin, or any other information deemed illegal by EEO regulations. The application forms will be designed to elicit job related information, including: educational and training background, work experience, special skills or qualifications, employment references, and/or related information. Applications will be accepted in the Personnel Department when deemed necessary. All applications remain on an active status for one year and should be updated every six months.

(B) *Rejection of applications.* The Personnel Department may reject any application which indicates that the applicant does not meet the minimum qualifications established for the position. Applications may also be rejected if the applicant:

(1) Has deliberately falsified the application.

(2) Is a member of an organization which advocates the overthrow of the government of the United States by force or violence.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.018 EMPLOYMENT TESTING.

Appropriate testing may be used in the recruiting and placement process. Tests will be administered by the Personnel Department unless they can be more effectively administered by an outside source or the department. The term *EMPLOYMENT TEST* refers to any pencil and paper or performance measure which is used as a basis for an employment decision. Testing will reflect the position’s duties as described by the job description and will not be designed to exclude individuals because of race, color, religion, sex, age, national origin or disability. All testing shall be relevant to the position.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.019 INTERVIEWING AND SELECTION.

(A) *Interviewing.*

(1) The interview is an essential component of the hiring process. Not all applicants for a position will be interviewed. To control the flow of applicants the Personnel Department will coordinate the interview process. Minimum qualifications for each city position have been established. The criteria focuses on minimum job related qualifications that employees’ must have to be successful on the job. The Personnel Department shall periodically evaluate and update the criteria. In addition, the Personnel Department shall ensure that all interview procedures are in compliance with applicable laws, regulations and guidelines.

(2) The interview is normally a multi-step process. The Personnel Department will screen potential candidates for a position. The screening process includes, but is not limited to, any of the following devices: application checks, reference checks, testing, and interviews. The process is

designed to identify the most qualified job candidates. Only those candidates who most closely meet the established minimum qualifications shall be scheduled for employment interviews. Interviews may be conducted at several levels including: the Personnel Department, the department level, and the Board level.

(B) *Selection.* The city intends to hire the most qualified candidate available. The final selection of an employee is the key step in the employment process. The appropriate department, in conjunction with the Personnel Department, will review and analyze the final candidates credentials. No single factor will determine the final selection. Selection material is confidential and will only be available to the appropriate personnel. Upon reaching a final selection the Personnel Department will notify the candidate selected.

(Res. 14-89, passed 3-9-89)

§ 35.020 RESIDENCY.

The city herein deems the question of residency to be a proper factor to be considered in the initial hiring of an employee in the city. Accordingly, applicants who reside in the city and have a desire to remain permanently in the city shall be considered favorably for employment. The city encourages employees to live within the city limits.

(A) *Policy.*

(1) Any person who accepts employment with the city, or any special service or special taxing district thereof, must either:

(a) Have their principal place of residence within the city limits, or

(b) Become a resident of the city within six months of their employment date.

(2) Individuals who do not comply with the residency requirement will be terminated from city employment.

(B) *Exception.* The only exception to the policy is for individuals who meet the following criteria:

(1) Individuals possessing specialized skills or training that are required for the position may have their place of residence outside the city limits. The decision will be determined by the Personnel Director and appropriate board to define positions that require specialized skills.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.021 PHYSICAL EXAMINATIONS.

(A) *Policy.* Physical examination and drug screening test are required for full-time and part-time employees in accordance with the following guidelines:

(1) All applicants with a conditional offer of employment and prior to the commencement of employment.

(2) All employees returning from lay-off who have been off the job for more than 90 days.

(3) Employees who become physically unable to perform job related duties. Departmental request for these exams must be submitted to Personnel. The reason for the request must be job related and consistent with business necessity or for safety purposes.

(4) Employees returning from an industrial injury may be subject to a physical examination.

The purpose of the examination is to determine if the employee, or prospective employee, is physically able to perform the essential job functions to which they are assigned and to ensure that their physical condition will not endanger the health, safety, and well-being of employees and the public. All examinations will be scheduled with the city physician or the hospital and at no cost to the employee. An employee may be required to comply with the recommendation of the city's physicians as a condition of employment. The decision of the Personnel Department will be based upon the reports submitted by the city physician and

the hospital as to whether the city should continue to employ an individual who does not pass the physical examination.

(B) (1) *Procedure.* The Personnel Department will schedule the physical examination and drug screening test for applicants with a conditional offer of employment and prior to the commencement of employment.

(2) The Personnel Department will also schedule all physical examinations and drug screening for employees returning from lay-off and employees physically unable to perform the essential functions of the job. For employees returning from lay-off status or extended sick leave, examinations will be scheduled prior to their return to work. For an employee returning to work from a worker's compensation injury, the Personnel, Insurance and Safety Department will determine if a physical examination is required.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.022 ORIENTATION.

(A) *Policy.* The city wants each new employee to feel welcome and part of the team from the first day on the job. With this in mind it is the city's policy to:

(1) Let each new person know that the city is happy to have them as an employee;

(2) Provide every new employee with all the information they need to become fully acquainted with their work, the city and their work associates;

(3) Keep every new employee fully informed on all matters of city policy and procedures which might involve or affect their job;

(4) Maintain open channels of communication through which new employees can obtain information, get answers to their questions and discuss problems with appropriate personnel.

(B) *Procedure.*

(1) The orientation of a new employee is the final step in the hiring process. It is designed to acquaint the new employee with the city, its policies and procedures and their specific job responsibilities. The city has developed a formal orientation program for all new employees. It consists of two phases:

(a) Phase I: Personnel and Insurance Department

(b) Phase II: Immediate supervisor

(2) Each phase should be carried out in a timely and conscientious manner.

(a) Phase I concentrates on city policies and procedures, explanations of wage and benefit programs and other general information concerning their new employment. This phase will be conducted by the Personnel and Insurance Department on the new employee's first day of work.

(b) Phase II is conducted at the departmental level. The objective at this phase is to provide the new employee with their specific work assignments, acquaint them with departmental work rules and define work expectations. This portion of the orientation program occurs on an ongoing basis beginning with the first day on the job and continuing thereafter. Also it is the responsibility of the employee to keep informed on policies and learn every phase of the position.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

**§ 35.023 EMPLOYEE STATUS/
CLASSIFICATION.**

(A) *Policy.* For the purpose of salary and benefit administration and labor law compliance, city positions falls into one of three categories: full-time, part-time, or temporary. Employees also are defined as exempt or nonexempt for payroll purposes on the basis of whether or not, in the performance of the job to which they are assigned, they meet the tests for the

executive, administrative or professional exemptions. The Personnel Department is responsible for assigning position classifications and determining employee status.

(B) *Definitions.* The following definitions have been established in order to standardize terminology and provide common understanding in our references to employees:

(1) **EMPLOYEE.** An individual who is actively carried on city payroll records and receives wages through the city or utility payroll.

(2) **EXEMPT EMPLOYEE.** One who is not covered by the overtime requirements of the Fair Labor Standards Act.

(3) **FULL-TIME EMPLOYEE.** An individual who works a minimum of 40 hours per week and who maintains regular employment on a year round basis. Regular full-time employees are eligible for all city benefits.

(4) **NONEXEMPT EMPLOYEE.** One who is covered by the overtime requirements of the Fair Labor Standards Act.

(5) **PART-TIME EMPLOYEE.** An individual who works between 19½ to 30 hours weekly and who maintains continuous employment on a year round basis. The city requests part-time employees work 5½ hours maximum per day which totals out to be 27½ hours maximum per week. The city will allow up to 30 hours maximum per week, but only with the written permission from the Personnel Director. Part-time employees transferring to full-time employment will have a new seniority date based on the full-time hire date. Part-time employees are not eligible for retiree's health insurance.

(6) **TEMPORARY EMPLOYEE.** An individual whose services are intended to be of limited duration (for example, filling in for illnesses, seasonal work, and special projects). A **TEMPORARY EMPLOYEE** cannot work more than 910 hours per year, unless authorized by the Personnel Department.

TEMPORARY EMPLOYEES may be released from employment at the convenience of the city. **TEMPORARY EMPLOYEES** are not eligible for city benefits.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92; Am. Res. 58-99, passed 12-9-99)

§ 35.024 HIRING A FORMER EMPLOYEE.

If a former employee of the city is re-hired, such employee will be treated as a new hire. Seniority from past city employment will be credited for P.E.R.F. as per state law.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

TRIAL PERIOD

§ 35.035 POLICY.

(A) Trial periods are established to determine if an employee is capable of performing in the position for which they have been hired. Trial periods are of three types:

- (1) New hires.
- (2) Employees moving into new positions.
- (3) Employees placed on performance trial period.

(B) The trial period is essential for the orientation, training, observation, performance evaluation, and final judgment of the supervisor as to whether the individual is a suitable contributor to the achievement of the city's objectives.

(Res. 14-89, passed 3-9-89)

§ 35.036 NEW HIRE TRIAL PERIOD.

(A) A newly hired employee is considered on a trial period for the first 180 days of employment. While on new hire trial period, the employee may not

use the employee complaint procedure or bid for posted city positions.

(B) Employees changing into new positions. Employees transferring into new positions will serve a trial period ranging from 90 days to a maximum of six months. The purpose of this period is to determine if the employee can satisfactorily perform the duties of the new position. If the employee fails to perform at the satisfactory level they may be terminated or transferred to another position. There is no guarantee of employment if performance is below the minimum level.

(Res. 14-89, passed 3-9-89)

§ 35.037 PERFORMANCE TRIAL PERIOD.

This trial period is used for full-time employees who are performing inadequately. An employee may be placed on trial period for a designated period not to exceed six months in length. This trial period is used where serious deficiencies exist but they are within the control of the employee to correct. It can be a course of action which delays or avoids the discharge of the employee. Specific areas of improvement should be clearly outlined along with specific timetables for their completion. Salary increases shall not be granted during a trial period.

(Res. 14-89, passed 3-9-89)

§ 35.038 RECORD KEEPING.

The Personnel Department will monitor trial periods for all employees. Proper documentation should be prepared at the department level and forwarded to the Personnel Department for inclusion in the employee's permanent jacket.

(Res. 14-89, passed 3-9-89)

TRANSFERS

§ 35.045 POLICY.

Transfers are defined as the assignment of an employee from one position in the city to another position of the same, greater or lesser classification. Transfers fall into two categories: voluntary or involuntary. The procedures outlined below describe the specific requirements for each category of transfer.

(Res. 14-89, passed 3-9-89)

§ 35.046 VOLUNTARY TRANSFER.

(A) A transfer is the assignment of an employee from one position to another position of the same or greater or lesser pay classification. All transfers shall be made in the interest of service, focusing on the city's primary concern of meeting its statutory requirements and public service commitments. To the best of its ability the city will try to accommodate the desires and best interest of its employees while fulfilling its obligations. Possibilities for a transfer will be based on qualifications of the employee for acceptable performance in the new job.

(B) Factors such as education, training, experience, past job performance and potential for future performance in the new position shall be the basis for consideration. Employees must notify the Personnel Department of their desire to make a transfer. All interviews must be arranged through the Personnel Department. An employee must be in a position a minimum of 180 working days and off of the trial period before initiating a transfer of any kind. The transfer must be approved by the appropriate department heads and Personnel Administrator.

(C) Employees wishing to be considered for a transfer must notify the Personnel Department of their desire. Transfers will only be considered when a job

opening exists or when departments can exchange employees. The transfer request should provide all relevant personal information to allow the city an opportunity to review employee's qualifications.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.047 INVOLUNTARY TRANSFER.

These may be initiated at any time. If the department head and Director of Personnel thinks the transfer is made in the interest of service, focusing on the city's primary concern of meeting its statutory requirement, public service and betterment of the department, then it can occur. If the employee objects to the involuntary transfer he has a right to the complaint procedure (See § 35.190). Once a transfer is agreed upon and the involved parties are notified of the change by the Personnel Department, there may be a two-week waiting period to allow all involved parties to make sufficient adjustments. Every effort will be made to transfer employees into an equal classification and pay scale but the position can be of lower or higher classification and pay.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.048 GENERAL GUIDELINES.

Once the decision to transfer is made the Personnel Department will notify all concerned parties. Transfers are not to be considered as new hires with respect to the accumulation of benefits. City seniority will be continuous although the employee will be subject to departmental requirements. Employees will receive a salary commensurate with the position classification, and their experience and seniority. Transferred employees will serve a trial period ranging from 90 days to a maximum of six months. There is no guarantee of employment if performance is below the minimum level.

(Res. 14-89, passed 3-9-89)

SALARY GRADES/PAY RANGES**§ 35.060 HIRING RATES AND USE OF SALARY GRADES.**

For hiring purposes the salary grades have been divided into pay ranges. The following procedures apply.

(A) Those employees being hired or transferred into a position who have relatively little or no background experience should be hired in at the minimum of the range of the grade. Transferred employees that have similar experience in a field should carry their seniority with them to the new position.

(B) New employees being hired into a position who have prior experience may be hired as experience and ability dictate but in no case above the three year range of that grade.

(C) Once assigned to a rate the employee must earn their seniority before moving to the next range.

(D) No salary increase may be given to an employee that shall cause that employee's salary to be over the maximum of that position's salary grade.

(E) Anytime a condition exists with respect to the city's fiscal position or under other circumstances which would cause the granting of pay increases to be unwarranted, the Mayor, at his discretion, may suspend all pay increases for such time as may be deemed necessary.

(F) Pay increases provided under the job classification schedules are not to be considered automatic. These increases are based upon the performance and seniority of the individual employee and must be initiated by the respective department head and approved by the appropriate board.
(Res. 14-89, passed 3-9-89; Am. Res. 58-99, passed 12-9-99)

CLASSIFICATION PROCESS**§ 35.070 INCORPORATION BY REFERENCE.**

This subchapter has been amended August 22, 1988 and is hereby incorporated by reference as if fully set forth herein.

(Res. 14-89, passed 3-9-89)

***PAYROLL DEDUCTIONS
AND COMPENSATION*****§ 35.080 PAYROLL DEDUCTIONS.**

As required by federal, state and local laws, certain deductions will be made from an employee's established wage or salary. An employee, by a personnel notice, may have a portion of their wages or salary withheld for additional approved purposes, such as:

(A) For the purchase of group health and life insurance premiums.

(B) For the purchase of U.S. Savings Bonds.

(C) For deposit into the Credit Union.

(D) PERF.

(E) Voluntary contributions.

(Res. 14-89, passed 3-9-89)

§ 35.081 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF).

(A) All employees and duly elected and appointed officials of the city shall be covered by a retirement program established and maintained by the state except:

(1) Per Resolution No. 109-76, Sec. III, all duly appointed officials of the boards and commissions.

(2) Per I.C. 10.3-7-2 (2), Uniformed police and firefighters.

(3) Employees not considered full-time or part-time.

(B) The Public Employees' Retirement Fund (PERF) pays benefits to cover employees or their survivor upon retirement, death, and in certain cases of disability.

(C) Full particulars regarding PERF are contained in a PERF employee handbook given to each employee and additional questions should be directed to the Payroll Department in the Controller's office.
(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.082 CREDIT UNION.

The city is affiliated with the Madison County School Employees Federal Credit Union. Payroll deductions are available for employees.
(Res. 14-89, passed 3-9-89)

§ 35.083 INSURANCE.

(A) *Health, life and survivors benefits:* Health, hospitalization, accident and life insurance is available to all regular full and part-time employees and qualified dependents. The employee is automatically eligible to enroll in the insurance programs within 30 days of their hire date. All premiums related to this insurance are paid through payroll deduction with the exception of premiums for continuation of coverage during the course of a leave without pay or retirement. After all sick leave is exhausted the employee may arrange to pay their contributory premium and be continued as a participant in the plan during the course of the leave by arrangement in advance through the Insurance Department. An employee should check the insurance manual or with the Insurance Department for details about coverage and information concerning the new COBRA laws and regulations. The spouse and dependents of an employee who is killed while on duty will be eligible to continue the city's insurance

coverage. The survivor's cost of insurance will be the same as an active employee's cost. The spouse will be eligible for coverage until such time they remarry or are deceased. Dependents will be eligible for coverage until 23 years of age if the dependent is not an emancipated youth. Once a year the insurance department will hold an open enrollment period. Employees will have the option to make their benefits elections for the upcoming year and update their personal status information.

(B) *Retirement:* Full-time employees with ten years of creditable service with the city have the option to continue their health insurance benefits as a retiree. A retiree's cost will be determined by their years of service and age at retirement. The current schedule is maintained in the insurance department. To be eligible for all of their benefits, a full-time employee is eligible for retirement when they reach ten years of uninterrupted service with the city.

(C) *Spouse Benefits:* Upon the death of the retiree his/her spouse will be eligible to continue their health benefits at the same percentage rate as the deceased retiree unless they remarry or become employed where they are eligible for their own coverage.
(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92; Am. Res. 58-99, passed 12-9-99)

§ 35.084 ESTABLISHMENT OF SELF-INSURANCE PROGRAM.

(A) There be established a self-insurance escrow fund for the city, effective January 1, 1990, to be used solely for the payment of medical, dental and vision benefits and administrative costs related thereto, for the qualified employees and retirees of the city. Further, there is established a certain fund to be used for the accumulation of a reserve of monies intended for the sole purpose of payment of said medical, dental and vision benefits, and administrative costs related thereto, in the event that any obligations of the city relative thereto, exceed both the amounts maintained in the escrow account and any obligation of a third party reinsurer to so pay the benefits and costs.

(B) There is established a trust fund known as "The Retirees Insurance Trust Fund," which shall be used for the sole purpose of accumulating, maintaining and paying medical, dental and vision benefits and administrative costs relative thereto, for qualified retirees of the city. Until such time as the retiree trust fund is sufficient, the City Controller is authorized to make payment of retiree medical, dental and vision benefits from the aforementioned escrow and reserve funds of the city.

(C) The expenditures from such funds shall be approved by the Board of Public Works in accordance with the established claim procedure as provided by law.

(D) Any appropriation made to establish and maintain the funds shall revert to the fund only, unless a statute provides otherwise.

(E) The City Controller may invest the aforesaid funds as provided by law under I.C. 5-13-9. Earnings shall be credited only to that fund from which the monies are invested and may be used solely for the purposes stated here in this section.

(F) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

COVERED SERVICE. Those claims for payment of medical, dental, vision and other health related services rendered to a covered individual as allowed under the current health/dental/vision plan of the city provided to its employees and/or retirees.

USUAL AND CUSTOMARY ADMINISTRATIVE COSTS. Those costs of the plan other than covered services and which are ordinarily and routinely incurred in the administration of the health plan. Payments for the purposes of providing a "premium holiday" or any such similar temporary discontinuation of premium withdrawals from the employees or retirees covered by the plan are not to be considered usual and customary administrative costs.

(G) The City Controller shall deposit and hold within the self-insurance escrow fund as created herein all of the following: all wages withheld from employee's wages as their contribution towards health expense coverage; the city's contribution as employer towards health expense coverage; all payments made by individuals for COBRA coverage; all monies received by the city as premium payments for coverage of retired employees and/or their families; any reimbursement or refund received by the city from any third party for health care costs.

(H) (1) Except as otherwise provided herein, monies held within the self-insurance escrow fund, the reserve health fund, and retirees insurance trust fund, which funds are created hereunder, shall be used solely for the purpose of paying covered services and/or usual and customary administrative costs of the health plan. No amount within any of the aforementioned funds shall be transferred to any other fund of the city or be used by the city for any other purpose unrelated to the health plan of the city. Provided that, following exhaustion of all appeals available to a covered individual under the plan, any claim for health cost which is not for a covered service against the fund, and subject to the limitation in division (H)(2) below, shall be paid only upon approval of the following subcommittee of the City of Anderson Employee Health Commission: two members as appointed by the Commission, who shall be voting members of the subcommittee, and the insurance benefit specialist, who shall serve ex-officio.

(2) Any claim to be considered by the subcommittee may not exceed \$10,000. Claims above such amount may be considered by the full Commission. The subcommittee shall report monthly to the full Commission any claims considered and its action thereon, Denials by the subcommittee may be asked to be reconsidered by the full Commission, provided such requests are made within 30 days of the date of such denial.

(3) Administrative cost(s) which are not usual or customary may be made by the city only upon approval of the Commission.

(4) The subcommittee shall also be advised and allowed to participate in any meetings which may occur between the City of Anderson and its health insurance third party administrator, vendors, or potential vendors, where the subject matter involves membership and/or benefit exception. (Ord. 78-89, passed 12-14-89; Am. Ord. 34-11, passed 12-8-11)

§ 35.085 UNEMPLOYMENT COMPENSATION.

