

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapter 1.01

ELECTION OF TOWN COUNCIL MEMBERS AT LARGE

Sections:

1.01.010 Election of Town Council Members at large

1.01.010 Election of Town Council Members at large.

- (1) The Town legislative body districts are abolished.
- (2) All members of the legislative body are elected at large. (Ord. 1998-9, S1&2, Nov. 16, 1998) (Ord. 1975-1, S1, Jan. 6, 1975)

Chapter 1.02

CONDUCTING TOWN BOARD MEETINGS

Sections:

1.02.010	Rules
1.02.020	Meeting place
1.02.030	Meeting date and time
1.02.040	President to preside at meetings
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1.02.090	Recording of votes
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1.02.110	Appointment of standing committees
1.02.120	Order of business

1.02.010 Rules. Be it ordained by the Board of Trustees of the town of Chrisney, that the following rules shall be observed by the board for the conduct of their meetings. (Ord. No. II, S1, May 13, 1891)

1.02.020 Meeting place. The board shall have prepared in a suitable manner a convenient room where their meetings shall be regularly held. (Ord. No. II, S2, May 13, 1891)

1.02.030 Meeting date and time. They shall meet on the first and third Mondays of each month at 7 1/2 O'clock P.M. and at such other times as the Ordinance directs or they may from time to time appoint. (Ord. No. II, S3, May 13, 1891)

1.02.040 President to preside at meetings. The President shall take the chair at the appointed time and should he be absent some other member shall preside. The President at the request of any member may order the attendance of any member and any two members may on motion at any regular meeting of the board order the attendance of the President. (Ord. No. II, S4, May 13, 1891)

1.02.050 President to decide questions of order. The President shall decide all questions of order subject to any appeal to the board and shall preserve order and shall call to order any person who shall transgress any rule. (Ord. No. II, S5, May 13, 1891)

1.02.060 Voting. Every Trustee present shall vote upon each question under consideration unless he be interested therein or excused by the board. (Ord. No. II, S6, May 13, 1891)

1.02.070 Motions. Every motion shall, if required by any trustee, be reduced to writing and every motion when recorded shall be stated by the President, or if no writing shall be read

by the clerk, but may be withdrawn by the mover at any time before the results of the vote is announced, by the consent of the board. (Ord. No. II, S7, May 13, 1891)

1.02.080 Leaving meetings. No member may leave the board during a meeting except upon consent of the President. (Ord. No. II, S8, May 13, 1891)

1.02.090 Recording of votes. Every vote shall be taken by the yeas and nays, and at the request of any member the ayes and nays shall be recorded. (Ord. No. II, S9, May 13, 1891)

1.02.100 Governing by ordinary rules when not expressed in rules or ordinances. The Board shall be governed by the ordinary rules of proceedings in deliberate bodies when not expressed in the Rules or Ordinances. (Ord. No. II, S10, May 13, 1891)

1.02.110 Appointment of standing committees. The President shall appoint the following standing committees:

1st – Committee on claims

2nd – Committee on Public Property

3rd – Committee on Salary

4th – Committee on Streets and Alleys

To whom shall be referred from time to time for examination business that may be presented to the Board. (Ord. No. II, S11, May 13, 1891)

1.02.120 Order of business. The business of each meeting shall be considered in the following order:

1st Reading and correction of Records of the previous meetings

2nd Receiving and referring claims

3rd Reports and committees and action thereon

4th Unfinished Business

5th New Business (Ord. No. II, S12, May 13, 1891)

Chapter 1.05

CLAIM PAYMENTS

Sections:

1.05.010 Claim payments in advance of board allowance

1.05.010 Claim payments in advance of board allowance.

- (1) Notwithstanding I.C. 5-11-10, the Town fiscal officer may make claim payments in advance of a Board allowance for the following types of expenses:
 - A. Property or services purchased or leased from:
 1. The United States government; or
 2. An agency or a political subdivision of the United States government.
 - B. License fees or permit fees.
 - C. Insurance premiums.
 - D. Utility payments or utility connection charges.
 - E. Federal grant programs if:
 1. Advance funding is not prohibited; and
 2. The contracting party provides sufficient security for the amount advanced.
 - F. Grants of state funds authorized by statute.
 - G. Maintenance agreements or service agreements.
 - H. Lease agreements or rental agreements.
 - I. Principal and interest payments on bonds.
 - J. Payroll.
 - K. State, federal, or county taxes.
 - L. Expenses that must be paid because of emergency circumstances.

M. Expenses described in an ordinance. (Ord. 2000-5, SA, June 5, 2000)

- (2) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer. (Ord. 2000-5, SB, June 5, 2000)
- (3) The Town legislative body or the Board having jurisdiction over the allowance of the claim shall review and allow the claim at the body's or Board's next regular or special meeting following the preapproved payment of the expense. (Ord. 2000-5, SC, June 5, 2000)

Chapter 1.06

FIXED ASSET CAPITALIZATION POLICY

Sections:

- 1.06.010 Definitions and provisions
- 1.06.020 Recording and accounting
- 1.06.030 Safeguarding of assets

1.06.010 Definitions and provisions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Tangible 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 & fixtures).
- (2) "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: This Town will capitalize all land purchases, regardless of cost. Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharves, and storm water collection.

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 benefit]), such as demolishing buildings, excavating, 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. MACHINERY AND EQUIPMENT: The definition of machinery and equipment is: an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

This Town will capitalize and tag items with an individual value equal to or greater than \$750. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, (including contractors and/or Town works [salary and benefits]), which makes such equipment operable for its intended purpose will be capitalized.

Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

1. Total costs exceed \$750,
2. The useful life is extended two or more years, and
3. The total costs will be greater than the current book value and less than the fair market value.

Examples include:

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

If police cars are constantly changing light bars or radios to other vehicles, the Town will capitalize each piece of equipment separately, if it meets the required dollar amount.

