

TITLE 1

ADMINISTRATION AND PERSONNEL

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ADMINISTRATION AND PERSONNEL

CHAPTERS:

- 1.01 Election Boundaries
- 1.02 Primary Elections
- 1.04 Town Manager
- 1.05 Job Descriptions for Employees
- 1.06 Employee Personnel Policy and Procedure Manual
- 1.07 Police Department
- 1.08 Utility Advisory Committee
- 1.10 Fair and Accurate Credit Transaction Act (FACT ACT POLICY)
- 1.12 Economic Revitalization Areas
- 1.22 Redevelopment Commission
- 1.25 Vending Machine Revenues
- 1.26 Fees and Charges for Photocopies
- 1.50 Parks and Recreation Department
- 1.51 Fees and Charges for Community Center and Parks and Recreation Department
- 1.52 Nonreverting Operating Fund for Park Purposes
- 1.53 Special Nonreverting Donation Fund for the Parks and Recreation Department
- 1.54 Nonreverting Parks and Recreation Special Fund
- 1.58 Fixed Asset Capitalization Policy
- 1.60 Cumulative Building "Maintenance" Fund
- 1.62 Cumulative Capital Development Fund
- 1.64 Industrial Development Fund
- 1.65 Rainy Day Fund
- 1.66 Cumulative Firefighting Equipment Fund
- 1.67 Special Nonreverting Donation Fund for the Fire Department
- 1.68 Economic Development Income Tax Fund (EDIT)
- 1.69 Riverboat Tax Revenue Fund
- 1.70 Department of Redevelopment
- 1.83 Excepting Public Records from Disclosure
- 1.85 Compensatory Time-Off for Overtime Worked by Salary Police Officers
- 1.86 Law Enforcement Continuing Education Program Fund
- 1.87 Special Nonreverting Town Marshal Fund
- 1.90 Special Nonreverting Donation Fund for the North Spencer Community Center
- 1.92 Wastewater Construction Project Fund
- 1.93 Water Construction Project Fund
- 1.94 Water Construction Retainage Fund

Chapter 1.01

ELECTION BOUNDARIES

Sections:

- 1.01.010 Abolishing Town Council districts**
- 1.01.020 All members elected at large**
- 1.01.030 Clerk-Treasurer to forward Ordinance to Circuit Court Clerk of Spencer County**
- 1.01.040 Staggering terms**

1.01.010 Abolishing Town Council districts. The Town Council districts, as first established by the Board of Commissioners of the County of Spencer when the Town was incorporated, and subsequently established by the legislative body of the Town, are abolished. (Ord. 1993-07, S1, 1993)

1.01.020 All members elected at large. All members of the Town Council are hereafter to be elected at large by the voters of the whole town. (Ord. 1993-07, S2, 1993)

1.01.030 Clerk-Treasurer to forward Ordinance to Circuit Court Clerk of Spencer County. The Clerk-Treasurer of the Town shall forward a signed copy of Ordinance 1993-07 to the Circuit Court Clerk of Spencer County and shall request the Clerk to include the copy of this Ordinance in the records of the Spencer County Election Board. (Ord. 1993-07, S3, 1993)

1.01.040 Staggering terms.

- (1) Two (2) of the five (5) Council members will be elected for terms of three years beginning at noon on January 1, 1996; and
- (2) The remaining Council members will be elected for four (4) year terms beginning at noon January 1, following the election.
- (3) The three candidates with the highest vote totals elected in November 1995 shall serve four (4) year terms and the two candidates with the lowest vote totals shall serve three (3) year terms. Any tie shall be resolved as provided by the State election laws.
- (4) If, as of October 1, 1995, the only issue before the voters of the Town of Santa Claus in the November 1995 election is the determination of which of the five (5) Town Council candidates are to serve the three (3) or four (4) year terms, and if, on or before October 15, 1995 all five (5) candidates for Santa Claus Town Council enter into a written agreement stipulating which term each candidate shall serve, then the written agreement of the candidates shall determine the length of the terms to be served by the Town Council candidates starting January 1, 1996, there shall be no need for the TOWN OF SANTA CLAUS to hold an election in November 1995 to elect its Town Council and subparagraph (3) above shall not apply. (Ord. 1995-08, Sd, 1995) (Ord. 1994-03, Sa,b,c 1994)

Chapter 1.02

PRIMARY ELECTIONS

Sections:

- 1.02.010 Town of Santa Claus
- 1.02.020 Ordinance designating alternative method of nomination
- 1.02.030 Primary election preferred method
- 1.02.040 Method Adoption

1.02.010 Town of Santa Claus. The Town of Santa Claus, Indiana is a town within the meaning and application of I.C. §3-8-5-1, et seq. (Ord. 2006-09, Whereas, Nov. 13, 2006)

1.02.020 Ordinance designating alternative method of nomination. I.C. §3-8-5-2 requires that candidates for town office be nominated by means of a town convention absent the Town adopting an ordinance designating an alternative method of nomination. (Ord. 2006-09, Whereas, Nov. 13, 2006)

1.02.030 Primary election preferred method. The Town Council is of the opinion and belief that the primary election is preferable to a town convention as a method for nominating candidates for town office. (Ord. 2006-09, Whereas, Nov. 13, 2006)

1.02.040 Method Adoption. The Town Council of the Town of Santa Claus, Indiana, ordains that if, and in the event that, multiple candidates from the same political party file a Declaration of Candidacy, or if nominations for any town office otherwise are required, nomination for any such office shall be made by the means and method of a primary election. (Ord. 2006-09, S1, Nov. 13, 2006)

Chapter 1.04

TOWN MANAGER

Sections:

1.04.010	Appointment
1.04.020	Removal from Office
1.04.030	Duties, Powers and Responsibilities
1.04.040	Desirable Knowledge, Skills, Abilities and Experience

1.04.010 Appointment. The Town Manager shall be appointed by a majority vote of the entire Town Council then holding office, and for such compensation as the Town Council shall determine. (Ord. 1997-06, S1, Oct. 15, 1997)

1.04.020 Removal from Office. The Town Council may remove the Town Manager at any time by a majority vote of the entire Town Council then holding office. (Ord. 1997-06, S2, Oct. 15, 1997)

1.04.030 Duties, Powers and Responsibilities. The Town Manager shall have the following duties, powers, and responsibilities:

- (1) To administer and enforce all policies, directives, laws and ordinances adopted by the Town Council; to directly supervise all department heads except the Fire Chief, to oversee the administration of all municipal departments; to review departmental procedures and to determine that recommendations are carried out.
- (2) To act as business manager for the Town of Santa Claus under the direction of the President and Town Council.
- (3) To act as the Town's chief administrative officer with regard to Town employees over which the Town Council has jurisdiction; to administer Town personnel rules, policies and procedures; to make appointments of employees and remove employees of the Town consistent with the approved employee manual; to make appointments and remove department heads of the Town subject to the approval of the Town Council.
- (4) To oversee the preparation of all annual operating and capital improvement budgets for all municipal departments and submit them to the Clerk-Treasurer and Town Council with a message describing the important features; to recommend to the Clerk-Treasurer the annual Appropriation Ordinance and be responsible for the administration and implementation after adoption, including the preparation of monthly statements analyzing and accounting for variations between budgeted and appropriate amounts and actual expenditures; to analyze variations in estimated and actual income showing reasons therefor.

- (5) To prepare a written report to the Town Council quarterly describing progress to date and accomplishments, including problems and solutions for Town affairs and suggestions for future improvement in Town operations for more efficient operations, together with constructive criticisms.
- (6) To initiate investigations and conduct inquiries related to citizen complaints concerning the conduct of employees and the quality of municipal services; to speak before public and private groups to explain the functions and operations of the Town's government.
- (7) To recommend to the Town Council a standard schedule of pay for each employee of the Town, including minimum and maximum rates of pay, and to recommend periodic merit, promotion and services increases.
- (8) To attend all meetings of the Town Council unless excused therefrom and to take part in the discussion of all matters coming before the Town Council, but with no right to vote.
- (9) To attend meetings of the Town Committees and commissions when requested and available.
- (10) To act as the Town's chief purchasing agent; to administer purchasing activities and to supervise bidding procedures; and to approve budgeted purchases less than \$2,000 subject to the consent of the Town Council.
- (11) To coordinate and direct all Town services; to undertake studies of the manner in which such services are provided and to make recommendations of the Town Council for changes in the types and quality of services provided.
- (12) To engage in activities to market the property in the Town's Industrial Park to suitable purchases.
- (13) To manage the Town's Community Center and promote its efficient operation and maximum utilization.
- (14) To propose an annual plan for approval by the Town Council containing measurable, time framed goals and objectives to promote the efficient and effective operation of all Town Departments and respond to the needs of this growing community.
- (15) To perform related work to all of the above, and such other duties as required by ordinance or resolution of the Town Council. (Ord. 1997-06, S3, Oct. 15, 1997)

1.04.040 Desirable Knowledge, Skills, Abilities and Experience. Graduation from an approved college or university with a master's degree in public and/or business administration; experience as public sector manager, or equivalent combination of training and experience. Proven executive and administrative qualifications with respect to controlling and supervising the operations, personnel and functions of a municipality or similar entity. (Ord. 1997-06, S4, Oct. 15, 1997)

Chapter 1.05

JOB DESCRIPTIONS FOR EMPLOYEES

Sections:

1.05.010 Job Descriptions

1.05.010 Job Descriptions. Refer to Ordinance 1994-12 for descriptions of the following job titles:

- (1) Community Center Director
- (2) Town Hall and Community Center Janitor
- (3) Town Marshall
- (4) Deputy Marshall
- (5) Utility Clerk
- (6) Water Utility Superintendent, Sewer Utility Superintendent, and Street Department Superintendent
- (7) Water Operator
- (8) Assistant Water Plant Operator
- (9) Water and Sewer Utility Laborer
- (10) Wastewater Operator
- (11) Assistant Wastewater Operator

(Ord. 1994-12, July 14, 1994)

Chapter 1.06

EMPLOYEE PERSONNEL POLICY AND PROCEDURE MANUAL

Sections:

1.06.000	Adoption of Personnel Policy and Procedure Manual
1.06.005	Welcome
1.06.010	Introduction and Purpose
1.06.020	Organization and Responsibility
1.06.030	Policy Manual Administration
1.06.040	Equal Employment Opportunity
1.06.050	Severability/Savings Clause
1.06.060	Employment Orientation
1.06.070	Entire Agreement
1.06.080	Employment Categories - Definitions
1.06.210	Management Rights
1.06.215	Work Rules
1.06.220	Vacancies and Appointments
1.06.225	Classification Plan
1.06.230	Work Assignments
1.06.235	Hours of Work
1.06.240	Overtime
1.06.245	Residency Requirements
1.06.255	Performance Evaluation
1.06.260	Layoff and Recall
1.06.265	Personnel Records
1.06.270	Emergency Closings
1.06.300	Employee Ethics/Conflict of Interest
1.06.305	Introductory Period
1.06.310	Minimum Qualifications
1.06.315	Disciplinary Procedure
1.06.320	Problem Resolution
1.06.325	Absenteeism and Tardiness
1.06.330	Employee Accidents
1.06.335	Alcohol and Drug Abuse (Drug-Free Workplace)
1.06.340	No Smoking Policy
1.06.345	Outside Employment
1.06.350	Use of Vehicles
1.06.355	Town Property
1.06.360	Purchases
1.06.365	Books and Records
1.06.370	Solicitation and Distribution
1.06.375	Resignation
1.06.380	Sexual Harassment
1.06.385	Sick Leave
1.06.386	Bereavement Leave
1.06.387	Jury Duty

1.06.388	Leaves of Absence without pay
1.06.389	Military Leave
1.06.390	Personal Leave
1.06.395	Medical Leave
1.06.400	Vacation
1.06.405	Holidays
1.06.410	Compensation/Pay System
1.06.411	Holiday Bonus
1.06.412	Specialized Certification Raise
1.06.413	Probationary Internal Raise
1.06.415	Health and Safety
1.06.420	Medical Disability
1.06.425	Retirement Benefits
1.06.430	Medical Insurance Coverage
1.06.435	Worker's Compensation
1.06.440	Clothing Allowance
1.06.445	Employee Cellular Telephone Policy
1.06.450	Travel and Expense Reimbursement
1.06.460	Signature Page (Full-time, Regular Employees)
1.06.465	Signature Page (Part-time, Seasonal or Temporary Employees)

1.06.000 Adoption of Personnel Policy and Procedure Manual. Hereby accepted and approved is the Town of Santa Claus' Policy and Procedure Manual to be in full force and effect on July 14, 1994. Any additions or corrections to this handbook will be at the discretion of the Santa Claus Town Council. (Ord. 1994-11, July 14, 1994)

1.06.005 Welcome. Your fellow employees of the Town of Santa Claus welcome you to the Team. You have been chosen to receive an opportunity to become part of a proud working tradition. Your co-workers and their predecessors have established an outstanding reputation serving the citizens of Santa Claus. Indeed, our motto is "Citizen Service". Simply put, this means our mission is to provide quality service on a consistent basis with economy and efficiency in mind. We must be ever mindful of how we spend our taxpayers' dollars.

Please understand you will be in the public's eye. Greater scrutiny and expectations from our citizenry is your heritage. We are confident you will serve with honor.

The accompanying policies and procedures have been adopted to provide guidance for all concerned. It is your responsibility to know and practice them. As you study them, please list any questions for review with your supervisor. A thorough understanding of these procedures will make all our working lives better.

When problems or concerns arise, please attempt to resolve them with your supervisor. Perhaps the matter can be taken care of before it becomes necessary to file a formal grievance.

We ask that you do not let little problems become big ones through neglect. If it's work related and bothering you, discuss the matter with your supervisor.

The Town of Santa Claus is proud of the benefit package provided to our valued employees. Your supervisor will explain these benefits and let you know at what point you will be eligible for them.

Santa Claus is an outstanding community. One of the biggest reasons we are that way is the pride and dedication of our municipal work force. It is a pleasure to welcome you to an organization that is dedicated to “Citizen Service”. We’re confident you will soon be making contributions towards that end. Welcome.

(Ord. 1994-11, S Welcome, 1994)

1.06.010 Introduction and Purpose.

- (1) The purpose of this Personnel Policy and Procedure Manual (hereinafter referred to as “Manual”) is to provide a consistent, systematic, and organized approach to the establishment, implementation, and administration of the personnel policies of the Town of Santa Claus (hereinafter referred to as “Town”). It is written, adopted, and interpreted exclusively by the Town Council, and its designee(s), and is not subject to modification, change or contrary interpretation by any employee or employee representative organization except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States. (Ord. 1994-11, S1:01 A, 1994)
- (2) This Manual is intended to be used to assist and guide personnel in the day-to-day direction and performance of the general work force, the result being that a number of important and responsible goals may be achieved:
 - A. First, by implementing uniform personnel policies that are applied in as consistent and impartial a manner as is practicable, the goal is to promote the best possible working relationships and highest morale among all Town employees.
 - B. This Manual was created for personnel not covered by any other bargaining agreement. Furthermore, it is not the intent or purpose of this Manual to supersede or overrule any state or federal rules and regulations governing the operation of a department. It is, however, the intent of this Manual to provide support, direction, and procedures that will enable the Town to practice fair and consistent daily personnel administration.
 - C. By providing employees with fair and equal opportunities in their recruitment and advancement, by evaluating their services on the basis of merit and fitness, and by giving consideration to their needs and desires, the goal is to provide an employment atmosphere that increases the cooperation and productivity of the employees together with the prospects for career opportunities within the Town and each office or department of Town government.