Eligible city employees are covered by the unemployment compensation program administered through the Indiana State of Employment Security Division. Generally this compensation is available to those who are terminated from city employment through no fault of their own (layoff, manpower cutbacks, and the like) and are actively seeking employment elsewhere. Eligibility is determined by the Employment Security Division on a case basis and an application must be made with their office before benefits can be collected. (Res. 14-89, passed 3-4-89)

§ 35.086 WORKER’S COMPENSATION INSURANCE.

Worker’s compensation policies and procedures are established by the Personnel, Insurance and Safety Department in accordance with state law. Any questions should be directed to the department. All employees are covered by Worker’s Compensation Insurance to the extent of normal legal benefits. The employee has the responsibility of reporting any accident or injury which occurs while working to his/her immediate supervisor and the Personnel, Insurance and Safety Department. (Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.087 EMPLOYEE DEFERRED COMPENSATION PLAN.

(A) The City Council hereby established the Deferred Compensation Plan for the voluntary participation of all eligible employees and elected officials.

(B) The city shall utilize the State’s Plan document and its investment options. Further, the city shall contract with Indiana Deferred Compensation Plan, Inc. to be the exclusive servicing manager and enroller.

(C) The City Council hereby appoints the Controller of the city as Administrator of the Plan, and authorizes the controller to make deductions from the pay of employees who voluntarily participate and to make such other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expenses of collecting the employee’s deferrals and other minor administrative matter, that there is to be no cost to or contribution by the city to this Plan. (Ord. 39-90, passed 7-12-90)

LAYOFFS AND RECALLS

§ 35.095 POLICY.

The purpose of this policy is to establish a lay-off and recall procedure that will provide a systematic method to accomplish a reduction/recall in the work force while providing the city with the means to retain

the necessary skills and abilities needed to continue services.
(Res. 14-89, passed 3-9-89)

§ 35.096 PROCEDURES FOR LAYOFF.

(A) The method for determining the order of layoff shall be based on the following criteria:

(1) In any decrease of the working force temporary employees will be the first dismissed.

(2) Part-time employees will be laid off before full-time employees.

(3) Trial period employees will be laid off before full-time employees.

(4) Full-time employees will be laid off according to two factors: demonstrated skill and efficiency in performing the job functions and seniority within their job classification. Layoffs will be made by department, not by city-wide classifications.

(5) The city reserves the right to modify this procedure if needed to ensure the efficiency of the department.

(B) Whenever possible, ten working days notice will be provided to affected employees. The responsibility for administering the layoff policy will be a shared function of the operating department, the appropriate board, and the Personnel Director.
(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.097 PROCEDURES FOR RECALL.

(A) When the work load increases, the inverse order of the layoff shall apply provided the employee is capable of performing the work. Recall rights shall be maintained for a 12-month length of time. When a layoff occurs it is considered a termination. After the 12-month period recall will be at the discretion of the city. Recall rights shall also terminate if, upon notification, no response in the form of a report-in or

a written notice of acceptable reason, is received in the Personnel Department within three working days of the notice.

(B) Trial period, part-time and temporary employees have no recall rights. Rehired at the discretion of the city, after all regular full-time employees have been recalled.
(Res. 14-89, passed 3-9-89)

§ 35.098 SENIORITY WHILE ON LAYOFF.

An employee who is laid off shall break seniority as it was earned one day at a time.
(Res. 14-89, passed 3-9-89)

LEAVES, VACATIONS, AND HOLIDAYS

§ 35.110 COVERED EMPLOYEES.

The following policies as set out herein this subchapter apply to all employees of the city, with the exception of elected officials and employees working in conditions that are covered by collective bargaining agreements. Therefore, employees appointed by the Mayor and members of boards and commissions, where applicable, are also hereby covered by this subchapter.
(Ord. 71-99, passed 12-16-99)

§ 35.111 PERSONAL LEAVES OF ABSENCE.

(A) *Policy.* Employees may be granted an unpaid personal leave of absence provided a written application is submitted for approval when they have completed their trial period. No personal leaves will be granted until the employee first exhausts all available vacation and personal time. No personal leave of absence may exceed six months in duration.

(B) *Application procedures.* An employee desiring a personal leave of absence must prepare a fully detailed written request stating the purpose of the leave, and the starting and ending dates of the leave.

The request should be submitted to the Department Head or the appropriate board, who, with the Personnel Administrator, will review the request and approve or deny it. A written decision shall be provided to the employee. The request for a personal leave must be made at least two weeks prior to the first day of the leave.

(C) *Considerations.* Management's consideration of any request for a leave shall be affected by the following conditions:

- (1) The employee's record of performance.
- (2) The urgency of the employee's situation.
- (3) The workload of the department.

(D) *Conditions.* An employee on a personal leave of absence is subject to the following conditions:

(1) The employee shall not engage in any other employment while on a personal leave of absence, subject to immediate discharge.

(2) The employee's seniority will continue to accumulate while on a personal leave of absence; however, sick hours shall not accrue on a monthly basis.

(3) Holidays occurring during a personal leave of absence will not be paid.

(4) During a personal leave of absence, an employee may continue participation in the city's benefits programs. For the first 30 days of the leave, the employee is responsible to pay the employee's share only. For leaves exceeding 30 days, the employee is responsible to pay the total benefit cost.

(5) The employee returning from a personal leave of absence must realize there are no automatic job rights. Their return is contingent upon availability of current openings for which they are qualified. Every effort shall be made to return the employee to their former position.

(6) If the employee has an unexcused absence and fails to return to work on the first working day following the expiration of the leave they shall be considered to have voluntarily resigned.

(7) Normally, the workload of the employee on leave is absorbed by other employees. If this is not practical, the department head and the Personnel Department shall determine whether the employee must be replaced either temporarily or permanently.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.112 VACATION.

(A) *Accrual.*

(1) Vacations for eligible employees shall be determined by the seniority date with the city. Vacation time may not be accrued beyond the maximum provided in the table below. The accrual rate is:

<i>Length of Service</i>	<i>Vacation Due</i>
1 year - 4 years	2 weeks
5 years - 9 years	3 weeks
10 years - 19 years	4 weeks
Over 20 years	5 weeks

(2) No vacation time shall accrue while an employee is on leave without pay status. Vacation time may not be taken in advance of having earned it.

(B) *Vacation scheduling.* Vacation time may be taken between January 1 and December 31 of each calendar year. Vacations scheduled by April 1, and approved by supervision, will be based on current city seniority. All vacations scheduled after April 1 will be approved on a first come, first served basis. However, the final authority to allocate and approve vacation time rests with the department head and is based on preserving the efficiency of services.

(C) *Holidays occurring during vacations.* If a holiday or holidays occur during the period of time an employee is on an authorized vacation, the holiday shall not be counted as a vacation day.

(D) *Carry-over of vacation time.* If specific work requirements imposed on the employee by the city make it impossible for the employee to take the full amount of vacation time due, the department head may authorize the available vacation time remaining to be carried-over until the next calendar year. Any vacation time that has been approved for carry-over must be used before March 31 of the following year or it will be forfeited. Part-time employees cannot carry over vacation time.

(E) *Vacation buy back.* The city may buy back not more than two weeks vacation in a calendar year. This must be agreed to by the department head and the employee. Payroll must be notified two weeks prior to the payroll period. A personnel notice must be sent to the Personnel Department for additional time and submitted to payroll on the time sheet card. Part-time employees cannot buy back vacation.

(F) *Vacation time at termination.* Any employee whose employment with the city is terminated shall receive payment for any vacation time to which they are entitled, less any time taken during the current year.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92; Am. Ord. 71-99, passed 12-16-99)

§ 35.113 SICK TIME.

(A) *General.* Sick leave time is a protection provided to employees in cases of personal illness or illness in immediate family. Employees should consider their sick leave benefits as an insurance policy, only to be used as needed, and under specified conditions.

(B) *Accrual.* Full-time employees shall accrue sick leave days at the rate of 1.25 days per month. Part-time employees and temporary employees accrue no sick leave days. Newly hired employees shall begin accumulating sick leave time commencing with the month following their first full month of

employment. The 1.25 days per month will not accrue if an employee is on unpaid sick leave and has not worked a minimum of 15 calendar days of that month.

(C) *Accumulation.* Earned sick leave time may be accumulated, and carried from year to year. An employee may accumulate up to, but not exceeding, 180 days. Only sick leave time earned since January 1, 1979 may be accumulated unless the employee had worked for a department where a statement of policy was followed. Newly hired employees shall begin accumulating sick leave time commencing with the month following their first full month of employment.

(D) *Conversion.* An employee whose sick leave time exceeds the maximum accumulation may convert the excess sick time to vacation time at the rate of two sick days for one vacation day. An employee wishing to convert sick time should file a written request with their department head. Upon approval, the employee shall be credited with the additional vacation time, and the sick time reduced accordingly.

(E) *Conditions for payment of sick time.* Employees requesting sick time pay must meet the following conditions:

(1) The employee must have sick time credits from which to draw. In no case shall sick leave time be advanced to an employee before it is earned.

(2) Employees must notify their supervisor of their absence by the beginning of their regular starting time. Failure to notify may result in the absence being considered unauthorized and without pay. Employees absent from work without previous arrangement, or notification, for three consecutive days will be a voluntary resignation.

(3) The city reserves the right to verify illnesses and injuries through its own city doctors, or by requiring the employee to provide a written doctor's statement from their personal physician.

(4) The city reserves the right to deny sick leave pay if the employee is injured while working for another employer or through self-employment.

(5) In cases of malingering, sick leave time may be designated as vacation, personal time, or leave without pay.

(6) Abuse of the sick leave policy shall result in appropriate disciplinary action.

(7) A maximum of three sick days per year may be used for illnesses within the immediate family.

(8) If a holiday occurs during the period of time an employee is on paid sick leave, the employee shall receive holiday pay and the holiday shall not be counted as a sick day if the employee has sick time credits from which to draw.

(F) *Sick accumulation at termination.* An employee that has ten years of continuous uninterrupted service with the city will be eligible for one-half of their accumulated sick days if they retire, leave the city on a medical disability, or become deceased. Sick leave pay shall be calculated on the employee's current rate of pay.

(G) *Extended sick leave.* Absence from work due to illness or accident for 60 days or more shall be considered an extended sick leave and subject to the following conditions:

(1) It is the employee's responsibility to keep their supervisor informed of their status. At a minimum this means providing a doctor's statement which gives the nature of the problem and the expected date of return to work.

(2) An employee requiring a longer convalescence period must submit a written request to the department head or appropriate board for an extension. Such written request must be accompanied by a written report from the employee's physician stating the nature of the employee's illness or injury and the anticipated period of convalescence. Such extension shall be granted unless the employer finds that the extension imposes an undue hardship or burden on the employer. Extensions are not automatic and will be reviewed on a case-by-case basis.

(3) An employee returning from an extended sick leave must provide a physician's

statement releasing them to return to work. The employee shall report to the Personnel Office in order to be released for work.

(4) Violation of the terms of an extended sick leave may result in immediate termination.

(H) *Unpaid sick days.*

(1) Before an employee is placed on unpaid sick leave all accrued sick hours, vacation hours, personal days and attendance award days must be first exhausted.

(2) An employee who is placed on unpaid sick leave will not accrue monthly sick hour benefits. No employee will be paid for holidays when on an unpaid sick leave status.

(I) *Attendance award days.* If an employee has accumulated and maintained 60 days sick leave credit by January 1 of any given year, the employee has the option to take two attendance award days during the calendar year. Attendance award days cannot be carried over to the next calendar year nor be paid out upon retirement or termination. The days must be approved by the department head for scheduling.

(J) *Family and Medical Leave Act Policy (FMLA).* The city recognizes and implements the Family and Medical Leave Act. The city's sick leave policy will be in effect for city employees for medical purposes. FMLA will be incorporated into the sick leave policy when a serious medical condition arises for an employee. The Act requires that employers provide up to 12 weeks of unpaid leave upon the occurrence of certain family member's or employee's medical situations. The city will determine a serious medical condition in accordance with FMLA and ADA guidelines. Reasons for family and medical leaves are as follows:

(1) Because of the birth of a child placement for adoption or foster care of a child.

(2) In order to care for the spouse, son, daughter or parents of the employee, if such spouse, son, daughter, or parent has a serious health condition. This does not apply to in-laws.

(3) Because of a serious health condition that makes the employee unable to perform his or her employment functions.

(4) An employee eligible for the provisions of the FMLA must have been employed by the city at least 12 months and have physically worked 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

(5) Criteria obligations for leave.

(a) Twelve-month period measured forward from the employee's first FMLA leave request.

(b) Twelve weeks of leave are only granted every 12 months.

(c) The 12-month period required for future leaves is established at the time the employee utilizes his or her first FMLA leave.

(d) The employee must provide the department head and the Personnel Director 30 days' advance notice of the leave or such notice as is practicable if 30 days' notice is not possible.

(e) The employee must provide the department head and the Personnel Director with certification of the condition from a health care provider. The appropriate certification form must be filled out.

(f) A husband and wife who are eligible for FMLA leave and are both employed by the city will be permitted to take only a combined total of 12 weeks leave for a family illness. However, each spouse could later use the additional weeks due to another family illness that is not related to the first incident.

(g) While on FMLA leave the employee is responsible for their contribution of health insurance premiums. If the employee fails to return after the FMLA, the city's portion of the health care cost must be met by the employee.

(h) The employee must first exhaust all accrued sick, vacation, personal and attendance award days before going on unpaid leave for any type of FMLA leave. Any such accrued sick, vacation, personal or attendance award days so taken shall be included as time taken for purposes of determining the maximum 12-week leave allowed under FMLA.

(i) The employee must provide the department head and Personnel Director with the Certification of Physician or Practitioner form in order to be eligible for leave. Forms are available in the Personnel Department. An employee who is applying for medical leave under the FMLA leave may be required by the city to submit second or third medical opinions at the city's expense, and a fitness for duty report to return back to work.

(j) The city will require every three weeks a physician's status report while the employee is on FMLA leave.

(6) Intermittent leave. Intermittent leave or "reduced leave scheduling" may be used in some circumstances and will be determined by the Personnel Director and department head. Intermittent leave will not be used in connection with a birth or adoption.

(7) Reinstatement from FMLA leave. An employee returning from FMLA leave will be restored to the same position, or an equivalent position with equivalent pay, benefits and conditions. An employee who loses a necessary job certification, license, or credentials while on leave will be given a reasonable time in which to requalify. All records pertaining to an employee's FMLA leave will be maintained in the Personnel Department.

(K) *Time bank.*

(1) All non-bargaining unit employees may be eligible for donated time benefits, subject to the terms of this section, to relieve hardship resulting from extended illness or Family and Medical Leave. When it is brought to the attention of the Mayor and the Personnel Director that an employee's paid leave time has been or is about to be exhausted, and they

are made aware of a serious personal or family illness matter of the employee, the Mayor and Personnel Director in investigating the matter may consider the following:

(a) The character of the employee's or family member's ailment;

(b) The health care provider's prognosis;

(c) The employee's history of paid leave usage; and

(d) Any other details of the investigation and any recommendation he may have concerning the employee's eligibility as a recipient of donated time.

(2) The approval of donated time for a recipient shall be the decision of the Mayor and at his sole discretion. This resolution shall not be construed to create any rights nor obligations but is solely at the discretion of the city.

(3) Employees shall donate a minimum of one hour sick leave or vacation per year to the donated time bank. An employee may voluntarily donate vacation leave or a maximum of one-half or his or her sick leave balance per year. Time donated must be in one-hour increments.

(4) Donated time shall be converted to its cash equivalence and paid to the recipient at his or her regular hourly rate.

(5) Donated time shall be drawn from the donated time bank in as equitable fashion as is feasible.

(6) In no case will donated time be used to extend an employee's period of active duty beyond a recommended retirement date established by the city appointed physician.

(7) Once an employee donates time to the time bank it will not be returned to his or her accrual but will remain in the donated time bank.

(8) Employees receiving donated time may include members of collective bargaining units of the city.

(Res. 14-89, passed 3-9-89; Am. Res. 15-89, passed 4-13-89; Am. Res. 43-92, passed 9-10-92; Am. Ord. 71-99, passed 12-16-99; Am. Res. 61-08, passed 11-13-08)

§ 35.114 MILITARY LEAVE.

(A) If a city employee is called to active military duty during a budget year for which the employee's position is funded, and if that employee's position is not filled, the city will pay to the employee the difference between the active military basic pay at the beginning of the period of active military service (as reflected on the employee's Defense Finance and Accounting Service Military Leave and Earnings Statement and the employee's active military orders) and the budgeted city base pay plus longevity compensation for such employee as reflected within the annual salary ordinance(s) covering the period of active military duty.

(B) A city employee called to active military duty has an obligation to supply the city with documentation concerning initial active military pay. Specifically, the employee or the employee's designee must supply the Human Resources Department with the employee's active military orders, and must provide an active duty Leave and Earnings Statement within 60 days of deployment.
(Ord. 12-06, passed 3-9-06)

§ 35.115 JURY DUTY.

(A) *Policy.* It is the civic responsibility of every employee to serve as a juror when called upon to do so. It is the city's philosophy that an employee should not suffer a major loss of income in the performance of a civic responsibility. Time-off shall be granted to an employee who is required to serve as a juror.

(B) *Procedures.*

(1) The employee shall present the subpoena or other document to their supervisor upon receipt.

(2) The employee shall report for jury duty each day as instructed, and provide an attendance slip from the court verifying the actual dates of service.

(3) At times when an employee may be released from jury service during normal working hours they should report to their work site, whenever this is practical.

(C) *Compensation.* Salary payments will be reduced by the amount received from the court for jury duty. Any payments provided to the employee for expenses may be retained by the employee.

(Res. 14-89, passed 3-9-89; Am. Ord. 71-99, passed 12-16-99)

(3) At the time of death of an employee's grandparents, sister-in-law, or brother-in-law, two days off.

§ 35.116 BEREAVEMENT LEAVE.

(A) *Policy.* The city recognizes a time of bereavement is a very difficult one for the employee. In this regard, every effort shall be made to ensure that the employee is able to attend to family matters. However, the city must have a guideline as to the amount of paid time away from the desk.

(B) *Guidelines.* Time shall be available as follows with at least one day coinciding with day of interment.

(1) At the time of death of an employee's husband, wife, child, stepchild, brother, sister, mother, father, stepparents, foster parents, granddaughter, or grandson, up to five working days.

(2) At the time of death of an employee's mother-in-law, father-in-law, daughter-in-law, or son-in-law, up to three working days.

(4) At the time of death of an employee’s niece, nephew, aunt, uncle or spouse’s grandparents one day off.

(C) *Conditions.* To be eligible for paid time-off, an employee must meet the following guidelines:

(1) An employee must notify their supervisor of the death in the family, and request a bereavement leave.

(2) The employee must attend the funeral of the deceased.

(3) Death leave may be reduced or withdrawn if it is found that the employee has abused these benefits. Additional disciplinary action may be imposed if it is found that the employee has filed a fraudulent claim.

(Res. 14-89, passed 3-9-89; Am. Ord. 71-99, passed 12-16-99)

§ 35.117 OCCUPATIONAL LEAVES.

The department head and/or appropriate board can approve occupational leaves to permit employees to attend conventions and training sessions, to observe operations in other cities or for other purposes beneficial to the city. Employees shall receive their regular pay when occupational leaves are granted.

(Res. 14-89, passed 3-9-89)

§ 35.118 HOLIDAYS.

(A) *Days recognized.*

(1) The city schedule of holidays is determined each January by the Mayor and the Board of Public Works. The city normally observes and allows time-off with pay for the following holidays:

- New Year’s Day
- Martin Luther King
- General Election Day
- Veteran’s Day
- Memorial Day
- Primary Election Day

- Independence Day
- Labor Day
- President’s Day
- Good Friday
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

(2) Additional days will be designated at the beginning of each year for personal days or holidays. Holidays and personal days will total 16 days per year. CATS and fire/police dispatchers shall have the same number of days but will follow department policy.

(B) *Eligibility.* To be paid for a holiday an employee must meet the following guidelines:

(1) Holiday pay eligibility shall depend upon the employee working their regularly scheduled shift on the workdays preceding and following the holiday. The only exceptions to this rule shall be as approved by the supervisor if the employee is on paid status such as paid sick, vacation, personal, attendance award day, or if the employee leaves work on the workday preceding and/or following the holiday due to a work-related injury. Under no circumstances shall an employee be paid holiday pay when on unpaid status.