A department's computer (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 with any associated costs.

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

- C. **BUILDINGS:** 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.

A department's new building will be capitalized only if it meets the following conditions:

1. The total cost exceeds \$5,000, and
2. The useful life is greater than two years.

A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

1. The total cost exceeds \$5,000,
2. The useful life is extended two or more years, and
3. The total cost will be greater than the current book value and less than the fair market value.

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 with any associated costs.

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

- D. **IMPROVEMENTS OTHER THAN BUILDINGS:** The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years.

Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon Town-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon Town-owned land for use by the public and for the support of our facility are capital assets.

This Town will capitalize new improvements other than buildings only if it meets the following conditions:

1. The total cost exceeds \$5,000, and
2. The useful life is greater than two years.

A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

1. The total cost exceeds \$5,000,
2. The asset's useful life is extended two or more years, and
3. The total cost will be greater than the current book value and less than the fair market value.

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

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

- (3) "Historical Cost". The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the historical cost attribute.
- (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 Chrisney, Indiana shall include the municipally owned water and sewage utilities. Operation of these utilities shall require enterprise fund accounting and reporting. (Ord. 2000-7, S1, June 5, 2000)

1.06.020 Recording and accounting. 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 Cities and Towns 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 historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

The Town's municipally owned utilities shall record acquisition of Fixed Assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

- (1) Assets acquired for a lump-sum purchase price
- (2) Purchase on deferred payment contract
- (3) Acquisition under capital lease
- (4) Acquisition by exchange of nonmonetary assets
- (5) Acquisition by issuance of securities
- (6) Acquisition by self-construction
- (7) Acquisition by donation or discovery

Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities the valuation of assets shall be based on historical cost.

In addition, an asset register (prescribed form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit. (Ord. 2000-7, S2, June 5, 2000)

1.06.030 Safeguarding of assets. Be it 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 principles.
- (3) Adequate detail 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. 2000-7, S3, June 5, 2000)

Chapter 1.07

TRAVEL, FOOD, LODGING REIMBURSEMENT

Sections:

- 1.07.010** **Mileage**
- 1.07.020** **Meals and lodging**

1.07.010 Mileage. That members of the Town Council and Town employees, when engaged in travel on behalf of the Town, shall be reimbursed for travel in their private vehicles at the rate of twenty-eight cents (\$0.28) per mile or such greater or lesser amount as is adopted by the State of Indiana for reimbursement of its employees. (Ord. 2000-6, S1, June 5, 2000)

1.07.020 Meals and lodging. That during such travel, on behalf of the Town, the members of the Town Council and Town employees shall be reimbursed for their reasonable and necessary meal expense and reasonable and necessary lodging expense. (Ord. 2000-6, S2, June 5, 2000)

Chapter 1.08

MOTOR VEHICLE DRIVING POLICY BY TOWN EMPLOYEES

Sections:

1.08.010	Purpose
1.08.020	Definitions
1.08.030	Operator's Licenses
1.08.040	Duty to Operate Safely and Legally
1.08.050	Operation Under the Influence of Substances, Distracted Driving and Other Unsafe Practices
1.08.060	Accident Reports
1.08.070	Discipline

1.08.010 Purpose. To assure that employee drivers of the Town of Chrisney maintain a current valid Indiana operator's license and operate vehicles in a safe and lawful manner in compliance with the laws of the State of Indiana. (Res. 2017-3, SI, Mar. 6, 2017)

1.08.020 Definitions. The term "employee driver(s)" shall mean any and all paid or unpaid employees, applicants for employment, volunteers and other persons who may be required or permitted to operate any motor vehicle while performing that person's duties on behalf of the Town. (Res. 2017-3, SII, Mar. 6, 2017)

1.08.030 Operator's Licenses.

- (1) Each employee driver of the Town shall at all times maintain a current valid Indiana operator's license. Any employee driver failing to maintain a current valid operator's license shall be prohibited from operating any motor vehicle while performing any duties on behalf of the Town.
- (2) Any employee driver whose operator's license is suspended, revoked or otherwise invalid is immediately prohibited from operating any vehicle while performing that person's duties on behalf of the Town. Each employee driver shall immediately notify his/her immediate supervisor if his/her operator's license has been suspended, revoked or become invalid in any way. Each employee driver is responsible for knowing the status of his/her operator's license.
- (3) In order to ensure compliance with the foregoing requirements, each employee driver shall provide to the Town's designated representative a copy of his/her operator's license and shall further execute, as frequently as required by the Town, a consent for driver's license record check. It shall be the responsibility of the Clerk-Treasurer to obtain and review an Indiana Bureau of Motor Vehicles driver's license abstract for each applicant for

employment for an employee driver position. The Clerk-Treasurer shall obtain and review an Indiana Bureau of Motor Vehicles driver's license abstract for all existing employee drivers at her discretion. (Res. 2017-3, SIII, Mar. 6, 2017)

1.08.040 Duty to Operate Safely and Legally. Each employee driver is required to operate motor vehicles in a safe and legal manner whether on or off duty with the Town. This includes the use of seatbelts by all employee drivers and their passengers at all times required by law and compliance with any restrictions on the employee driver's operator's license. Any employee who is found guilty or pays a bond forfeiture on an offense for which points may be charged under 140 IAC 1-4.5-10 shall immediately report that fact to the Clerk-Treasurer. This requirement shall apply to all offenses described above regardless of whether the offense is committed while the employee driver is on or off duty with the Town. (Res. 2017-3, SIV, Mar. 6, 2017)

1.08.050 Operation Under the Influence of Substances, Distracted Driving and Other Unsafe Practices. Employee drivers shall not operate any motor vehicle while performing duties on behalf of the Town while impaired due to alcohol, prescription or nonprescription drugs or any other legal or illegal substance(s). Employee drivers shall not at any time engage in any activities that distract their attention from the operation of any motor vehicles while performing duties on behalf of the Town. This shall include but not limited to the use of cellular telephones, computers, electronic navigation devices and/or text messaging devices. (Res. 2017-3, SV, Mar. 6, 2017)