- D. By providing dependable and courteous services to the residents of the Town, the goal is to enhance the reputation and stature of the Town's departments and offices within the community. (Ord. 1994-11, S1:01 B, 1994)
- (3) Any further questions relating to the purpose, goals, and/or interpretation of the policies contained herein should be directed to the Clerk-Treasurer and/or Council President. (Ord. 1994-11, S1:01 C, 1994)

1.06.020 Organization and Responsibility.

- (1) The Town of Santa Claus is governed by a Town Council. The Clerk-Treasurer is responsible for the general administration of Town business. (Ord. 1994-11, S1:02 A, 1994)
- (2) The financial power of the Town is placed in the Town Council and it is responsible for appropriating the funds necessary to operate the Town. (Ord. 1994-11, S1:02 B, 1994)
- (3) The Town is organized into various departments or offices to ensure adequate expertise, specialization, and efficient functioning. These departments or offices function under the administrative guidance and control of the supervisors, who are responsible for the day-to-day management and operation of the Town. (Ord. 1994-11, S1:02 C, 1994)
- (4) Supervisors are hired as needed, within each Town department or office to provide proper control and supervision of certain interval and department functions. (Ord. 1994-11, S1:02 D, 1994)
- (5) Each employee's particular duties, obligations, and areas of responsibility are defined in their position description and/or by assignment or directive of any supervisor. Employees are primarily responsible to their immediate supervisor for completion of specific work assignments and the quality, quantity, and timeliness of the work performed. (Ord. 1994-11, S1:02 E, 1994)
- (6) The rights, authorities, powers, and responsibilities of Town employees at all levels, with respect to the policies in this Manual, are more clearly delineated in the specific subject areas. However, in general, the Town Council is charged with the development, promulgation, and adoption of the provisions of the Manual. The various management and supervisor personnel are charged with applying, interpreting, enforcing, and generally ensuring compliance with the provisions of the Manual. It is the obligation and, indeed, a requirement that condition of employment for each individual person employed by the Town to comply in every respect with the provisions of the Manual and any related procedures and work rules and to perform their assigned duties in a responsible manner creditable to the Town. As such, all Town employees are expected to become knowledgeable

about its contents and abide by the policies set forth herein. Any questions, concerns, or lack of understanding about a particular provision of this Manual should be promptly discussed with your supervisor. (Ord. 1994-11, S1:02 F, 1994)

1.06.030 Policy Manual Administration.

- (1) In order to effectively implement this Manual and to oversee its administration on a day-to-day basis, the following procedures will be taken:
 - A. A copy of this Manual will be given to all current employees of the Town and to all new employees, to include part-time, seasonal, and temporary, subsequent to its adoption. Current employees and new employees shall receive a copy of this Manual and shall execute a receipt for same.
 - B. The policies and procedures in this Manual may be revised as changes in external law or conditions within the Town require. Only the Town Council has the authority to make revisions of policies contained herein.
 - C. Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to your supervisor in writing together with an explanation as to how such a change could benefit the Town, your department, and/or the public.
 - D. The Town Council, through input from supervisors, will undertake to accomplish a review of the Manual at twelve (12) month intervals or as may be indicated by law or change in characteristics of the Town work force. (Ord. 1994-11, S1:03 A, 1994)

1.06.040 Equal Employment Opportunity.

- (1) A commitment to equal employment opportunities as prescribed by the laws and Constitutions of the State of Indiana and federal government is reaffirmed herein. (Ord. 1994-11, S1:04 A, 1994)
- (2) All personnel decisions and/or practices, including but not limited to, hiring, suspensions, termination's, layoffs, demotions, promotions, transfers, and evaluations shall be made without regard to race, color, religion, sex, national origin, handicap, disability, age or other unlawful bias. (Ord. 1994-11, S1:04 B, 1994)
- (3) All applicants for employment and all employees of the Town shall be treated fairly and equitably based upon their respective merit, fitness, and bona fide occupational qualifications. (Ord. 1994-11, S1:04 C, 1994)

- (4) The Town Council and supervisors will evaluate requests for reasonable accommodations for qualified applicants and employees with recognized handicap and/or disability in order to provide job opportunities and continued employment for such individuals. (Ord. 1994-11, S1:04 D, 1994)

1.06.050 Severability/Savings Clause.

- (1) The policies in this Manual supersede any and all previous policies of the Town or any Department under the jurisdiction of the Town, written or unwritten, on subject matters covered or referred to herein. (Ord. 1994-11, S1:05 A, 1994)
- (2) In the event that any section of this Manual, amendment, or revision thereto is held to be unenforceable, invalid, contrary to law, or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the Manual, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect. (Ord. 1994-11, S1:05B, 1994)
- (3) The Town reserves the right to effectuate a lawful alternative to any section or part thereof declared unenforceable, invalid, or contrary to law. (Ord. 1994-11, S1:05 C, 1994)
- (4) The policies and procedures established and set forth in this Manual provide guidelines for supervisors, and employees during the course of their employment with the Town. However, nothing herein is intended to, nor shall it be construed or interpreted, so as to create contractual or vested rights for employees regarding guarantees of employment, benefits, policies, procedures, or any other provisions of this Manual. (Ord. 1994-11, S1:05 D, 1994)

1.06.060 Employment Orientation.

- (1) An orientation program will be conducted for all newly hired employees of the Town. The primary purpose of the orientation program is to acquaint new employees with Town policies and departmental rules and procedures, organize and structure their position description, and to familiarize such new employees with facilities equipment, and introduce them to department personnel and supervisors. (Ord. 1994-11, S1:06 A, 1994)
- (2) The supervisor is responsible for establishing an orientation program for new employees within their Department and designate individuals to conduct such orientation. (Ord. 1994-11, S1:06 B, 1994)

(3) **Prior** to beginning employment with the Town, the following information must be completed and delivered to the Town Clerk:

- Application for employment
 - Work permit(s)
 - I-9 Form
 - Payroll information and forms (W-4, etc.)
 - Town benefits and forms
 - Insurance forms
 - Criminal History Search
 - Copy of Indiana Operator's, Chauffeur's, or Commercial Driver's License
 - Copy of any and all licenses required for position
 - Employee acknowledgement concerning manual
- (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S1:06 C, 1994)

(4) The orientation program may include, but is not limited to, the following:

- Introduction to immediate supervisor
- Review Town Personnel Policy and Procedure Manual
- Town philosophy
- Importance of attitude
- What is expected of you as an employee
- Dress code
- Reporting to work (time, place, and daily and weekly work hours)
- Employee parking area
- Where to store your personal belongings while working
- Smoking area
- Personal calls
- Where to pick up your payroll check
- Who to see if there is a question/mistake on your check
- Job description and training for your new job
- Probationary period
- Overtime/Compensatory time
- Who to call if absent
- Safety in the workplace
- What you do in case of fire or other disasters
- First aid procedures in case of emergency
- Who to contact if you have suggestions for improvements
- Use of Town equipment and/or vehicles
- Town grievance procedure
- Job and employee information postings
- Introduction to "all" department employees

(Ord. 1994-11, S1:06 D, 1994)

- (5) It is the responsibility of the Supervisor to establish an orientation “check-off” list covering the above areas. The individual conducting the orientation will be required to check off each area after they have acquainted the new employee with this area and obtain the employee’s signature and date indicating they have completed the orientation program and understand all information provided in each of the above areas. The signed and dated check-off list will be filed in the employee’s personnel file at Town Hall and duplicate copies maintained in department files. (Ord. 1994-11, S1:06 E, 1994)
- (6) Employees will receive copies of all personnel documents signed in their personal capacity. (Ord. 1994-11, S1:06 F, 1994)

1.06.070 Entire Agreement.

- (1) The adoption of the provisions of this Manual by the Town sets aside and replaces all previous understanding, practices, and policies whether oral and/or in writing, pertaining to the subject matters incorporated specifically or referenced herein except in matters over which the Town has no lawful jurisdiction. The provisions of this Manual supersede and replace all parallel documents established by any office or department under the auspices and jurisdiction of the Town. However, each supervisor may promulgate work rules and procedures which are not inconsistent with this Manual. (Ord. 1994-11, S1:07 A, 1994)
- (2) No employee shall make claim to any alleged right or benefit that has been amended, altered, or replaced by a provision of this Manual. (Ord. 1994-11, S1:07 B, 1994)
- (3) No supervisor shall establish any policies contrary to those established in this Manual. However, procedures and work rules may be adopted by such supervisors to effectively implement and apply the policies contained in this Manual or that are necessary to effectuate the purposes of a particular department or office of the Town. (Ord. 1994-11, S1:07 C, 1994)
- (4) The Town Council serves as the appeal board for the Town. (Ord. 1994-11, S1:07 D, 1994)
- (5) The Town shall have the authority to seek enforcement of the provisions of this Manual by court order mandating supervisors and elected officials to enforce the provisions contained therein. (Ord. 1994-11, S1:07 E, 1994)

1.06.080 Employment Categories - Definitions.

- Employee: A person who receives wages or salaries from the Town.
- Full-time: Employee who works a minimum of (40) forty hours weekly and who maintains continuous regular employment status.

Part-time:	Employee who works less than (40) forty hours weekly and who maintains continuous regular part-time employee status. Part-time employees are not eligible for benefits as further defined in the Personnel Policy and Procedure and related Town Code provisions.
Regular:	Employee who has successfully completed the introductory period and maintains a continuous employee status.
Temporary:	Employee whose services are intended to be of limited duration and who works the customary number of hours required. Temporary employees are not eligible for benefits.
Salaried Employee:	Employee who receives a predetermined amount of compensation per pay period.
Hourly Employee:	Employee who receives compensation for hours worked on an hourly rate per pay period.
Exempt Employee:	Employee classified as Executive, Administrative, or Professional according to provisions of the Fair Labor Standards Act (FLSA) and exempt from overtime compensation.
Non-Exempt:	All employees that do not meet the Fair Labor Standards Act (FLSA) exempt provision, and eligible for overtime compensation for hours worked over forty (40) hours.
Temporary/ Seasonal:	Employee employed for a limited and specific period of time working a non-standard schedule; may be assigned by an employment agency (agency is the employer). Employee is not eligible for benefits.
Contractor:	Employed by contract with the Town for a specific period of time per conditions agreed to. (Ord. 2001-01, Jan. 29, 2001) (Ord. 1994-11, S1:08, 1994)

1.06.210 Management Rights.

- (1) The Town reserves all rights which are afforded to them by virtue of their capacity and authority under the Indiana Code, together with all such other rights of management which are inherent by custom to such positions. (Ord. 1994-11, S2:01 A, 1994)
- (2) The Town Council regulates the employment of all employees of the Town in accordance with and to the extent authorized by applicable law. The Town Council, through Town administration, affixes compensation and benefits. (Ord. 1994-11, S2:01 B, 1994)

- (3) Specifically, management rights include, but are not limited to, the following:
- A. The right to generally manage through the implementation, enforcement, amendment, deletion, or revision of policies, procedures, rules, regulations, and directives.
 - B. The right to control the efficiency of operations through organization or reorganization of work methods or procedures; layoff or recall of employees due to operational or financial needs; and improvement in work methods, equipment, machinery, and facilities.
 - C. The right to direct the work force through the determination of its size and number; the number of shifts required; the work schedules and hours of employment; the necessity for overtime or compensatory time, and the amount, if required; the selection, retention, and assignment of all employees based upon qualifications and departmental functions and duties; and disciplining them as required; including suspension, termination, or reduction in pay or position; and promoting and transferring employees as needed pursuant to established policy.
 - D. The right to effectively, efficiently, and economically manage the Department by determining acceptable standards of conduct and performances; the methods, means, equipment, materials, and processes for the accomplishment of work; the department's goals, objectives, programs, services, and work to be performed and to utilize personnel in a manner designed to meet these purposes and improve productivity.
 - E. The right to determine when an emergency exists and implement actions and assignments deemed advisable and necessary to effectively and efficiently respond to such emergency situations.
 - F. The right to exercise control and discretion over the budget. (Ord. 1994-11, S2:01 C, 1994)

1.06.215 Work Rules.

- (1) Each supervisor shall have the right and authority to promulgate and enforce any reasonable work rules and operational policies and procedures necessary to carry out the mission, goals, objectives, and functions of their Department. (Ord. 1994-11, S2:02A, 1994)
- (2) Supervisors shall further have the right to promulgate and enforce any rules, regulations, and procedures necessary to implement and effectuate the personnel policies contained in this Manual. (Ord. 1994-11, S2:02 B, 1994)

- (3) Department rules, regulations, and procedures shall not conflict in any manner with the policies of this Manual and are only applicable to that particular Town department or office. (Ord. 1994-11, S2:02 C, 1994)

1.06.220 Vacancies and Appointments.

- (1) It is the policy of the Town to afford employment opportunities to the qualified applicant possessing the best qualification fitting the requirements of the job regardless of race, creed, sex, color, national origin, disability, or age. Only job-related information will be used in the evaluation, screening, and selection process. (Ord. 1994-11, S2:03 A, 1994)
- (2) It is the policy of the Town to fill position vacancies from within whenever possible, and qualified Town employees are encouraged to apply for posted position vacancy provided the applicant possesses the requisite minimum qualifications and is not serving an introductory period. If the position vacancy is not filled from within, recruitment methods will then be considered and actions taken to obtain applications for employment in the most effective manner. The Town reserves the right to recruit both from within and without simultaneously. The Town reserves the right not to fill a vacancy if it is determined that no applicant possesses the desire qualifications. (Ord. 1994-11, S2:03 C, 1994)
- (3) Any qualified person interested in applying for a position vacancy must timely complete a written application for employment as to skills, abilities, knowledge, experience, and other relevant information within the limit limitations. The applicant must also complete an acknowledgment that he or she is a citizen of the United States or has filed a declaration of intent to become one and a declaration that all information provided is truthful. Falsification or any statements by the applicant shall be cause for denial of employment or termination from employment if discovered after the applicant has been hired. Evidence of conviction of a job-related felony, or other conduct unbecoming a public servant of the Town or posing a threat to the legitimate business concerns of the Town or its various departments shall also be cause for denial of or termination from employment; however, prior criminal conviction(s) shall not be an automatic bar to employment. Only job-related information will be used to evaluate and select applicants for employment. (Ord. 1994-11, S2:03 D, 1994)
- (4) Qualified applicants may be required to demonstrate knowledge or perform certain assessments of skill in order to further ascertain the applicant's fitness for the position. In the event that a position requires educational degrees, license or other certification, the applicant must furnish certified copies of such document(s) to the Town department in which application is made. Such license or certification must be appropriately maintained in good standing if the applicant is subsequently hired. (Ord. 1994-11, S2:03 G, 1994)

- (5) The Town Council, Clerk-Treasurer, or supervisors retain the sole right to determine the qualifications desired for a vacancy (per job description), to determine the weight attributed to each employment criteria, and to evaluate the relative qualifications of applicants. Criteria used in evaluating an applicant's qualifications may include, but is not limited to, such considerations as aptitude, attendance, education, training, prior work experience, physical and mental fitness for the position. (Ord. 1994-11, S2:03 H, 1994)
- (6) Prior to placement, a newly hired employee may be required to undergo a medical examination, including drug testing, at the Town's expense in order to ensure that he or she is capable of performing the duties and responsibilities of the position to be assumed. (Ord. 1994-11, S2:03 I, 1994)
- (7) In the event that the minimum requirements and qualifications of a classification are changed by external law or technological advancement, it shall be the sole responsibility of the employee to meet such new requirements within a reasonable period of time and maintain such qualifications. Employees failing to maintain the minimum requirements and qualifications of their classification in an agreed upon amount of time may be subject to reduction in position, provided a vacancy exists in a classification for which the employee is qualified, or termination if no such vacancy exists. The Town has no obligation to create a vacancy for an employee failing to maintain the qualifications of his/her job. (Ord 1994-11, S2:03 K, 1994)
- (8) Further, the Layoff and Recall procedure of this Manual shall not be applicable to this section. An employee who is reduced in position shall receive the rate of pay of the classification to which he is reduced. All employees are expected to make reasonable and diligent efforts to maintain the qualification of their current classification. (Ord. 1994-11, S2:03 L, 1994)
- (9) Members of the family of current employees are eligible for full-time employment with the Town, however not within the same department. (Ord. 1994-11, S2:03 M, 1994)
- (10) Continued employment by the Town is conditioned upon the employee maintaining the physical, mental, and emotional ability to perform the substantial and material portions or his/her duty(ies) and a satisfactory record of performance and discipline. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:03 N, 1994)

1.06.225 Classification Plan.

- (1) A classification plan based upon the duties and responsibilities of positions shall be maintained by the Town. The plan shall include job specifications, consisting of classification title, position summary, job requirements, and difficulties, responsibility, illustrative duties, work relationships, and physical effort and work environment. (Ord. 1994-11, S2:04 A, 1994)

- (2) The supervisors shall, as needed or at least on an annual basis, review the duties and responsibilities of positions to recommend to Town Council adjustments or revisions to the classification plan. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:04 B, 1994)

1.06.230 Work Assignments.

- (1) Employees shall be expected to fully, dutifully, and conscientiously perform those tasks as assigned to them by the supervisors, or any other individual properly vested with such authority. (Ord. 1994-11, S2:05 A, 1994)
- (2) The supervisor has exclusive control of assigning and allocating work assignments, work crews, vehicles, and equipment. No employee can refuse a job assignment unless it would place him/her in an imminent life-threatening situation or perform an illegal act. (Ord. 1994-11, S2:05 B, 1994)
- (3) The Town reserves the right to transfer employees from one department to another. Such transfers could be on an emergency or permanent basis and based upon the needs of the Town as determined by the Town Council and/or the supervisors. (Ord. 1994-11, S2:05 C, 1994)

1.060.235 Hours of Work.

- (1) The hours of work, including the work day, work week, and work shift for all employees shall be as established by the supervisor of each Town office or department and approved by the Town Council. (Ord. 1994-11, S2:06 A, 1994)
- (2) Each supervisor will submit normal work schedules for his/her department to the Clerk-Treasurer and Town Council at the beginning of each year. Any change to the normal schedule during the year should be reported to the Clerk-Treasurer and Town Council. (Ord. 1994-11, S2:06 B, 1994)
- (3) Each supervisor will track time of employees under his/her charge and provide this information to the Clerk-Treasurer for allocation purposes. (Ord. 1994-11, S2:06 C, 1994)
- (4) Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks on a temporary or permanent basis. (Ord. 1994-11, S2:06 D, 1994)
- (5) All overtime must be approved in advance by the supervisor except under emergency conditions. (Ord. 1994-11, S2:06 F, 1994)
- (6) All employees working a regularly scheduled day shall be afforded an unpaid lunch period. Time of day that lunch is taken shall be determined by the

employee's supervisor. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:06 G, 1994)

- (7) All employees working a regularly scheduled day shall be afforded a morning and afternoon break with such break not exceeding ten (10) minutes in length. Such break time(s) will be at the discretion of the Supervisor or appropriated supervisor. Break times are paid, however, no accumulation of break time shall be allowed. (Ord. 1994-11, S2:06 I, 1994)
- (8) Straight time will be paid to hourly employees working forty (40) hours or less per work week. Work performed by non-exempt (hourly) employees in excess of forty (40) hours in a work week will be considered overtime and will be paid at the rate of time and one-half employee's regular rate of pay for time actually worked over forty (40) hours. Benefit hours (vacation, holidays, sick days, comp time, and personal days) are not considered time worked for computing overtime. Holiday hours worked by non-exempt (hourly) employees shall be paid at the rate of double time of employee's regular rate of pay. Employees shall explain all overtime in writing on the back of time card. Overtime will be paid in fifteen (15) minute increments. Emergency call outs during approved scheduled vacation or personal days by the department supervisor or designee shall be paid to non-exempt (hourly) employees at the rate of double time of employee's regular rate of pay. (Ord. 1994-11, S2:06 J, 1994)
- (9) Members of the Town Council shall be paid equal semiannual installments of half (1/2) of the base rate as set by ordinance and semiannual installments of the additional payment allowed by ordinance for attendance. All town employees and civil town officers shall be paid bi-weekly on the Friday following the work period covered by the payment. Hourly wage employees shall be paid an amount reflecting actual earnings during the work period; salaried officers and employees shall be paid equal bi-weekly installments of 1/26 of the annual salary. (Ord. 2006-12, S1, Dec. 28, 2006) (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:06 K, 1994)