(2) If a holiday falls on a Saturday it will normally be observed on the preceding Friday. If the holiday falls on a Sunday it will normally be observed on the following Monday.

(C) *Holiday pay.* Holiday pay shall be at the employee’s regular straight time rate of pay. An eligible employee who works on a holiday shall be compensated for hours actually worked at the regular straight time rate and receive the holiday pay.

**PERSONNEL ORGANIZATION, TRAINING,
AND DEVELOPMENT**

§ 35.125 TRAINING POLICY STATEMENT.

The principal function of local government is the effective service to the public. The city recognizes its responsibility to encourage the development of its employees through effective training programs to enhance their ability to perform their present duties and increase their potential for future service.

(Res. 14-89, passed 3-9-89)

§ 35.126 PURPOSE.

The purpose of the employee development program shall be to foster and promote the training and development of employees in order to:

(A) Improve the quality of personal services rendered to the city.

(B) Provide a reservoir of occupational skills necessary to meet current and future employment needs.

(Res. 14-89, passed 3-9-89)

**§ 35.127 DEVELOPMENT AND
ADMINISTRATION.**

(A) *Personnel Director.* The Personnel Director will have the overall responsibility for the development, administration and coordination of the employee development program. In this capacity the Personnel Director shall:

(1) Assist the department heads in developing and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency.

(2) Conduct or coordinate employee development programs to meet the common needs of all departments.

(3) Maintain a file of current information and materials on job requirements, training opportunities, employee development manuals, and other employee development literature.

(4) Maintain a record of all training conducted and insure that authorized employee development programs are properly administered.

(5) Periodically analyze and evaluate the overall employee development needs within the city.

(6) Assure that all employees receive equal consideration for appropriate training opportunities.

(7) Assure that personnel files for each employee are updated upon successful completion of any employee development program to ensure maximum consideration for placements, transfers, and promotions.

(B) *Department head.* Department heads shall provide active leadership in developing the employees under their supervision. In this capacity, they shall:

(1) Cooperate closely with the Personnel Director in determining the current and future employee development needs in the department.

(2) Participate with the Personnel Director in developing and implementing employee development programs.

(3) Budget sufficient funds to secure needed career development programs.

(4) Assess the effectiveness of completed career development programs and make recommendations for improvement where appropriate.

(5) Assure that employees are provided with sufficient time to participate in career development programs.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

PERSONNEL RECORDS AND RETENTION

§ 35.140 PURPOSE.

The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program. The primary purpose of these systems and procedures shall be to:

(A) Establish systems for the processing of personnel transactions and management of personnel records.

(B) Establish and maintain uniform, easily accessible, and complete employment records of all city employees.

(C) Establish and maintain clear and efficient procedures for processing all transactions that affect each employee.

(D) Establish data for evaluating personnel management recommending changes.
(Res. 14-89, passed 3-9-89)

§ 35.141 RESPONSIBILITY AND AUTHORITY OF PERSONNEL ADMINISTRATOR, DEPARTMENT HEADS, AND EMPLOYEES.

(A) The Personnel Director shall:

(1) Have overall responsibility for establishing, maintaining, and coordinating personnel transactions and records management systems and procedures for all city employees, including union employees.

(2) Establish and maintain a central personnel file to include all transactions, records, and other pertinent employment information for each city employee.

(3) Establish and maintain personnel transaction forms and procedures.

(4) Advise and assist department heads on all city personnel transaction and records management systems and procedures.

(B) *Department heads.* The department heads shall:

(1) Initiate and process personnel transactions affecting their employees by sending a personnel notice to the Personnel Department.

(2) Maintain written records of contacts with employees as they deem appropriate. Original records shall be forwarded to the Personnel Department for inclusion in the master file.

(C) *Employees.* The employees shall:

(1) Be responsible for notifying their supervisor or the Personnel Department of any changes which affect their personal status.

(2) Employees are responsible for signing the personnel notice for personal changes.
(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.142 MASTER FILE.

(A) The system of personnel records and reports shall be comprised of a comprehensive personnel information system which shall include the following:

(1) A master record of each employee, containing all pertinent documents and actions relating to the employee.

(2) A record of position and classification for each employee.

(3) Pertinent information covering personnel pay increases, separations, terminations and any other personnel transactions.

(4) Employee performance evaluation records.

(5) Employee leaves of absence records.

(6) Physical examinations, drug screening test and confidential health reports will be maintained in separate files.

(B) In the instance of any discrepancy, the master file shall be deemed as the official and controlling file.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.143 CONFIDENTIAL NATURE OF PERSONNEL RECORDS.

(A) All personnel records of city employees, and materials relating to the administration of the personnel management system shall be considered confidential and the property of the city. However, certain employee information such as name, hire date and termination date is considered public information and is available in accordance with procedures as the Personnel Director prescribes. Personnel records on individuals will be released as authorized by Indiana Public Records Law.

(B) Employees may inspect their personal file upon request during working hours. The file may not leave the personnel office at any time. Copies of the file will be made by the personnel office for employees upon request.

(C) Department heads are responsible for the proper handling of working files that are maintained at the individual department level.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.144 EMPLOYMENT IDENTIFICATION.

No pre-employment record of any kind will be kept which provides race, color, creed, sex, religion, age, disability, political affiliation, or ethnic identification of applicants, except as required to meet federal guidelines concerning the implementation of affirmative action programs. Identifying information of any type shall not be part of the records that are used in the official process of consideration for potential employment. Post-employment records with

such identification are permissible. These records may be kept for the purpose of supplying information for the EEO-4 Report form and meeting federal guidelines concerning the implementation of affirmative action programs. These records may not be kept or used for the purpose of consideration as to normal personnel programs, policies, procedures, or practices in which discrimination may become a factor. Whenever such identifying information is recorded and maintained this information must be kept separately from the employee's basic personnel form or file.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.145 RECORDS RETENTION.

Those records assimilated in the preparation of the EEO-4 Report shall be maintained in the Human Relations Department for a minimum of three years after submission of the report and then as needed for reference. Any personnel or employment record shall be maintained in the Personnel Department for a minimum period of three years from the date of the last transaction involved. In the case of an involuntary termination of an employee, the personnel records of the individual termination shall be kept for a period of six years from date of termination. When a charge of discrimination has been filed or action brought under any federal or state law dealing with employment practices, all relevant records shall be preserved until five years after final disposition of the charge or action. Final disposition of the charge or action means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action against a political jurisdiction on which such litigation is terminated.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.146 RECORDS DISCLOSURE POLICY.

(A) *Purpose.* To establish the policy and procedures for the uniform maintenance, storage and retrieval of official records and documents relating to position control, applicants, employees and former employees of the city.

(B) *Scope*. This is applicable to all city government departments.

(C) *Procedures*.

(1) Categories of information subject to public disclosure, per written request or in person.

(a) Hire date of individual employee/termination date.

(b) Position title.

(c) Department for which he is employed.

(d) Salary history.

(e) Performance data.

(f) Original application information.

(g) Citations.

(h) Separation data.

(i) Any other pertinent personnel file information.

(2) Categories of information maintained in the Personnel Department.

(a) All city employees master personnel file.

(b) Completed applications and hire forms.

(c) Any other personnel folders kept for special temporary positions.

(3) Information in questionable categories. Questions concerning the nature of certain records as to whether or not those records are to be classified as public information will be directed to the Personnel Director.

(4) Circumstances upon file removal.

(a) Information will be disclosed on a need-to-know basis only.

(b) Files will not be permitted to leave the Personnel Department.

(c) Copies of files will be made and signed for on a need-to-know basis, for the legal representative for the city.

(5) Authorization for file inspection (need-to-know).

(a) Employee in the presence of personnel staff.

(b) Employee's designated agent (legal representative).

(c) Personnel Director, staff, personnel specialist.

(d) Human Relations Director.

(e) Any law enforcement agencies when furnishing proper identification.

(f) Any legal representative of the city when the matters to be disclosed in the file relate to litigation involving the city.

(g) Any department requesting information must submit the request in writing to the Personnel Director explaining the purpose for the request.

(6) Verification of employment.

(a) Request for verification of employment for business purposes handled by telephone.

(b) Only the employee's length of service may be given without the employee's written consent.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

OCCUPATIONAL HEALTH AND SAFETY**§ 35.160 POLICY.**

It is the city's policy to provide safe working conditions for all employees, to provide complete instructions covering safe working methods and to make available special equipment required to protect employees from particular hazards. It is the obligation of each employee to observe the safety regulations, to use the safety equipment provided and to practice safety at all times. Each supervisor shall enforce the wearing of safety equipment as required. An employee who fails to wear this equipment when required shall be subject to disciplinary action.

(Res. 14-89, passed 3-9-89)

§ 35.161 REPORTING ACCIDENTS.

All accidents and injuries shall be reported immediately within 48 hours to insure that positive action is taken promptly to prevent recurrence. Occupational accidents, injuries, or illnesses must be reported to the insurance office by the immediate supervisor within two days after the occurrence. The supervisor must complete Industrial Board Division Form 24 (Worker's Compensation), Medical Release and Introduction Sheet and deliver it to the insurance office. The insurance office upon receipt of Form 24 shall:

(A) Check form for completeness and accuracy.

(B) Make a copy and forward original to insurance agent.

(C) Attach copies of bills for any medical treatment.

(D) Attach physicians report form.

(E) Use data on Form 24 to record OSHA information.

(F) File office copy in appropriate category of OSHA file.

(G) Copy in personnel file.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.162 TREATMENT OF INJURIES.

(A) Personnel injured in the performance of duties with the city shall be paid for time spent enroute to receive medical attention and while receiving such attention. Eligibility for pay shall cease when the employee is released by the attending physician, unless the employee returns immediately to work and is able to accomplish normal tasks of that work day.

(B) Employees shall utilize the city physician in order to qualify for workers' compensation benefits. Failure to do so will result in abatement of workers' compensation benefits. The employee must furnish a statement from the city physician which includes the nature of the injury or illness and an estimated date for return to work. The employee may go to city doctors, Immediate Med Center or in case of an emergency, the closest hospital.

(C) Employees who become ill while at work due to an illness not caused or related to work who visit a doctor, or enroute to seek medical attention or enroute to their homes shall be charged with sick time. The employee must inform their supervisor as to their illness.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

AFFIRMATIVE ACTION POLICIES**§ 35.170 EQUAL EMPLOYMENT OPPORTUNITY.**

It is the policy of the city to take affirmative action to provide equal employment opportunity for all without regard to race, color, religion, sex, age, political affiliation, disability as defined by law, or national origin except when sex, or physical requirement is a bona fide occupational qualification

or as provided by law. All personnel activities shall be conducted in such a manner as to assure equal opportunity in recruitment, selection, appointment, promotion, transfer, training, conditions and privileges of employment, educational assistance, social and recreational programs, compensation benefits, discipline and termination of employment. Discrimination against qualified individuals with disabilities is prohibited in all aspects of employment. Reasonable accommodation for qualified applicants or employees will be made unless it imposes an undue hardship or an action requiring significant difficulty or expense to the city.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.171 SEXUAL HARASSMENT.

(A) It is the policy of the city to maintain a work environment free of inappropriate and disrespectful conduct and communication of a sexual nature. Accordingly, there is hereby declared to be the following anti-sexual harassment policy and procedure: No official, elected or appointed, department head, supervisor, or other employee of the city shall engage in behavior which would constitute sexual harassment. Further, all department directors, managers, and supervisors are responsible for assuring that all employees, agents and contractors have knowledge of and understand that sexual harassment is against the law and shall not be tolerated. Any employee who feels that he has been the victim of sexual harassment shall be entitled to file a complaint alleging the same pursuant to the procedures detailed in § 35.172. Any employee who violates this law will be subject to disciplinary action pursuant to the progressive discipline policies hereinafter detailed in §§ 35.200 and 35.201.

(B) Sexual harassment includes but is not limited to:

(1) Unsolicited and unwelcome verbal comments or jokes and physical gestures or actions of a sexual nature toward another employee (for example, touching, patting, pinching, indecent exposure, or profane jokes);

(2) Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;

(3) The explicit or implicit promise of preferential treatment with regard to an individual's employment in exchange for sexual favors or sexual activity; and

(4) The use of an employee's or applicant's submission to or rejection of such conduct as the basis of an employment decision (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

(Res. 14-89, passed 3-9-89)

§ 35.172 DISCRIMINATION COMPLAINT.

(A) *Discrimination.* The city has the responsibility of eliminating discriminatory practices against employees. If an employee thinks they have been discriminated against, then a written statement must be prepared explaining what happened and the following procedures must be followed:

(1) Discuss written complaint with the immediate supervisor provided when the discrimination alleged emanates from the immediate supervisor this step may be dispensed.

(2) Discuss written complaint with the department head.

(3) Discuss written complaint with the Personnel Director.

(4) Discuss written complaint with the Director of Human Relations.

(B) The employee will be advised to the proper procedures and actions by the Director of Human Relations.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

***EMPLOYEE CHARGED WITH
CRIMINAL OFFENSE***

§ 35.180 PROCEDURE.

This is the procedure for dealing with employees who have been charged with criminal offenses. It is understood that an employee is innocent until proven guilty and as such is entitled to certain constitutional safeguards. On the other hand, employees of public government are in positions of public trust and thus are subject to the highest degree of scrutiny.

(A) (1) The decision to take disciplinary action is a matter of discretion to be vested in:

(a) Personnel Director.

(b) Department head and/or appropriate board.

(c) City Attorney.

(2) The decision must be made within ten working days upon receiving or learning of the charges.

(B) The rationale for the maximum of ten working days is to allow management time to examine the facts and circumstances of the particular offense and how it will affect government's responsibility for the public trust.

(C) Once a determination of the disciplinary action has been made a decision in writing shall be provided to the employee within the ten-day period. (Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

PERSONNEL COMPLAINTS

§ 35.190 PROCEDURE.

(A) It is incumbent upon the city to provide a process by which an employee may seek assistance

with a work related complaint. A written statement must be prepared explaining what happened. The following is the proper complaint procedure.

(1) Discuss written complaint with the immediate supervisor.

(2) Discuss written complaint with the department head.

(3) Discuss written complaint with the Personnel Director.

(4) Discuss written complaint with the appropriate board.

(B) Recommendations will be made by the Personnel Department to resolve the problem within a reasonable period of time. A final decision will be made by management involved and given to the employee in writing within five working days of that decision.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

DISCIPLINARY POLICIES

§ 35.200 DISCIPLINARY PROCEDURES.

(A) In public agencies it is imperative for employees who serve the public to follow rules and regulations on work performance and personal conduct, to work well with their fellow employees and to do all the things that contribute to good performance and reaching agency goals. So long as employee behavior is positive and supportive of organizational goals, all is well. But when employee behavior departs for the norm or the standard set by the city, the need for disciplinary action arises. Corrective discipline, referred to as progressive discipline, is based on the belief that discipline should serve to correct unsatisfactory behavior. It shows the employee that he has violated the accepted work policy of the city. This is especially important as positive discipline because it will, in most cases, allow the employee to correct his behavior. The basic steps

that reflect this principle are written reprimand, suspension without pay, demotion, and termination. However, there are exceptions to these basic steps and they demand on the nature or severity of the infractions. There are three basic types of infractions: Group I, Group II, and Group III.

(1) Group I. Infractions are offenses of the least severe type. The progressive steps that follow this type of infraction are: Reprimands, suspension without pay and demotion or termination.

(2) Group II. An infraction that warrants more than a reprimand will result in suspension without pay as the first disciplinary step.

(3) Group III. The most severe type of infractions. Such offenses because of the severity, could result in indefinite suspension or termination or demotion as determined by the department head and Personnel Director.

(B) All disciplinary actions must be in writing. The original must be submitted to the Personnel Department with copies going to the supervisor and the employee. A suspension, demotion, or termination cannot occur without the record of disciplinary action submitted to the Personnel Department.

(C) If in § 35.201 an action is not listed, consultation between the department head and Personnel Director will determine the group placement for the infraction.

(Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

§ 35.201 ACTIONS SUBJECTING EMPLOYEE TO DISCIPLINARY PROCEDURES.

These are only examples and are not intended as being exclusive of other acts, omissions, or errors which may subject an employee to disciplinary actions.

(A) *Group I - Progressive discipline.*

(1) Failure to personally notify authorized management when unable to report for duty.

(2) Tardiness, late reporting for shift work without prior explanation.

(3) Conduct unbecoming a city employee with regard to or in presence of citizens.

(4) Littering or otherwise contributing to unsanitary conditions on city property.

(5) Gambling or participating in games on city premises or during working hours.

(6) Loafing or spending excessive time at breaks.

(7) Excessive absenteeism.

(8) Removing posted or posting signs without authorization.

(B) *Group II - Suspension, demotion or termination.*

(1) Failure to report mechanically defective conditions of equipment.

(2) Leaving work area without authorization.

(3) Willful failure to perform as assigned in a satisfactory manner.

(4) Disobeying a reasonable order of a supervisor.

(5) Fighting on city property or city time.

(6) Failure to immediately report any accident or injury involving any city employee, equipment, or property.

(7) Failure to follow safety regulations.

(8) Failure to secure facility and equipment when responsible.

Anderson - Administration

(9) Failure to produce a doctor's excuse when requested by a supervisor.

(10) Making false statements or supplying false information concerning any employee.

(11) Unauthorized use or removal of city equipment, tools, facilities, supplies and/or furnishings.

(12) Abandoning or leaving unattended any city-owned vehicle, equipment or tools, anywhere away from shops, garages, and authorized storage sites.

(13) Damage or abuse of city equipment or property.

(14) Engagement in behavior which would constitute sexual harassment.

(C) Group III - Indefinite suspension, demotion or termination.

(1) Misuse or removal from city property (without authorization) of the city's records, documents, papers or copies thereof.

(2) Theft of any kind.

(3) Unauthorized bearing of any deadly weapon on city premises.

(4) Reporting for work under influence of alcohol or controlled substances except if prescribed by a physician.

(5) Being under the influence and/or using alcohol or controlled substances, except if prescribed by a physician, while on duty or city property.

(6) Falsification of records.

(7) Absent three consecutive work days without notification.

(8) Use of profane, abusive, or threatening language toward a supervisor or a fellow employee or the public.

(9) Filing of false or incomplete employment application with intent to conceal material information.

(10) Ringing another employee's time card.

(11) Making false or unfounded claims for injury, compensation, illness, leave, or disability.

(12) Personal conduct at work dangerous to others.

(13) Selling or participating in the distribution of illegal goods or services.

(14) Conviction of a felony involving current employment.

(15) Unlawful or negligent handling of public monies.

(16) Having a personal interest in a business which supplies goods or services to the city without written disclosure of such interest to the Board of Public Works.

(17) Engagement in behavior which would constitute sexual harassment.
(Res. 14-89, passed 3-9-89)

PERSONNEL POLICY COMMITTEE**§ 35.215 ESTABLISHMENT.**

(A) The Personnel Policy Committee shall consist of the presidents of the following bodies or their designee which are:

(1) City Council.

(2) Board of Public Works.

(3) Safety Board.

(4) City Controller.

(5) Personnel Director.

(6) Human Relations Director.

(B) The Committee shall meet when necessary to review, update and take considerations on requests to make changes in the Personnel Policy. Employees may submit a written request suggesting changes to the Personnel Policy Committee. The Personnel Specialist shall attend the meetings to record minutes and assist in answering questions concerning policy.

(C) The Committee may employ a person (personnel policy specialist or an attorney) to update and rewrite if necessary. If a law or judicial decision conflicts with the personnel policy, the policy must be changed immediately to be brought into line. All changes, additions or deletions with respect to any policy or procedure stated herein must be presented to the Personnel Policy Committee for its approval. (Res. 14-89, passed 3-9-89; Am. Res. 43-92, passed 9-10-92)

POLICE MERIT SYSTEM

§ 35.225 POLICE MERIT SYSTEM.

(A) Pursuant to the provisions contained in I.C. 36-8-3.5-1 through 36-8-3.5-23 the city adopts the police merit system.

(B) The provisions of I.C. 36-8-3-3, 36-8-3-4 and 36-8-3-4.1 are incorporated herein by reference, except with respect to promotion and demotion of members of the department, which responsibility shall remain under the exclusive purview of the Merit Commission. The Board of Public Safety shall specifically, along with the other responsibilities it is given under the aforementioned code sections, retain responsibility for appointing members of the Police Department other than those in an upper-level policymaking position, administering discipline,

including dismissal, to police officers and reviewing certain disciplinary actions by the Police Chief. (Ord. 72-82, passed 11-10-82; Am. Ord. 10-84, passed 3-8-84; Am. Ord. 16-90, passed 4-12-90; Am. Ord. 52-04, passed 8-12-04)

§ 35.226 IMPLEMENTATION.