1.08.060 Accident Reports. An employee driver involved in a motor vehicle accident while performing duties on behalf of the Town shall cooperate in the filing of all law enforcement reports required by law and, in addition, shall immediately inform his/her his or her supervisor and complete a full and accurate report on the form prescribed by the Town. (Res. 2017-3, SVI, Mar. 6, 2017)

1.08.070 Discipline. The failure to comply with any of the foregoing requirements, a conviction or payment of a bond forfeiture as described above and/or the imposition of a driving prohibition as described above may result in disciplinary action including, but not limited to, placement on restricted duty, administrative leave, suspension or termination. (Res. 2017-3, SVII, Mar. 6, 2017)

Chapter 1.09

UTILITY CLERK

Sections:

1.09.010 Duties of the Utility Clerk

1.09.010 Duties of the Utility Clerk.

- (1) The utility clerk shall receive and deposit all monies relating to the gas, water and sewer utilities.
- (2) The utility clerk shall keep accounts showing when and from what sources he has received money relating to the gas, water and sewer utilities.
- (3) The utility clerk shall keep accounts showing when and to whom all disbursements have been made relating to the gas, water and sewer utilities.
- (4) The utility clerk shall file each month with the Clerk-Treasurer of the Town and with the Board of Trustees of the Town a statement showing the receipts and disbursements of the gas, water and sewer utilities for the preceding month and the balance in each utility. (Ord. 1982-3, July 5, 1982)

Chapter 1.10

ALCOHOL AND SUBSTANCE ABUSE POLICY

Sections:

- 1.10.010 Coverage**
- 1.10.020 Policy**
- 1.10.030 Pre-employment substance screening**
- 1.10.040 Employee responsibilities**
- 1.10.050 Consequences of sale, distribution or use of illegal substances**
- 1.10.060 Use of medication and prescription drugs**
- 1.10.070 Confidentiality**
- 1.10.080 Severability**

1.10.010 Coverage. This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Res. unnumbered, Nov. 7, 1994)

1.10.020 Policy. All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Res. unnumbered, Nov. 7, 1994)

1.10.030 Pre-employment substance screening. All applicants for full-time or part time employment with the Town are required to submit to a medical examination prior to their appointment to a Town position. As part of this medical examination, prospective employees will be screened for a range of chemical substances, those chemical substances shall include but not necessarily be limited to the following:

- (1) Amphetamine/Methamphetamine (e.g. Speed)
- (2) Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- (3) Barbiturates (e.g. Amobarbital, Butabarbital, Pentobarbital, Phenobarbital)
- (4) Cocaine
- (5) Methadone
- (6) Methaqualone (e.g. Quaalude)
- (7) Opiates (e.g. Codeine, Heroin, Morphine)
- (8) Phencyclidine (PCP)

- (9) TDC (Marijuana and other cannabanoids)
- (10) Alcohol
- (11) Lysergic Acid Diethylamide (LSD)

These substance groups were selected based upon known abuse in the general area of the Town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under State and Federal Law.

At the time of the medical examination applicants for full-time or part-time employment will be told of the substance or controlled substance and alcohol screening and will be told and will be required to sign a consent form to permit such screening and provide appropriate bodily fluids for such screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for such screening or who attempt to tamper with screening samples will not be eligible for employment with the Town.

Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result the individual will not be disqualified from Town employment on account of the substance screen. If the second screen confirms the positive test result the applicant may be disqualified from consideration for Town employment. The applicant will be notified of the positive results from the second screen and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within seventy-two (72) hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result the prospective employee will be disqualified from employment with the Town.

All screens will be made on the same sample by a firm selected by the Town. An applicant whose screen shows positive result will have twenty-four (24) hours after receiving such notification of positive screen results to provide verification of a current verification of a current valid prescription in the applicant's name.

The required medical examination, and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the Town.

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Res. Unnumbered, Nov. 7, 1994)

1.10.040 Employee responsibilities. Employees who have a substance abuse problem are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area of Spencer County, Indiana and the area within 60 miles of the Town.

Given the importance of maintaining a work environment without the presence of alcohol and drugs and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered through various treatment facilities throughout the area of Spencer County, Indiana and the area within 60 miles of the Town,

substance abuse which adversely effects job performance will not be tolerated. This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts job performance will be appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

- (1) EMPLOYEE RESPONSIBILITIES include but are not necessarily limited to the following:
 - A. An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
 - B. An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
 - C. An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
 - D. An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
 - E. An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
 - F. An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;
 - G. An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
 - H. An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statue for a violation occurring in the employee's work place, not later than five (5) days after such conviction.

- (2) **SUBSTANCE SCREENING FOR CURRENT EMPLOYEES.** Town employees are subject to substance screening if there is a reasonable suspicion that while on duty they are impaired. Impaired is defined as being unable to perform duties safely and completely due to the use of alcohol and/or controlled substances. Reasonable suspicion is a belief based on objective fact sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employee's ability to perform his job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:
- A. Odor of alcoholic beverage upon the employee's breath
 - B. Erratic behavior
 - C. Violent mood swings
 - D. Excessive absenteeism
 - E. Repeated tardiness
 - F. Inability to walk a straight line
 - G. Open and obvious possession of alcohol and/or illegal controlled substances
 - H. Slurred speech
 - I. An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances
 - J. Possession of drug paraphernalia or alcohol beverage containers
 - K. A report of a reliable witness indicating use or possession of drugs or alcohol.

A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform such screening for the Town.

Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall

provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include but not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities at the Spencer County Police Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employee's name.