1.06.240 Overtime.

- (1) Supervisors shall attempt to distribute overtime as equally as practicable to qualified employees within those classifications in which overtime is required. (Ord. 1994-11, S2:07 A, 1994)
- (2) Overtime is mandatory and is a condition of continuing employment. Refusal to work overtime may result in disciplinary action. Overtime must be approved in advance by supervisors (with the exception of emergencies). (Ord. 1994-11, S2:07 B, 1994)
- (3) Exempt personnel are required to work hours necessary to meet responsibilities in their job descriptions and are not eligible for overtime or compensatory time. (Ord. 1994-11, S2:07 D, 1994)

1.06.245 Residency Requirements.

- (1) Any person who accepts full-time employment with the Town must reside within a ten (10) mile radius of Town Hall and within the State of Indiana within one (1) year from the date such employee is hired as a full-time employee by the Town. (Ord. 2007-01, S1, Feb. 19, 2007) (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:08 A, 1994) (Ord. 1994-05, S(a), 1994)
- (2) Failure to meet the residency requirement as specified will result in immediate termination of employment. (Ord. 1994-11, S2:08 B, 1994), (Ord. 1994-05, S(b), 1994)

1.06.255 Performance Evaluation.

- (1) The Town Council, Clerk-Treasurer, and supervisors reserve the right to evaluate the performance of employees within their jurisdiction at regular intervals or when determined necessary. (Ord. 1994-11, S2:10 A, 1994)
- (2) The intent of performance evaluations is to verify exceptional and acceptable levels of performance, determine whether or not an employee is maintaining an acceptable level of performance, and as an instrument to correct employee deficiencies in performance. Although the specific intent of this Article is not to use performance evaluations for the sole purpose of disciplining employees, it may be used as a basis for disciplinary action if the employee fails to maintain an acceptable level of performance. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S2:10 B, 1994)
- (3) Each employee will be evaluated by his/her immediate supervisor at least once every twelve (12) months. (Ord. 1994-11, S2:10 C, 1994)
- (4) A written performance appraisal will be reviewed with the employee and signed by both the employee and the supervisor. The employee's signature on the performance evaluation does not necessarily indicate agreement with the evaluation only that the evaluation has been discussed with him/her. The employee shall have the opportunity to respond within a reasonable time to the evaluation and provide documentation to support specific responses. Performance appraisals will be conducted during the first two weeks of October of each year. (Ord. 1994-11, S2:10 D, 1994)
- (5) Copies of all performance evaluations and responses shall be included in the employee's personnel file. (Ord. 1994-11, S2:10 E, 1994)

1.06.260 Layoff and Recall.

- (1) The Town may reduce staffing levels due to lack of work, lack of funds, or job abolishment for purposes of economy and/or efficiency. In the event of layoff, the Town Council, in consultation with the various supervisors, shall determine in which classification(s) such reduction will occur. Employees

shall be selected for retention or layoff on the basis of performance, ability, qualification, and seniority. When possible, employees who are affected by layoff shall be provided fourteen (14) calendar days' written notice. (Ord. 1994-11, S2:11 A, 1994)

- (2) The Town shall first attempt to layoff temporary, part-time, seasonal casual, and introductory employees in classifications affected by layoff if qualified full-time employees are available that can perform the functions of the position. (Ord. 1994-11, S2:11 B, 1994)

1.06.265 Personnel Records.

- (1) Personnel records shall be confidentially maintained on all employees by the Clerk-Treasurer's Office. Such records may include information such as applications for employment, letters of references, performance evaluation, disciplinary actions or letters of commendation, and miscellaneous personnel forms and records. Medical information will be maintained in a separate file in accordance with Americans With Disabilities Act (ADA) regulations. (Ord. 1994-11, S2:12 A, 1994)
- (2) An employee may examine his/her personnel file by giving at least twenty-four (24) hours advance notice to their supervisor. Such examination will be made on non-work time or at some other mutually agreeable time. Information contained in employee files shall not be removed by employee. The disclosure of information contained in a personnel file shall be made in accordance with Indiana Code 5-14-3-4 and other relevant provisions of law. (Ord. 1994-11, S2:12 B, 1994)
- (3) Employees must notify the Clerk-Treasurer's Office as soon as practicable of any change in name, address, home telephone number, marital status, citizenship, tax exemptions, affiliations with any branch of the armed forces, or loss of license or insurability. (Ord. 1994-11, S2:12 C, 1994)

1.06.270 Emergency Closings.

- (1) The Clerk-Treasurer, affected supervisors and law enforcement will be responsible for coordinating closings. Emergencies include, but are not limited to, extreme weather conditions (snow, tornado, flood, equipment failure). (Ord. 1994-11, S2:13 A, 1994)

1.06.300 Employee Ethics/Conflict of Interest.

- (1) In order to maintain the integrity of Town government and administration as well as the confidence that the public has in it, it is essential that employees of the Town not use their positions for personal gain. (Ord. 1994-11, S3:01 A, 1994)

- (2) In order to achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest as is provided by Indiana law. (Ord. 1994-11, S3:01 B, 1994)
- (3) No employee shall use his or her official position for personal gain, participate directly or indirectly in any activity which is in conflict with his or her official duties, or disclose confidential information regarding the business of the Town to any private concern for his or her personal benefit. (Ord. 1994-11, S3:01 C, 1994)
- (4) No employee shall have an interest in or be employed by any private interest with which this office does business or act as an agent for or render services on behalf of any private interest where such activities would be incompatible with the duties and responsibilities of such employee or the Town. (Ord. 1994-11, S3:01 D, 1994)
- (5) Any employee found to be in violation of this section shall be subject to possible disciplinary action up to, and including, termination. (Ord. 1994-11, S3:01 E, 1994)
- (6) It shall be the policy of the town that employees required to wear uniforms while on duty be in full attire. Uniforms shall be kept reasonably clean and replaced using the allotted clothing allowance as deemed necessary. (Ord. 1994-11, S3:01 F, 1994)
- (7) Any employee who has a question as to whether on not his/her actions or activities are in violation of this section should direct such inquiry to their supervisor, or Town Council. (Ord. 1994-11, S3:01 G, 1994)

1.06.305 Introductory Period.

- (1) All newly hired employees of the Town shall be required to successfully complete a one hundred-eighty (180) calendar-day introductory period. Such employees will be evaluated in writing on or about their completion of the one hundred-eighty (180) calendar day introductory period and the employee's immediate supervisor shall notify the Clerk-Treasurer, in writing, of the recommendation of continued employment. The evaluation will be discussed with the employees who will be requested to acknowledge their review in writing. (Ord. 1994-11, S3:02 A, 1994)
- (2) The introductory period allows the management to closely observe and evaluate the employee's abilities to perform the duties and responsibilities of the position to which they have been hired. (Ord. 1994-11, S3:02 B, 1994)
- (3) Only those employees who demonstrate an acceptable standard of conduct and performance during this period shall be retained in their positions. (Ord. 1994-11, S3:02 C, 1994)

- (4) If the service of a newly hired probationary employee is unsatisfactory, he/she may be removed or reduced at any time during his/her introductory period. (Ord. 1994-11, S3:02 D, 1994)
- (5) Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the introductory period. (Ord. 1994-11, S3:02 E, 1994)

1.06.310 Minimum Qualifications.

- (1) It is the responsibility of employees to maintain the minimum qualifications of their classification as established by the Town Council and/or mandated by state or federal law. Supervisors shall determine the qualifications and requirements for each employment classification. (Ord. 1994-11, S3:03 A, 1994)
- (2) Employees failing to maintain the minimum qualifications of their classification or who do not comply with state or federal requirements may be subject to either termination of employment or a reduction of position. (Ord. 1994-11, S3:03 B, 1994)
- (3) An employee who is terminated pursuant to this section may reapply for employment upon meeting the minimum requirements of the classification. An employee who is reduced in position shall receive the rate of pay of the new classification and may apply for his/her former position when a vacancy becomes available and the requirements of the position have been met. All employees are expected to make reasonable and diligent efforts to maintain the qualification of their current classification. (Ord. 1994-11, S3:03 C, 1994)

1.06.315 Disciplinary Procedure.

- (1) Unless otherwise agreed by the employee and Town Council by a duly-adopted and executed contract of employment, all of the employees of the Town are and shall remain "at will" employees, and may terminate their employment relationship or have the employment relationship terminated by the Town at any time, with or without cause. In the event of violations of the provisions of this ordinance, work rules, or other reasons meriting discipline, an employee may be subjected to disciplinary action including, but not limited to, verbal warnings, written warnings and reprimands, suspensions with or without pay, demotions and/or termination of the employment relationship. Although the Town generally will endeavor to apply a progressive discipline system so as to permit employees to correct improper conduct, the Town reserves the right to terminate employees at any time with or without cause, and the informal use of a progressive discipline system shall not afford the employee of any right to employment under such system.

Department supervisors may apply appropriate disciplinary measures up to, but not including, termination of employment. Termination of employees of the Town must be determined by the Town Council. (Ord. 2005-03, Apr. 11, 2005)

1.06.320 Problem Resolution.

- (1) Misunderstandings and differences may arise when employees of the Town are working together on a day-to-day basis. In order that employees have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following problem resolution procedure is hereby established.

Step 1: The employee is encouraged to discuss the circumstances giving rise to the problem orally with his/her immediate supervisor in attempt to resolve it. If the problem is not resolved, a written complaint must be submitted to the employee's supervisor within five (5) working days from the date of the incident or occurrence giving rise to the complaint. The written complaint shall identify the name and position of the employee, the date and time of the incident or occurrence, a statement of facts, and the remedy the employee seeks. Within three (3) working days of receipt of the written complaint, the supervisor shall provide a written response to the employee and make further attempt to resolve the dispute.

Step 2: If the complaint is not resolved in Step 1 to the employee's satisfaction, the employee may resubmit the same written complaint, within five (5) working days from employee's receipt of Step 1 response to the Town Council. The Town Council shall investigate and/or meet with the employee and supervisor or any other person or persons having related information as to the matter.

The Town Council shall give a written response to the employee and the supervisor within five (5) working days after the next scheduled meeting of the Town Council. The decision of the Town Council shall be final. (Ord. 1994-11, S3:05 A, 1994)

- (2) The employee may be represented by counsel of his/her choice at any step of the appeal process. (Ord. 1994-11, S3:05 B, 1994)
- (3) The time limits in the problem resolution procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances. (Ord. 1994-11, S3:05 C, 1994)
- (4) A complaint shall be considered resolved if, at any point, the employee withdraws his or her complaint in writing or fails to process the complaint within the specified time limits. (Ord. 1994-11, S3:05 D, 1994)

- (5) A complaint not answered by the designated supervisor shall be considered to have been answered in the negative and may be taken to the next Step by the employee in accordance with the procedures above. (Ord. 1994-11, S3:05 E, 1994)
- (6) The decision of the Town Council shall be final. (Ord. 1994-11, S3:05 F, 1994)

1.06.325 Absenteeism and Tardiness.

- (1) Employees of the Town who are unable to report for a regularly assigned work day shall be required to notify their supervisor of such absence and the reason(s) no later than thirty (30) minutes after start of the scheduled shift. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S3:06 A, 1994)
- (2) Supervisors reserve the right to control employee attendance and absenteeism. (Ord. 1994-11, S3:06 B, 1994)
- (3) If an employee is absent without leave or notification for three (3) or more days, he or she may be deemed by the Town to have abandoned his or her position and shall be subject to possible termination from employment depending on the circumstances for such failure to report off. (Ord. 1994-11, S3:06 C, 1994)

1.06.330 Employee Accidents.

- (1) In the event that an employee is injured and/or involved in any accident while performing job-related duties and responsibilities, he or she, if physically able, shall be expected to immediately report such injury and/or accident to an appropriate supervisor and then execute a written statement as to the facts and circumstances surrounding the accident and/or injury when physically capable of doing so. (Ord. 1994-11, S3:07 A, 1994)
- (2) If an employee is injured in a job-related accident and is deemed physically unable by a medical doctor to complete the balance of the work day in which he/she is injured, the employee shall be paid for the remainder of the work day not actually worked. The employee will not be required to use benefit hours (sick pay, comp time, vacation, etc.) for the remainder of the day that the injury was incurred but not actually worked. Further absence may require the employee to apply for benefits pursuant to Worker's Compensation. (Ord. 1994-11, S3:07 B, 1994)

1.06.335 Alcohol and Drug Abuse (Drug-Free Workplace).

- (1) The Town recognizes alcohol and drug abuse as potential health, safety and security problems. All employees are required to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. (Ord. 1994-11, S3:08 A, 1994)

- (2) Employees are prohibited from the manufacture, possession, use, distribution, or purchase of non-prescribed drugs and intoxicants on Town premises and job-sites, from reporting to work or working with detectable levels of drugs or illegal substances in their system (this includes illegal drugs and other mind-controlling substances, alcoholic beverages, "look-alike" substances, inhalants, etc.), or from possessing equipment paraphernalia and literature related to illegal drug or substance use. (Ord. 1994-11, S3:08 B, 1994)
- (3) Employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is expected to discuss it with his/her supervisor before commencing work that day. (Ord. 1994-11, S3:08 C, 1994)
- (4) Employees may maintain on Town premises or job sites prescription drugs and over-the-counter medications provided:
 - A. The drugs have been prescribed by a doctor for the possession of the drug;
 - B. The drugs are kept in their original container; and
 - C. The over-the-counter or prescription drug dosages are not abused. (Ord. 1994-11, S3:08 D, 1994)
- (5) Employees convicted of any violation of any criminal drug statute (including misdemeanors for a violation occurring on Town property or job-site or during working time) shall notify the supervisor or Town Manager within five (5) days of the date of conviction. A conviction includes any finding of guilty (including one agreed to by the employee) or plea of no contest and/or any imposition of a fine, jail sentence, or other penalty. (Ord. 1994-11, S3:08 E, 1994)
- (6) Employees are solicited to voluntarily comply with this policy for his or her own safety, for the safety of co-workers, for the benefit of the public. Compliance with this substance abuse policy is made a condition of employment. Because of the importance of this Drug-Free Workplace Policy, the Town may, from time-to-time, take steps to ensure that the policy is being followed. These steps may include:
 - A. Pre-employment drug testing; or
 - B. For cause testing after an accident or when the employee is behaving strangely; or
 - C. On a random basis. (Ord. 1994-11, S3:08 F, 1994)

- (7) An employee found in violation of this policy will be removed from the Town premises and/or job site and will be subject to disciplinary action up to and including suspension without pay or discharge per disciplinary policy. (Ord. 1994-11, S3:08 G, 1994)
- (8) The Town recognizes alcoholism and drug abuse as a disease that is treatable and encourages employees who believe that they have a drinking or drug problem to seek professional treatment and assistance. No employee who seeks such treatment or assistance will have their job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. Employees needing time off to obtain alcohol and/or drug abuse treatment are directed to present their requests to his/her supervisor. (Ord. 1994-11, S3:08 H, 1994)
- (9) The Town will reasonably accommodate an employee's drug or alcohol dependency. However, it should also be understood that treatment pursuant to this policy will not result in any special regulations, privileges, or exemptions from standard administration procedures, practices, or policies including disciplinary action. Nothing in this policy shall be construed so as to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem. (Ord. 1994-11, S3:08 I, 1994)
- (10) Finally, to the extent that the Town is subject to the provisions of the Drug-Free Work Place Act of 1988, policies, procedures, regulations, and directives shall be promulgated in order to ensure compliance with this Act. (Ord. 1994-11, S3:08 J, 1994)

1.06.340 No Smoking Policy.

- (1) The State of Indiana's "No-Smoking" policy permits smoking only in designated areas. Employees who may smoke may do so only in designated areas as deemed appropriate by the department supervisor. No smoking is permitted within the Town Hall. (Ord. 1994-11, S3:09 A, 1994)

1.06.345 Outside Employment.

- (1) No employee shall have other outside employment or activities which conflicts in any manner (including overtime requirements) with such employee's ability to properly and efficiently perform his or her duties and responsibilities in accordance with the policies and operational objectives of the Town department or office in which the employee works. Requests for a change of scheduled work hours for the purpose of accommodating other employment is strictly prohibited. (Ord. 1994-11, S3:10 A, 1994)

- (2) Employees engaged in outside employment shall report such activities to the supervisor. (Ord. 1994-11, S3:10 B, 1994)
- (3) Full-time employees of the Town are required to consider such employment to be their "primary" occupation which shall take precedence over any other outside employment which such employees may have. (Ord. 1994-11, S3:10 C, 1994)
- (4) Continued outside employment which directly interferes with the municipal duties of the employee shall be cause for appropriate disciplinary action. (Ord. 1994-11, S3:10 D, 1994)

1.06.350 Use of Vehicles.

- (1) Employees of the Town required to operate a Town vehicle in the course of their employment shall be subject to the following conditions and restrictions:
 - A. Periodic record checks at the Bureau of Motor Vehicles at least annually;
 - B. Use of seat belts by all drivers and front seat passengers if so equipped;
 - C. Reassignment or other appropriate personnel action in the event of license revocation, suspension, or traffic offense conviction such as DUI/DWI;
 - D. Employees who are required to operate Town vehicles during the course of their employment must immediately report any condition that adversely affects their ability to operate such vehicle(s) and/or equipment;
 - E. Must be able to meet insurability standards/requirements of the Town liability insurance provider; and
 - F. Maintain a valid Indiana driver's license. (Ord. 1994-11, S3:11 A, 1994)
- (2) In addition, employees must use assigned Town vehicles for the purpose(s) authorized and must not permit unauthorized passengers in the Town vehicles. Reimbursement for necessary emergency road service and repairs, parking, and highway-related tolls require appropriate receipts for reimbursement. (Ord. 1994-11, S3:11 B, 1994) (Ord. 1992-08, S10, 1992) (Ord. 1991-04, S10, 1991)
- (3) In the event of an accident involving a Town vehicle, employees must do the following:

- A. Call the police or appropriate police department, and call for an ambulance, if necessary;
 - B. Do not move any vehicles unless instructed to do so by proper police authority;
 - C. Write down all pertinent facts such as the other driver's name, address, telephone number, license plate number, driver's license number, social security number; and name of insurance company and policy number, name, address, and telephone number of any injured party or witness;
 - D. Do not admit any fault or make any oral or written statements but give your name, address, telephone number, etc., as required; and
 - E. Notify your supervisor and submit a written report as soon as possible. (Ord. 1994-11, S3:11 C, 1994)
- (4) Employees of the Town who are assigned a Town vehicle for duty to domicile travel are subject to applicable Internal Revenue Service rulings regarding such usage. (Ord. 1994-11, S3:11 D, 1994)

1.06.355 Town Property.

- (1) Employees are prohibited from using and loaning Town vehicles, materials, tools, equipment, and labor for personal or private use regardless of whether it is during work or non-work time. (Ord. 1994-11, S3:12 A, 1994)
- (2) Employees may not expend labor during scheduled work hours for work not related to Town business. This prohibits any employee from performing private work for himself, another employee, or a non-employee. (Ord. 1994-11, S3:12 B, 1994)

1.06.360 Purchases. The Town Council hereby adopts the following guidelines and procedures for the purchase of equipment, supplies and other necessary items by employees of the town:

- (1) As a general rule, the Clerk-Treasurer should be notified of any purchase by an employee of the town. (Ord. 1994-11, S3.13A, 1994)
- (2) For equipment, supplies or other necessary items under \$150, employees should inform the Clerk-Treasurer prior to purchase. (Ord. 1994-11, S3.13B, 1994)
- (3) For equipment, supplies or other necessary items at least \$150 but under \$500, employees must first receive approval from a council member and/or Clerk-Treasurer prior to purchase. (Ord. 1994-11, S3.13C, 1994)

- (4) For equipment, supplies or other necessary items at \$500 or more, employees must receive approval of the majority of council members at a public council meeting and also inform the Clerk-Treasurer prior to purchase. (Ord. 1994-11, S3.13D, 1994)
- (5) Designation of Purchasing Agent. The Council hereby designates the following persons to serve as “Purchasing Agents” for the Town.
- A. The Clerk-Treasurer of the Town;
 - B. Utilities Superintendent;
 - C. Street Superintendent;
 - D. Town Marshal;
 - E. Fire Chief of the Santa Claus Volunteer Fire Department;
 - F. Parks Director;
 - G. Community Center Director; and,
 - H. Such other persons as may be designated by the Town Council, in writing. (Ord. 2007-10, S1.06.360.100, Sept. 10, 2007) (Ord. 1998-10, S1.06.360.100, Oct. 14, 1998)
- (6) Small Purchase Rules.
- A. Purchases less than \$500.00. Each Purchasing Agent may purchase item(s) not exceeding the cost of \$500.00 without Town Council approval or action, if such purchase is properly within the Purchasing Agent or Department’s budgeted appropriations. Purchasing Agents shall not artificially divide purchases so as to permit purchase under this Section.
 - B. Purchases less than \$50,000.00. For purchases which are expected to exceed \$500.000 but to be less than \$50,000.00, or such higher limitation as may be permitted by Indiana law, the Purchasing Agent shall solicit quotes for such purchase as required by I.C. §5-22-8-3 and present unopened response quotes to the Town Council in regular or special session for opening, consideration and award. Purchasing Agents shall not artificially divide purchase so as to permit purchase under this Section.
 - C. Purchases \$50,000.00 and greater. Purchases expected to cost \$50,000.00 or greater shall be accomplished through any one of the procedures permitted under I.C. §§5-22-1-1 et seq. as determined by

the Town Council. (Ord. 2007-10, S1.06.360.210, Sept. 10, 2007)
(Ord. 1998-10, S1.06, 360.210, Oct. 14, 1998)

- (7) Purchase of Services. The Town determines that each Town agency, department and office and elected Town official may purchase services in whatever manner the purchaser determines to be reasonable.

The Town purchasing agent may not require any Town agency, department or office, or any Town elected official, to purchase services in any particular manner. (Ord. 1998-10, S1.06.360.300, Oct. 14, 1998)

- (8) Purchase Preferences. All purchasing preferences required by I.C. §5-22-15 shall be specified and required as stated in such statute, or any statute replacing such requirements. In connection with such statutes, the following rules shall apply:

- A. The price preference for recycled and post consumer goods is 10%, or such lesser amount as may be permitted by law.
- B. The requisite recycled materials' composition of supplies in order for the preference provided by I.C. §5-22-15-16 to apply shall be 25%.
- C. For determining if a business is a "small business," the following shall apply:
 - 1. A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed four million dollars (\$4,000,000).
 - 2. A construction business is not a small business if its average annual receipts for the receding three (3) fiscal years exceed four million dollars (\$4,000,000).
 - 3. A retail business or business selling services is not a small business if its annual sales and receipts exceed five hundred thousand dollars (\$500,000).
 - 4. A manufacturing business is not a small business if it employs more than one hundred (100) persons.
 - 5. A business in any of the following sectors is not a small business if it employs more than one hundred (100) persons or if its annual sales exceed five million dollars (\$5,000,000):
 - (a) Information technology.
 - (b) Life sciences.

- (c) Transportation.
- (d) Logistics. (Ord. 2007-10, S. 1.06.360.400, Sept. 10, 2007) (Ord. 1998-10, S1.06.360.410, Oct. 14, 1998)

1.06.365 Books and Records.

- (1) All official books and records kept by any officer or employee shall be open to inspection by the Town Council or Clerk-Treasurer at any reasonable time. This provision may not be construed as permitting a Council member or the Clerk-Treasurer to disclose to unauthorized persons any information of record which is declared confidential by law or ordinance. When an officer or employee leaves office, all official books and records kept by that officer or employee shall be delivered to the successor or, if no successor has yet been appointed or taken office, to the Clerk-Treasurer. (Ord. 1994-11, S3:14 A, 1994)

1.06.370 Solicitation and Distribution.

- (1) The following policy on solicitation and distribution is hereby adopted by the Town Council as to any and all Town premises including but not limited to the various administrative offices, locations, and work sites:
 - A. Non-employees of the Town who intend a solicitation and distribution visit to the interior premises of the employer's facility shall give the Clerk-Treasurer not less than twenty-four (24) hours notice of each visit. Such notice shall be accompanied by a list of persons intending access and a designated time. All solicitation and distribution activity by non-employees shall be confined to non-work time and in non-work areas designated by the Town and must not jeopardize health and safety. Exceptions to this are at the sole discretion of the Clerk-Treasurer and/or supervisor and may include such persons as suppliers, vendors, and manufacturer's representatives who make regular visits with the continuing knowledge of the Clerk-Treasurer and/or Supervisor.
 - B. Employees of the Town are not permitted to engage in solicitation of other employees and distribution during any employees' work time whether in work or non-work areas. Employees may conduct solicitation and distribution activity in work and non-work areas but only if both employees are on non-work time and is non-coercive and consented to by the employee being solicited.
 - C. The Clerk-Treasurer or supervisors may regulate any solicitation and distribution activity by any employee or non-employee which disrupts or interferes with the normal work of the Town on its premises or in areas under the operational control of the Town. (Ord. 1994-11, S3:15 A, 1994)

- (2) The following definitions are provided:
- A. The term "Solicitation" as used in this policy includes, but is not limited to, any act which requests, urges, or seeks to induce, in any way, any employee to give/or pay or obligate to pay money for any cause/reason or to sign any document indicating membership in any organization, association/ group, or indicating support for or a pledge to any such organization, association, or group.
 - B. The term "Distribution" as used in this policy includes the passing out of any type of literature, advertising, handbills, circulars, forms, or any other memorabilia.
 - C. The term "work area" as used in this policy includes, but is not limited to, all offices, work sites, locations, conference rooms, common areas, and corridors leading directly thereto, and such other areas which are essential to the performance of an employee's duties.
 - D. The term "non-work area" as used in this policy includes, but is not limited to, break rooms, or other areas where work is not customarily performed.
 - E. The term "work time" as used in this policy includes, but is not limited to, such time when an employee is engaged or should be engaged in work duties and assignments.
 - F. The term "non-work time" as used in this policy includes, but is not limited to, such time when an employee is not required to perform work duties and assignments, such as meal periods, authorized breaks, and before and after scheduled shifts or working hours. (Ord. 1994-11, S3:15 B, 1994)

1.06.375 Resignation.

- (1) In the event that an employee intends to resign, he or she should notify the Clerk-Treasurer or Supervisor, as appropriate, in writing at least two (2) weeks in advance of the effective date in order to assure continuity of operations. (Ord. 1994-11, S3:16 A, 1994)
- (2) Should an employee leave the employment of the Town of Santa Claus while having vacation days, sick days or personal days earned, that employee will NOT be compensated in any way for those earned days which have not been taken at the time of departure. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1991-04, S7, 1991) (Ord. 1987-05, S7, 1987) (Ord. 1984-03, S7, 1984)

1.06.380 Sexual Harassment.

- (1) The employees of the Town have a right to work in an environment free of discrimination, which includes freedom from harassment - whether that harassment is based on sex, age, race, national origin, religion, marital status, or membership in other protected groups. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S3:17 A, 1994)
- (2) The Town prohibits harassment of its employees in any form -- by co-workers, supervisors, officials, suppliers, or the general public. Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others. With respect to non-employees, offending suppliers, or the public, will be asked to immediately cease such offensive behavior and/or leave the Town premises. (Ord. 1994-11, S3:17 B, 1994)
- (3) The Town does not condone in any manner and strictly prohibits sexual harassment of its employees in the work place by any person or in any form. It is both illegal and against the policy of the Town for any employee, male or female, to sexually harass another employee by making unwelcome sexual flirtations, advances, or propositions or by creating an intimidating, hostile, or offensive working environment through verbal abuse or physical conduct of a sexual nature. Furthermore, no supervisor shall threaten or insinuate, either explicitly or inexplicably, that an employee's refusal to submit to sexual advances will adversely affect that employee's employment, evaluation, compensation, advancement, assigned duties, shifts, or any other condition of employment or career development. (Ord. 1994-11, S3:17 C, 1994)
- (4) Employees or applicants who believe he or she has been the subject of sexual harassment should submit a confidential written statement concerning the alleged act immediately [within forty-eight (48) hours after the alleged act occurs] to the supervisor with a copy to the Clerk-Treasurer, and a thorough, confidential investigation of the complaint will be undertaken immediately. If the employee's immediate supervisor is the person accused of the sexual harassment, the employee may submit his/her written statement concerning the alleged act directly to the Clerk-Treasurer. (Ord. 1994-11, S3:17 D, 1994)
- (5) Any supervisor or other employee who has been found, after appropriate investigation, to have sexually harassed another employee or job applicant will be subject to appropriate disciplinary action, consistent with the provisions outlined in this Manual, up to and including termination. (Ord. 1994-11, S3:17 E, 1994)
- (6) Given the nature and consequences of this type of discrimination, the Town also recognizes that false accusations of sexual harassment can have serious effects on innocent women and men. Therefore, Clerk-Treasurer, supervisors, and Town Council will make every effort to protect the rights of the accused and accuser and trusts that all employees of the Town will

continue to act responsibly to establish a positive working environment, free of discrimination and harassment. (Ord. 1994-11, S3:17 F, 1994)

- (7) Employees who observe harassment should also report such conduct to their supervisor. (Ord. 1994-11, S3:17 G, 1994)
- (8) Employees are expected to cooperate with investigations. Failure to do so may lead to disciplinary actions, including dismissal. Information provided by employees in the course of an investigation will be treated as confidential and can only be provided to those who have a need for the information or when it is required in the course of investigation. Providing false information in the course of an investigation is grounds for disciplinary action, including dismissal. (Ord. 1994-11, S3:17 H, 1994)

1.06.385 Sick Leave. A full-time employee shall have seven (7) sick days per year per employee.

- (1) Notification of taking sick days must be given to the Supervisor as early as possible in the work day;
- (2) Supervisors must report directly to the Clerk-Treasurer;
- (3) Sick days may be taken in half day increments (4 hours);
- (4) Sick days may be used for illness of employee **ONLY**. Special written permission is required from the Supervisor for any other use;
- (5) Employee appointments for doctors and dentists may constitute the use of a sick day;
- (6) A physician statement will be required if three (3) or more consecutive days are taken;
- (7) Sick days unused within the year may be accumulated to a total of 100 days;
- (8) Unused sick days shall not be paid after employment has been terminated for any reason;
- (9) Returning to work during scheduled sick time will result in the forfeiture of that sick time scheduled. (Ord. 1994-11, S3:18 A, 1994) (Ord. 1991-04, S2, 1991) (Ord. 1987-05, S2, 1987) (Ord. 1984-03, S2, 1984) (Ord. 1980-3, 1980)

1.06.386 Bereavement Leave. Bereavement Leave must be arranged with the appropriate supervisor. The request for leave can be executed by the supervisor or employee and must state the relationship between the deceased and the employee and the length of the request absence. Records of bereavement leave shall be kept by the office of the Clerk-Treasurer.

- (1) All regular, full-time employees shall be granted a paid leave of up to three (3) days in the event of the death in the employee's immediate family. "Employee's immediate family" for purposes of this section shall be defined as employee's spouse, parent, child, step-child and residents of the household of an employee. Relatives not included as immediate family include uncles, aunts, nephews, nieces, and cousins.
- (2) Two (2) days shall be given for sibling, mother/father-in-law, brother/sister-in-law, or grandparent; One (1) day shall be given for other immediate relatives; aunt, uncle, or cousin.
- (3) If additional time off is needed, employee may request personal leave or time off without pay. Requests should be made to the supervisor. (Ord. 1994-11 S3:18 B, 1994) (Ord. 1991-04, S4, 1991) (Ord. 1987-05, S4, 1987) (Ord. 1984-03, S4, 1983)

1.06.387 Jury Duty.

- (1) An employee of the Town shall be eligible for paid leave during regularly scheduled working hours if he or she is subpoenaed to court for jury duty.
- (2) In order to be eligible for such payment, the affected employee must notify his or her supervisor within a reasonable time after receiving the court notice and must submit a written statement from an appropriate court official which states the date(s) the employee served and the total amount of pay received. An employee is expected to return to work upon release from jury duty for the remaining hours of his or her shift, if it is reasonable to do so.
- (3) Employees have two options for payment of jury duty:
 - A. Employee can request vacation time for the time off, and employee will receive his/her regular pay and keep the jury pay, or
 - B. Employee can keep the jury pay provided by the court, provide the Town with a statement showing the amount paid to employee, and the jury pay will be deducted from his/her wages.
- (4) Employees are not entitled to paid court leave for appearance in personal criminal or civil cases. Such absences must be scheduled in advance through the employee's supervisor and be taken as leave without pay, vacation, or other benefit day if available. (Ord. 1994-11, S3:18 C, 1994)

1.06.388 Leaves of Absence Without Pay. Family Leave. Town employees may be eligible for up to twelve (12) weeks of unpaid family leave in conjunction with the birth, adoption, or placement for foster care of a child. Family leave may also be available to care for a seriously ill family member who is dependent upon the employee for care, and to cover employee absences which are caused by a serious health condition.

The employee should submit a written notice at least 15 working days in advance of the intent to take such leave. If the date of treatment or arrival of a new child requires leave to begin in less than 15 days, the employee must submit a written request as soon as practicable. The written request should state the dates and expected duration of the leave. Documentation of the need for the leave may also be required.

The provisions of this policy shall not apply to any employee of the town who has been employed for less than 12 months or who has worked less than 1,924 hours during the preceding 12-month period. For the employee to continue insurance coverage during the unpaid leave period, the employee must pay the appropriate premium. (Ord. 1994-11, S3:18 D, 1994)

1.06.389 Military Leave.

- (1) All employees of the Town who are members of the Indiana National Guard or of reserve components or the naval, air or ground forces shall be entitled to a leave of absence from their respective duties in accordance with Indiana Code 10-2-4-3 and other applicable provisions of State and Federal law.
- (2) Employee shall present documentation supporting such leave request to the supervisor. Upon return from leave, employee shall present fulfillment papers to the supervisor. Payment, if any for an employee on a military leave of absence shall be in accordance with applicable law.
- (3) The restoration or re-employment of employees from military service to any Town department or office shall be in accordance with applicable State Law (IC 10-5-9-1) and Title 38, Chapter 43, Sections 2021 (Inducted Employees) and 2024 (Enlisted Employees and Reservists-Employees Called to Active Duty) of the United States Code. These provisions have certain requirements in order to be re-employed, including maximum length of military service, type of discharge (Honorable), re-employment period, and physical fitness. Employees for whom this policy is applicable should be familiar with such restoration requirements. (Ord. 1994-11, S3:18 E, 1994)
- (4) Seniority shall continue to accrue during a military leave of absence. (Ord. 1994-11, S3:18 E, 1994)

1.06.390 Personal Leave.

- (1) The Town recognizes that there are times when employees have personal matters that need to be attended to during regular working hours. Consequently, upon successful completion of a ninety (90) calendar day introductory period, full-time employees, deemed in good departmental standing, has four (4) personal days per year to be used as they wish.
- (2) The request for personal leave should be made to the supervisor in advance of intended absence. Emergency personal leave may be granted at the discretion of the supervisor.