(A) (1) In the first instance, the election for the Nomination-Election Committee, as provided in I.C. 36-8-3.5-8, as added by § 35.225 shall be as follows:

(a) The election shall be held before June 1, 1975.

(b) The notification to the Board of intent to be a candidate shall be before May 7, 1975.

(2) In the first instance, the Nomination-Election Committee shall submit its list of candidates to the police officers within 30 days of the Committee's selection.

(3) In the first instance, the length of the appointments to the Commission shall be as follows:

(a) Of the two members elected and appointed by the police officers, one shall serve a two-year term and one shall serve a three-year term.

(b) Of the two members appointed by the Mayor, one shall serve a two-year term and one shall serve a three-year term; and

(c) The member appointed by the Commission shall serve a one-year term.

(4) The full Commission shall be appointed and elected before September 1, 1975.

(B) (1) In establishing the initial eligibility list under the provisions adopted by § 35.225:

(a) The grade received on the written competitive examination shall be considered 30% of the rating.

(b) The past performance shall be considered as a fixed 30% of the rating because of the absence of any performance rating system.

(c) The score on the oral interview shall be considered as 30% of the rating.

(d) The seniority rights based on length of service at the rate of 1/2% for each year of service up to and including 20 years of service, shall be considered 10% of the rating.

(2) During the period of establishing the initial eligibility list, the personnel files of all police officers shall be sealed and shall not be available to the Commission.

(C) In the first instance in implementing §35.225, the ranks of the Police Department shall be filled beginning with the rank of captain and in descending order to, and including, the rank of sergeant.

(D) All ranks in the Police Department shall be temporary for a period not to exceed nine months after the establishment of the Commission. At the conclusion of the nine-month period, all ranks shall have been filled by open competitive examinations as provided in § 35.225, in accordance with the special guidelines provided in division (B) above.

(E) Prior to the establishment of the Commission, the rules and procedures pertaining to the performance of duties and conduct of police officers are those adopted by the Police Department and the Board of Public Safety.

(F) From May 1, 1975 to December 31, 1975, there shall be paid out of the general fund of the city, upon special appropriation, on claims properly filed, all the necessary expenses of the Commission including salaries and costs.

(G) Whereas an emergency exists, the provisions of §§ 35.225 and 35.226 shall take effect on May 1, 1975.

(H) For all merit system activities taking place during calendar year 2004 and after, the Police Civil

Service Merit Commission shall have the authority to determine the testing procedures, selection and promotion criteria and the weight which shall be given to particular promotion and selection criteria, subject to any statutory restrictions.

(Ord. 72-82, passed 1-10-82; Am. Ord. 52-04, passed 8-12-04)

WORK PERIOD

§ 35.235 POLICE AND FIRE DEPARTMENT.

Pursuant to the "Fair Labor Standards Act," Section 7(k), the city adopts a 28-day work period for its Police and Fire Department employees.

(Ord. 75-85, passed 10-28-85)

§ 35.236 EMPLOYEES OTHER THAN POLICE AND FIRE EMPLOYEES.

Employees of the city other than Police and Fire Department employees, shall continue on a seven-day work period for purposes of the Fair Labor Standards Act.

(Ord. 75-85, passed 10-28-85)

PARAMEDICS

§ 35.250 AUTHORIZATION.

Paramedic service for the city, provided through the Fire Department, is hereby authorized.

(Ord. 76-85, passed 10-28-85)

§ 35.251 COMPENSATION; TUITION REIMBURSEMENT.

Firefighters certified as paramedics by the Indiana Emergency Medical Services Commission shall be entitled to a salary increase as set forth by ordinance of the Common Council. The city shall pay

tuition expenses for paramedic training, shall reimburse firefighters for expenses upon completion of training, and shall pay the cost of continuing education so firefighters can maintain their paramedic certification.

(Ord. 76-85, passed 10-28-85)

COLLECTIVE BARGAINING

§ 35.260 DEFINITIONS.

As used in this subchapter, the following terms shall have the following meanings, unless the context requires a different interpretation.

BARGAINING COLLECTIVELY. The mutual obligation of the city through the Mayor, or his or her designee(s), and the designee(s) of the exclusive representative to meet at reasonable times, to negotiate in good faith with respect to wages, hours and other terms and conditions of employment, and to execute a written contract incorporating any agreement reached if requested by either party. Such obligation does not compel either party to agree to a proposal or require the making of a concession.

CONFIDENTIAL EMPLOYEE. Any employee who falls under any one of the following descriptions:

- (1) Who is an employee of the city’s personnel office;
- (2) Who has access to confidential or discretionary information that may be used by the city in negotiating the collective bargaining agreement under this subchapter;
- (3) Who works in a close and continuing relationship with: an individual holding municipal elective office; or individuals who represent the city in negotiations under this subchapter;
- (4) Whose functional responsibility or knowledge concerning employee relations makes the employee’s membership in an employee’s organization incompatible with the employee’s duties; or

(5) Who is the personal secretary of a division or department head or an individual holding municipal elective office.

EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE. The labor organization selected by the employees in accordance with this subchapter as their exclusive bargaining agent concerning wages, hours, terms and conditions of employment with the city.

EXEMPT. Any employee who is exempt from the minimum wage and overtime pay requirements of the Federal Fair Labor Standards Act.

LABOR ORGANIZATION. Any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning wages, hours and other terms and conditions of employment.

MUNICIPAL EMPLOYEE. A person who works for the city, its departments or districts, consistent with the laws of the State of Indiana; in a position with no predetermined termination date, except persons excluded herein.

STRIKE. Concerted failure to report for duty, willful absence from one’s position, stoppage of work, or abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, without the lawful approval of the employer.

SUPERVISOR. Any individual having authority, in the interest of employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing of the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(Ord. 23-94, passed 4-14-94)

§ 35.261 APPLICATION OF SUBCHAPTER.

This subchapter shall apply to all municipal employees of the city except confidential, supervisory,

and exempt employees, and those employees currently covered by separate ordinances and/or agreements. (Ord. 23-94, passed 4-14-94)

§ 35.262 EMPLOYEE RIGHTS.

Employees covered by this subchapter shall have the right to bargain collectively and to be represented by a labor organization they have selected. (Ord. 23-94, passed 4-14-94)

§ 35.263 SECRET BALLOT ELECTION.

(A) When a labor organization presents written evidence to the Mayor of the city that it represents a majority of city employees covered by this subchapter, the Mayor shall within 15 days after the Mayor's receipt of such evidence, request the Indiana Division of Labor to conduct a secret ballot election.

(B) The Mayor shall request the Indiana Division of Labor to establish the date for the secret ballot election as soon as possible, and not more than 45 days after the Mayor has so made such a request. Other labor organizations may be listed on the ballot if they provide evidence to the Mayor within 15 days of notice by the Indiana Division of Labor of the order establishing the exact date of the election that it represents at least 20% of city employees covered by this subchapter. The ballot shall list each labor organization so qualifying, as well as "No Representation" as choices. A majority vote by those voting in the election for any one choice shall be determinative, unless there is more than one labor organization on the ballot; in that event, if one choice does not receive a majority of the votes cast, then a runoff election will be held between the two choices receiving the most votes. To be eligible to vote in the election an employee covered by this subchapter must be an employee of the city on the date the election is conducted. (Ord. 23-94, passed 4-14-94)

§ 35.264 DECERTIFICATION ELECTION.

The city's commitment is to allow for collective bargaining with its employees. Such collective bargaining shall occur by and between the city and a labor organization selected as the exclusive representative of employees. Once recognition is obtained by a labor organization, it shall continue in full force and effect unless a majority of the employees request the Indiana Division of Labor to conduct an election to decertify the labor organization. Any such decertification election shall be conducted in accordance with the provisions of § 35.263 hereinabove, provided, that a decertification election shall not occur more often than one time in any given 12-month period.

(Ord. 23-94, passed 4-14-94)

§ 35.265 AGENCY SHOP PROVISIONS.

Labor agreements may provide for agency shop provisions under which an employee within a bargaining unit is required to either join the labor organization, or pay an amount equal to the cost of initiation fees and dues.

(Ord. 23-94, passed 4-14-94)

MILITARY DUTY

§ 35.300 HEALTH INSURANCE FOR EMPLOYEES CALLED TO ACTIVE MILITARY DUTY.

(A) If a city employee is called to active military duty, the city shall take necessary steps to ensure that the employee's city health insurance benefits are coordinated with the employee's military health coverage benefits, so that there is no gap in time where the employee or a covered dependent is not covered by one of the two insurance programs. It shall be the responsibility of the city's insurance representative to remain in contact with the employee, the employee's family member, or military to

ascertain when the military coverage becomes effective. It is the employee's responsibility to cooperate in providing any information or documentation necessary. The city will not suspend the employee's coverage until the military coverage becomes effective. When the city is notified that the employee will return to city employment, the city will reinstate the employee's coverage to coincide with either the employee's return to work, or when the military coverage lapses, whichever occurs first.

(B) When an employee begins active military service and the employee's city health coverage is suspended, the Director of Human Resources will cause a written notification to issue to the City Attorney, the Mayor and the President of the City Council. Likewise, when an employee returns from active military service to city employment and his or her city coverage again becomes effective, the same type of notification shall issue.

(C) As a token of appreciation for the sacrifices made by active duty military personnel, the city shall provide a welcome-home benefit to such employees upon their return to city employment. The welcome-home benefit shall consist of an abatement of the employee's portion of the employee's health insurance premium payment. One month's worth of any such payment shall be abated for each month or partial month that the employee served in active duty military service immediately preceding his return to city employment. Any payment required to be made on the employee's behalf shall be paid by the city from funds budgeted for insurance.

(D) Upon return from active military duty, an employee shall be presented a Certificate of Appreciation by the Mayor, which certificate shall also set forth the length of the employee's welcome-home benefit.
(Ord. 11-06, passed 3-9-06)

§ 35.301 LIFE INSURANCE AND DISMEMBERMENT BENEFIT FOR EMPLOYEES.

(A) *Definitions.* The following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOSS OF ARM OR LEG. Severance at or above the elbow or knee joint.

LOSS OF HANDS OR FEET. Severance at or above the wrist or ankle.

LOSS OF THUMB AND INDEX FINGER. Complete severance at or above the metacarpophalangeal joint of the same hand.

(B) If a city employee is called to active military duty, and the employee is killed or dismembered as described below during the employee's military deployment, the city shall provide compensation as follows:

<i>Loss of:</i>	<i>Amount</i>
Life	\$50,000
Both hands, both feet, or sight in both eyes	\$50,000
One hand and one foot	\$50,000
One hand and sight in one eye	\$50,000
One foot and sight in one eye	\$50,00
One arm or one leg	\$37,5000
One hand, one foot or sight of one eye	\$25,000
Thumb and index finger only	\$12,500

(C) *Exclusions.* No benefit will be paid to an employee for an injury resulting from intentionally self-inflicted acts, including suicide or attempted suicide, or which injury results from a pre-existing condition of the employee not caused by the employee's military activities.
(Ord. 40-06, passed 5-11-06)

EMPLOYEE INCENTIVE PROGRAM

§ 35.315 ESTABLISHMENT OF EMPLOYEE INCENTIVE PROGRAM.

(A) Eligibility for the employee incentive program is limited to full- or part-time city employees.

(B) Eligible employees may be paid an incentive payment for submitting suggestions that save the city money. To be eligible for payment, an employee must submit a written suggestion to that employee's immediate supervisor or department head that actually results in a measurable savings of public money by the city, or a measurable increase in revenue directly attributable to the suggestion.

(C) Incentive payments will be based on a percentage of the actual savings or increased revenue to the city by implementing the employee's suggestion over the course of one year. Incentive payments may be made up to 20% of actual net savings or increased revenue to the city, up to a maximum of \$10,000 per employee per year. Incentive payments shall be considered earned income. If multiple employees jointly submit the same suggestion, they will split an incentive payment. If multiple employees submit the same suggestion separately, an incentive payment would be made to the first employee to submit the suggestion.

(D) Incentive payments shall come from the same departmental budget or other funding source where the money was saved, or from the budget of the department taking action to increase revenue. The City Council must still approve any necessary

transfers between major budget classifications or appropriations necessary to fund an incentive payment.

(E) There is established an employee incentive committee, comprised of one representative each from the Mayor's office, the Board of Public Works, the Board of Public Safety, the City Council, the City Labor Union Coalition, the Controller's office and the Human Resources Department. This committee shall review employee suggestions and determine whether they are entitled to an award under this program, subject to final approval by either the Board of Public Works or Board of Public Safety. The decision of either board is final. The committee may implement additional rules or policies governing the employee incentive program.

(F) The employee incentive program is a management tool, designed to allow the city to encourage creativity and efficiency in its work force. The Board of Public Works and the Board of Public Safety reserve the right to determine when incentive payments shall be made. The creation of this program does not grant any property, contractual or other right to employees. The city reserves the right to suspend or end this program at any time, or decline to pay a financial incentive because of financial limitations, uncertainty of financial savings to the city, or any other reason.

(G) The employee incentive committee may also receive suggestions from employees for ideas to improve the safety of city operations, for employees or the public. These suggestions will be evaluated by the employee incentive committee, which may award up to \$50 per suggestion, subject to approval from the Board of Public Works or the Board of Public Safety.
(Ord. 84-06, passed 1-11-07)

CHAPTER 36: CITY COURT

Section

Continuance of Court

36.01 Continuance of court

Adult Probation Department

36.10 Establishment

36.11 Adult Probation Services Fund

36.12 Effective date

CONTINUANCE OF COURT

§ 36.01 CONTINUANCE OF COURT.

The city court is continued from and after January 1, 1988, and until such time as the court is abolished as provided by state law.

(Ord. 42-78, passed 9-14-78; Am. Ord. 16-83, passed 2-10-83; Am. Ord. 79-86, passed 11-13-86)

ADULT PROBATION DEPARTMENT

§ 36.10 ESTABLISHMENT.

There is created an Adult Probation Department, which shall be a part of the judicial branch of the city and shall report to the City Court Judge.

(Ord. 71-85, passed 10-10-85)

§ 36.11 ADULT PROBATION SERVICES FUND.

(A) There is established an Adult Probation Services Fund within the judicial budget of the city.

(B) All money collected by the City Clerk under the provision of I.C. 35-38-2-1 shall be deposited into the Adult Probation Services Fund.

(C) The expenditures from the fund shall be in accordance with the established claim procedures as provided by law and for those expenditures authorized by I.C. 35-38-2-1.

(D) Any fee collected and deposited to the Adult Probation Services Fund shall be maintained in the fund and shall revert to the fund only.

(Ord. 71-85, passed 10-10-85)

§ 36.12 EFFECTIVE DATE.

This subchapter shall be retroactive to May 15, 1985.

(Ord. 71-85, passed 10-10-85)

CHAPTER 37: FUNDS

Section

	<i>Self-Insurance Fund</i>		<i>River Walk Art Program Fund</i>
37.001	Establishment	37.070	Title
37.002	Expenditures	37.071	Expenditures
37.003	Insurance Review Committee		
37.004	Appropriations to revert to fund		<i>Special Trust and Agency Fund for the Mayor's City Youth Commission</i>
	<i>Adult Probation Services Fund</i>		
37.010	Establishment	37.080	Title
		37.081	Expenditures
	<i>Non-Reverting Animal Shelter Fund</i>		
37.020	Establishment		<i>Multi-Agency Narcotics Fund</i>
37.021	Expenditures	37.090	Established
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		37.101	Expenditures
	<i>Economic Development Fund</i>		
37.035	Economic Development Fund		<i>Special Trust and Agency Fund for Emergency Management</i>
37.036	Economic Development Revolving Loan Fund	37.110	Established
		37.111	Expenditures
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37.045	Home Rental Investment Fund		<i>Cumulative Firefighting Building and Equipment Fund</i>
	<i>Non-Reverting Parks and Recreation Capital Fund</i>	37.120	Established
37.050	Non-Reverting Parks and Recreation Capital Fund		<i>Firefighters Pension Board Fund</i>
		37.125	Established
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	<i>Environmental Management Special Fund</i>		
37.060	Title		
37.061	Expenditures		

Fire Department Cash Change Fund

- 37.130 Established
- 37.131 Conversion of funds
- 37.132 Fund to revert

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- 37.140 Establishment
- 37.141 Employees authorized to make change

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- 37.150 Establishment
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Transportation System Department Cash Change Fund

- 37.160 Establishment
- 37.161 Distribution of funds
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- 37.170 Establishment
- 37.171 Employees authorized to make change
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Municipal Airport Department Cash Change Fund

- 37.175 Establishment
- 37.176 Employees authorized to make change
- 37.177 Funds to revert

Parks and Recreation Department Cash Change Fund for Southside Pool and Athletic Pool

- 37.180 Establishment
- 37.181 Employees authorized to make change
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Local Law Enforcement Continuing Education Fund

- 37.190 Establishment
- 37.191 Purpose
- 37.192 Charge for reports

Parks and Recreation Department Cash Change Fund for Golf Course

- 37.200 Establishment
- 37.201 Employees authorized to make change
- 37.202 Fund to revert

Rainy Day Fund

- 37.210 Establishment

Disaster Relief Donation Fund

- 37.220 Establishment

Clerk's Record Perpetuation Fund

- 37.230 Establishment

Non-Reverting Airport Grant Fund

- 37.240 Establishment

School Resource Officer Fund

- 37.250 Establishment

Fair Housing Donation Fund

- 37.260 Establishment

Property Acquisition and Disposition Fund

- 37.270 Establishment

Weed and Seed Fund

- 37.280 Establishment

City Clean-Up Fund

37.290 Establishment

Employee Assistance/Wellness Fund

37.300 Purpose

37.301 Establishment

Police Training Fund

37.310 Creation; purpose

Municipal Airport Non-Reverting Fund

37.320 Creation; purpose

*IDHS District Six Fire Training
Committee Grant Fund*

37.330 Non-Reverting Sub-Fund for
Revenues and Expenditures; created

Police Department Grant Fund

37.340 Non-Reverting Sub-Fund for
Revenues and Expenditures; created

Firefighter Fund

37.350 Creation; purpose

Non-Reverting Wheel Tax Fund

37.365 Establishment

Gaming Revenues Fund

37.380 Establishment

37.381 Administration

*Community Oriented Policing
Services ("C.O.P.S.") Fund*

37.385 Establishment

37.386 Administration

Option Income Tax Public Safety Fund

37.390 Creation; purpose

PAL Community Center Fund

37.395 Creation; purpose

Southside Pool Fund

37.400 Creation; purpose

City of Anderson Life Insurance Fund

37.410 Creation; purpose

City of Anderson Colts Fund

37.420 Creation; purpose

Athletic Park Pool Fund

37.430 Creation; purpose

Unsafe Building Expense Reimbursement Fund

37.440 Creation; purpose

General Motors Beautification Fund

37.450 Creation; purpose

Town Center Park Endowment Fund

37.460 Creation; purpose

Christmas Parade Fund

37.470 Creation; purpose

Non-Reverting Anderson Street Department Fund

37.480 Creation; purpose

Cross-reference:

*Ambulance Users Fee Fund, see § 100.03
Building, Firefighting, and Police Radio*

SELF-INSURANCE FUND**§ 37.001 ESTABLISHMENT.**

There is established a Self-Insurance Fund for the city effective August 1, 1985. A separate loss fund shall be established for each fiscal year thereafter that the city maintains a self-insurance program.

(Ord. 70-85, passed 10-10-85)

§ 37.002 EXPENDITURES.

The expenditures from the Self-Insurance Fund shall be approved by the Board of Public Works in accordance with the established claim procedure as provided by law.

(Ord. 70-85, passed 10-10-85)

§ 37.003 INSURANCE REVIEW COMMITTEE.

There shall be established an Insurance Review Committee consisting of the City Controller, Personnel Director, City Attorney, Chairperson of the Board of Public Works, and the Insurance Director. The Insurance Review Committee shall review and preapprove any claims submitted to the Board of Public Works for approval of payment. (Ord. 70-85, passed 10-10-85)

§ 37.004 APPROPRIATIONS TO REVERT TO FUND.

Any appropriation made to establish and maintain the Self-Insurance Fund shall revert to the fund only, unless a statute provides otherwise. (Ord. 70-85, passed 10-10-85)

ADULT PROBATION SERVICES FUND

§ 37.010 ESTABLISHMENT.