The discipline for failing to sign a consent form to permit screening, for failure to provide appropriate bodily fluids for screening or for being under the influence of alcohol and/or non-prescribed controlled substances will be the basis for appropriate employee sanctions including the sanction of termination. Such determination will be made on the basis of the employee's prior work related history, previous disciplinary actions, and any prior identification of substance abuse problems. An employee who receives a positive result in substance abuse screening will receive at a minimum of five (5) day suspension without pay. An employee who refuses to sign a consent form to permit screening, or who fails to provide appropriate bodily fluids for screening will receive at a minimum of a five (5) day suspension without pay.

In addition to the disciplinary procedure as outlined above and if an employee substance abuse problem has been identified, the supervisor and/or department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of its continued employment, shall be paid by the employee.

If the Town receives notification of any employee conviction of a drug offense which occurred in the employee's work place, or if the Town receives notification of an employee violation of the terms of the Policy herein stated, the Town shall, within thirty (30) days after receipt of said notice either;

- Impose a sanction on the employee, which may include employee termination; or
- Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Res. Unnumbered, Nov. 7, 1994)

1.10.050 Consequences of sale, distribution or use of illegal substances. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Res. Unnumbered, Nov. 7, 1994)

1.10.060 Use of medication and prescription drugs. All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employee indicates that there is need to use the prescription drug for an extended period of time. (Res. Unnumbered, Nov. 7, 1994)

1.10.070 Confidentiality. The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Res. Unnumbered, Nov. 7, 1994)

1.10.080 Severability. The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Res. Unnumbered, Nov. 7, 1994)

Chapter 1.11

PERSONNEL POLICY

Sections:

- 1.11.010 GENERAL PROVISIONS**
 - 1.11.010.001 Purpose**
 - 1.11.010.002 Position covered**
 - 1.11.010.003 Administration and revision of personnel policies**
- 1.11.020 DEFINITION OF TERMS**
- 1.11.030 CONDITIONS OF EMPLOYMENT**
 - 1.11.030.001 Hours of work and attendance**
 - 1.11.030.002 Holidays**
 - 1.11.030.003 Vacation**
 - 1.11.030.004 Worker's Compensation**
 - 1.11.030.005 Leave of absence**
 - 1.11.030.006 Compensated absences**
 - 1.11.030.007 Training**
 - 1.11.030.008 Insurance coverage**
 - 1.11.030.009 Funeral leave**
 - 1.11.030.010 Jury duty**
- 1.11.040 WAGE AND SALARY PROGRAM**
 - 1.11.040.001 Purpose**
 - 1.11.040.002 Pay day**
- 1.11.050 PROBATIONARY PERIOD**
 - 1.11.050.001 Period of probation**
 - 1.11.050.002 Performance appraisal**
 - 1.11.050.003 Termination of probation**
 - 1.11.050.004 Benefits during probationary period**
- 1.11.060 DISCIPLINARY ACTION**
 - 1.11.060.001 Discharge and suspension**
 - 1.11.060.002 Disciplinary actions**
 - 1.11.060.003 Immediate suspension/dismissal**
- 1.11.070 CODE OF ETHICS**

1.11.010 GENERAL PROVISIONS.

1.11.010.001 Purpose. The purpose of this Personnel Policy Manual is to bring into the Town of Chrisney, Indiana a high degree of understanding, cooperation, efficiency, service and unity that comes through the systematic application of workable guidelines for the control of personnel activities. The fundamental objectives of personnel administration are:

- (1) To promote an esprit de corps that comes with discipline;

- (2) To promote and increase economy and efficiency in Town service;
- (3) To promote fair and equal opportunity to all qualified people to enter Town employment;
- (4) To develop a program of recruitment and advancement that will make Town service attractive as a career, and encourage each employee to give his best service to the Town. (Personnel Policy, Chapter I, SA, June 1, 1998)

1.11.010.002 Position covered. These personnel policies shall apply to all employees of the Town of Chrisney, Indiana unless otherwise provided. (Personnel Policy, Chapter I, SB, June 1, 1998)

1.11.010.003 Administration and revision of personnel policies. These personnel policies shall be administered by the Town Council of the Town of Chrisney, Indiana, in conformity with applicable Town ordinances and state statutes governing civil service in towns in Indiana.

Revisions may be proposed from time to time by the Town Council of the Town of Chrisney, Indiana, or any other interested party. It is desirable that advanced notice be given to employees on any revisions which shall become effective upon formal approval by the Town Council. (Personnel Policy, Chapter I, SC, June 1, 1998)

1.11.020 DEFINITION OF TERMS.

As used in these rules, unless the context clearly requires otherwise.

Council: Refers to the Town Council of the Town of Chrisney, Indiana.

Discharge: The involuntary separation or removal of an employee and the termination of all employment benefits.

Layoff: A separation from the Town service because of a shortage of funds or materials, the abolishment of a position or for other reasons beyond the control of an employee and not reflecting discredit on the employee.

Overtime: Straight time is paid for the first forty (40) hours per week. Time and one-half is paid in the form of Compensatory Time Off for hours in excess of forty (40) per week. Authorized vacation, sick and holiday leave shall be considered as paid hours.

Regular Employees: Any employee working in a position which is designated and approved as a permanent position by the Town Council and who has satisfactorily completed a probationary period and whose length of employment is not limited is a regular employee. This generally refers to working a consistently scheduled work week, year after year with no breaks in service.

Personnel Transaction: Any action affecting the status of an employee, such as: employment, compensation, promotion, demotion, transfer, layoff or dismissal.

Probationary Period: A working test period of ninety (90) days during which a newly appointed employee is required to demonstrate their fitness for a position by actual performance of duties of the position.