- (3) Personal leave may be taken in half day increments (4 hours.).
- (4) Employees shall be paid his/her regular rate of pay for personal leave.
- (5) Records of personal leave earned and used shall be kept by the office of the Clerk-Treasurer.
- (6) Unused personal days will not be paid at the end of the calendar year and cannot be carried over into the following year. (Ord. 1994-11, S3:18 F, 1994) (Ord. 1991-04, S3, 1991) (Ord. 1987-05, S3, 1987) (Ord. 1984-03, S3, 1984) (Ord. 1980-3, 1980)

1.06.395 Medical Leave.

- (1) Medical Leave of Absence without pay may be granted for up to twelve (12) weeks by the Town Council upon request provided the Town office is notified in advance.
- (2) The Town has the right to request that the medical leave be properly certified by the health care provider and the employee is required to provide such certification in a timely manner indicating an estimate of the length of time the employee will be unable to safely perform his/her job. The supervisor, with medical advice, shall be the final determining official regarding an employee's ability to perform job duties.
- (3) Medical leave for pregnancy, childbirth, or related medical conditions, and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same as any other disability and will be eligible for medical disability and leave in the same amount and degree as any other eligible circumstances. Female employees should advise their supervisor of their pregnancy as soon as it is confirmed by their physician. Upon receipt of this notification, the employee is encouraged to counsel with their supervisor about the working conditions and conditions of leave. The Town requires at least sixty (60) days of advance notice of expected delivery date.
- (4) Failure to return-to-work on the determined return-to-work day will be considered as a resignation by the employee.
- (5) Benefits do not accrue during a medical leave. For employees to continue insurance coverage during unpaid leave, the employee must pay the appropriate premium.
- (6) The provisions of this policy applies only to a full-time employee who has been employed by the Town for a period of twelve (12) months or more and has worked at least 1,820 hours during the preceding twelve month period. (Ord. 1994-11, S3:19 A, 1994)

1.06.400 Vacation.

- (1) Only full-time employees of the Town shall be entitled to vacation pay benefits. (Ord. 1994-11, S4:01 A, 1994)
- (2) Employees shall receive paid vacation leave as follows:

After completion of one (1) consecutive year of employment:
Five 8 hour days of vacation pay benefits.

After completion of two (2) consecutive years of employment:
Ten 8 hour days of vacation pay benefits.

After completion of five (5) consecutive years of employment:
Fifteen 8 hour days of vacation pay benefits. (Ord. 1994-11, S4:01 B, 1994)
(Ord. 1991-04, S5, 1991) (Ord. 1987-05, S5, 1987) (Ord. 1984-03, S5, 1984)
(Ord. 1980-3, 1980)
- (3) Vacation time begins January 1st of each year and must be taken during the calendar year when the employee is eligible. Increased vacation time shall be awarded the date of employment anniversary. (Ord. 1994-11, S4:01 C, 1994)
- (4) Vacation accumulation does not accrue for full-time employees for time spent on any leave of absence without pay. (Ord. 1994-11, S4:01 D, 1994)
- (5) The scheduling of vacation is dependent upon operational needs and must be requested in writing at least two (2) days in advance and will be granted by supervisors at their discretion. (Ord 1994-11, S4:01 E, 1994)
- (6) No half vacation days allowed. Vacation time must be taken in eight (8) hour segments. (Ord. 1994-11, S4:01 F, 1994)
- (7) Supervisors have the discretionary authority to approve, deny, and cancel any vacation leave request for good cause. (Ord. 1994-11, S4:01 G, 1994)
- (8) Supervisors are responsible for maintaining records for accumulated vacation leave earned and used and for submitting copies to the Clerk-Treasurer. (Ord. 1994-11, S4:01 H, 1994)

1.06.405 Holidays.

- (1) All full-time employees are entitled to holiday pay at the regular rate for all holidays established annually by the Town Council. The current holiday schedule, and such other days as may designate, shall be holidays with pay for all regular or introductory employees:

New Year's Day
President's Day

Good Friday (1/2 day)
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Post Thanksgiving Day
Christmas Eve
Christmas Day
New Year's Eve

(Ord. 1994-11, S4:02 A, 1994) (Ord. 1991-04, S6, 1991) (Ord. 1987-05, S6, 1987)
(Ord. 1984-03, S6, 1984) (Ord. 1983-02, 1983)

- (2) When a paid holiday occurs during an employee's vacation, the employee shall receive holiday pay and will not be charged a vacation day for such holiday. (Ord. 1994-11, S4:02 B, 1994)
- (3) Employee must work the day before and after a holiday to be eligible for holiday pay, unless officially excused by his/her supervisor, or is on vacation. (Ord. 1994-11, S4:02 C, 1994)
- (4) If a holiday occurs on a Saturday the preceding Friday shall be the observed holiday. If a holiday occurs on a Sunday, the following Monday shall be the observed holiday. This practice may be altered, if designated, by the Town Council prior to the holiday. (Ord. 1994-11, S4:02 D, 1994)

1.06.410 Compensation/Pay System.

- (1) Wages and salaries of employees shall be established in a manner compatible with the philosophy, goals, objectives, and financial resources of the Town. (Ord. 1994-11, S4:03 A, 1994)
- (2) It is the desire of the Town to provide a total compensation package that is reasonably competitive with similarly situated governmental agencies but, more important, is internally equitable based upon the relative duties and responsibilities of positions within the Town. (Ord. 1994-11, S4:03 B, 1994)
- (3) The pay period shall be established by the Clerk-Treasurer. (Ord. 1994-11, S4:03C, 1994)
- (4) No one may clock anyone other than himself/herself in or out at any time. (Ord. 1994-11, S4:03 D, 1994)
- (5) Each time card shall be signed at the end of the pay period by the supervisor and employee. (Ord. 1994-11, S4:03 E, 1994)

- (6) Time cards shall be completed and presented to the Clerk-Treasurer no later than the Monday morning following the work period. New time cards will be issued when completed time cards are presented. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S4:03 F, 1994)

1.06.411 Holiday bonus. Holiday and other bonuses may be awarded by the Town Council, in its discretion, within the limitations provided in the Town's Salary ordinances. (Ord. 2005-03, Apr. 11, 2005)

1.06.412 Specialized Certification Raise. A \$.25/hr raise may be given to utility personnel upon receiving specialized certification directly related to their job assignment. (Ord. 1997-07, Dec. 17, 1997) (Ord. 1996-11, Dec. 9, 1996) (Ord. 1995-11, Dec. 7, 1995)

1.06.413 Probationary Interval Raise. A \$.25/hr raise may be given to new personnel at three and six months probationary intervals. (Ord. 1996-11, Dec. 9, 1996)

1.06.415 Health and Safety.

- (1) The Town shall attempt to provide the most safe and healthful working conditions possible for all employees and will comply with any applicable state and federal laws and regulations pertaining to occupational health and safety. In order to assist the Town in this goal, it is necessary for all employees to follow appropriate and accepted departmental safety practices and work rules and to be observant as to potential hazards in their work environment. (Ord. 1994-11, S4:04 A, 1994)
- (2) In the event that an employee feels that an unsafe and/or hazardous condition exists within the work place or if an employee is injured during the course of his or her employment, he or she shall be expected to report such condition in writing, if possible, to his/her supervisor or the Town immediately after its discovery. (Ord. 1994-11, S4:04 B, 1994)

1.06.420 Medical Disability.

- (1) If an employee of the Town becomes physically unable to perform the duties of his or her position, but is still able to perform the duties of a vacant, lower level position, he or she may voluntarily request reduction to the lower level position at the lower rate of pay. Such request shall be in writing, stating the reason for the request, and is subject to the discretion and approval of the supervisor and Town Council. (Ord. 1994-11 S4:05 A ,1994)
- (2) A physically incapacitated employee, who has exhausted his or her accumulated sick leave and vacation and for whom voluntary reduction is not practicable, may request the supervisor in writing that he/she be placed on disability leave. The employee must present, with this request, evidence and supporting documentation together with a prognosis and the probable date on which the employee will be able to return and perform fully the substantial and material duties of his/her position. An employee may be placed on unpaid disability leave for up to six (6) months. All request for

disability leave requires the Town Council's approval. (Ord. 1994-11, S4:05 B, 1994)

- (3) Although the same job, same job level, or same compensation is not guaranteed upon the employee's return to work, a suitable job may be provided upon employee's return. If an employee is unable to return to work at the end of six (6) months, the employee will officially be discharged from employment. Termination will occur if an employee fails to return to work following a physician's statement of release. (Ord. 1994-11, S4:05 C, 1994)
- (4) The Town reserves the right to require an employee to submit to a physical examination from a physician of its choosing if it is not satisfied with the documentation, evidence, or prognosis of the employee's physician. Such examination shall be paid for at the Town's expense. (Ord. 1994-11, S4:05 D, 1994)
- (5) While an employee is on extended medical disability, no accrual of vacation or sick leave time will occur. (Ord. 1994-11, S4:05 E, 1994)

1.06.425 Retirement Benefits.

- (1) Matching retirement contributions into the Public Employees Benefit Services Corporation (PEBSCO) deferred compensation program shall not exceed 3% of each plan participant's gross pay. (Ord. 1997-07, Dec. 17, 1997) (Ord. 1994-11, S4:06 A, 1994)

1.06.430 Medical Insurance Coverage.

- (1) The Town will make insurance coverages available to eligible full-time Town employees. Such insurance plans, coverages, eligibility requirements, continuation benefits, and costs shall be determined by the Town Council. (Ord. 1994-11, S4:06 B, 1994)

1.06.435 Worker's Compensation.

- (1) The Town participates in an insured Workers' Compensation Program.
- (2) Employees on worker's compensation leave shall be placed on "inactive" payroll and shall not accrue vacation or sick leave and shall not be paid for holidays. No employee shall receive both Worker's Compensation and sick or vacation pay.
- (3) The Town shall pay all premiums for Workers' Compensation Insurance.
- (4) In order to avoid being denied Workers' Compensation Benefits, employees should immediately report any work-related injury regardless of how minor such injury may be.

- (5) The insurance carrier shall be the final judge for payment of Workers' Compensation. (Ord. 1994-11, S4:06 C, 1994)

1.06.440 Clothing Allowance. The following employees of the Town of Santa Claus shall receive the following compensation as specified:

- (1) All utility personnel may receive a \$30.00 clothing allowance each month. (Ord. 1995-11, Dec. 7, 1995)
- (2) The Town Marshal may receive a \$35.00 clothing allowance each month. (Ord. 1996-03, Jan. 11, 1996)
- (3) Deputy Marshals may receive a \$25.00 clothing allowance each month. (Ord. 1996-03, Jan. 11, 1996)

1.06.445 Employee Cellular Telephone Policy.

- (1) Employees shall attempt to minimize their use of Town-issued cellular telephones for personal use, and shall maintain records of all personal use of such telephone.
- (2) Each billing cycle, the Clerk-Treasurer shall provide a copy of itemized charges to each employee who is issued a cellular telephone at each billing cycle, and each employee shall highlight or otherwise designate and certify each telephone call, text message, SMS,/MMS, IM charge, online or other downloading or other charge which was made or received by the employee or other person using such telephone as being for either "personal" use or "business" use and reason for any and all such business use, and shall return such copy, certification and supporting evidence of the business calls to the Clerk-Treasurer within five (5) days thereafter.
- (3) The Clerk-Treasurer shall notify each employee for the cost of any and all personal calls and other charges, along with the pro rata share of monthly charge for such telephone, which shall be computed as "A/B times C", where "A" is the number of personal minutes used on such telephone during the business cycle, "B" is the total number of minutes used on such telephone during the business cycle, and "C" is the total service charge for such telephone during the business cycle, which charge shall be payable within ten (10) days following such notification.
- (4) An employee's failure to designate personal charges, or to certify that no charges are personal, or the employee's failure to maintain records of the personal and/or business use of the cellular telephone shall cause any and all charges for the telephone and its usage during such cycle to be reimbursible to the Town by the employee on the date ten (10) days following the deadline for submission of such documents to the Clerk-Treasurer.

- (5) An employee's failure to reimburse the Town for personal use or imputed personal use of such cellular telephone in accordance with this Section, whether during or following termination of employment, shall cause all of such amounts to be included in the employee's taxable income and reported as such to the Internal Revenue Service and all other taxing authorities.
- (6) The Clerk-Treasurer shall conduct audits in the Clerk-Treasurer's discretion to confirm the accuracy of reports and certifications of employees concerning the personal use of cellular telephones and correct discrepancies in such reporting. (Ord. 2008-5, S1.06.250, 1-6, Oct. 13, 2008)

1.06.450 Travel and Expense Reimbursement.

- (1) An employee may be reimbursed for mileage at the State mileage rate in effect at the time for the use of privately owned automobile or at a lesser established rate per mile for the use of privately owned motorcycles for authorized official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law. (Ord. 2006-06, S1.06.450(1), Sept. 18, 2006) (Ord. 1996-05 S1 & 2, 1996) (Ord. 1994-11, S4:07 A, 1994) (Ord. 1993-05, S1, 1993) (Ord. 1984-05, S1, 1984)
- (2) Meal expenses incurred in traveling will be reimbursed up to \$35.00 per day. Proper claim reimbursement shall include all receipts and be filed with the Clerk-Treasurer. (Ord. 2006-06, S2, Sept. 18, 2006) (Ord. 1994-11, S4:07 B, 1994)
- (3) The expenses of employees attending conferences or meetings at the request of their supervisor are proper administrative expenses and employees shall be reimbursed per receipt.

Travel and housing will be reimbursed based upon the best local rates available. (Ord. 2005-03, Apr. 11, 2005) (Ord. 1994-11, S4:07 C, 1994)
- (4) Receipts must be attached to the expense report including parking fees in excess of One Dollar (\$1.00). (Ord. 1994-11, S4:07 D, 1994)
- (5) Personal expenses incurred in traveling are not reimbursable, including but not limited to, personal telephone calls, laundry, entertainment, and alcoholic beverages. (Ord. 1994-11, S4:07 E, 1994)
- (6) Meal expenses incurred in traveling will be reimbursed up to \$35 per day. Proper claim for reimbursement shall include all receipts and is filed with the Clerk-Treasurer. (Ord. 2006-06, S1.06.450(6), Sept. 18, 2006) (Ord. 1996-05, S1 & 2, 1996) (Ord. 1994-11, S4:07F, 1994) (Ord. 1993-05, S1, 1993) (Ord. 1984-05, S1, 1984)

1.06.460 Signature Page (Full-time, Regular Employees).

In consideration of being employed by the Town of Santa Claus, Indiana (the "Town"), I understand and agree that:

- (1) If I misrepresent or deliberately omit any fact in my application or interview, I may be refused employment or, if employed, may be terminated.
- (2) The Town has my authorization to thoroughly investigate my work, medical, and personal and criminal history, and I hereby consent to take any test or examination whenever the Town deems it necessary in any such investigation, I will hold no person, corporation, or organization liable for giving or receiving information in such investigation.
- (3) If employed, I may terminate employment at any time without notice or cause, and the Town may terminate or modify the employment relationship at any time without prior notice or cause. In consideration of my employment, I agree to conform to all rules and regulations of the Town, and I understand that no supervisor, manager or other representative of the Town has any authority to enter into any agreement, oral or written, for employment for a specified period of time or to make any agreement or assurances contrary to this policy except a majority of the Town Council in a public meeting.
- (4) Any doctor, hospital, testing laboratory or other medical personnel has my consent to conduct medical or drug tests on me, and I hereby give my consent to having all such information released for the Town to determine my ability to perform the essential functions of my job now and in the future. I also give my consent to physical searches of myself and my tool box, lunch box, car, locker, or any packages or purse I have while on the Town's premises, whether or not I have a lock on such items.
- (5) The needs of the Town may make the following and/or other conditions mandatory: Overtime, shift work, rotating work schedules, or a work schedule other than Monday through Friday. I accept these conditions of employment, and any changes made thereto by the Town.
- (6) The Town is an equal opportunity employer. The Town does not discriminate in employment and no question on my employment application is used for the purpose of limiting or excluding any applicant's consideration for employment on a basis prohibited by federal, state or local law.
- (7) If employed, I understand that my employment is for no definite period of time and, if terminated, the Town is liable only for wages or salary earned as of the date of termination.
- (8) I have received a copy of the Personnel Policy Manual, which outlines the benefits, policies and employees' responsibilities to the Town. I understand

that the Personnel Policy Manual is not a contract of employment, but is a set of guidelines for the implementation of personnel policies. I also understand that the provisions of the Personnel Policy Manual may be modified by the Town in the future, at any time and from time to time, and my continued employment will constitute an acceptance of such changes.

- (9) I have read and agree to the above and hereby certify that the facts and information provided in my employment application and interview are true and complete.

DATE: _____

Signature of Applicant: _____

Except as amended by this Ordinance, the remaining provisions of Chapter 1.06 shall remain as part of the Personnel Policy manual of the Town and in full force and effect. (Ord. 2005-03, Apr. 11, 2005)

1.06.465 Signature Page (Part-Time, Seasonal, or Temporary Employees).

I have read and understand the Town of Santa Claus's Personnel Policy & Procedure Manual with my Supervisor. Having done so, I wish to become a part-time, seasonal, or temporary employee of the Town's Team of dedicated workers. I understand that the team's motto of "Citizen Service" and accept the ideals for which it stands.

I have been given an opportunity to read and review the Policy Manual, and I understand that my supervisor maintains a copy of the Manual and that the Manual is available for me to check out and review at my request.

I understand that I have been given the handbook for policy information so that I may become a better Team member and that its acceptance does not create an employment contract of any kind.