For provisions concerning the Adult Probation Services Fund, see § 36.11.

NON-REVERTING ANIMAL SHELTER FUND

§ 37.020 ESTABLISHMENT.

(A) There is created a special non-reverting operating fund to be utilized by the city Animal Care and Control Facility.

(B) This special non-reverting operating fund is to be utilized by the city Animal Care and Control Facility for a depository of moneys received from

animal adoption fees and charitable donations or contributions, received by gift, bequest or otherwise. No other moneys shall be deposited in this fund. (Ord. 86-90, passed 12-13-91; Am. Ord. 8-09, passed 2-12-09)

§ 37.021 EXPENDITURES.

Expenditures may be made from the special non-reverting operating fund without appropriation by the Common Council. Moneys from the fund shall be disbursed only on claims allowed and approved by the Anderson Board of Public Safety. (Ord. 86-90, passed 12-13-91; Am. Ord. 8-09, passed 2-12-09)

Cross-reference:

Animals, see Ch. 91

NON-REVERTING TRUST AND AGENCY FUND

§ 37.030 ESTABLISHMENT.

There is created for use by the Department a special non-reverting trust and agency fund, to be utilized by the Department solely for the “Live in Anderson” campaign. Donations to said campaign may be deposited in such account. (Ord. 9-92, passed 4-9-92)

§ 37.031 EXPENDITURES.

Subject to all other lawful claims procedures necessary, expenditures may be made from this fund for all such necessary and appropriate expenses to achieve the goals and purposes of the “Live in Anderson” campaign. (Ord. 9-92, passed 4-9-92)

ECONOMIC DEVELOPMENT FUND**§ 37.035 ESTABLISHED.**

There is hereby created a fund to be known as the Anderson City Economic Development Fund, and which fund is to be intended to be used by the appropriate city officials for the purposes mentioned within I.C. 6-9-26.

(Ord. 24-92, passed 8-13-92)

§ 37.036 ECONOMIC DEVELOPMENT REVOLVING LOAN FUND.

(A) The Anderson Economic Development Revolving Loan Fund Plan is consistent with and supportive of the area's current economic adjustment strategy; and

(B) The Anderson Economic Development Revolving Loan Fund has been and is being operated in accordance with the policies and procedures contained in the EDRLF plan, and the loan portfolio meets the standards contained therein.

(Res. 44-97, passed 10-9-97; Am. Ord. 57-2002, passed 11-14-02)

(C) *Board membership.* The Board shall be composed of the following persons or their designee:

(1) City Controller;

(2) Director of the Community Services and Economic Development Department of the city;

(3) Chairman, Anderson Corporation for Economic Development;

(4) The Chief Executive Officer or Chief Commercial Loan Officer of local financial institutions as may be established by the Board pursuant to its by-laws.

(Ord. 69-01, passed 12-13-01)

HOME RENTAL INVESTMENT FUND**§ 37.045 HOME RENTAL INVESTMENT FUND.**

There is hereby created among, and set out within, the various funds of the city a fund to be known as the Home Rental Investment Fund, which fund shall be used solely for the administration of those monies to be received by the city through its application for Home Investment Funds to the Indiana Housing Finance Authority as provided by the National Affordable Housing Act of 1990.

(Res. 49-93, passed 12-9-93)

NON-REVERTING PARKS AND RECREATION CAPITAL FUND**§ 37.050 NON-REVERTING PARKS AND RECREATION CAPITAL FUND.**

(A) A special non-reverting capital fund is established for the Anderson Parks and Recreation Department.

(B) The special non-reverting capital fund shall be funded from the lease payments received from Anderson Park, Inc. on account of Hoosier Park. No other funds shall be deposited in this account. On an annual basis, the City Controller, after consultation with the Board and the Park Superintendent, shall determine the portion of the lease payment to be placed in the special non-reverting capital fund, with the balance of the lease payment to be placed in the Park General Fund.

(C) Money placed in the special non-reverting capital fund may not be withdrawn except for the purpose of acquiring land or making specific capital improvements.

(Ord. 63-94, passed 9-14-94)

**ENVIRONMENTAL MANAGEMENT
SPECIAL FUND**

**SPECIAL TRUST AND AGENCY
FUND FOR THE MAYOR'S
CITY YOUTH COMMISSION**

§ 37.060 TITLE.

A non-reverting fund designated the "Environmental Management Special Fund - Title V Operation Permit Fees" shall be established for the collection of operation permit fees.
(Ord. 20-95, passed 5-11-95)

§ 37.061 EXPENDITURES.

Expenditures of the funds in the Environmental Management Special Fund - Permit Fees shall be solely to support the Operation Permit Fee Program as it relates to operation permit fees collected by the Anderson Office of Air Management.
(Ord. 20-95, passed 5-11-95)

RIVER WALK ART PROGRAM FUND

§ 37.070 TITLE.

A non-reverting fund designated the "River Walk Art Program Fund" shall be established for the receipt of donations to said program.
(Ord. 22-95, passed 6-8-95)

§ 37.071 EXPENDITURES.

Expenditures of the funds in the River Walk Art Program Fund shall be solely to cover expenses associated with the operation of the aforesaid program.
(Ord. 22-95, passed 6-8-95)

§ 37.080 TITLE.

There is created a special trust and agency fund to be utilized by the Mayor's City Youth Commission. Donated to the Commission, and other funds raised by the Commission may be deposited into such account.
(Ord. 28-97, passed 7-10-97)

§ 37.081 EXPENDITURES.

Expenditures may be made from this fund without appropriation from the common council. Moneys from the fund shall be disbursed only on approved claims allowed and signed by the Board of Public Works and City Controller.
(Ord. 28-97, passed 7-10-97)

MULTI-AGENCY NARCOTICS FUND

§ 37.090 ESTABLISHED.

There is now hereby created a special fund to be utilized solely by the City for grant moneys and funds received from forfeiture of property sold in violation of certain criminal statutes, received for the Man Unit. No other funds shall be held within this fund. Funds remaining at the end of the year shall not revert back to the general fund.
(Ord. 81-97, passed 12-11-97)

§ 37.091 EXPENDITURES.

Expenditures may be made from this fund without appropriation from the Common Council. Grant moneys shall be expended only for the purpose set

forth in the grant, and forfeiture funds shall be used for expenses incurred by the Anderson Police Department. However, such moneys from the fund shall be disbursed only on approved claims allowed and signed by the Board of Public Safety.
(Ord. 81-97, passed 12-11-97)

***VICE, INTELLIGENCE AND
NARCOTICS FUND***

§ 37.100 ESTABLISHED

There is now hereby created a special fund to be utilized solely by the Anderson Police Department for administration of funds received in forfeiture of property used in violation of certain criminal statutes. Funds remaining at the end of the year shall not revert back to the general fund.
(Ord. 82-97, passed 12-11-97)

§ 37.101 EXPENDITURES.

Expenditures may be made from this fund without appropriation from the Common Council. However, such moneys from the fund shall be disbursed only on approved claims allowed and signed by the Board of Public Safety. Forfeiture funds shall be used for expenses incurred by the Anderson Police Department.
(Ord. 82-97, passed 12-11-97)

***SPECIAL TRUST AND AGENCY FUND
FOR EMERGENCY MANAGEMENT***

§ 37.110 ESTABLISHED.

There is created a special trust and agency fund to be utilized solely by the Department's Mitigation,

Preparedness, Response and Recovery Division. Donations to the Unit, and other funds raised by the Department for the funding of such Unit may be deposited into such account.
(Ord. 25-98, passed 6-11-98)

§ 37.111 EXPENDITURES.

Expenditures may be made from this fund without appropriation from the Common Council. Monies from the fund shall be disbursed only on approved claims allowed and signed by the Board of Public Safety and the City Controller.
(Ord. 25-98, passed 6-11-98)

***CUMULATIVE FIREFIGHTING BUILDING
AND EQUIPMENT FUND***

§ 37.120 ESTABLISHED.

The proposal to create a cumulative Firefighting Building and Equipment Fund shall now be presented by the appropriate officers and officials of the city to the Indiana State Board of Tax Commissioners, for compliance with all further procedures required by state law.
(Res. 4-97, passed 1-9-97)

FIREFIGHTERS PENSION BOARD FUND

§ 37.125 ESTABLISHED.

There is hereby created an agency fund to be utilized solely by the Anderson Firefighters Pension Board. Deposits into such fund shall be limited to contributions tendered by candidates to whom a conditional offer of employment is extended in amounts equal to 50% of the cost of physical and mental examinations required by state statute.
(Ord. 3-02, passed 5-9-02)

§ 37.126 EXPENDITURES.

Expenditures may be made from this fund without appropriation from the Common Council. Monies from the fund shall be timely disbursed only on approved claim forms signed by the Pension Board Treasurer and approved by the City Controller, either to the candidate for employment or to the Anderson Firefighters Pension Board, whichever is appropriate. (Ord. 3-02, passed 5-9-02)

***FIRE DEPARTMENT
CASH CHANGE FUND***

§ 37.130 ESTABLISHED.

There is now hereby established for the Anderson Fire Department a cash change fund to be utilized by the Department for the sole purpose of the collection of fees for the operation of the ambulance service for the city. The fund shall be established by a warrant drawn upon the non-reverting Firefighting Building and Equipment Fund, in an amount to be determined by the City Controller, but not to exceed the amount of \$200.

(Ord. 82-98, passed 12-14-98)

§ 37.131 CONVERSION OF FUNDS.

The EMS Billing Coordinator for the Anderson Fire Department is now hereby authorized to convert the warrant to cash, and shall thereafter use the warrant to make change when collecting cash revenues for the ambulance service, and shall account for such funds in the same manner as required for all other funds of the city. Further, the EMS Billing Coordinator shall file a claim for such warrant, and shall upon said claim contain a statement regarding the necessity for such cash change fund and a reference to I.C. 36-1-8-2 authorizing its establishment.

(Ord. 82-98, passed 12-14-98)

§ 37.132 FUND TO REVERT.

Upon a change in personnel of the EMS Billing Coordinator, or in the event there is no longer a need for the aforesaid cash change fund, such fund shall then revert to the Firefighting Building and Equipment Fund for the city.

(Ord. 82-98, passed 12-14-98)

CITY COURT CASH CHANGE FUND

§ 37.140 ESTABLISHMENT.

There is now established for the City Court a cash change fund to be utilized by the Department for the sole purpose of the operating needs of the court for the city. The fund shall be established in an amount not to exceed the amount of \$300.

(Ord. 79-00, passed 12-14-00)

§ 37.141 EMPLOYEES AUTHORIZED TO MAKE CHANGE.

The Clerk of the Court shall authorize and supervise certain employees to make change for the court, and shall account for such funds in the same manner as required for all other funds of the city.

(Ord. 79-00, passed 12-14-00)

***SPECIAL TRUST AND
AGENCY FUND FOR
COMMISSION ON
AFRICAN-AMERICAN MALES***

§ 37.150 ESTABLISHMENT.

There is created a special trust and agency fund to be utilized by the Commission on African-American

Males. All funds coming into the possession of the Commission, whether the same be by way of donations, grants or other funds, shall be deposited into such account.

(Ord. 43-00, passed 8-10-00)

§ 37.151 EXPENDITURES.

Expenditures may be made from the Special Trust and Agency Fund without appropriation from the Common Council. Monies from the fund shall be dispersed only on approved claims allowed and signed by the Chairman and Secretary of the Commission on African-American Males.

(Ord. 43-00, passed 8-10-00)

***TRANSPORTATION SYSTEM
DEPARTMENT CASH
CHANGE FUND***

§ 37.160 ESTABLISHMENT.

There is now established for CATS a cash change fund to be utilized by the Department for the sole purpose of making change. The fund shall be established in an amount of \$515.

(Ord. 46-00, passed 8-17-00; Am. Ord. 45-03, passed 7-10-03)

§ 37.161 DISTRIBUTION OF FUNDS.

The funds shall be distributed to each dispatch supervisor and the alternate dispatch supervisor at the rate of \$100 each and to drivers at the rate of \$5 each. Said employees shall sign a document that they have the money and are responsible for it. Said money shall be kept in the possession of each dispatch supervisor at all times, taking it home with them and not leaving it at the terminal when they are not present.

(Ord. 46-00, passed 8-17-00; Am. Ord. 45-03, passed 7-10-03)

§ 37.162 FUND TO REVERT.

In the event there is no longer a need for the cash change fund, such fund shall then revert to the General Fund for the city.

(Ord. 46-00, passed 8-17-00; Am. Ord. 45-03, passed 7-10-03)

***PARKS AND RECREATION DEPARTMENT
CASH CHANGE FUND FOR SHADYSIDE
LAKE ACTIVITIES CENTER***

§ 37.170 ESTABLISHMENT.

There is now established for the Shadyside Lake Activities Center for the Parks and Recreation Department a cash change fund to be utilized by the Department for the sole purpose of the operating needs of the Shadyside Lake Activity Center for the city. The fund shall be established in an amount to be determined by the City Controller.

(Ord. 49-00, passed 10-12-00)

§ 37.171 EMPLOYEES AUTHORIZED TO MAKE CHANGE.

The Superintendent of the Park and Recreation Department shall authorize and supervise certain employees to make change for the Shadyside Lake Activity Center, and shall account for such funds in the same manner as required for all other funds of the city.

(Ord. 49-00, passed 10-12-00)

§ 37.172 FUND TO REVERT.

In the event there is no longer a need for the aforesaid cash change fund, such fund shall then revert to the Park General Fund of the city.

(Ord. 49-00, passed 10-12-00)

***MUNICIPAL AIRPORT DEPARTMENT
CASH CHANGE FUND***

§ 37.175 ESTABLISHMENT.

There is now hereby established for the Anderson Municipal Airport for the Anderson Municipal Airport Department a cash change fund to be utilized by the Department for the sole purpose of the operating needs of the Anderson Municipal Airport for the city. The fund shall be established in an amount to be determined by the City Controller.
(Ord. 60-02, passed 12-16-02)

§ 37.176 EMPLOYEES AUTHORIZED TO MAKE CHANGE.

The Superintendent of the Park and Recreation Department shall authorize and supervise certain employees to make change for the Anderson Municipal Airport and shall account for such funds in the same manner as required for all other funds of the city.
(Ord. 60-02, passed 12-16-02)

§ 37.177 FUNDS TO REVERT.

In the event there is no longer a need for the aforesaid cash change fund, such fund shall then revert to the Airport Fund for the city.
(Ord. 60-02, passed 12-16-02)

***PARKS AND RECREATION
DEPARTMENT CASH CHANGE
FUND FOR SOUTHSIDE
POOL AND ATHLETIC POOL***

§ 37.180 ESTABLISHMENT.

There is now established for the Southside Pool and Athletic Pool for the Parks and Recreation

Department a cash change fund to be utilized by the Department for the sole purpose of the operating needs of the Southside Pool and Athletic Pool for the city. The fund shall be established in an amount to be determined by the City Controller.
(Ord. 50-00, passed 10-12-00)

§ 37.181 EMPLOYEES AUTHORIZED TO MAKE CHANGE.

The Superintendent of the Park and Recreation Department shall authorize and supervise certain employees to make change for the Southside Pool and Athletic Pool, and shall account for such funds in the same manner as required for all other funds of the city.
(Ord. 50-00, passed 10-12-00)

§ 37.182 FUND TO REVERT.

In the event there is no longer a need for the aforesaid cash change fund, such fund shall then revert to the Park General Fund of the city.
(Ord. 50-00, passed 10-12-00)

***LOCAL LAW ENFORCEMENT
CONTINUING EDUCATION FUND***

§ 37.190 ESTABLISHMENT.

The Local Law Enforcement Continuing Education Fund is hereby established.
(Ord. 14-00, passed 5-11-00)

§ 37.191 PURPOSE.

The Local Law Enforcement Continuing Education Fund may be used for such purposes as authorized pursuant to I.C. 5-2-8-2 and all other applicable laws of the state.
(Ord. 14-00, passed 5-11-00)

§ 37.192 CHARGE FOR REPORTS.

Pursuant to state law, the Police Department is hereby authorized to charge a fee of \$5 for each report prepared by the Department pursuant to I.C. 9-26 (vehicular accident reports) and which report is requested by a member of the public or other interested party.

(Ord. 14-00, passed 5-11-00)

***PARKS AND RECREATION
DEPARTMENT CASH CHANGE
FUND FOR GOLF COURSE***

§ 37.200 ESTABLISHMENT.

There is now established for the Parks and Recreation Department a cash change fund to be utilized by the Department for the sole purpose of the operating needs of the golf course for the city. The fund shall be established in an amount to be determined by the City Controller, but not to exceed the amount of \$400.

(Ord. 22-00, passed 6-8-00)

§ 37.201 EMPLOYEES AUTHORIZED TO MAKE CHANGE.

The Superintendent of the Park and Recreation Department shall authorize and supervise certain employees to make change for the golf course, and shall account for such funds in the same manner as required for all other funds of the city.

(Ord. 22-00, passed 6-8-00)

§ 37.202 FUND TO REVERT.

In the event there is no longer a need for the aforesaid cash change fund, such fund shall then revert to the Park Non-Reverting Operating Fund for the city.

(Ord. 22-00, passed 6-8-00)

RAINY DAY FUND**§ 37.210 ESTABLISHMENT.**

(A) The Rainy Day Fund for the city is hereby established all in accordance with the provisions of I.C. 36-1-8-5 and 36-1-8-5.1.

(B) (1) Hereinafter following the effective date of this section, whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the Common Council shall order the balance of such fund to be transferred to the General Fund or the Rainy Day Fund of the municipality as provided within I.C. 36-1-8-5.1, unless a statute otherwise provides.

(2) This division is hereinafter amended to provided that another funding source for the Rainy Day Fund of the city may include statutorily authorized funds received by the city from the State of Indiana, the county, or another source, where such statutory authority specifically allows for the funds to be held and used within the Rainy Day Fund. Notice of any deposits into or withdrawals from the Fund shall be provided to the Common Council.

(C) The Rainy Day Fund is subject to the same appropriation process as all other funds receiving tax money. Prior to making an appropriation from the Rainy Day Fund, the Common Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the Fund.

(D) In any fiscal year, the city may transfer not more than 10% of the city's budget for that fiscal year to the Rainy Day Fund.

(Ord. 63-01, passed 11-8-01; Am. Ord. 11-16, passed 6-9-16)

DISASTER RELIEF DONATION FUND

§ 37.220 ESTABLISHMENT.

The Disaster Relief Donation Fund of the city is now hereby established for the sole purpose of retaining donations intended to be used for providing relief from the September 11 disaster and to pay for the expenses of the Liberty Rally. The Fund shall be maintained and used by the City Controller in accordance with the procedures of the Indiana State Board of Accounts.

(Ord. 61-01, passed 10-11-01)

**CLERK'S RECORD
PERPETUATION FUND**

§ 37.230 ESTABLISHMENT.

(A) There is now hereby established for the City Clerk a Clerk's Record Perpetuation Fund to be utilized by the Clerk for the purpose of preservation of records and the improvement of recordkeeping systems and equipment all as provided by I.C. 33-19-6-1.5.

(B) The City Court shall remit to the Office of the City Controller at the end of each month, all fees which are charged for the transmitting of documents by facsimile machine to persons under I.C. 5-14-3. (Ord. 59-01, passed 10-11-01)

NON-REVERTING AIRPORT GRANT FUND

§ 37.240 ESTABLISHMENT.

A non-reverting fund is created, known as the Airport Grant Fund. This fund will receive monetary grants from the federal government or other sources, including required matching funds transferred from other parts of the city's budget. Appropriations from the Airport Grant Fund shall only be made to meet needs of the airport. At the end of each fiscal year, any funds remaining in the Airport Grant Fund shall remain and not revert to the City of Anderson General Fund. (Ord. 22-04, passed 5-13-04)

SCHOOL RESOURCE OFFICER FUND

§ 37.250 ESTABLISHMENT.

(A) A non-reverting fund designated the "Community Oriented Policing Services Fund or "C.O.P.S. Fund" is hereby established for the receipt

of voluntary donations to the Anderson Police Department's C.O.P.S. program. No money derived from property tax, income tax or other tax-based revenues shall be held in this account.

(B) Expenditures of funds in the C.O.P.S. Fund may only be made to pay for supplies, educational materials or other expenses of the C.O.P.S. program. (Ord. 96-04, passed 1-13-05; Am. Ord. 5-09, passed 2-12-09)

FAIR HOUSING DONATION FUND

§ 37.260 ESTABLISHMENT.