Town: Refers to the Town of Chrisney, Indiana. (Personnel Policy, Chapter II, June 1, 1998)

1.11.030 CONDITIONS OF EMPLOYMENT.

1.11.030.001 Hours of work and attendance.

- (1) The established work pattern for regular employees shall be eight (8) hours for a normal day's work, and forty (40) hours for a normal week's work to be completed in five (5) days. Overtime or compensation time will be given only for hours worked in excess of the 40 hour work week.
- (2) The work day will be determined by the Town based on the immediate needs. Beginning and ending times will be recorded each day by the Supervisor. Vacation days, sick days, compensated absences and leaves of absence will be recorded by the Clerk-Treasurer. (Personnel Policy, Chapter III, SA, June 1, 1998)

1.11.030.002 Holidays. The following days are designated as holidays with pay:

New Year's Day	Good Friday (afternoon)
Memorial Day	Independence Day
Labor Day	Thanksgiving Day
Christmas Day	General Election Day (4 hours)
Primary Election Day (4 hours) (Personnel Policy, Chapter III, SB, June 1, 1998)	

1.11.030.003 Vacation. Vacation days will be given to employees based on service time. Five (5) eight (8) hour days will be given during employees first year of service time. Ten (10) eight (8) hour days will be given after two (2) years of service time. Fifteen (15) eight (8) hour days will be given after eight (8) years of service time. Twenty (20) eight (8) hour days will be given after fifteen (15) years of service time. Advance scheduling of vacation time must be given to the Supervisor and approved prior to taking vacation days. (Ord. 2022-9, Sept. 12, 2022) (Ord. 2017-10, Dec. 4, 2017) (Personnel Policy, Chapter III, SC, June 1, 1998)

1.11.030.004 Worker's compensation.

- (1) An employee who is disabled because of an injury or illness sustained directly in the performance of their work shall be covered by the provisions of the Indiana Worker's Compensation Act.
- (2) Any accident, injury, or illness received on the job must be reported to the Supervisor immediately. All employees shall explain the circumstances of the incident in a signed statement to the Town Council. (Personnel Policy, Chapter III, SD, June 1, 1998)

1.11.030.005 Leave of absence. All leaves of absence must be approved by the Supervisor, Clerk-Treasurer, or two (2) Council members if leave exceeds one (1) days. (Personnel Policy, Chapter III, SE, June 1, 1998)

1.11.030.006 Compensated absences. Personal days will be given three (3) days per year and five (5) sick days will be given per year. Sick days may be accrued up to fifteen (15) days. The employee shall notify the Supervisor of an absence twenty-four (24) hours before starting time of the requested day to be used. (Personnel Policy, Chapter III, SF, June 1, 1998)

1.11.030.007 Training. All training days for Continuing Education Unit (CEU) shall be approved by at least one (1) Council member with pay not to exceed that of eight (8) hours. (Personnel Policy, Chapter III, SG, June 1, 1998)

1.11.030.008 Insurance coverage. Regular employees are eligible to participate in any medical insurance plan provided by the Town. Eligibility for insurance will comply with requirements set by the insurance company providing coverage. (Personnel Policy, Chapter III, SH, June 1, 1998)

1.11.030.009 Funeral leave.

- (1) Regular employees upon the death of a member of your immediate family, you will receive up to three (3) days funeral leave with pay, one of which must be the date of the funeral. For the purpose of this policy, immediate family members include: spouse, son or daughter, mother or father, brother or sister.
- (2) Upon the death of a member of your extended family, you will receive one (1) day of funeral leave with pay. For the purpose of this policy extended family members include: grandparent, grandchild, aunt, uncle, nephew, niece. In the event you request time off in addition to the above, the request may be granted but it will be without pay and is subject to your Supervisor's approval. (Personnel Policy, Chapter III, SI, June 1, 1998)

1.11.030.010 Jury duty. When a regular employee is required to serve on jury duty, the Town will make up the difference between jury pay and base salary. Any time during an employee's scheduled work day that he is not required to be in court should be spent at

work unless the time available is less than one (1) hour. Time missed for jury duty is not deducted from an employee's allowed personal days. (Personnel Policy, Chapter III, SJ, June 1, 1998)

1.11.040 WAGE AND SALARY PROGRAM.

1.11.040.001 Purpose. A wage and salary program is administered in order to attract and retain qualified personnel at all levels within the Town. Salary ranges for individual positions are based on the level of responsibility of the position. Any adjustment in an employee's pay may be directly related to attendance, punctuality demonstrated performance and the recommendations of the employee's Supervisor. Employees should understand that it is one function of the Town Council to set the number of employees and salaries after considering the recommendation of the Supervisor. (Personnel Policy, Chapter IV, SA, June 1, 1998)

1.11.040.002 Pay day. Payroll is paid to each employee on the 1st and 15th days of each month with adjust on weekends and holidays. (Personnel Policy, Chapter IV, SB, June 1, 1998)

1.11.050 PROBATIONARY PERIOD.

1.11.050.001 Period of probation. Once your employment begins with the Town as a regular employee, you will have a probationary period of up to ninety (90) calendar days. The purpose of the probationary period is for you to have the opportunity to become adjusted to your position, to demonstrate proper attitudes and abilities and for the Town to evaluate your performance. (Personnel Policy, Chapter V, SA, June 1, 1998)

1.11.050.002 Performance appraisal. Your Supervisor should complete a performance appraisal of your work and review it with you during your probationary period. (Personnel Policy, Chapter V, SB, June 1, 1998)

1.11.050.003 Termination of probation. Continued employment requires satisfactory completion of your probationary status. (Personnel Policy, Chapter V, SC, June 1, 1998)

1.11.050.004 Benefits during probationary period.

- (1) Probationary employees do not receive any employee benefits except worker's compensation and unemployment compensation. Eligibility for benefits is determined under I.C. 2-3 and I.C. 22-4.
- (2) Eligibility for medical insurance is determined under the rules and regulations of the insurer. (Personnel Policy, Chapter V, SD, June 1, 1998)