Employee's Signature

Date

(Ord. 1994-11, July 14, 1994)

Chapter 1.07

POLICE DEPARTMENT

Sections:

1.07.010 Santa Claus Police Reserve Unit

1.07.010 Santa Claus Police Reserve Unit. There is hereby established, pursuant to I.C. 36-8-3-20 the Town of Santa Claus Police Reserves, which shall be known as the Santa Claus Police Reserve Unit. The maximum number of members of said reserve unit shall be ten (10). (Ord. 2000-07, Oct. 11, 2000) (Ord. 1996-06, S1.07.010, 1996)

Chapter 1.08

UTILITY ADVISORY COMMITTEE

Sections:

- 1.08.010** **Members - terms - responsibilities**
- 1.08.020** **Vacancies**

1.08.010 Members - terms - responsibilities. That the Town Council shall appoint a Utility Advisory Committee to serve at the pleasure of the Town Council, which Advisory Committee shall consist of four (4) members who shall each serve for a four (4) year term. Said Advisory Committee members responsibilities shall be to gather information about the current operation of the Town's Water and Sewer Utilities and monitor that operation and to give information to the Town Council in order to assist the Town Council in the management and over-site of the Town Utilities. (Ord. 1992-05, S1, 1992)

1.08.020 Vacancies. That the Town Council shall have the power to fill any vacancy on said Utility Advisory Committee. (Ord. 1992-05, S2, 1992)

Chapter 1.10

FACT AND ACCURATE CREDIT TRANSACTION ACT (FACT ACT POLICY)

Sections:

- 1.10.001 Introduction
- 1.10.002 Purpose
- 1.10.010 Definitions
- 1.10.020 Periodic Identification of “Covered Accounts” (Risk Assessment)
- 1.10.030 Identity Theft Program
- 1.10.040 Administration of the Program
- 1.10.050 Other Applicable Legal Requirements

1.10.001 Introduction: Under the Fair and Accurate Credit Transaction Act - 15 U.S.C. §1681 et seq. ("FACT Act"), creditors that offer or maintain "covered accounts" must develop and implement a written identity theft prevention program that is appropriately tailored to the size and complexity of the institution, as well as the nature and scope of its activities. The Program requires reasonable policies and procedures, staff training, oversight of service providers, and oversight by the Town Council.

The FACT Act and Regulations thereunder also require reasonable policies and procedures; users of consumer reports who receive a notice of an address discrepancy from a Credit Reporting Agency ("CRA") must have procedures in place in order to form a reasonable belief of the consumer's identity. (Ord. 2008-08, Introduction, Nov. 10, 2008)

1.10.002 Purpose: The purpose of this policy is to set forth the guidelines for Town personnel to use in establishing and maintaining policies and procedures in order to comply with the FACT Act's guidelines on detecting, preventing and mitigating identity theft.

The policy further addresses the FACT Act's requirements for addressing address discrepancies provided by a CRA. (Ord. 2008-08, Purpose, Nov. 10, 2008)

IDENTITY THEFT RED FLAG POLICY

1.10.010 Definitions:

- (1) Account: A continuing relationship established by a person with the Town to obtain a product or service for personal, family, household or business purposes.
 - A. Business Accounts: Although this definition includes business accounts, the risk-based nature of the final rules allows the Town flexibility to determine which business accounts will be covered by its Program through a risk evaluation process.
 - B. Continuing Relationship: The obligations of the final rule apply not only to existing accounts, where a relationship already has been

established, but also to account openings, when a relationship has not yet been established.

- (2) Covered Account: Pursuant to the FACT Act, we must develop and implement a "written program" if we offer or maintain a "Covered Account." A "Covered Account" consists of either:
 - A. Personal, Family or Household Purposes: An Account is a "Covered Account" if primarily used for personal, family, or household purposes involving or is designed to permit **multiple payments or transactions**; such as utility accounts.
 - B. "Reasonably Foreseeable Risk:" A "Covered Account" is any other account for which there is a "reasonably foreseeable risk" to members or the safety and soundness of the Town from identity theft. This risk may include financial, operational, compliance, reputation or litigation risk(s).
- (3) Identity Theft: Means a "fraud committed or attempted using the **identifying information** of another person without authority."
 - A. Identifying Information: Means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:
 - 1. Name, Social Security Number, Date of Birth, State/Government Issued Driver's License or identification number, alien registration, EIN, passport;
 - 2. Unique biometric data;
 - 3. Unique electronic identification number, address, or routing code; or,
 - 4. Telecommunication identifying information or access device.
- (4) Reg Flag: Means "a pattern, practice, or specific activity that indicates the possible existence of identity theft."
- (5) Service Provider: Means "a person that provides a service directly to the Town." (Ord. 2008-08, S1, Nov. 10, 2008)

1.10.020 Periodic Identification of "Covered Accounts" (Risk Assessment): The Town will periodically determine whether it offers or maintains any Covered Accounts. As part of this determination, the Town will conduct a risk assessment to determine whether it offers or maintains covered accounts.

- (1) Risk Assessment Factors: In performing the Risk Assessment we will take the following into consideration:
 - A. Methods the Town provides to open its accounts;
 - B. Methods the Town provides to access accounts; and,
 - C. Prior experience with Identity Theft. (Ord. 2008-08, S2, Nov. 10, 2008)

1.10.030 Identity Theft Program: In accordance to the Identity-Theft Regulation, the Town develops an Identity Theft Program ("Program") designed to detect, prevent, and mitigate ID Theft in connection with the opening of a covered account or any existing covered account. The elements of the program are as follows:

Identify Relevant Red Flags;
Detect Red Flags;
Respond to detected Reg Flags; and,
Update Red Flag Program.

- (1) Identifying Relevant Red Flags - **Element 1:**
 - A. Goal: Identify **relevant** "Red Flags" for Covered Accounts. This means we are not required to formulate Red Flags relevant for detecting "possible risk," only "Actual Risk."
 - B. Risk Factors: In identifying relevant Red Flags the Town shall consider the following factors:
 1. The types of Covered Accounts offered or maintained;
 2. The methods provided to open these accounts;
 3. The methods provided to access Covered Accounts; and,
 4. Our previous experiences with ID Theft.
 - C. Sources of Red Flags: The Town will consider incorporating relevant Red Flags from sources including, but not limited to:
 1. Our previous incidences with ID Theft;
 2. Changes in the methods of ID Theft that reflect changes in ID Theft Risk; and,
 3. Applicable supervisory guidance.

D. Categories of Red Flags: Our Program shall include relevant Red Flags from the following categories:

1. Alerts, Notifications, or Other Warnings Received From a CRA or Service Providers: The alerts, notifications, or other warnings include, but are not limited to:

- (a) A fraud or activity duty alert is included with a consumer report;
- (b) A CRA provides a notice of credit freeze in response to a request for a consumer report;
- (c) A CRA provides a notice of address discrepancy;
- (d) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or account holder;
- (e) The credit report or use of the account that indicates a pattern of activity is inconsistent with the history or pattern of activity usually associated with the account holder, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or,
 - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Presentation of Suspicious Documents: This may include, but is not limited to:

- (a) Documents provided for identification appear to be forged or altered;
- (b) The photograph, description of the consumer, or other information on the identification is inconsistent

with the appearance of the consumer who is presenting the identification;

- (c) Other information on the identification is not consistent with the information on the identification provided by the person when the account is opened or by the consumer presenting the identification;
- (d) Other information provided is inconsistent with information on file with the Town, such as a signature card or recent check; or,
- (e) An application appears to be altered, or destroyed and reassembled.

3. Presentation of Suspicious Personal Identifying Information, Such As a Suspicious Address Change: This may include, but is not limited to:

- (a) Personal information provided is inconsistent when compared to external information sources, such as:
 - i. The address does not match any address in the credit report; or,
 - ii. The Social Security Number has not been issued, or is listed on the Social Security Administration's Death Master File.
- (b) Personal information is internally inconsistent, such as a Social Security Number that is inconsistent with an account holder's date of birth;
- (c) Personal information is provided that has also been provided on a fraudulent application;
- (d) Personal information that is provided is of a type associated with fraudulent activity, such as a fictitious address (i.e., mail drop or a prison) and an invalid phone number (i.e., pager or answering service);
- (e) The address, Social Security Number and phone numbers have been submitted by other account holders;
- (f) The consumer fails to provide all required information on file with the Town; or,

- (g) The account holder cannot provide authenticating information, other than what would be available from a wallet or credit report.
4. The Unusual Use Of, or Other Suspicious Activity Related to a Covered Account: This may include, but is not limited to:
- (a) There is a request for additional authorized users for the account or a request for new, additional, or replacement cards shortly after a request for a change of address;
 - (b) A new, revolving credit account is used in a manner associated with fraud, such as credit used for cash advances or for merchandize that is easily converted to cash, or the account holder fails to make payments;
 - (c) An account is used in a manner inconsistent with established patterns activity, such as:
 - i. Non-payment when there is no history of late or missed payments;
 - ii. A material increase in the use of available credit;
 - iii. A material change in purchasing or spending patterns;
 - iv. A material change in electronic fund transfer patterns in connection with a deposit account; or,
 - v. A material change in telephone call patterns in connection with a cellular phone account.
 - (d) An account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors);
 - (e) Mail sent to the account holder is returned repeatedly as undeliverable even though transactions on the account continue to be conducted;
 - (f) The Town is notified of unauthorized charges or transaction in connection with the account;

- (g) The Town has been notified that it has opened a fraudulent account for a person engaged in identity theft.
- 5. Notice from Account Holders, ID Theft Victims, Law Enforcement, or Other Persons Regarding Possible ID Theft: The Town is notified by a(n):
 - (a) Account Holder;
 - (b) Victim of ID Theft;
 - (c) Law Enforcement Authority; or,
 - (d) Any other person that it has opened a fraudulent account for a person **engaged** in ID Theft.
- (2) Detecting Red Flags - **Element 2:** The Town shall apply procedures and processed in detecting Red Flags in connection with the opening of Covered Accounts and existing Covered Accounts, such as:
 - A. Opening of Covered Account: The Town shall cross reference other operating policies and procedures for obtaining identifying information about, and verifying the identity of a person opening a covered account.
 - B. Existing Covered Accounts: The Town shall cross reference the detection of Red Flags in connection with existing covered accounts.
- (3) Respond to Detected Reg Flags - **Element 3:** The Town shall respond appropriately upon the detection of Red Flags. Appropriate responses may include the following:
 - A. Monitoring a "covered account" for evidence of Identity Theft;
 - B. Contacting the account holder;
 - C. Changing any password, security codes, or other security devices;
 - D. Reopening a covered account with a new account number;
 - E. Closing an existing covered account;
 - F. Not attempting to collect on a covered account or not selling a covered account to a debt collector;
 - G. Notifying law enforcement; or,

- H. Determining that no response is warranted under the particular circumstance(s).
- (4) Updating the Program - **Element 4:** The Town shall periodically update the program to reflect changes in risk to account holders or safety/soundness of the Town, based on factors such as:
- A. Experience with Identity Theft;
 - B. Changes in methods of Identity Theft;
 - C. Changes in methods to detect, prevent and mitigate Identity Theft;
 - D. Changes in types of accounts the Town offers; and,
 - E. Changes in business arrangements of the Town including mergers, acquisitions, alliances and service provider arrangements. (Ord. 2008-08, S3, Nov. 10, 2008)

1.10.040 Administration of the Program: Administration of the Program shall consist of the following components:

- (1) Town Council/ Clerk-Treasurer Involvement: The Town Council shall approve the initial written Program. Thereafter, at the discretion of the Town Council, the Clerk-Treasurer may update the Program. Oversight will include the following:
- A. Assigning specific responsibility for the program's implementation;
 - B. Reviewing reports prepared by the Clerk-Treasurer regarding compliance with the Red Flags rules. The report will address the following matters related to the Program:
 - 1. The effectiveness of the policies and procedures that address the risk of identity theft in connection with the opening of covered accounts or existing covered accounts;
 - 2. Service provider arrangements;
 - 3. Significant incidents of identity theft and management's response to these incidents; and,
 - 4. Recommendations for material changes to the Program; and,
 - C. Approving material changes to the Program, as necessary, to address changing identity theft risks.

- (2) Oversight of service provider(s): Whenever the Town engages a service provider to perform an activity in connection with one or more covered accounts the Town shall take steps to ensure the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.
- (3) Training: "Relevant Staff" shall receive training to effectively implement and administer the Program. "Relevant Staff" is not defined in the regulation nor comments thereto. However, we consider the following as "relevant" in complying with the ID Theft regulation:
 - A. Clerk-Treasurer;
 - B. Deputy Clerk;
 - C. Utility Clerk; and,
 - D. Utility Superintendent. (Ord. 2008-08, S4, Nov. 10, 2008)

1.10.050 Other Applicable Legal Requirements: In complying with the Identity Theft Regulations, the Town shall be mindful of other related legal requirements including:

- (1) Implementing requirements under the FACT Act regarding the circumstances under which credit may be extended when fraud or an active duty alert is detected;
- (2) Implementing requirements under the FACT Act of furnishers of information to CRAs to correct or update inaccurate or incomplete information and not to report information that the furnisher reasonably believes is inaccurate; and,
- (3) Complying with FACT Act prohibitions against the sale, transfer, and placement for collection of certain debts resulting from identity theft. (Ord. 2008-08, S5, Nov. 10, 2008)

Chapter 1.12

ECONOMIC REVITALIZATION AREAS

Sections:

1.12.010	Applications received by Board of Trustees
1.12.020	Application form
1.12.030	Fees
1.12.040	Proceeds of application fees
1.12.050	Submit application - investigation - public hearings - written recommendations
1.12.060	Considerations
1.12.070	Additional considerations
1.12.080	Date of designation - start date of improvements
1.12.090	Value of manufacturing equipment
1.12.100	Rejection or designation
1.12.110	Period of time and amount limits
1.12.120	Eligible areas
1.12.130	Expiration

1.12.010 Applications received by Board of Trustees. THE BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall receive all applications from persons, firms, organizations, or corporations requesting that certain real estate be designated as an Economic Revitalization Area. (Ord. 1989-01, S1, 1989)

1.12.020 Application form. The TOWN OF SANTA CLAUS, INDIANA shall prepare printed forms and require all applicants applying for designation of real estate as an Economic Revitalization Area to use such forms in making application. The TOWN shall include, but not be limited to, the request for the following information: description of the real estate, proposed use of the real estate, proposed type and cost of redevelopment, rehabilitation, and/or new manufacturing equipment, description of the proposed operation and number of jobs to be created, projected date of completion for the proposed improvements, and the projected increase in use of public utilities and town services resulting from the improvements. (Ord. 1989-01, S2, 1989)

1.12.030 Fees. The fees to be paid by the applicants on the real estate to be designated as an Economic Revitalization Area, shall be paid to the Clerk-Treasurer of the Town of Santa Claus, Indiana at the time of application, and shall thereafter remain the property of the TOWN, and are as follows:

- (1) \$150.00 if the value of the proposed improvements is \$150,000.00 or less.
- (2) \$1.00 per \$1,000.00 of the proposed improvements if the proposed improvements are more than \$150,000.00, but the fee shall not exceed \$1,000.00. (Ord. 1989-01, S3, 1989)

1.12.040 Proceeds of application fees. The proceeds of the application fee or fees shall be added to the funds budgeted and allocated to the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA to be spent:

- (1) to defray the cost of processing applications and
- (2) to meet general TOWN expenses. (Ord. 1989-01, S4, 1989)

1.12.050 Submit application - investigation - public hearings - written recommendations. An applicant for the designation of real estate as an Economic Revitalization Area shall submit a completed application form to the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA. The Board of Trustees shall investigate the applicant and the proposed improvements to determine the best interest of the TOWN, shall hold public hearings thereon if necessary or advisable, and shall thereafter make written recommendations as to the desirability or undesirability of designating the area described in the application as an Economic Revitalization Area and may recommend the period of time during which the area shall be so designated and the type of deductions that shall be allowed. The BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the application and recommendation and make the determination as to whether or not to grant Economic Revitalization Area status in accordance with I.C. 6-1.1-12.1-2.5. (Ord. 1989-01, S5, 1989)

1.12.060 Considerations. In considering the advisability of designating real estate as an Economic Revitalization Area, under the provisions of I.C. 6-1.1-12.1-3, the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the following issues:

- (1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (5) Whether the totality of benefits is sufficient to justify the deduction. (Ord. 1989-01, S6, 1989)

1.12.070 Additional considerations. In considering the advisability of designating real estate as an Economic Revitalization Area under the provisions of I.C. 6-1.1-12.1-4.5, the

BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the following:

- (1) Whether the estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment.
- (5) Whether the totality of benefits is sufficient to justify the deduction. (Ord. 1989-01, S7, 1989)

1.12.080 Date of designation - start date of improvements. If the improvements proposed in the application for Economic Revitalization Area status are not started within one (1) year of the date of designation, the Economic Revitalization Area designation for the real estate shall expire; however, the applicant may reapply, and the application fee therefore shall be 50% of the original fee. Such reapplication shall be made within ninety (90) days of the date of the expiration of the one (1) year period. In addition, the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA, upon the applicant's request, in writing, may extend such designation for a period not to exceed six (6) months. (Ord. 1989-01, S8, 1989)

1.12.090 Value of manufacturing equipment. No tax abatement application shall be considered under this ordinance for items of manufacturing equipment which have a total value of less than \$1,500.00 or for structural improvements valued at less than \$10,000.00. (Ord. 1989-01, S9, 1989)

1.12.100 Rejection or designation. Each application shall be reviewed by the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA. The Town of Santa Claus shall in the next ensuing thirty (30) days decide upon the designation:

- (1) by rejecting the request and recording such action in the minutes of a regular or special meeting, or
- (2) by passing a resolution designating the area an Economic Revitalization Area eligible for tax abatement under the terms of this ordinance and the state enabling statute. (Ord. 1989-01, S10, 1989)

1.12.110 Period of time and amount limits. This Ordinance shall not give any person, firm, organization, or corporation any rights to tax abatement for a longer period of time, or greater amount, than as provided by the laws of the State of Indiana. (Ord. 1989-01, S11, 1989)

1.12.120 Eligible areas. This Ordinance shall apply to redevelopment, rehabilitation, and/or new manufacturing equipment:

- (1) located in Santa Claus, Indiana, which is located in the Santa Claus Industrial Park as shown on the attached Map 1 which is made a part of this chapter, or
- (2) at a site which is or will be used for manufacturing or processing as defined in the Standard Industrial Classification Code (SIC Code) currently used by the United States Bureau of the Census. (Ord. 1989-01, S12, 1989)

1.12.130 Expiration. Where an area has been designated as an Economic Revitalization Area, such status shall expire two (2) years after the date of designation unless otherwise stated in the resolution establishing the area; such expiration shall not limit the length of time any persons, firms, organizations, or corporations are entitled to receive an abatement of taxes to less than that permitted by I.C. 6-1.1-12.1. Further, the economic revitalization area designation will be conditioned in such manner that it will be effective only relative to the project which is described in the final resolution as supplemented by the information in the application. (Ord. 1989-01, S13, 1989)