(A) A non-reverting fund is created, known as the Fair Housing Donation Fund. Only voluntary donations shall be placed into this fund, and no property tax or other city revenues shall be placed into this fund. Unused money in this account shall not revert to the city's General Fund at the conclusion of the fiscal year.

(B) Money in the Fair Housing Donation Fund shall be used solely to pay for educational materials or events, or other expenses related to the city's promotion and enforcement of fair housing rights. (Res. 9-06, passed 2-9-06)

**PROPERTY ACQUISITION AND
DISPOSITION FUND**

§ 37.270 ESTABLISHMENT.

(A) The Common Council creates a special fund of the Redevelopment Commission to be known as the Property Acquisition and Disposition Fund into which shall be deposited all income received from the GM Properties.

(B) The income received and any other monies deposited into the Redevelopment Commission

Property and Disposition Fund shall be used to pay expenses incurred, including but not limited to development costs, attorney fees, other professional fees, and repayment of any loans or notes incurred from the acquisition as disposition of properties.

(C) The Redevelopment Commission Property Acquisition and Disposition Fund shall be a non-reverting fund.
(Ord. 10-07, passed 3-8-07)

WEED AND SEED FUND

§ 37.280 ESTABLISHMENT.

A non-reverting fund is created, known as the Weed and Seed Fund. This fund will receive funding, income, or other revenues generated through the administration of the grant, and may be used for any purpose consistent with the administration of the grant. This fund will not receive any bond proceeds, or property tax or other tax revenues. At the end of each fiscal year, any funds remaining in this fund shall remain, and not revert to the City of Anderson General Fund.

(Res. 33-07, passed 9-13-07)

CITY CLEAN-UP FUND

§ 37.290 ESTABLISHMENT.

A non-reverting fund is created, known as the City Clean-Up Fund. This fund will receive funding, income, or other revenues generated through the administration of city-wide clean-up events, and may be used for any purpose consistent with the administration of said events. This fund will not receive any bond proceeds, or property tax or other tax revenues. At the end of each fiscal year, any funds remaining in this fund shall remain, and not revert to the City of Anderson General Fund.

(Res. 52-07, passed 12-13-07)

EMPLOYEE ASSISTANCE/WELLNESS FUND

§ 37.300 PURPOSE.

(A) The purpose of the City of Anderson Employee Assistance/Wellness Program is to assure that any employee or family member will have referral access for personal and health related problems. Any employee having a personal problem that hampers his ability to work will receive careful consideration and access to professional training, treatment and assistance.

(B) This goal shall be hopefully attained by the following:

(1) The earliest intervention possible, either by self-referral, Human Resource/Insurance or management referral related to job performance;

(2) Encouraging employee's voluntary participation for counseling, health education, diagnosis and treatment or training to enable future job security and promotional opportunities; and

(3) The maintenance of all confidentiality of records and information pertaining to the program in accordance with the law. The Employee Assistance/Wellness Program is compliant with the HIPAA privacy and security laws. Personal health information is kept confidential. No information is shared with the city.

(Ord. 19-08, passed 4-10-08)

§ 37.301 ESTABLISHMENT.

(A) There is created a special Employee Assistance Program/Wellness Fund to be utilized by the City of Anderson, Human Resource/Insurance Department. Donations and other monies raised by the Human Resource/Insurance Department by way of fund raising efforts, donations, and monies budgeted and recouped from unexpected source (i.e., class action suits) may be deposited into such account.

(B) Expenditures may be made from this Employee Assistance Program/Wellness Fund without appropriation from the Common Council. Funds may be expended only for purposes of training, equipment and supplies for the Employee Assistance/Wellness Program.
 (Ord. 19-08, passed 4-10-08)

Specifically, all revenues within and expenses paid through the Airport Fuel Account shall henceforth be held within this newly created fund. The amounts within the Fund shall not revert to the General Fund. The funds may be expended only for the operation of the airport and associated purposes.
 (Ord. 48-08, passed 10-9-08)

POLICE TRAINING FUND

IDHS DISTRICT SIX FIRE TRAINING COMMITTEE GRANT FUND

§ 37.310 CREATION; PURPOSE.

(A) The Anderson Police Training Fund (the Fund) is hereby created as a non-appropriated fund of the city. All funds held under the previous Police Training Fund shall be transferred to the Fund upon adoption of this section.

(B) The Fund shall be used for deposit of fees collected by the Department charged relative to training activities, for donations and grants received by the Department for training or equipment purposes, and for such other non-appropriated funds as received by the city for training and equipment. The amounts within the fund shall not revert to the General Fund. The funds may be expended for both training and equipment as needed by the Department.
 (Ord. 20-08, passed 4-10-08; Am. Ord. 41-09, passed 11-12-09)

§ 37.330 NON-REVERTING SUB-FUND FOR REVENUES AND EXPENDITURES; CREATED.

(A) (1) A non-reverting fund is created, known as the IDHS District Six Training Committee Grant Fund. This Fund will received funding, income, or other revenues generated through the administration of the grant, and may be used solely for purposes consistent with the administration of the grant. This fund will not receive any bond proceeds, or property tax or other tax revenues. At the end of each fiscal year, any funds remaining in this Fund shall remain, and not revert to the city General Fund. This fund shall be a sub-fund of the Anderson City Donation/Grant Fund already established.

(2) The fund created by Resolution 6-08 may be utilized as a non-reverting fund for all grants received by the city for or on behalf of the Anderson Fire Department or otherwise for fire protection purposes.

MUNICIPAL AIRPORT NON-REVERTING FUND

§ 37.320 CREATION; PURPOSE.

(A) The Anderson Municipal Airport Fund (the Fund) is hereby created.

(B) The Fund shall be used for the purpose of deposits of all revenues collected by and expenditures made on account of the operation of the airport.

(B) This section takes full effect upon passage by the Council and approval of the Mayor, and any review of the Indiana Department of Local Government Finance (DLGF) or Board of Tax Commissioners as required by law.
 (Res. 6-08, passed 2-14-08; Am. Res. 37-09, passed 9-10-09)

POLICE DEPARTMENT GRANT FUND**§ 37.340 NON-REVERTING SUB-FUND FOR REVENUES AND EXPENDITURES; CREATED.**

(A) A non-reverting fund is created, known as the Police Department Donation/Grant Fund. This fund will received funding, income, donations, or other revenues generated through the administration of the Operation Pullover and other grants, and may be used solely for purposes consistent with the administration of such grants. This Fund will not receive any bond proceeds, or property tax or other tax revenues. At the end of each fiscal year, any funds remaining in this Fund shall remain, and not revert to the city General Fund. This Fund shall be a sub-fund of the Anderson City Donation/Grant Fund already established.

(B) This section takes full effect upon passage by the Council and approval of the Mayor, and any review of the Indiana Department of Local Government Finance (DLGF) or Board of Tax Commissioners as required by law.
(Res. 13-08, passed 3-13-08)

FIREFIGHTER FUND**§ 37.350 CREATION; PURPOSE.**

(A) The Anderson Firefighter Fund (the Fund) is hereby created.

(B) The Fund shall be used for the purpose of deposits of 75% of the fines collected for violations of Ordinance 78-06, as set forth in §§ 93.75 through 93.78, for deposit of fees collected by the Fire Department (Department) charged relative to training activities, for donations received by the Department for firefighting training purposes, and for such other appropriations as may be made by the city for

firefighter training. The amounts within the Fund shall not revert to the General Fund. The funds may be expended only for training and associated equipment needed by the Department and for no other purpose.

(Ord. 5-08, passed 3-13-08)

NON-REVERTING WHEEL TAX FUND**§ 37.365 ESTABLISHMENT.**

There is hereby created a “County Wheel Tax Fund” to be used for the deposit and retention of all revenues received by the city from distributions from Madison County pursuant to I.C. 6-3.5-5-15. The funds may be used for such purposes as specifically authorized in the statute. The funds shall remain within the fund and shall not revert to the General Fund at the end of the year.

(Res. 43-09, passed 10-8-09)

GAMING REVENUES FUND**§ 37.380 ESTABLISHMENT.**

The Gaming Tax Revenue Fund required by I.C. 36-1-8-9.2 is hereby established. Such fund shall be separate from the city’s General Fund, but may, as provided for within the statute, be used for any legal or corporate purpose.

(Res. 36-09, passed 9-10-09)

§ 37.381 ADMINISTRATION.

The fund established shall be administered by the City Controller, and the expenses of administering the fund shall be paid from the money in the fund. Money in the fund not currently needed to meet the

obligations of the Fund may be invested in the same manner as other public funds may be invested. Interest that accrues from any such investments shall be deposited in the Fund. Money in the Fund at the end of the particular fiscal year does not revert to the General Fund.

(Res. 36-09, passed 9-10-09)

COMMUNITY ORIENTED POLICING SERVICES (“C.O.P.S.”) FUND

§ 37.385 ESTABLISHMENT.

A non-reverting fund designated the “Community Oriented Policing Services Fund” or “C.O.P.S. Fund” is hereby established for the receipt of voluntary donations to the Anderson Police Department’s C.O.P.S. program. No money derived from property tax, income tax, or other tax-based revenues shall be held in this account.

(Ord. 5-09, passed 2-12-09)

§ 37.386 ADMINISTRATION.

Expenditures of funds in the C.O.P.S. Fund may only be made to pay for supplies, educational materials, or other expenses of the C.O.P.S. program.

(Ord. 5-09, passed 2-12-09)

OPTION INCOME TAX PUBLIC SAFETY FUND

§ 37.390 CREATION; PURPOSE.

The Anderson County Option Income Tax Public Safety Fund (the “Fund”) is hereby created. All distributions of tax revenues received by the City Controller pursuant to I.C. 6-3.5-6-31 shall be deposited in and held separately from other funds of the city, to be used solely for the specific purposes set forth within I.C. 6-3.5-6-31(a).

(Ord. 15-10, passed 4-8-10)

PAL CLUB COMMUNITY CENTER FUND

§ 37.395 CREATION; PURPOSE.

There is hereby created within the Donation/Grant Fund of the City of Anderson a “PAL Club Community Center Fund” to be used for the deposit and retention of all revenues received by the city from donations and grant revenues. Said funds may be used for expenses associated with the operations of the PAL Club Community Center. Said funds shall remain within the Fund and shall not revert to the General Fund at the end of the year.

(Res. 30-10, passed 10-14-10)

SOUTHSIDE POOL FUND

§ 37.400 CREATION; PURPOSE.

There is hereby created within the Donation/Grant Fund of the City of Anderson a “Southside Pool Fund” to be used for the deposit and retention of all revenues received by the city from donations and grant revenues. Additional funds of the city may be transferred into the Fund, upon the discretion of the City Controller and any required approval of the Council. Said funds may be used for expenses associated with the operation of the Southside Pool. Said funds shall remain within the Fund and shall not revert to the General Fund at the end of the year.

(Res. 12-11, passed 5-12-11)

CITY OF ANDERSON LIFE INSURANCE FUND

§ 37.410 CREATION; PURPOSE.

(A) The City of Anderson Life Insurance Fund (“the Fund”) is hereby created as a non-appropriated fund of the city. All funds held under the Fund shall be treated by the city only in accordance with the provisions of this section.

(B) The Fund shall be used for deposit of wages withheld or premiums otherwise remitted to the city and used only to defray the costs relative to the provision of all life insurance benefits for the employees, officers, and officials of the city, and for no other purpose, The amounts within the Fund shall not revert to the General Fund.
(Ord. 35-11, passed 11-10-11)

CITY OF ANDERSON COLTS FUND

§ 37.420 CREATION; PURPOSE.

There is hereby created within the Donation/Grant Fund of the City of Anderson a “City of Anderson Colts Fund” to be used for the deposit and retention of all revenues received by the city from donations for the City of Anderson Hospitality Tent and the City of Anderson colts Breakfast. The funds may be used for expenses associated with the Indianapolis Colts training camp, the operation of the City of Anderson Hospitality Tent at Anderson University and the City of Anderson Colts Breakfast during the Indianapolis Colts training camp.
(Ord. 23-12, passed 8-2-12)

ATHLETIC PARK POOL FUND

§ 37.430 CREATION; PURPOSE.

there is hereby created within the Donation/Grant Fund of the City of Anderson an “Athletic Park Pool Fund” to be used for the deposit and retention of all revenues received by the city from donations for the Athletic Park Pool. The funds may be used for expenses associated with the Athletic Park Pool and shall not revert to the General Fund at the end of the year. Provided, that the city shall make record of the name, address and any other necessary contact

information for any single donation from a donor exceeding \$100. Shall the project not have occurred by the end of the year 2014, and unless approval is granted by the Council to extend the time, all such donations exceeding \$100 shall be returned to any such donor.
(Ord. 39-12, passed 2-14-13)

***UNSAFE BUILDING EXPENSE
REIMBURSEMENT FUND***

§ 37.440 CREATION; PURPOSE.

There is now hereby created a fund to be known as the “Unsafe Building Expense Reimbursement Fund”. Any and all revenues received by the city in the enforcement of the provisions of I.C. 36-7-9-13 for judgments and liens relative to unsafe premises shall be deposited by the Controller of the city into the fund, which shall be a non-reverting fund. Expenditures from the fund may be made upon proper appropriation of the Council.
(Ord. 30-12, passed 12-13-12)

***GENERAL MOTORS
BEAUTIFICATION FUND***

§ 37.450 CREATION; PURPOSE.

The General Motors Beautification Fund (the “Fund”) is hereby created. The Fund shall be used for the sole purpose of beautifying former GM properties within the city limits. The amounts within the Fund shall not revert to the General Fund.
(Res. 15-13, passed 8-8-13)

***TOWN CENTER PARK
ENDOWMENT FUND***

§ 37.460 CREATION; PURPOSE.

The Town Center Park Endowment Fund (the "Fund") is hereby created. The Fund shall be used exclusively for the benefit of Town Center Park as explained above. The amounts within the Fund shall not revert to the General Fund.
(Res. 23-13, passed 9-12-13)

(B) Said funds may be used for all expenses associated with the demolition projects, including, but not limited to, salaries of employees who work on the demolition projects and all equipment and materials related to such demolition projects, as well as additional expenses related to any operations of the Street Department.

(C) Expenditures may be made from this fund without appropriation from the Common Council. Moneys from the fund shall be disbursed only on approved claims allowed and signed by the Board of Public Works and the City Controller or his or her designee.

(D) Such funds shall remain within the fund and not revert to the General Fund at the end of the year.
(Res. 4-14, passed 3-13-14)

CHRISTMAS PARADE FUND

§ 37.470 CREATION; PURPOSE.

There is hereby created within the Donation/Grant Fund of the City of Anderson a "City of Anderson Christmas Parade Fund" to be used for the deposit and retention of all revenues received by the city from donations for the City of Anderson Christmas Parade. The funds may be used for expenses associated with the Christmas Parade.
(Res. 27-13, passed 10-10-13)

***NON-REVERTING ANDERSON STREET
DEPARTMENT FUND***

§ 37.480 CREATION; PURPOSE.

(A) There is hereby created a "City of Anderson Street Department Non-Reverting Fund" to be used for the deposit and retention of all revenues received by the city for demolition projects that the Street Department is awarded.

CHAPTER 38: AFFIRMATIVE ACTION REQUIREMENTS IN CITY CONTRACT AWARDS

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GENERAL PROVISIONS

§ 38.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words appearing in this chapter which are not defined by this chapter but are defined by the official rules and regulations of the Human Relations Commission or the human relations ordinance shall have the meaning as defined in those regulations or that ordinance unless the context clearly requires otherwise. 2005 S-2

AFFIRMATIVE ACTION. Shall include, but not be limited to, the following:

(1) The issuance of a statement of policy regarding equal employment opportunity and its communication to all policy-making personnel.

(2) Active efforts to review the qualifications of all applicants for employment regardless of race, religion, color, sex, age, national origin, ancestry, or handicap.

(3) Recruiting, hiring, training, promoting, and making other personnel decisions regardless of race, religion, color, sex, age, national origin, ancestry, or handicap.

CITY CONTRACT. Any contract in which the City of Anderson, Indiana, or one of its agencies, commissions, boards, or departments, is a party.

CONTRACT COMPLIANCE COMMITTEE. A standing committee composed of three members of the Human Relations Commission who shall be appointed to this committee by the chairperson of the Human Relations Commission. This committee may take official action pursuant to this chapter by a majority vote of its members at a regular or special meeting of the committee.

CONTRACT COMPLIANCE OFFICER. The Director of the City Human Relations Department shall be the Contract Compliance Officer, and shall administer the city's contract compliance program which is established herein, help establish procedures to implement the city's contract compliance program, and make recommendations to the Contract Compliance Committee.

CONTRACTOR. Any private party that contracts with the city.

PUBLIC WORKS CONSTRUCTION. The construction, alteration, or repair of a public building, airport facility, highway, street, alley, bridge, sewer,

drain, or other improvement that is paid for out of a public fund or out of a special assessment. (Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

Cross-reference:

Commission on Human Relations, additional pertinent definitions, see § 33.41

§ 38.02 COVERAGE EXEMPTIONS.

(A) *Dollar amount limitation.* Only those city contracts for public works construction that cost \$25,000 or more shall be covered by the provisions of this chapter, except as provided in division (D).

(B) *Number of employees.* The provisions of this chapter shall only apply to those contractors who have more than five employees on their payroll.

(C) *Federal funding irrelevant to coverage.* The fact that federal funds are used to pay all or any part of the city's obligations under any city contract shall be of no consideration in determining coverage under this chapter, with the exception that this chapter shall not apply to the city contracts which are monitored for nondiscrimination pursuant to the regulations of the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended (Pub. L. 93-383).

(D) *Contracts that cost more than \$10,000 but less than \$25,000.* City contracts for public works construction that cost more than \$10,000 but less than \$25,000 shall be awarded pursuant to the quote procedures established by state law. There shall be limited application of this chapter to any such contracts. That is, any such contracts shall only be awarded to those quoters who submit an acceptable affirmative action plan or who have submitted an acceptable affirmative action plan within the 12-month period preceding the opening of quotes. (Ord. 69-86, passed 10-9-86)

Cross-reference:

Emergency exemptions, see § 38.15

§ 38.03 EQUAL OPPORTUNITY CONTRACT PROVISION REQUIRED.

(A) *When required.* On any public works construction covered by this chapter, there shall be included in the contract a provision entitled "Equal Opportunity."

(B) *Language required.* The equal opportunity provision of a city contract shall consist of the following language:

(1) The contractor shall demonstrate commitment to equal opportunity by employing a minority work force of not less than 15%. The term **MINORITY** includes the following groups: Blacks, Hispanics, American Indians, Alaskan natives, Asian or Pacific islanders, women, and handicapped.

(2) The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, religion, color, sex, age, national origin, ancestry, or handicap.

(3) The contractor's breach of the foregoing provisions concerning equal opportunity and affirmative action shall be a material breach of this contract, for which the city shall be entitled, at its option, to cancel, terminate, or suspend the contract in whole or in part; or use the breach of this contract as a factor to be considered for the award of future contracts for a period not to exceed one year.

(C) *Federal language required.* The equal opportunity provision of a city contract may also contain additional terms required by the government of the United States or any agency or department of the United States government.
(Ord. 69-86, passed 10-9-86)

§ 38.04 RULES AND REGULATIONS ADOPTED BY THE HUMAN RELATIONS COMMISSION.

(A) The Human Relations Commission may adopt procedural rules and regulations to accomplish

the purposes of this chapter concerning contract compliance. Any such rules and regulations shall be consistent with this chapter.

(B) Any such procedural rules and regulations may be adopted by the Human Relations Commission after a public hearing, and by majority vote of the Commission. These rules and regulations shall be made available to the public through the Contract Compliance Officer and the office of the Commission.
(Ord. 69-86, passed 10-9-86)

Cross-reference:

Commission on Human Relations rules and regulations, see § 33.45

§ 38.05 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after January 1, 1987.
(Ord. 69-86, passed 10-9-86)

PROCEDURES PRIOR TO AWARD OF CONTRACT

§ 38.10 NOTICE TO BE GIVEN TO BIDDERS.

(A) For every city contract reasonably expected to be covered by this chapter, there shall be notice given to bidders that prior to the execution of the city contract, the bidder must submit an affirmative action plan. The bidder shall also be notified that the Contract Compliance Officer shall be available to assist in the formation of an affirmative action plan. This notice shall also include the name, address, and telephone number of the Contract Compliance Officer.