1.11.060 DISCIPLINARY ACTION.

1.11.060.001 Discharge and suspension. The Employer shall not discharge nor suspend any employee without just cause, but in respect to discharge or suspension, shall give the following notices in writing:

- (1) Initial counseling
- (2) Disciplinary notice
- (3) 1st Probation
- (4) Suspension
- (5) Discharge

Each employee may request and receive a hearing before the Town Council after being discharged concerning the reason for the discharge. (Personnel Policy, Chapter VI, SA, June 1, 1998)

1.11.060.002 Disciplinary actions. The following are the reasons for disciplinary actions against any employee:

- (1) Failure to follow safe practices
- (2) Harassing and/or solicitation during an employee's work time
- (3) Failure to report an accident or injury at work
- (4) Excessive absenteeism
- (5) Misrepresentation of time worked
- (6) Unsatisfactory work performance
- (7) Failure to follow Supervisor's direction
- (8) Failure to follow employee appearance standards
- (9) Repeated failure to be at work on time
- (10) Stopping work before specified time
- (11) Using abusive or improper language
- (12) Leaving the job without permission
- (13) Dishonesty

- (14) Restricting output of work performance (Personnel Policy, Chapter VI, SB, June 1, 1998)

1.11.060.003 Immediate suspension/dismissal. The following are the reasons for immediate suspension/dismissal of any employee:

- (1) Falsifying any information on official records of the Town of Chrisney
- (2) Absence from work for three (3) days without having given proper notice
- (3) Reporting to work under the influence of alcohol or drugs or the possession of either on company time
- (4) Unauthorized possession of weapons
- (5) Attempting to injure another person by physical attack or malicious statements about an employee of the Town or the Town
- (6) Personal conduct that discredits the Town of Chrisney
- (7) Stealing
- (8) Destruction of Town property
- (9) Divulging confidential information
- (10) Sabotage
- (11) Conviction of a felony or serious misdemeanor
- (12) Discrimination
- (13) Willful violation of the Town's personnel plan (Personnel Policy, Chapter VI, SC, June 1, 1998)

1.11.070 CODE OF ETHICS.

A town is judged by the collective and individual performance of its employees. Thus, we traditionally have recognized that your first duty to the town is to act in all things in a manner that merits public trust and confidence.

Confidential information with respect to the Town shall be used solely for Town purposes and under no circumstance's revealed to unauthorized persons or used for personal gain.

Employees shall not be actively engaged in business or employment which interferes with their duties to the Town or divides their loyalty or allows a possible conflict of interest. (Personnel Policy, Chapter VII, June 1, 1998)

Chapter 1.12

RESERVE TOWN MARSHALS

Sections:

1.12.010 Reserve Town Marshals

1.12.010 Reserve Town Marshals.

- (1) The Town shall have 3 reserve town marshal(s). (Ord. 1998-5, S1, May 18, 1998)
- (2) The reserve town marshal(s) shall be appointed by the Town Council. (Ord. 1998-5, S2, May 18, 1998) (Ord. 53, S1, Sept. 19, 1910)
- (3) The reserve town marshal(s) shall be known by the name of "Reserve Town Marshal." (Ord. 1998-5, S3, May 18, 1998)
- (4) The reserve town marshal(s) may not be members of the regular police department of the Town but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of reserve town marshals. (Ord. 1998-5, S4, May 18, 1998)
- (5) To the extent that money is appropriated for a purpose listed in this subsection, reserve town marshals may receive any of the following:
 - A. A uniform allowance.
 - B. Compensation for time lost from other employment because of court appearances.
 - C. Insurance for life, accident, and sickness coverage. (Ord. 1998-5, S5, May 18, 1998)
- (6) The reserve town marshals are not eligible to participate in any pension program provided for regular members of the department. (Ord. 1998-5, S6, May 18, 1998)
- (7) A reserve town marshal may not be appointed until he has completed the training and probationary period specified by rules of the department. (Ord. 1998-5, S7, May 18, 1998)
- (8) A reserve town marshal appointed by the department after June 30, 1993, may not:

- A. Make an arrest;
- B. Conduct a search or a seizure of a person or property; or
- C. Carry a firearm;

unless the reserve town marshal successfully completes a pre-basic course under I.C. 5-2-1-9(f). (Ord. 1998-5, S8, May 18, 1998)

- (9) A reserve town marshal may be covered by the medical treatment and burial expense provisions of the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational disease law (IC 22-3-7). If compensability of the injury is an issue, the administrative procedures of IC 22-3-2 through IC 22-3-7 shall be used to determine the issue. (Ord. 1998-5, S9, May 18, 1998)

Chapter 1.13

LAW ENFORCEMENT FEES FUND

Sections:

- 1.13.010 Created**
- 1.13.020 Depositing of fees**
- 1.13.030 Fees for services**
- 1.13.040 Use of fund**

1.13.010 Created. There is hereby created a Law Enforcement Fees Fund. (Ord. 1998-3, S1, April 6, 1998)

1.13.020 Depositing of fees. All fees received by the Clerk-Treasurer of the Town of Chrisney for gun permit applications, vehicle identification number (V.I.N.) checks, accident reports, and photographs of accidents shall be deposited by the Clerk-Treasurer in the Law Enforcement Fees Fund. (Ord. 1998-3, S2, April 6, 1998)

1.13.030 Fees for services. The Town Marshal is hereby authorized to charge the following fees for the indicated services:

Gun Permit Applications (I.C. 35-47-2-3)	\$ 10.00
Vehicle Identification Numbers (V.I.N.) Checks (I.C. 9-29-4-2)	\$ 5.00
Accident Reports (I.C. 9-29-11-1)	\$ 10.00
Photographs of Accidents (Must take all photographs)	\$ 5.00 each
which fees shall be paid to the Clerk-Treasurer and deposited in the Law Enforcement Fees Fund. (Ord. 1998-3, S3, April 6, 1998)	