Chapter 1.22

REDEVELOPMENT COMMISSION

Sections:

1.22.010	Establishment
1.22.020	Appointment by Town Council
1.22.030	Taxing District
1.22.040	Performed Activities
1.22.050	Powers

1.22.010 Establishment. That the Town Council of the Town of Santa Claus, pursuant to I.C. 36-7-14, hereby establishes a department controlled by a board of five (5) members to be known as the “Santa Claus Redevelopment Commission.” (Ord. 1999-03, S1, August 11, 1999)

1.22.020 Appointment by Town Council. That the five (5) commissioners for the Santa Claus Redevelopment Commission shall be appointed by The Town Council of the Town of Santa Claus as provided by I.C. 36-7-14-6.1. (Ord. 1999-03, S2, August 11, 1999)

1.22.030 Taxing District. All of the territory in the Town constitutes a taxing district for the Town. (Ord. 1999-03, S3, August 11, 1999)

1.22.040 Performed Activities. That the activities of the Santa Claus Redevelopment Commission shall be conducted pursuant to and in accordance with I.C. 36-7-14. (Ord. 1999-03, S4, August 11, 1999)

1.22.050 Powers. That the Santa Claus Redevelopment Commission shall have such powers as are provided by law. (Ord. 1999-03, S5, August 11, 1999)

Chapter 1.25

VENDING MACHINE REVENUES

Sections:

- 1.25.010 Vending Machine at Town Hall**
- 1.25.020 Vending Machine at the Community Center**
- 1.25.030 Written agreement for services**

1.25.010 Vending Machine at Town Hall. The vending machine at the Town Hall is designated for employee use and shall be maintained by the employees. The revenue shall be restricted for the use and benefit of those employees who use the machine. (Ord. 1996-12, S1, 1996)

1.25.020 Vending Machine at the Community Center. The vending machine at the Community Center is designated for public use and shall be maintained by public funds. The revenue shall be placed in the general operating fund. (Ord. 1996-12, S2, 1996)

1.25.030 Written agreement for services. In the event personnel other than the Town's personnel maintain, stock, and clean up around the vending machines, a written agreement shall be entered into listing the services to be rendered, the amount to be paid for such services, timing of payments, and any other areas deemed necessary by the contracting parties or the Town of Santa Claus. (Ord. 1996-12, S3, 1996)

Chapter 1.26

FEES AND CHARGES FOR PHOTOCOPIES

Sections:

1.26.010 Photocopies of Town Documents

1.26.020 Fees Charged

1.26.010 Photocopies of Town Documents. From time to time the Clerk-Treasurer is or may be requested to make photocopies of Town documents, to provide certified copies of Town documents. (Ord. 2007-08, Whereas, August 13, 2007)

1.26.020 Fees Charged. I.C. §5-14-3-8 permits the Town to charge fees for providing the services of making photocopies and certifying documents. (Ord. 2007-8, Whereas, Aug. 13, 2007)

- (1) The Clerk-Treasurer shall charge a fee in the sum of Five dollars (\$5.00) for the certification of any document which is a part of the public records of the Town.
- (2) The Clerk-Treasurer shall charge a fee of the greater of ten cents (\$0.10) per page, or the actual cost of reproduction, for photocopies of standard black and white documents which measure 8 1/2 x 14 inches or smaller.
- (3) The Clerk-Treasurer shall charge a fee of the greater of twenty-five cents (\$0.25), or the actual cost of reproduction, of color and/or documents which measure larger than 8 1/2 x 14 inches.
- (4) The Clerk-Treasurer may require that payment for any copies shall be made in advance.
- (5) The fees established under this Ordinance shall be uniform to all purchasers, but shall be inapplicable to the necessary copying of documents by the Clerk-Treasurer for Town officers, employees, agents, contractors or others requiring copies in furtherance of the Town's business or affairs.
- (6) The fees chargeable by this Ordinance shall be altered and amended to conform with the requirements and maximum permitted fee provided by I.C. §5-14-3-8, if such statute later may amended, or such other statute which may permit and/or govern the fees which may be charged by the Town for these purposes, at any time or from time to time. (Ord. 2007-08, S1-6, August 13, 2007)

Chapter 1.50

PARKS AND RECREATION DEPARTMENT

Sections:

1.50.010	Created
1.50.020	Board appointment
1.50.030	Membership
1.50.040	Term
1.50.050	Consideration in appointment
1.50.060	Vacancy
1.50.070	Governing Power

1.50.010 Created. Pursuant to authority granted by I.C. §36-10-3-1, as amended there is hereby created the Santa Claus Department of Parks and Recreation which shall be in addition to existing executive departments of the town. The prior Santa Claus Department of Parks and Recreation, Ordinance No. 1975-1 is hereby repealed. (Ord. 1992-19, S1, 1992) (Ord. 1975-1, S1, 1975)

1.50.020 Board appointment. Said Department of Parks and Recreation shall be governed by a Board which consists of four members to be appointed by the executive of the Town of Santa Claus. The members shall be appointed on the basis their interest in and knowledge of parks and recreation, but no more than two members may be affiliated with the same political party. (Ord. 1992-19, S2, 1992) (Ord. 1975-1, S2, 1975)

1.50.030 Membership. No member of the Santa Claus Town Council may serve on said Parks and Recreation Board. (Ord. 1992-19, S3, 1992)

1.50.040 Term. Initial appointments to the board shall be as follows:

- (1) One member for a term of one year.
- (2) One member for a term of two years.
- (3) One member for a term of three years.
- (4) One member for a term of four years.

As the term expires, each new appointment is for a four year term. All terms shall expire the first Monday in January, but a member continues in office until a successor is appointed. (Ord. 1992-19, S4, 1992)

1.50.050 Consideration in appointment. In making initial appointments, the Town Council, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from the previous Parks and Recreation Board. (Ord. 1992-19, S5, 1992)

1.50.060 Vacancy. If a vacancy on the Board occurs, the Santa Claus Town Council shall appoint a person to serve for the remainder of the unexpired term. (Ord. 1992-19, S6, 1992)

1.50.070 Governing Power. Said Parks and Recreation Board shall be governed by the terms of the Indiana Code §36-10-3-1 et seq. (Ord. 1992-19, S7, 1992)

Chapter 1.51

FEES AND CHARGES FOR COMMUNITY CENTER AND PARKS AND RECREATION DEPARTMENT

Sections:

1.51.010 Fees and Charges

1.51.010 Fees and Charges.

- (1) The following fees for the community center are hereby established and shall be charged by the Community Center Director:
 - A. For rental by the Tri-County YMCA, the greater of eighty-six dollars (\$86.00) per week or the product of \$4.30 per full time student/attende per week;
 - B. Large Room Rental, \$150.00;
 - C. Clean-Up Fee, \$100.00;
 - D. Kitchen Facility Use, \$75.00;
 - E. Seniors Meeting with Dinner, \$50.00 per month; and,
 - F. Seniors Meal program, \$50.00 per month. (Effective January 1, 2008)

All receipts for rental of the community center shall be deposited into the Town's Community Center Fund 101950. (Ord. 2007-12, S1, Nov. 12, 2007)

- (2) The following fees for the use of Yellig Park are hereby established and shall be charged by the Parks and Recreation Board:
 - A. Use of Lights for use other than for organized sports authorized to use Yellig Park by the Parks and Recreation Department (2 hours limit), \$25.00;
 - B. User Fees for organized sports authorized to use Yellig Park by the Parks and Recreation Board, \$10.00 per player per sport per year.
 - C. All fees and charges for concessions sold on properties under the governance of the Parks and Recreation Board may be established and altered by the Parks and Recreation Board at their discretion. The Parks and Recreation Board shall provide an annual report to the Town Council for all such charges and fees.

All receipts for use of Yellig Park shall be deposited into the Town's Parks and Recreation Fund Parks and Recreation Fund 204002. (Ord. 2007-12, S2, Nov. 12, 2007)

Chapter 1.52

NONREVERTING OPERATING FUND FOR PARK PURPOSES

Sections:

- 1.52.010** **Established**
- 1.52.020** **Use of funds**

1.52.010 Established. That there is hereby established a Santa Claus Special Nonreverting Operating Fund for Park Purposes. (Ord. 1991-06, S1, 1991)

1.52.020 Use of funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for park purposes. (Ord. 1991-06, S2, 1991)

Chapter 1.53

SPECIAL NONREVERTING DONATION FUND FOR THE PARKS AND RECREATION DEPARTMENT

Sections:

1.53.010	Established
1.53.020	Contributions
1.53.030	Use of funds
1.53.040	Termination

1.53.010 Established. That there is hereby established a Special Nonreverting Donations Fund for Santa Claus Parks and Recreation Department Purposes, which shall be known as the “Santa Claus Parks and Recreation Department Donation Fund”. (Ord. 1992-16, S1, 1992)

1.53.020 Contributions. That contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-16, S2, 1992)

1.53.030 Use of funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the Santa Claus Parks and Recreation Department Purposes. (Ord. 1992-16, S3, 1992)

1.53.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on Santa Claus Parks and Recreation Department purposes. (Ord. 1992-16, S4, 1992)

Chapter 1.54

NONREVERTING PARKS AND RECREATION SPECIAL FUND

Sections:

- 1.54.010 Established
- 1.54.020 Contributions
- 1.54.030 Expenditures
- 1.54.040 Perpetual Fund

1.54.010 Established. That there is hereby established a nonreverting special fund for the Santa Claus Parks and Recreation Department purposes, which shall be known as the ‘Santa Claus Parks and Recreation Special Fund’. (Ord. 2007-03, S1, July 9, 2007)

1.54.020 Contributions. That contributions to the fund shall be from user fees and concession stand receipts. (Ord. 2007-03, S2, July 9, 2007)

1.54.030 Expenditures. That expenditures may be made from the fund by the appropriation of the Santa Claus Town Council for the Santa Claus Parks and Recreation Department purposes. (Ord. 2007-03, S3, July 9, 2007)

1.54.040 Perpetual Fund. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use of the Santa Claus Parks and Recreation Department purposes. (Ord. 2007-03, S4, July 9, 2007)

Chapter 1.58

FIXED ASSET CAPITALIZATION POLICY

Sections:

1.58.010	Definitions
1.58.020	Lower Limit
1.58.030	Recording and Accounting
1.58.040	Safeguarding of Assets

The Common Council of the Town of Santa Claus so desires to establish a capitalization policy for the Town and its various Departments and Utilities (Enterprise Funds).

1.58.010 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Tangible Assets - Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
- (2) Fixed Assets - Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment, or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).
- (3) Capital Outlays - Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

A. Land - The cost of land and rights-of-way owned by the Town.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers [salary and benefits]), such as demolishing buildings, excavation, clean up, and/or inspection.

A department will record donated land at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- B. Buildings - The acquisition cost of permanent structures owned or held by the Town and improvements thereon.

A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating/cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

A department will record donated buildings at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- C. Improvements Other Than Buildings - Acquisition value of permanent improvements other than buildings which add value to the land and is attached or not easily removed.

Examples are: fences, retaining walls, sidewalks, parking pavements, gutters, outside fountains, planters, underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or assets that are of value only to the public and are categorized as infrastructure. However, roads or drives upon Town-owned land that provide support to our facilities are to be classified as assets.

A department's donated improvements other than buildings will be recorded at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- D. Machinery and Equipment - Costs of tangible property of a more or less permanent nature, other than land or building and improvements thereon.

Machinery combined with other machinery to form one unit will be capitalized as one unit. Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up (including contractors and/or Town workers [salary and benefits]), which make such equipment operable for its intended purpose will be capitalized.

Examples include:

A work truck equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.

Police cars may change light bars or radios to other vehicles. Therefore, the Town will capitalize each piece of specialized equipment separately, if it meets the required dollar amount.

A department's computer system (CPU, monitor, keyboard, and printer) is considered one unit.

A department will record donated machinery and equipment at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- (4) Enterprise Funds - Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

The enterprise funds of the Town of Santa Claus shall include the municipally owned water and wastewater utilities. Operation of these utilities shall require enterprise fund accounting and reporting. (Ord. 1995-09, S1, 1995)

1.58.020 Lower Limit. Judgments must be exercised in making decisions as to whether a given expenditure is a capital expenditure. To avoid excessive costs of accounting for relatively small dollar value items, the Common Council so desires to set \$1,500.00 as a

lower limit to the definition of capital expenditure. Thus any expenditure under the established limit shall always be expenses currently even though future benefits are expected from the expenditure.

Capital expenditures made by the Town, its various departments and utilities for the acquisition of fixed assets shall have a useful life of more than one year. (Ord. 2005-08, August 8, 2005) (Ord. 1995-09, S2, 1995)

1.58.030 Recording and Accounting.

- (1) The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the State Board of Accounts Cities and Town Accounting Manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on fair market value plus associated costs, or where the original fair market value and associated costs are undeterminable, by estimation for those assets previously purchased and in existence.
- (2) The Town's departments and municipally owned utilities shall record acquisition of Fixed Assets and determine the rate of straight-line depreciation in accordance with Generally Accepted Accounting Principles. Assets may be acquired under a number of other arrangements including:
 - A. Assets acquired for a lump-sum purchase price
 - B. Purchase on deferred payment contract
 - C. Acquisition under capital lease
 - D. Acquisition by exchange of nonmonetary assets
 - E. Acquisition by issuance of securities
 - F. Acquisition by self-construction
 - G. Acquisition by donation or discovery
- (3) In addition, an asset register approved by the State Board of Accounts shall be maintained to provide a detailed record of capital assets of the governmental unit. (Ord. 1995-09, S3, 1995)

1.58.040 Safeguarding of Assets. BE IT FURTHER ORDAINED THAT ACCOUNTING CONTROLS be designed and implemented to provide reasonable assurances that;

- (1) Capital expenditures made by the Town, its various departments and utilities be in accordance with management's authorization as documented in the minutes.
- (2) Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles.
- (3) Adequate detailed records be maintained to assure accountability for Town and Utility owned assets.
- (4) Access to assets be permitted in accordance with management's authorization.
- (5) The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences. (Ord. 1995-09, S4, 1994)

Chapter 1.60

CUMULATIVE BUILDING "MAINTENANCE" FUND

Sections:

1.60.010	Established
1.60.020	Property tax levy
1.60.030	Maximum rate of levy
1.60.040	Use of funds

1.60.010 Established. That there is hereby established a Santa Claus Cumulative Building Maintenance Fund to maintain the Santa Claus Town Hall and the North Spencer Community Center building owned by the Town of Santa Claus. (Ord. 1990-05, S1, 1990) (Ord. 1985-01, S1, 1985)

1.60.020 Property tax levy. That an ad valorem property tax levy will be imposed and revenues from the levy will be retained in the Santa Claus Cumulative Building Maintenance Fund. (Ord. 1990-05, S2, 1990) (Ord. 1985-01, S2, 1985)

1.60.030 Maximum rate of levy. That the maximum rate of the levy under Section 1.60.020 will not exceed \$.03 per \$100.00 assessed valuation for the years 1991, 1992, 1993, 1994, and 1995. (Ord. 1990-05, S3, 1990) (Ord. 1985-01, S3, 1985)

1.60.040 Use of funds. That the funds accumulated in the Santa Claus Cumulative Building Maintenance Fund will be used for maintenance of the Santa Claus Town Hall and the North Spencer Community Center building owned by the Town of Santa Claus pursuant to I.C. 36-9-16-2. (Ord. 1990-05, S4, 1990) (Ord. 1985-01, S4, 1985)

Chapter 1.62

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.62.010	Re-established
1.62.020	Property tax levy
1.62.030	Maximum rate of levy
1.62.040	Years re-established
1.62.050	Use of funds
1.62.060	Emergency Situation
1.62.070	Effective when

1.62.010 Re-established. That there is hereby re-established the Santa Claus Cumulative Capital Development Fund. (Ord. 1993-14, S1, 1993) (Ord. 1990-06, S1, 1990) (Ord. 1987-02, S1, 1987) (Ord. 1984-09, S1, 1984)

1.62.020 Property tax levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Santa Claus Cumulative Capital Development Fund. (Ord. 1993-14, S2, 1993) (Ord. 1990-06, S2, 1990) (Ord. 1987-02, S2, 1987) (Ord. 1984-09, S2, 1984)

1.62.030 Maximum rate of levy. That the maximum rate of levy under 1.62.020 will not exceed: \$.12 per \$100 Assessed Valuation. (Ord. 1993-14, S3, 1993) (Ord. 1990-06, S3, 1990) (Ord. 1987-02, S3, 1987) (Ord. 1984-09, S3, 1984)

1.62.040 Years re-established. That the Santa Claus Cumulative Capital Development Fund is re-established for the years 1994, 1995 and 1996. (Ord. 1993-14, S4, 1993)

1.62.050 Use of funds. That the funds accumulated in the Santa Claus Cumulative Capital Development Fund will be used for public ways and sidewalks as described in I.C. 36-9-16.5-2, for general improvements as described in I.C. §36-9-17-3 and for purchase or lease of motor vehicles for the fire department, including fire-fighting vehicles with necessary equipment, ladders and hoses as described in I.C. §36-9-16-3(8) and any other purposes allowed by Indiana Code. (Ord. 1993-14, S5, 1993) (Ord. 1993-08, S4, 1993) (Ord. 1990-06, S4, 1990)(Ord. 1987-02, S4, 1987) (Ord. 1984-09, S4, 1984)

1.62.060 Emergency Situation. Notwithstanding Section 1.62.050, funds accumulated in the Santa Claus Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.62.050, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town Council President issues declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Ord. 1993-14, S6, 1993) (Ord. 1990-06, S5, 1990) (Ord. 1987-02, S5, 1987) (Ord. 1984-09, S5, 1984)

1.62.070 Effective when. This fund takes effect upon approval of the State Board of Tax Commissioners. (Ord. 1993-14, S7, 1993)

Chapter 1.64

INDUSTRIAL DEVELOPMENT FUND

Sections:

- 1.64.010** **Established**
- 1.64.020** **Use of funds**
- 1.64.030** **Proceeds from the sale of industrial park real property**

1.64.010 Established. That there is hereby established a Santa Claus Industrial Development Fund. (Ord. 1987-06, S1, 1987)

1.64.020 Use of funds. That the funds accumulated in the Santa Claus Industrial Development Fund shall be used (1) to construct, reconstruct or repair public ways, sidewalks, sewers, drains, fences or buildings and to do other things that would enhance the value of real property and make it suitable for industrial use, (2) to purchase and improve real estate for the industrial park and (3) for any other purpose provided for in Indiana Code 36-7-13-1 through 36-7-13-9. (Ord. 1987-06, S2, 1987)

1.64.030 Proceeds from the sale of Industrial Park real property. That pursuant to Indiana Code 36-7-13-6 all proceeds from the sale of Industrial Park real property shall be deposited in the Santa Claus Industrial Development Fund. (Ord. 1987-06, S3, 1987)

Chapter 1.65

RAINY DAY FUND

Sections:

- 1.65.005 Indiana Code**
- 1.65.010 Established**
- 1.65.020 Contributions**
- 1.65.030 Use of Funds**

1.65.005 Indiana Code. The Town Council of the Town of Santa Claus finds that it is necessary and prudent for the financial well being of the Town to establish a rainy day fund that will be funded pursuant to I.C. 6-3.5-6-17.3), with supplemental COIT distributions and I.C. 6-3.5-7-17.3), supplemental CEDIT distributions. The fund, at the Council's discretion, may include unused and unencumbered funds, or any other sources of funding not prohibited by law. The amount of transfer will not exceed the allowable 10% of the town's total annual budget in any fiscal year and can only be made on or after January 1 and before March 1 of the following subsequent year. (Ord. 2007-02, Whereas, May 17, 2007)

1.65.010 Established. That there is hereby established a Rainy Day Fund. (Ord. 2007-02, S1, May 17, 2007)

1.65.020 Contributions. That contributions to the fund shall be from the supplemental distributions of COIT and CEDIT, at the council's discretion unused and unencumbered funds, and any other source not prohibited by law. (Ord. 2007-02, S2, May 17, 2007)

1.65.030 Use of Funds. That this is an appropriated fund that, at the Council's discretion, may be used for any lawful purpose. (Ord. 2007-02, S3, May 17, 2007)

Chapter 1.66

CUMULATIVE FIREFIGHTING EQUIPMENT FUND

Sections:

1.66.010	Established
1.66.020	Property tax levy
1.66.030	Maximum rate of levy
1.66.040	Use of Fund
1.66.050	No exceptions

1.66.010 Established. That there is hereby established a Santa Claus Cumulative Firefighting Equipment Fund. (Ord. 1988-02, S1, 1988)

1.66.020 Property tax levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Santa Claus Cumulative Firefighting Equipment Fund. (Ord. 1988-02, S2, 1988)

1.66.030 Maximum rate of levy. That the maximum rate or levy under Section 1.66.020 will not exceed:

- (1) .05 per \$100 Assessed Valuation levied in 1988 for 1989
- (2) .05 per \$100 Assessed Valuation levied in 1989 for 1990
- (3) .05 per \$100 Assessed Valuation levied in 1990 for 1991
- (4) .05 per \$100 Assessed Valuation levied in 1991 for 1992
- (5) .05 per \$100 Assessed Valuation levied in 1992 for 1993
(Ord. 1988-02, S3, 1988)

1.66.040 Use of Fund. That the funds accumulated in the Santa Claus Cumulative Firefighting Equipment Fund will be used for the purchase of firefighting equipment, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment, if that method of purchase is deemed appropriated by the Board. (Ord. 1988-02, S4, 1988)

1.66.050 No exceptions. Funds accumulated in the Santa Claus Firefighting Equipment Fund may not be spent for purposes other than the purposes stated in Section 1.66.040 above. (Ord. 1988-02, S5, 1988)

Chapter 1.67

SPECIAL NONREVERTING DONATION FUND FOR THE FIRE DEPARTMENT

Sections:

1.67.010	Established
1.67.020	Contributions
1.67.030	Use of funds
1.67.040	Termination

1.67.010 Established. That there is hereby established a Special Nonreverting Donations Fund for Fire Department Purposes, which shall be known as the “Santa Claus Fire Department Donation Fund”. (Ord. 1992-18, S1, 1992)

1.67.020 Contributions. That Contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-18, S2, 1992)

1.67.030 Use of funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the Santa Claus Fire Department Purposes. (Ord. 1992-18, S3, 1992)

1.67.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on Santa Claus Fire Department purposes. (Ord. 1992-18, S4, 1992)

Chapter 1.68

ECONOMIC DEVELOPMENT INCOME TAX FUND (EDIT)

Sections:

- 1.68.010 Established**
- 1.68.020 Revenue received**

1.68.010 Established. That there is hereby established a Santa Claus Economic Development Income Tax Fund. (Ord. 1991-03, S1, 1991)

1.68.020 Revenue received. That all revenue received by the Town of Santa Claus from Spencer County from the county economic development income tax shall be deposited in the Santa Claus Economic Development Income Tax Fund. (Ord. 1991-03, S2, 1991)

Chapter 1.69

TAX REVENUE FUND

Sections:

1.69.010	Establishment
1.69.020	Contributions and Additions
1.69.030	Use of funds
1.69.040	Termination

1.69.010 Establishment. That there is hereby established a fund which shall be known as the “Santa Claus Riverboat Tax Revenue Fund”. (Ord. 2003-01, S1, Oct. 20, 2003)

1.69.020 Contributions and Additions. That contributions and additions to the fund shall be from revenues and receipts from the revenue sharing payments to the Town of Santa Claus, Indiana for the Riverboat Gambling Wagering Taxes collected pursuant to I.C. §4-33-13-1, *et seq.*, grants, loans, private and/or public contributions designated for such fund, and other sources. (Ord. 2003-01, S2, Oct. 20, 2003)

1.69.030 Use of funds. That expenditures may be made from the fund by appropriation for any governmental purpose. (Ord. 2003-01, S3, Oct. 20, 2003)

1.69.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at such time shall revert or be transferred to the general fund of the Town. (Ord. 2003-01, S4, Oct. 20, 2003)

Chapter 1.70

DEPARTMENT OF REDEVELOPMENT

Sections:

1.70.010	Department of Redevelopment Re-established
1.70.020	Originally Established
1.70.030	Redevelopment Commission Board members
1.70.040	Appointments-terms
1.70.050	Taxing district

1.70.010 Department of Redevelopment Re-established. The Town Council hereby re-establishes and renews Ordinance No. 1992-10 effective the date of passage of the Ordinance and re-establishes the Department of Redevelopment and the Redevelopment Commission as originally provided in Ordinance No. 1992-10 with the exception that the new initial commission members shall be as follows: (Ord. 1995-01, S1, 1995)

1.70.020 Originally Established. The Town Council of Santa Claus, Indiana ("Town") deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a Department of Redevelopment. (Ord. 1992-10, S1, 1992)

1.70.030 Redevelopment Commission Board members. The Town Council hereby establishes the Department of Redevelopment of the Town. The Department will be controlled by a board of five members known as the Santa Claus Redevelopment Commission. (Ord. 1992-10, S2, 1992)

1.70.040 Appointments-Terms.

- (1) The President of the Town Council shall appoint three of the five members of the Santa Claus Redevelopment Commission.
- (2) The Town Council hereby appoints Alfred Hemmer and Ron Etienne as members of the Santa Claus Redevelopment Commission.
- (3) The initial term of office of the members of the Santa Claus Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 1997. (Ord. 1995-01, S2, 1995) (Ord. 1992-10, S4, 1992)

1.70.050 Taxing district. Pursuant to the Act all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Redevelopment District of Santa Claus for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 1992-10, S3, 1992)

Chapter 1.83

EXCEPTING PUBLIC RECORDS FROM DISCLOSURE

Sections:

1.83.010 Exceptions

1.83.010 Exceptions. Unless access or disclosure is specifically required by a state or federal statute or is ordered by a court under the rules of discovery, all records of the Town of Santa Claus, Indiana within the classes enumerated in I.C. §5-14-3-4(b) shall be excepted from access or disclosure pursuant to I.C. §5-14-3-3. (Ord. 2004-03, S1, Oct. 25, 2004)

Chapter 1.85

COMPENSATORY TIME-OFF FOR OVERTIME WORKED BY SALARY POLICE OFFICERS

Sections:

1.85.010 Compensatory Time-off Policy

1.85.020 Guidelines applicable to Compensatory Time

1.85.010 Compensatory Time-off Policy. The following policy shall be in full force and effect as of January 1, 2006. Any additions or deletions to this policy shall be at the discretion of the Santa Claus Town Council.

- (1) It shall be the policy of the Town Council of the Town of Santa Claus, Indiana that police officers for the Town of Santa Claus should attempt to complete all work within the scheduled work hours.
- (2) For those situations where work cannot be completed during the normal scheduled work hours, or in the event of a "call out" prior to or after the officer's normal working hours, the Town of Santa Claus will give salaried officers compensatory time off equal to the amount of time that officer works over forty hours in any work week. A "work week," for the purposes of this Ordinance, shall run from midnight Saturday to 11:59 p.m. the following Friday. (Ord. 2006-01, Mar. 13, 2006)

1.85.020 Guidelines applicable to Compensatory Time.

- (1) Compensatory time must be approved in advance by the Town Marshal or, if the Town Marshal is not available, by the Clerk-Treasurer.
- (2) Officers will be allowed to "bank" a maximum of 28 hours of compensatory time to be used at their discretion, so long as, in the judgment of the Town Marshal, use of such compensatory time off shall not create a disruption in services or adversely affect the Town's citizens.
- (3) All compensatory time earned that is not placed in an officer's compensatory time bank due to such officer having accumulated 28 hours of accrued compensatory time off during the calendar year must be used by the end of the pay period following the pay period in which the compensatory time was earned. In the event that it is impractical for an officer to use his or her accrued compensatory time off by the end of the following pay period, because to do so would create a disruption in services or adversely affect the Town's citizens, in the judgment of the Town Marshal, the affected officer will be required to make a written request to the Town Marshal requesting the use of compensatory time during the following pay period. If the Town Marshal cannot use his accrued compensatory time off by the end of the following pay period, because to do so would create a disruption in services

or adversely affect the town's citizens, he is required to make a written request to the Town Council President to use the compensatory time during the following pay period.

- (4) All compensatory time earned must be taken in half hour increments.
- (5) All compensatory time off earned during a calendar year generally should be used during that calendar year. If it is not possible for an officer to take the compensatory time off during the calendar year it is earned, the Town Council may elect, in the Town Council's sole and absolute discretion, to pay any banked hours up to 28 hours to the officer at their regular hourly rate of pay during the first pay period of the year following accrual of such compensatory time.
- (6) Upon termination of employment, and if the officer is in good standing with the Town, per Section 3:16 of the Personnel Policies, or if the officer is terminated because of layoff, per Section 2:11 of the Personnel Policies, the Town Council may elect, in the Town Council's sole and absolute discretion, to pay any compensatory time off banked by the officer, on the officer's last pay check.
- (7) The Town Council, in its discretion, may alter, amend or abrogate this Ordinance and the policies stated hereunder at any time and from time to time, and the terms and conditions of this Ordinance shall not constitute any right of any officer to any wages or other compensation except as stated herein, or to any guarantee of continued employment with the Town.
- (8) All compensatory time off earned and used during a pay period must be documented on an officer's time sheet and turned into the clerk-treasurer per section 4:03 of the Town's Personnel Policy Manual. (Ord. 2006-01, Mar. 13, 2006)

Chapter 1.86

LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FUND

Sections:

1.86.010	Established
1.86.020	Revenue received
1.86.030	Deposit of funds

1.86.010 Established. That there is hereby established a Town of Santa Claus Law Enforcement Continuing Education Program Fund as authorized by I.C. §5-2-8-2, which shall be funded with Law Enforcement Continuing Education Program fees collected by a clerk as listed in said statute and appropriated pursuant to I.C. §33-19-8-4. (Ord. 1992-15, S1, 1992)

1.86.020 Revenue received. All of said fees so appropriated shall be placed in the Santa Claus Law Enforcement Continuing Education Fund and shall be distributed to the Santa Claus Law Enforcement Agency for its continuing education program without further appropriation. (Ord. 1992-15, S2, 1992)

1.86.030 Deposit of funds. Money in the Santa Claus Law Enforcement Continuing Education Fund in excess of \$100 that is unencumbered and on deposit for at least one year from the date of its deposit, shall at the end of the fiscal year be deposited by the Town Clerk in the Law Enforcement Training Fund established by I.C. §5-2-1-13 (b) for the benefit of the Law Enforcement Academy. (Ord. 1992-15, S3, 1992)

Chapter 1.87

SPECIAL NONREVERTING TOWN MARSHAL FUND

Sections:

1.87.010	Established
1.87.020	Revenue received
1.87.030	Use of funds

1.87.010 Established. That there is hereby established a special nonreverting fund for the Santa Claus Town Marshal, which shall be known as the "Town Marshal Special Fund". (Ord. 2005-07, S1, June 27, 2005)

1.87.020 Revenue received.

- (1) Contributions to this fund shall be from North Spencer School Corporation/Heritage Hills High School for the provision of traffic direction and enforcement and vehicle "unlocking fees" all of which receipts the Town Council hereby appropriates to such Fund. (Ord. 2005-07, S2, June 27, 2005)
- (2) In addition, Operation Pullover grant monies received from the Indiana Criminal Justice Institute are allowed to be added to the Town Marshal Fund. These monies are to be receipted separately from all other monies receipted into the fund and only expended out for off-duty hours worked during Operation Pullover. (Ord. 2005-10, Nov. 28, 2005)

1.87.030 Use of funds. That expenditures may be made from the Town Marshal Special Fund at the discretion of the Santa Claus Town Marshal, while following purchase policies established by the Santa Claus Town Council, and with accumulated purchases during a year not to exceed \$1,000.00. Any accumulated purchases over \$1,000.00 must be approved in advance by the Santa Claus Town Council. (Ord. 2005-07, S3, June 27, 2005)

Chapter 1.90

SPECIAL NONREVERTING DONATION FUND FOR THE NORTH SPENCER COMMUNITY CENTER

Sections:

1.90.010	Established
1.90.020	Contributions
1.90.030	Use of funds
1.90.040	Termination

1.90.010 Established. That there is hereby established a Special Nonreverting Donations Fund for North Spencer Community Center Purposes, which shall be known as the “North Spencer Community Center Donation Fund”. (Ord. 1992-17, S1, 1992)

1.90.020 Contributions. That contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-17, S2, 1992)

1.90.030 Use of funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the North Spencer Community Center Purposes. (Ord. 1992-17, S3, 1992)

1.90.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on North Spencer Community Center purposes. (Ord. 1992-17, S4, 1992)

Chapter 1.92

WASTEWATER CONSTRUCTION PROJECT FUND

Sections:

1.92.010	Established
1.92.020	Contributions
1.92.030	Use of funds
1.92.040	Termination

1.92.010 Established. That there is hereby established a construction fund which shall be known as the “Santa Claus Wastewater Construction Project Fund”. (Ord. 1996-01, S1, 1996)

1.92.020 Contributions. That contributions to the fund shall be from grants, loans, private and/or public contributions, wastewater operating funds, and other sources. (Ord. 1996-01, S2, 1996)

1.92.030 Use of funds. That expenditures may be made from the fund without appropriation by the Santa Claus Town Council for the Wastewater Utility’s capital construction projects. (Ord. 1996-01, S3, 1996)

1.92.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at the time of termination shall be applied to the Wastewater Operating Fund for Wastewater Utility purposes. (Ord. 1996-01, S4, 1996)

Chapter 1.93

WATER CONSTRUCTION PROJECT FUND

Sections:

1.93.010	Established
1.93.020	Contributions
1.93.030	Use of funds
1.93.040	Termination

1.93.010 Established. That there is hereby established a construction fund which shall be known as the “Santa Claus Water Construction Project Fund”. (Ord. 1996-02, S1, 1996)

1.93.020 Contributions. That contributions to the fund shall be from grants, loans, private and/or public contributions, water operating funds, and other sources. (Ord. 1996-02, S2, 1996)

1.93.030 Use of funds. That expenditures may be made from the fund without appropriation by the Santa Claus Town Council for the Water Utility’s capital construction projects. (Ord. 1996-02, S3, 1996)

1.93.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at the time of termination shall be applied to the Water Operating Fund for Water Utility purposes. (Ord. 1996-02, S4, 1996)

Chapter 1.94

WATER CONSTRUCTION RETAINAGE FUND

Sections:

1.94.010	Established
1.94.020	Deposits
1.94.030	Accounts
1.94.040	Use of Funds
1.94.050	Termination

1.94.010 Established. There is hereby established a fund of the Town of Santa Claus which shall be know as the “Water Construction Retainage Fund”. (Ord. 2009-02, S1, Apr. 13, 2009)

1.94.020 Deposits. Any and all retainage amounts on invoices payable for the Water Project shall be deposited into the Fund by the Clerk-Treasurer upon receipt of payment or reimbursement of such retainage amount from the Indiana Finance Authority, Indiana State Revolving Loan Program and/or United States Department of Commerce. (Ord. 2009-02, S2, Apr. 13, 2009)

1.94.030 Accounts. The Clerk-Treasurer shall establish such non-interest bearing checking or other accounts, in her discretion, for the Fund. (Ord. 2009-02, S3, Apr. 13, 2009)

1.94.040 Use of Funds. Expenditures may be made from the fund upon approval of release of such retainage by the Town’s Waterworks Board. (Ord. 2009-02, S4, Apr. 13, 2009)

1.94.050 Termination. This Fund shall automatically terminate upon the completion of the Water Project and release of all retainage amounts in this Fund. (Ord. 2009-02, S5, Apr. 13, 2009)