(B) This notice shall appear each and every time and in the same place and manner in which a notice for an opportunity to bid on the city contract appears.

(C) After any board, agency, commission, or department establishes a bid date, notice must be provided to the Contract Compliance Officer on or

before the date notice is first given to the general public.

(Ord. 69-86, passed 10-9-86)

§ 38.11 SUBMISSION OF AFFIRMATIVE ACTON PLANS.

(A) When the successful bidder is given notice that his bid is acceptable, notice shall also be included that an affirmative action plan must be on file with the city's Human Relations Commission office. The contractor shall have five working days after notice that its bid is acceptable to submit such a plan. Failure to do so shall bar the contractor from being awarded a contract for its bid.

(B) Those contractors who have submitted acceptable affirmative action plans within six months prior to the opening of bids on any subsequent public works project shall not be required to submit an affirmative action plan.

(Ord. 69-86, passed 10-9-86)

§ 38.12 CONTENT OF PLANS.

Affirmative action plans shall be submitted on a form that is developed by the Contract Compliance Officer and the Human Relations Commission. The form shall be adopted by the Commission pursuant to the rule-making authority contained in § 38.04 of this chapter.

(Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

§ 38.13 CRITERIA FOR REVIEW OF PLANS.

Affirmative action plans shall be evaluated in accordance with the following criteria:

(A) Is the form on which the affirmative action plan is required to be submitted, to the extent applicable to the particular contractor, properly and completely filled out?

(B) Does the affirmative action plan demonstrate a good faith commitment to affirmative action as it is defined in § 38.01?

(C) What is the contractor's past performance in satisfying this chapter?

(D) Language in a contractor's affirmative action plan which promises future actions to promote equal opportunity or affirmative action may be considered in determining whether the plan is acceptable, but only if the promised affirmative action is accompanied by projected timetables for implementation.

(Ord. 69-86, passed 10-9-86)

§ 38.14 PROCESS OF REVIEW OF PLANS.

(A) Within three working days after receipt, the Contract Compliance Officer shall inspect any affirmative action plan submitted under § 38.11 of this chapter and make a determination as to the acceptability of the plan.

(1) If the Contract Compliance Officer finds the plan to be acceptable, he or she shall cause the finding to be made in writing and submitted to the official or body of the city awarding the contract.

(2) If the Contract Compliance Officer finds an affirmative action plan to be unacceptable, he or she shall make this finding in writing, stating the reasons why the plan is unacceptable, and submit that finding to the official or body of the city awarding the contract, and to the contractor who submitted the unacceptable affirmative action plan, by certified mail, return receipt requested, together with notice about rights of appeal described in § 38.31 of this chapter.

(B) Within three working days after receipt of the finding of unacceptability, the contractor shall submit to the Contract Compliance Officer a revised affirmative action plan containing the corrections identified in the report of unacceptability.

(C) Within three working days after receipt of the revised plan, the Contract Compliance Officer

shall inspect the revised affirmative action plan and make a determination as to the acceptability of the revised plan. If the Contract Compliance Officer finds the revised plan to be acceptable, he or she shall cause such finding to be made in writing and submitted to the official or body of the city awarding the contract. If the Contract Compliance Officer finds the revised plan to be unacceptable, he or she shall cause such finding to be made in writing and submitted to the officer or body of the city awarding the contract, and to the contractor by certified mail, return receipt requested. Such finding of unacceptability shall provide that the contractor is barred from being awarded the contract until an acceptable plan is submitted.

(Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

Cross-reference:

Criteria for review of plans, see § 38.13

§ 38.15 EMERGENCY EXEMPTIONS.

If the Mayor of the city or a board, agency, commission, or department declares that an emergency exists for a public works project, the provisions of this chapter concerning submission of affirmative action plans shall not be applicable.

**PROCEDURES SUBSEQUENT TO
AWARD OF CONTRACT**

**§ 38.20 REVIEW BY CONTRACT
COMPLIANCE OFFICER.**

After a city contract covered under this chapter has been entered into, the Contract Compliance Officer shall be authorized to review the contractor's compliance with the equal opportunity provision of the city contract and with the particular contractor's affirmative action plan. Should the Contract Compliance Officer, in the course of such review, have reasonable grounds to believe that the contractor is not making a good faith effort to comply with the equal opportunity provision of the city contract or the particular contractor's affirmative action plan, a

written report as to noncompliance shall be made to the Contract Compliance Committee.

(Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

**§ 38.21 REVIEW BY CONTRACT
COMPLIANCE COMMITTEE.**

(A) The Contract Compliance Committee shall review all charges made known to them by the Contract Compliance Officer under § 38.20 of this chapter.

(B) The Contract Compliance Committee shall make a written finding that the contractor is or is not in compliance with the equal opportunity provision of the city contract and the particular contractor's affirmative action plan. To make this determination, the Contract Compliance Committee shall hold a hearing in which the Contract Compliance Officer, the contractor, and their representatives may testify, submit documents, and make arguments before the Commission.

(1) The contractor shall be notified by certified mail, return receipt requested, at least three days in advance of the hearing as to the date, time, place, and subject matter of the hearing. With the notice, the contractor shall be provided copies of any written reports as to noncompliance which were submitted to the Contract Compliance Committee in accordance with § 38.20 of this chapter.

(2) Should the contractor fail to attend such a hearing without good cause, the Contract Compliance Committee may proceed to hear evidence in the contractor's absence and make its finding thereon.

(Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

**§ 38.22 ACTION UPON DETERMINATION OF
FINDINGS.**

(A) When the Contract Compliance Committee has reached a decision after a hearing held pursuant to § 38.21 of this chapter, it shall send a copy of its

findings to the contractor by certified mail. In addition, if the Contract Compliance Committee determines in its findings that the contractor has failed to comply with the equal opportunity provision of the city contract or failed to comply with the particular contractor's affirmative action plan, copies of the findings shall be provided to the official or body that awarded the original contract and to the City Attorney.

(B) With the notice about noncompliance, the Contract Compliance Committee shall provide notice that the city may exercise the following options:

(1) Cancel, terminate, or suspend the contract in full or in part;

(2) Declare the contractor ineligible for future contracts with the city for a period not to exceed one year.

(C) As part of the notice about noncompliance, the contractor shall also receive notice about its right to appeal pursuant to § 38.31 of this chapter. (Ord. 69-86, passed 10-9-86)

INTERPRETATION; JUDICIAL REVIEW

§ 38.30 CONSTRUCTION AND VALIDITY.

(A) *How to construe.* This chapter shall be liberally construed and interpreted to accomplish the goal of equal opportunity for minorities.

(B) *Partial invalidity.* If any provision of this chapter or the application of a provision to any person or circumstance shall be held invalid, the remainder of this chapter or the application of a provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby. (Ord. 69-86, passed 10-9-86)

§ 38.31 JUDICIAL REVIEW.

Who may seek review: Any party to a city contract covered by this chapter who is aggrieved by a determination made by the Human Relations Commission shall be entitled to judicial review of that determination if a petition for a review is filed in the Circuit or Superior Court of Madison County, Indiana, within ten days of the receipt of the notice of the determination by the aggrieved party. (Ord. 69-86, passed 10-9-86)

WAGES FOR CONTRACT EMPLOYEES

§ 38.40 PREVAILING SCALE OF WAGES.

Any firm, individual, partnership or corporation that is awarded a contract by the city, Anderson Sanitary District, or any officer, board, commission or other agency thereof (hereinafter "the city"), for the construction of a public work, as that term is defined pursuant to I.C. 5-16-7-40(c), or which construction falls under the Federal Davis-Bacon Act, and any subcontractor of such construction, shall be required to pay the prevailing wage rates as by law provided. (Ord. 51-93, passed 11-9-93) Penalty, see § 38.99

§ 38.41 FILING SCHEDULE OF WAGES; EMPLOYMENT OF APPRENTICES; EMPLOYMENT OF AVAILABLE LOCAL WORKFORCE.

(A) It shall be required that any contractor or subcontractor performing work under the terms of this subchapter file with the city a schedule of the wages to be paid to such laborers, workmen, or mechanics. The schedule shall not be less than the prevailing scale of wages stated in § 38.40 for the class of work being performed by each laborer, workman or mechanic. Such schedule of prevailing wages shall be clearly posted on the job site during construction.

(B) Any construction of a public work as provided within § 38.40 shall require that the contractor employ apprentices, if they are available, who are properly indentured into a joint labor-management apprenticeship training program, or an equivalent program, that is registered and certified with the United States Department of Labor, Bureau of Apprenticeship and Training.

(C) Further, any construction of a public work as provided within § 38.40 shall require that the contractor employ local construction tradesmen or tradeswomen, if they are available, who reside or have resided in the city for at least 90 days prior to the awarding of the contract.
(Ord. 51-93, passed 11-9-93) Penalty, see § 38.99

§ 38.42 PROOF OF COMPLIANCE.

The city and/or its authorized representative shall have the power and the authority to request and receive information which would substantiate proper payment under this subchapter. The recipient of the contract shall supply the requested documents or information to the city or its designee within five working days of receipt of the request. Failure to comply with the request may result in a fine of \$1,000 per day for each day after the five-day working response period has elapsed.
(Ord. 51-93, passed 11-9-93)

INDIANA PLAN

§ 38.55 INDIANA PLAN CONTRACT LANGUAGE REQUIRED IN BID SPECIFICATIONS AND CONTRACT AWARDS.

The following two paragraphs shall be included in all bid specification packages and contract awards for municipal construction projects that are in excess of \$75,000:

“Contractors submitting a bid for a city construction project must subscribe to the Indiana Plan and a joint apprenticeship and training program for that project if the bid is accepted and provide proof of such before any payments are made.”

“Fifteen percent (15%) of the contractors’ workforce in each initial craft will be comprised of residents of the City of Anderson participating in the Indiana Plan, whenever possible.”
(Ord. 13-03, passed 3-13-03)

MINORITY-OWNED BUSINESS ENTERPRISE AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM

§ 38.60 POLICY AND PURPOSE.

(A) It is the policy of the city to strongly encourage efforts to increase opportunities for minority-owned business enterprises (MBEs) and for women-owned business enterprises (WBEs) to do business with the city.

(B) The purpose of this subchapter is to lawfully promote economic development by the utilization of MBEs and WBEs by city offices, departments and boards as prime contractors and subcontractors in contracts for purchases and construction projects by the city.
(Ord. 101-04, passed 1-13-05)

§ 38.61 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DAY. Any day except weekends and holidays observed by the city.

CONTRACTOR. Any business entity with which the city enters into a contract to provide goods, supplies, services or construction work for the city.

EMERGENCY CONTRACT. A contract that is awarded on an emergency basis due to a threat of harm to person or property or threat of disruption of governmental services.

LOCAL MBE or WBE. An MBE or WBE which has an owner who resides in the city or has a bona fide business office in the city.

MBE. A minority-owned business enterprise.

MINORITY. A person who is a citizen of the United States and who is a member of any of the following racial groups:

(1) African-American (a person with origins in any of the black racial groups of Africa);

(2) Hispanic-American (a person with origins in Mexico, Central America, South America, Cuba or Puerto Rico);

(3) Asian-American (a person with origins in the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands);

(4) American Indian (a person with origins in any of the original people of North America, including but not limited to natives of Alaska); or

(5) Other similar racial minority groups.

OFFICE OF CONTRACT COMPLIANCE (OCC). The Human Relations Department, which will be the agency that administers and enforces the MBE/WBE program of the city.

WBE. A woman-owned business enterprise. (Ord. 101-04, passed 1-13-05)

§ 38.62 MBE/WBE UTILIZATION BOARD.

(A) There is hereby created the MBE/WBE Utilization Board. The Board shall consist of five members, appointed by the Mayor. All appointments are for one calendar year and shall expire on December 31 of the year for which they are made.

Board members may be removed at the pleasure of the appointing authority prior to the expiration of their terms. Three members of the Board shall constitute a quorum. The Board shall elect from its membership a President and a Vice-President who shall act as the presiding officer in the absence of the President. Board members shall serve without compensation. Board members may be compensated for actual expenses incurred if approval of the Mayor is given and money is appropriated to cover the cost.

(B) All meetings of the Board shall be conducted in accordance with the Indiana Open Door Law, I.C. 5-14-1.5, or any equivalent statute if the Open Door Law is repealed.

(C) The Board and the Human Relations Department shall have the following duties and authority:

(1) The Human Relations Department shall determine whether applicants for certification meet the qualifications and eligibility for MBEs and WBEs hereunder. The Board shall hear appeals of certification denials and hear challenges to MBE/WBE certifications.

(2) The OCC shall maintain lists of certified MBEs and WBEs from which city offices, departments and boards may make purchases or award contracts directly or indirectly as subcontractors of business entities being awarded a contract by the city. Such lists shall delineate the goods, services or construction projects to which the MBE or WBE may be interested in performing or providing.

(3) The Human Relations Department shall develop a program for the utilization by the city of local MBEs and WBEs. Such a program shall not unlawfully discriminate against any person or business in the award or execution of any contract. The purpose of such a program shall be to promote local MBE and WBE business development. Such a program shall comply with the requirements of federal and Indiana public purchasing and public construction law. The Human Relations Department shall establish a WBE/MBE utilization goal based on the availability of certified MBEs and WBEs for each construction

project for which formal advertised bidding is required under state law.

(4) Based upon the availability of goods, services offered or construction capability of local MBEs and WBEs, the Human Relations Department shall promulgate annual goals for the departments and boards in soliciting prices and in awarding contracts that are not subject to the State of Indiana mandatory bid requirements.

(5) The Human Relations Department shall conduct an annual review of how well the offices, departments and boards of the city met their annual goals in soliciting prices from local MBEs and WBEs. Such review shall be based on the actual solicitation of a price from local MBEs and WBEs versus the availability of qualified local MBEs and WBEs.

(6) The Human Relations Department shall report in writing at least annually to the offices, departments and boards of the city how they may better utilize MBEs and WBEs.

(7) In construction bids for which formal advertised bidding is required by state law, the Human Relations Department shall review bid specifications submitted by the city and promulgate goals for the utilization of local MBEs and WBEs based on the availability of local firms to provide the services, goods or supplies that are subcontracted by the firm who wins the award of the contract. In no event shall a bidder be required to award a subcontract to a local MBE/WBE, but it may not unlawfully discriminate against said MBE/WBE.

(8) The Human Relations Department shall report to the city offices, departments and boards concerning contract language and procedures which will enable MBEs and WBEs to more competitively submit bids to the city or to prime contractors including but not limited to prompt payment, bonding requirements and any other lawful means to better utilize MBEs and WBEs. The OCC shall investigate allegations of non-compliance by contractors with goals of the city as to utilization of MBEs and WBEs or practices of the contractors wherein it is alleged that discriminatory practices or procedures of the

contractors were used in the solicitation, award or execution of subcontracts, contracts for supplies or contracts for services. The OCC shall report its findings to the Board of Public Works for a determination as to whether non-compliance or a discriminatory practice occurred. An adverse determination may be appealed by the contractor to the Board of Public Works by requesting in writing an appeal hearing within 30 days of notice of such a determination. A determination of such discriminatory practice following notice and hearing before the Board shall be referred to the appropriate state and federal enforcement agencies for appropriate action. A finding of such a discriminatory practice shall prohibit that firm from being awarded a contract or being a subcontractor on a city contract for a period of one year from the date of such determination. Additionally, such a determination may be grounds for terminating the contract to which the discriminatory practice or non-compliance pertains.

(9) The Board shall establish reasonable rules and regulations to implement this subchapter and carry out its duties hereunder, consistent with this subchapter. These rules and regulations shall be called the "Minority and Women Business Plan for the City of Anderson." Any doubt as to the authority of the Board to establish a rule or regulation shall be resolved in favor of such authority.

(10) The Human Relations Department shall provide assistance to certified MBEs and WBEs through printed materials and individual assistance to firms to eliminate barriers to participation in city contracts including but not limited to the following:

(a) Provide information on the city's organization and contractual needs;

(b) Provide instructions to preparers of bid specifications to ensure implementation of this subchapter;

(c) Provide information to WBEs and MBEs on city procedures in awarding contracts; and

(d) Provide an opportunity to review with the bidder why its bid was rejected if it was rejected for a reason other than price.

(11) Whenever possible, the city shall facilitate seminars by representatives of financial institutions, insurance and bonding companies, to familiarize WBEs and MBEs with the requirements of those companies for loans, insurance and bonds.

(D) The Human Relations Department shall act as the staff of the Board to assist the Board in carrying out its purposes and functions. The OCC shall be within the Human Relations Department.
(Ord. 101-04, passed 1-13-05)

§ 38.63 PURCHASE OF GOODS, SUPPLIES, SERVICES AND CONSTRUCTION CONTRACTS.

(A) All contracts for the purchase of goods, supplies, services and for construction projects awarded by the city shall contain a clause requiring the contractor and subcontractors not to discriminate against any employee or applicant for employment in the performance of the contract, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age or handicap that does not affect that person's ability to perform the work. An MBE or WBE may register with the Board at the Human Relations Department on forms established by the Board. The registration shall be for the purpose of certification of the status as a qualified WBE or MBE for local projects and purchases and, if local, to ensure their inclusion on a local MBE/WBE directory made available to city offices, departments and boards for purchases of goods, services and utilization in construction projects. The registrant shall provide a general list of the types of goods or services it is willing to provide or the types of construction projects in which it is willing to participate.

(B) City offices, departments and boards shall be given lists of local WBE and MBE registrants. City offices, departments and boards shall review such lists to see how they may utilize such local registrants in seeking quotes or bids on purchases of goods or services and on construction projects.

(C) On any construction project for which quotes or bids are to be received, attached to the specifications shall be a list of MBEs and WBEs in order to make the prime contractors, i.e. bidders, aware of the availability of such MBEs and WBEs which may be utilized as subcontractors.

(D) Any construction project for which the city has established a WBE/MBE utilization goal, the prime contractor shall provide with its bid a list of the names and addresses of WBEs and MBEs to be utilized as subcontractors, the general nature of the work to be performed by each WBE or MBE and the dollar value of the work to be performed by the WBEs and MBEs. If the contractor does not meet or exceed the WBE or MBE goal set by the Board, the bidder shall provide an explanation as to why the goals were not met. A satisfactory explanation shall include but not be limited to the following:

(1) The price for doing the work by the WBE or MBE was greater than the price by another subcontractor;

(2) MBEs and WBEs did not respond to requests for prices by the bidder;

(3) The MBEs and WBEs responding to the bidder's request for pricing were not responsible, able or qualified to do the work requested; or

(4) Any other reason deemed appropriate by the Human Relations Department under its rules and regulations consistent with federal and state laws.

(E) The Human Relations Department shall determine whether the prime contractor has submitted a satisfactory explanation for not meeting the goal established. A determination of not providing a satisfactory explanation may be appealed to the Utilization Board. No contract for which a goal has been established may be awarded to a contractor who has not met that goal or has not provided a satisfactory explanation for not meeting that goal. No contractor shall be penalized for utilizing non-local MBEs or WBEs.

(Ord. 101-04, passed 1-13-05)

§ 38.64 CERTIFICATION OF MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES.

(A) *Procedures.* Each business that desires to become certified by the city as an MBE or WBE shall complete and submit a city application and attachments to the Human Relations Department. The certification procedure is subject to the rules and regulations of the MBE/WBE Utilization Board.

(B) *Certification review.*

(1) The initial review of the application is made by the Human Relations Department to determine if all questions are properly answered and the proper documentation is submitted. Incomplete applications or omitted documentation will result in the application being returned to the applicant with no action taken on it.

(2) If the application and attachments are complete, the application is reviewed by the Human Relations Department for compliance with this subchapter and rules and regulations of the Board. The Human Relations Department may conduct on-site reviews of the applicant and do cold calls. Applicants shall fully cooperate with the review process. Failure to cooperate shall be deemed sufficient grounds for rejection of the application. The Human Relations Department shall approve or deny the application. The Human Relations Department may consider the determination of other governmental agencies but shall not be bound by such determination. The applicant shall be allowed to submit all relevant information for the Human Relations Department's consideration. The Human Relations Department shall make its decision within 60 days from the date the application is received by the Human Relations Department unless the applicant desires a delay in the decision process in order to submit more information.