1.13.040 Use of fund. The Law Enforcement Fees Fund shall be used by the Town of Chrisney only for law enforcement training, or law enforcement education, or purchase of law enforcement equipment. (Ord. 1998-3, S4, April 6, 1998)

Chapter 1.14

PROHIBITING USE OF EXCESSIVE FORCE AGAINST CIVIL RIGHTS DEMONSTRATIONS

Sections:

1.14.010 Policy

1.14.010 Policy. That it is the policy of the Town of Chrisney, Indiana, that no law enforcement agencies within the Town of Chrisney, Indiana may use excessive force against any individuals engaged in non-violent civil rights demonstrations, in accordance with Section 519 of Public Law 101-144. (the HUD Appropriation Act) (Res. Unnumbered, June 3, 1991)

Chapter 1.15

POLICE DONATION FUND

Sections:

- 1.15.010** **Established**
- 1.15.020** **Official designation**

1.15.010 Established. There is hereby established a fund for donations and fund raising money for general police purposes for the Chrisney Police Department. (Ord. 2000-8, S1, June 5, 2000)

1.15.020 Official designation. This fund is designated the “Police Donation Fund.” (Ord. 2000-8, S2, June 5, 2000)

Chapter 1.16

CONFLICT OF INTEREST POLICY

Sections:

1.16.010	Purpose
1.16.020	Accepted Gratuities
1.16.030	Policy

1.16.010 Purpose.

- (1) The Town of Chrisney ("Town") recognizes the importance of eliminating conflicts of interest in the conduct of Town business;
- (2) Conflicts of interest are not only against State and Federal law and regulations, but are also detrimental to the Town's good reputation and the public's confidence in Town government;
- (3) The Town Council also recognizes the value of the collaboration that occurs at special events and functions such as conferences, dinners and social gatherings in which members of the Town Council, Town officials and employees may be guests of one or more vendors or service providers that do business with the Town; and
- (4) The Town Council wishes to fulfill both the letter and the spirit of State and Federal laws and regulations addressing potential conflicts of interest, and desires to establish a dollar threshold of Three Hundred Dollars (\$300) below which any financial interest or value of any gratuity is not substantial, or the gift is an unsolicited item of nominal value. (Ord. 2022-6, Preamble, July 14, 2022)

1.16.020 Accepted Gratuities. The dollar value of Three Hundred Dollars (\$300) below which any financial interest or value of any gratuity is not substantial and may be accepted. (Ord. 2022-6, S1, July 14, 2022)

1.16.030 Policy. The Town Council of the Town of Chrisney, Indiana establishes and adopts the following policy. (Ord. 2022-6, S2, July 14, 2022)

CONFLICT OF INTEREST POLICY

This policy applies to all public officials of the Town of Chrisney, elected or appointed; and to all employees of the Town of Chrisney, Indiana.

No member of the Town Council, elected or appointed officer or official, or employee of the Town of Chrisney, Indiana shall accept or solicit gratuities, favors, or anything of monetary value from consultants, lobbyists or potential consultants or lobbyists, or parties to subagreements, unless the gratuity or favor is in accordance with this policy. This prohibition does not include gratuities, favors, social gatherings, or anything of a monetary value of less than Three Hundred Dollars (\$300) shall be considered not substantial in accordance with applicable Federal Regulations.

No member of the Town Council, elected or appointed officer or official, or employee of the Town may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, official, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Any member of the Town Council must abstain from any vote where there is a conflict of interest. Any employee or agent of the Town that fails to disclose a conflict of interest is subject to discipline, up to and including termination.

This policy supplements any Indiana or Federal law concerning conflicts of interest. All Town employees, officials or agents are subject to all applicable Indiana and Federal law concerning conflicts of interest. Violations of State and Federal law concerning conflicts of interest subject employees and officials to Town discipline, up to and including termination and/or removal from office as allowed under applicable State and Federal law.

Chapter 1.18

ENFORCING BY-LAWS, ORDINANCES, RULES OR REGULATIONS

Sections:

- 1.18.010** All prosecutions shall be carried out in the name of the Town of Chrisney
- 1.18.020** Collection of fines and penalties
- 1.18.030** Issuing of warrants
- 1.18.040** Judgement

1.18.010 All prosecutions shall be carried out in the name of the Town of Chrisney. That the style of process shall be the Corporation of the Town of Chrisney.

All prosecutions shall be commenced and carried on in the name and by the authority of the Corporation of the Town of Chrisney, and all indictments shall conclude against the peace and dignity of the same and contrary to Ordinances in such cases made and provided and all prosecutions for violations of any of the By-laws, Ordinances, Rules or Regulations of the Town of Chrisney shall be conducted before any Justice of the Peace of said town. (Ord. No. II, S1, May 13, 1891)

1.18.020 Collection of fines and penalties. All actions brought to recover any penalty incurred under any Ordinance, By-laws, Rules or Regulations of the Corporation of the Town of Chrisney shall be brought in the name of the Town of Chrisney, and all fines and penalties, when collected shall be paid into the Treasury of said town. (Ord. No. II, S2, May 13, 1891)

1.18.030 Issuing of warrants. The first process in every action shall be a warrant or copies commanding a proper officer to arrest the defendant or defendants in such action and bring him or her or them forthwith before the proper authorities, then and there to answer the charge made against such defendant or defendants in such actions. The trial in any such action shall be conducted in the same manner that trials are conducted in the State prosecution, and may be postponed if Justice requires it; but in such cases the defendant or defendants shall be required to give bail in a reasonable sum to appear at the time and place appointed for trial and not depart without leave and in default of giving such bail when required aforesaid the defendant be committed to prison by under of the court trying the cause, there to remain until the time fixed for trial unless before that time such bail be given. The bail bond or recognizance to be taken for the appearance of every such defendant shall be taken and approved by the court and made payable to the Corporation of the Town of Chrisney and the money herein specified may be sued for and recovered in the name of and for the use of said town. (Ord. No. II, S3, May 13, 1891)