(3) If the Human Relations Department determines that the applicant meets the criteria established under this subchapter, the application shall be approved. If the Human Relations Department determines that the applicant does not meet the criteria established under this subchapter, the application shall be denied and the reasons therefor shall be stated in

writing and sent to the applicant. An applicant may reapply at any time. The applicant may appeal a denial in writing to the Utilization Board within 30 days of notice of such denial. The Board shall schedule a hearing within 30 days of the receipt of the request for a hearing. The applicant shall be given notice of the date, time and place of such review hearing. The hearing may be continued from time to time. An applicant who has been approved as an MBE or WBE shall notify the Human Relations Department of any change in ownership of the business or decertification by any other governmental entity within five business days of such change in ownership or decertification. The Human Relations Department shall conduct a review of the information to see if there is reason to believe that the business may no longer qualify as an MBE or WBE hereunder. If such a preliminary review results in a preliminary determination that the business may no longer qualify hereunder as an MBE or WBE, a copy of the determination shall be sent to the applicant. The Human Relations Department shall set a date, time and place for review of the information and make a new determination. The applicant shall be permitted to submit all relevant information.

(4) The Human Relations Department may initiate a review of the applicant's status as an MBE or WBE based upon information it receives from any source. If the Human Relations Department has reason to believe that the certified applicant no longer meets the criteria hereunder, a review shall be conducted by the Human Relations Department following notification of the basis for such preliminary determination as well as the time, date and place of the review. The certified applicant shall be allowed to submit all relevant information.

(5) Failure of the applicant or certified applicant to timely cooperate in any review or investigation by the Human Relations Department or the Board shall be sufficient grounds to deny or revoke certification.

(6) An adverse determination by the Human Relations Department may be appealed to the Utilization Board within 30 days of an adverse ruling. An adverse ruling of the Board is a final

administrative decision, which may be appealed to a court as authorized by other law.

(Ord. 101-04, passed 1-13-05)

§ 38.65 MAINTENANCE OF RECORDS AND REPORTING PROCEDURES.

(A) The Human Relations Department and the contracting departments shall implement a comprehensive record-keeping procedure, whereby the city can identify and assess local MBE/WBE contract awards and contractor utilization of MBEs and WBEs.

(B) The Human Relations Department shall, at least annually, report to various departments on the extent to which they are utilizing local MBEs and WBEs. Such report may include suggestions on improved utilization of local MBEs and WBEs that offer goods or services needed by the departments.

(C) Contractors and suppliers of goods and services shall not be penalized for not using local MBEs or WBEs. However, contractors and suppliers of goods and services shall not discriminate against local MBEs and WBEs.

(Ord. 101-04, passed 1-13-05)

§ 38.66 UTILIZATION OF MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES.

City offices, departments and boards shall not discriminate against non-local MBEs and WBEs in awarding contracts hereunder. City offices, departments and boards shall not penalize any contractor or supplier of goods and services that chooses to utilize non-local MBEs or WBEs. The purpose of the MBE/WBE program is to make city offices, departments and boards and contractors aware of local MBEs and WBEs to give these businesses equal opportunity in the contracting process and to promote economic development.

(Ord. 101-04, passed 1-13-05)

§ 38.67 EMERGENCY CONTRACTS.

The provisions of this subchapter shall not apply to emergency contracts.

(Ord. 101-04, passed 1-13-05)

§ 38.98 ENFORCEMENT.

(A) The city and any of its agencies, commissions, boards, or departments, shall not enter into any city contract covered by this chapter until the following condition is met: The Contract Compliance Officer or the Contract Compliance Committee has notified the official or body awarding the contract, in accordance with the provisions of this chapter, that the contractor has submitted an acceptable affirmative action program.

(B) Any violation of this chapter shall cause a city contract to become null and void. Upon request of the Contract Compliance Officer, the City Attorney shall take appropriate legal action to void a contract that has been executed in violation of this chapter.

(Ord. 69-86, passed 10-9-86; Am. Ord. 40-91, passed 8-22-91)

§ 38.99 VIOLATIONS; PENALTIES; SANCTIONS.

Any firm, individual, partnership or corporation which knowingly or willfully fails to comply with the provisions of § 38.42 shall be fined not less than \$1,000 for each violation for each day that the violation is permitted to continue past the five-day working day response period. Any such firm, individual, partnership or corporation which is adjudged by a court of competent jurisdiction to have committed two violations of this chapter in any consecutive 24-month period shall be prohibited from being awarded a contract for any public work required by the city for a period of 36 consecutive months of adjudication of the second violation.

(Ord. 51-93, passed 11-9-93)

CHAPTER 39: CITY POLICIES

Section

General Regulations

- 39.01 Service charge to owners entering into agreements with the city for the construction of certain sewage works
- 39.02 Character counts city
- 39.03 Methods of payment to city
- 39.04 Reimbursement for volunteer training costs
- 39.05 Geographic information services fees
- 39.06 Copying fees for records and documents
- 39.07 Crime Free Multi-Housing Program fee
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- 39.09 Deposit and investment policy

Purchasing Regulations

- 39.15 American manufactured supplies
- 39.16 Purchasing agents
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- Appendix: Geographic information services pricing schedule

GENERAL REGULATIONS

§ 39.01 SERVICE CHARGE TO OWNERS ENTERING INTO AGREEMENTS WITH THE CITY FOR THE CONSTRUCTION OF CERTAIN SEWAGE WORKS.

There is hereby established a fee in the amount of \$100 to be assessed by the city for services rendered

by the city and entering into an agreement with property owners for the construction of certain sewage works, as provided for within I.C. 36-9-22. Such fees shall be remitting through the office of the City Controller, and shall be payable on or before the entering into of the agreement by and between the city and the owners.

(Ord. 2-98, passed 2-12-98)

§ 39.02 CHARACTER COUNTS CITY.

The city is declared as a Character Counts City and the Mayor and City Council hereby endorses the Six Pillars of Character, and urges all city employees to seek out opportunities to incorporate these core ethical values into their work with young people. (Res. 81-98, passed 11-8-98)

§ 39.03 METHODS OF PAYMENT TO CITY.

(A) As used in this section, **CREDIT CARD** means a:

- (1) Credit card;
- (2) Debit card;
- (3) Charge card; or
- (4) Stored value card.

(B) The following financial instruments are hereby authorized for payment to the Civil City Departments of the city upon approval by the City Controller:

- (1) Cash;

- (2) Check;
- (3) Bank draft;
- (4) Money order;
- (5) Bank card or credit card;
- (6) Electronic fund transfer; and
- (7) Any other financial instrument authorized by the City Controller.

(C) Procedure for a particular type of payment shall be uniformly applied to all payments of the same type.

(D) The City Controller may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. The City Controller may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card.
(Ord. 81-98, passed 12-14-98)

§ 39.04 REIMBURSEMENT FOR VOLUNTEER TRAINING COSTS.

(A) The city is hereby authorized to expend funds for purposes of training and reimbursement of other reasonable costs incurred by public safety volunteers of the city. For purposes of this section, a public safety volunteer is construed to be a person who is performing services on behalf of either the Anderson Police Department or the Anderson Fire Department, and for whose services such person receives no compensation other than as authorized pursuant to this ordinance. For purposes of this section, such a volunteer shall specifically be deemed to include the chaplains working for either Department.

(B) The costs to be reimbursed to the volunteer shall include only such reasonable costs as are necessary for purposes of the volunteer fulfilling the

duties to the city. It may include costs relative to training and ancillary costs related to the same such as travel, lodging and meals.

(C) Reimbursement to a volunteer shall occur only following the approval of the governing body of the department, and pursuant to the State Board of Accounts prescribed claim procedures and all other procedures as required by law.
(Ord. 59-02, passed 12-16-02)

39.05 GEOGRAPHIC INFORMATION SERVICES FEES.

There shall hereby be assessed on a per occurrence basis for provision of GIS data and/or materials of the city the schedule of fees as set forth in the Appendix following this chapter. All payments shall be made to the department providing the data and remitted by such department to the office of the City Controller.
(Ord. 14-03, passed 5-8-03)

§ 39.06 COPYING FEES FOR RECORDS AND DOCUMENTS.

(A) The following fees shall be collected prior to providing copies of documents or any other records belonging to the city or its agencies:

Black and white copy 8.5" x 11" paper	\$0.10 per page
Color copy 8.5" x 11" paper	\$0.25 per page
Recordings or digital records	\$25.00 per disk
Photographs or large format items	\$5.00 per item
Certification of document or record	Additional \$5.00

(B) In addition to the above, if requests are to be mailed, faxed long distance, or any other method that incurs postage, packaging, telephone or additional costs to the city, these costs shall also be collected prior to providing the records.
(Ord. 16-10, passed 4-8-10)

§ 39.07 CRIME FREE MULTI-HOUSING PROGRAM FEE.

(A) The Council hereby authorizes the charging by the city, by and through Anderson Police Department, a fee in the annual amount of \$450 for each multi-housing complex desiring to participate in the Crime Free Multi-Housing Program.

(B) Any and all fees established in this section and collected by Anderson Police Department shall be remitted to the City Controller and shall be deposited in the Community Oriented Policing Services Fund created by § 37.250.
(Ord. 5-11, passed 1-13-11)

§ 39.08 AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE.

(A) *Step one: file the grievance.*

(1) Complete the City of Anderson’s grievance form. Grievance form can be found on the City of Anderson, Indiana’s website (www.cityofanderson.com) or in the ADA Coordinator’s office. A grievance may be communicated in writing, by e-mail, by fax or by telephone, but must follow the format of the City of Anderson’s grievance form.

(2) A grievance concerning the accessibility of the city’s services, programs or activities should be addressed to:

Frank E. Owens, ADA Coordinator
120 East 8th Street
Anderson, IN 46018
(765) 648-6057

(B) *Step two: acknowledgment.* A grievance should be filed within 90 days after the grievant party becomes aware of the alleged violation. The ADA Coordinator will send an acknowledgment of receipt of the grievance within 12 working days.

(C) *Step three: informal resolution.* Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or his/her designee. In the case of a property or access issue, the grievance will also be investigated by the city’s Property Manager. A thorough investigation affords all interested persons and their representatives an opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

(D) *Step four: written determination.* If an informal resolution of the grievance is not reached in Step 3, within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the ADA Coordinator to the Executive Officer for approval.

(E) *Step five: final determination and resolution.*

(1) The ADA Coordinator shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Officer.

(2) If the grievant is not satisfied with the city's handling of the grievance at any stage of the process, or does not wish to file a grievance through the city's ADA Title II Grievance Procedures, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency. Use of the city's grievance procedure is not a prerequisite to the pursuit of other remedies.

(3) The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue; the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the service, program or facility, or cause an undue hardship to the city. Accordingly, the resolution by the city of any one grievance does not constitute a precedent upon which the city is bound or upon which other complaining parties may rely.

(F) *File maintenance.* The city's ADA Coordinator shall maintain ADA Grievance files for three years.

(Ord. 13-12, passed, 10-11-12)

§ 39.09 DEPOSIT AND INVESTMENT POLICY.

(A) *Policy statement and purpose.*

(1) *Deposit of public funds.* City officials shall deposit funds in depositories approved as depositories of state funds [I.C. 5-13-6-1(d)]. Approved depositories of state funds are depositories designated by the State Board of Finance as depositories for state deposits [I.C. 5-13-9-1].

(2) *Investment of public funds.* The fiscal officer (City Controller) may invest or reinvest any funds that are held by the officer and available for investment in investments authorized in I.C. 5-13-9 under the following guidelines established by the fiscal body. [I.C. 5-13-9-1]

(3) The purpose of this policy is to provide investment objectives and guidelines for the management of public funds, to safeguard funds on behalf of the city, to assure the availability of funds when needed, to encourage investments that earn a competitive rate of return, and, at all times, invest according to and consistent with state law, I.C. 5-13-9 *et seq.*, as amended.

(B) *Authorized investments.*

(1) *United States government securities.* [I.C. 5-13-9-2(a)(1)]. Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:

- (a) The United States Treasury;
- (b) A federal agency;
- (c) A federal instrumentality; or
- (d) A federal government sponsored enterprise.

(2) *Other federal securities.* [I.C. 5-13-9-2(a)(2)]. Securities fully guaranteed and issued by any of the following:

- (a) A federal agency;
- (b) A federal instrumentality; or
- (c) A federal government sponsored enterprise.

(3) *Municipal securities.* [I.C. 5-13-9-2(a)(3)]. Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the 20 years preceding the date of the purchase.

(4) *Money market mutual funds.* [I.C. 5-13-9-2.5]. Investments commonly known as money market mutual funds that are in the form of securities of or interests in an open-end, no load, management-type investment company or investment trust registered under the provisions of the Federal Investment Company Act of 1940, as amended (15 U.S.C. 80a et seq.) [I.C. 5-13-9-2.5(a)].

(5) *Depositories.* Investments in money market mutual funds, described in I.C. 5-13-9-2.5(a), shall be made through depositories designated by the State Board of Finance as depositories for state deposits under I.C. 5-13-9.5. [I.C. 5-13-9-2.5(c)].

(6) *Portfolio.* The portfolio of an investment company or investment trust described in I.C. 5-13-9-2.5(a) must be limited to the following:

(a) Direct obligations of the United States;

(b) Obligations issued by any of the following;

1. A federal agency;
2. A federal instrumentality;
3. A federal government sponsored enterprise; or

(c) Repurchase agreements fully collateralized by obligations [I.C. 5-13-9-2.5(d)].

(7) The money market mutual fund must be rated as one of the following:

(a) AAAM, or its equivalent, by Standard and Poor’s Corporation; or

(b) AAA, or its equivalent, by Moody’s Investors Service, Inc.

(8) The investment is considered to have a stated final maturity of one day, and shall be made

through depositories designated by the State Board of Finance as depositories for state deposits under I.C. 5-13-9.5.

(C) *Other.*

(1) *Maturity limitations.* [I.C. 5-13-9-5.7].

(a) Except as noted below, investments made under this policy must have a stated final maturity of not more than two years after the date of purchase.

(b) For up to 25% of funds available for investment, investments made under this policy may have a state final maturity of more than two, but not more than five years after the date of purchase.

(2) *Expiration of policy.* [I.C. 5-13-9-5.7(b) and (d)]. This policy as adopted by the fiscal body shall expire on the second Thursday of July, 2020.

(Ord. 16-16, passed 8-11-16)

PURCHASING REGULATIONS

§ 39.15 AMERICAN MANUFACTURED SUPPLIES.

The following are the required purchasing rules for the city: *Purchase of supplies manufactured in the United States.* Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the city 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. 56-98, passed 9-10-98)

§ 39.16 PURCHASING AGENTS.

(A) The Board of Public Works and the Board of Public Safety are designated as purchasing agencies for the city.

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

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

(D) The City Controller is designated as the purchasing agent for every agency, board, office, branch, bureau, commission, council, department or other establishment of the city and may designate in writing any other employee, officer or official of the city as a deputy purchasing agent. The City Controller may implement such policies or procedures as may be necessary to carry out the provisions of I.C. 5-22.
(Ord. 55-98, passed 9-10-98)

§ 39.17 GENERAL PURCHASING POLICIES.

(A) *Publication of notice.*

(1) Invitations for bids.

(a) All notices of invitations for bids shall be published in accordance with I.C. 5-3-1 in the Anderson Herald Bulletin.

(b) The purchasing agent or designated deputy purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(2) Request for proposals.

(a) All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Anderson Herald Bulletin.

(b) The purchasing agent or designated deputy purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date proposals will be opened.

(3) Request for specifications.

(a) All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Anderson Herald Bulletin.

(b) The purchasing agent or designated deputy purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the proposals will be opened.

(4) Electronic notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent or designated deputy purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

(B) *Receiving offers.*

(1) Opening of offers.

(a) Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

(b) Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerers during the process of negotiation.

(c) Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

(2) Electronic receipt of offers.

(a) The purchasing agencies may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

(b) The purchasing agencies may only receive an electronic offer if:

1. The solicitation includes the procedure for the electronic transmission of the offer; and

2. The purchasing agencies receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

(3) Correction and withdrawal of bids.

(a) An offerer may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may supplement an inadvertently erroneous bid after the time at which the bids were opened.

(b) A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(4) Cancellation of solicitation. When the purchasing agent makes a written determination that is in the city's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(C) *Small purchases.* The purchasing agencies may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes. All such purchases made heretofore from July 1, 1998, until the effective date of this section are now hereby expressly confirmed and ratified by the Common Council.

(D) *Special Policy for the Municipal Transportation Department.*

(1) The Municipal Transportation Department shall adhere to the requirements set forth in Federal Transit Administration (FTA) Circular 4220.1D in all purchases involving FTA funds in addition to the purchasing policies and rules established by the city.

(2) Where the requirements of FTA Circular 4220.1D conflict with the city's purchasing policies and rules, the purchasing agent or deputy purchasing agent shall adhere to the requirements of FTA Circular 4220.1D.

(3) Any further amendments to FTA Circular 4220.1D, as such amendments apply to the city's municipal transportation department, shall be adhered to without further amendment herein. (Ord. 53-98, passed 9-10-98; Am. Ord. 36-99, passed 7-8-99)

§ 39.18 GENERAL PURCHASING RULES.

(A) *Protection of offers; status of documents as public records.*

(1) Protection of offers prior to opening. The City Controller, as purchasing agent, or the designated deputy purchasing agent, under the Act, 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.

(2) Unobstructed evaluation of offers. After offers have been opened, the purchasing agent or deputy 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.

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

delayed, as authorized in this section or any other statute or ordinance.

(4) Register of proposals. The purchasing agent or deputy purchasing agent of each department 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 and submit a copy to the City Controller. Proposals may not be disclosed.

(B) *Discussions with offerers responding to a request for proposals.* The purchasing agent or deputy purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerers who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(C) *Delay of openings of offers.* When the Board of Public Works or Board of Public Safety makes a written determination that is in the city's best interest, the 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.

(D) *Evidence of financial responsibility.*

(1) Purchase less than \$25,000. The purchasing agent or deputy purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(2) Purchase between \$25,000 and \$100,000. The solicitation may include a requirement that an offerer 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 ten percent of the estimated cost of the purchase.

(3) Purchases over \$100,000. The solicitation shall include a requirement that an offerer provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable.

If a bond or certified check is required, it may not exceed ten percent of the estimated cost of the purchase.

(E) *Modification and termination of contracts.*

(1) Price adjustments. The City Controller, as purchasing agent, or the designated deputy purchasing agent, may include provisions to permit price adjustments in a purchase contract. 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 of 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 adjustments 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 agree upon;

(e) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the Board of Public Works or Board of Public Safety of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed in accordance with applicable ordinances adopted by the city.

(2) Adjustments in time of performance. The purchasing agent or designated deputy purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(3) Unilateral rights of city. The purchasing agent or designated deputy purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the city, the purchasing agent, or the Chairman of the Board of Public Works or Board of Public Safety, to order changes in the work within the scope of the contractor to order temporary work stoppage or delays in time of performance.

(4) Quantity variances. The purchasing agent or designated deputy purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(5) Manner of purchases. The purchasing agent may require the deputy purchasing agents to purchase equipment, goods, materials or other supplies and services in accordance with written procedures, policies and rules issued by the purchasing agent subject to the provisions of I.C. 5-22.

(Ord. 54-98, passed 9-10-98)

§ 39.19 GOVERNING PURCHASES OF SERVICES.

Whenever a city purchasing agent or body determines that the receipt of bids or proposals is the appropriate means by which it shall solicit services to be provided by third parties, all such bids or proposals shall be submitted in a sealed envelope or package and shall be opened only in a public meeting of the appropriate City Board responsible for utilizing or overseeing those services.

(Ord. 16-09, passed 4-9-09)

APPENDIX: GEOGRAPHIC INFORMATION SERVICES PRICING SCHEDULE

Map Prices:

Pricing is per layer. Add \$1.00 for each additional layer.

<u>Size</u>	<u>Color Price</u>	<u>Black & White Price</u>
8.5" x 11"	\$ 7.00 each	\$ 5.00 each
11" x 17	8.00 each	6.00 each
18" x 24"	12.00 each	8.00 each
24" x 36"	15.00 each	15.00 each
24" x 40"	25.00 each	15.00 each
36" x 48"	35.00 each	25.00 each

Custom requests start at \$35.00

Digital Data:

\$0.25 per layer per 1/4 section (1/4 square mile)	Private
\$0.35 per layer per 1/4 section (1/4 square mile)	Corporation or business
\$1.00 per CD media	
\$5.00 per ZIP disk	
\$1 per MB of email (5 mb limit)	
Orthophotography per photo (1 sq. mile)	\$20.00

There is no software for viewing on the media received. Free viewing software can be downloaded from the Internet by visiting <http://www.esri.com/software/arcexplorer/index.html>.

(Ord. 14-03, passed 5-8-03)