1.18.040 Judgement. Where judgement is entered against any defendant for any penalty or forfeiture for a violation of any Ordinance, By-law, Rule or Regulation of the Corporation, it may be a part of the judgement that the defendant stand committed until the judgement and

costs are paid or replevied and the defendant shall be committed to prison accordingly or judgement may be rendered and execution inforced as in ordinary action of debts or assets before a Justice of the Peace, and all such judgements may be replevied by the defendant giving bail to the satisfaction of the court trying the cause and in the same manner that judgements in civil cases on the dockets of Justice of the Peace are or may be replevied, and after stay of execution has expired such judgements may be collected upon execution in like manner as Justice's Judgements are collected. (Ord. No. II, S4, May 13, 1891)

Chapter 1.19

TOWN ATTORNEY

Sections:

1.19.010 Town Attorney's Terms and Conditions

1.19.010 Town Attorney's Terms and Conditions

- (1) I will be paid a retainer by the Town of \$1,200.00 per year to be paid in December of each year,
- (2) I will be paid an additional sum of \$100.00 per hour for representation of the Town in all suits filed against the Town or its officials, employees or agents, except that I will be paid the sum of \$100.00 per hour for representation of the Town for any suits filed against the Town or its officials, employee or agents in Federal Courts.
- (3) I will be paid an additional sum of \$100.00 per hour for matters requiring more than one (1) hour of research time, more than one (1) hour of preparation time, or more than one (1) hour of participation time, such as drafting extensive contracts, preparation of long ordinances or representation of the Town at hearings.
- (4) I will be paid separately for any legal services regarding any existing or future Town bond issues with the fees to be determined at the appropriate time.

Very Truly yours,
Jack R. Robinson

(Proposal, Dec. 3, 2007) (Ord. 33, Dec. 7, 1903)

Chapter 1.22

PROPERTY NUMBERING SYSTEM

Sections:

1.22.010	Numbering map
1.22.020	Numbering system
1.22.030	Owners to purchase numbers
1.22.040	Numbers for future buildings
1.22.050	Unlawful to deface number
1.22.060	Penalties

1.22.010 Numbering map. The property numbering map entitled "Property Numbering Map, dated November 10, 1981, Chrisney, Indiana" is hereby adopted as the official property-numbering map of the Town of Chrisney, Indiana, and all property numbers assigned shall be assigned in accordance with this numbering map, and no other property numbers shall be used or displayed in the Town of Chrisney, except numbers assigned in accordance with the official numbering map. Two copies of the property-numbering map are on file in the Office of the Clerk-Treasurer of the Town for public inspection. (Ord. 1982-1, S1, Jan. 4, 1982)

1.22.020 Numbering system. On the property-numbering map, Highway 231 is hereby designated as the North-South axis and Market Street is hereby designated as the East-West axis, and all avenued, streets, and alleys running generally North and South shall be numbered from the East-West axis consecutively to the corporate limits of the extremity of such avenue, alley, or street. Avenues, streets, or alleys running generally East and West shall be numbered from the North-South axis in the same manner. Wherever possible, one hundred (100) numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and one.

One whole number shall be assigned for every twenty (20) feet of ground whether improved property or vacant lot on every street within the corporate limits. Odd numbers shall be assigned to the West side of the street on all North-South streets, and even numbers on the East side. On East-West streets, odd numbers shall be assigned to the South side of the street and even numbers to the North side. (Ord. 1982-1, S2, Jan. 4, 1982)

1.22.030 Owners to purchase numbers. Every property owner of improved property shall, on or before the first day of May, 1982, purchase and display in a conspicuous place on said property the number assigned. Each number shall be a minimum of three inches in height. (Ord. 1982-1, S3, Jan. 4, 1982)

1.22.040 Numbers for future buildings. All residence and business buildings erected after the adoption of this ordinance shall be assigned a number in accordance with the property-numbering map and shall purchase and display such number as provided in 1.22.030 of this Chapter. (Ord. 1982-1, S4, Jan. 4, 1982)

1.22.050 Unlawful to deface number. It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this Ordinance (Chapter), except for repair or replacement of such number. (Ord. 1982-1, S5, Jan. 4, 1982)

1.22.060 Penalties. Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance (Chapter) shall be guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than one hundred (\$100.00), for each offense, such fine to inure to the Town. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1982-1, S6, Jan. 4, 1982)

Chapter 1.24

DOT DRUG AND ALCOHOL PLAN

Sections:

1.24.010 Adoption

1.24.020 Amendment of Previous Policies

1.24.010 Adoption. The Town of Chrisney adopts the DOT Drug and Alcohol Plan (“Exhibit A”) in full. (Ord. 2020-16, S1, Dec. 7, 2020)

1.24.020 Amendment of Previous Policies. To the extent this plan conflicts with current policies, this Plan will amend and update previously passed policies. (Ord. 2020-16, S2, Dec. 7, 2020)

Chapter 1.25

DRUG-FREE WORKPLACE

Sections:

1.25.010	Written Notice to INDOT
1.25.020	Employee Notification
1.25.030	Notice to Clerk-Treasurer
1.25.040	Sanctions or Remedial Measures
1.25.050	Good Faith Effort
1.25.060	Amendment

1.25.010 Written Notice to INDOT. The Clerk-Treasurer is hereby ordered to provide written notice to the Indiana Department of Transportation within ten (10) days after receiving actual notice that an employee of the Town of Chrisney in the State of Indiana, has been convicted of a criminal drug violation occurring in the workplace. (Ord. 2018-2, S1, Mar. 5, 2018)

1.25.020 Employee Notification. The Clerk-Treasurer will publish and provide to all Town employees a statement notifying them of the following:

- (1) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on Town property and said employees found to violation of this will be subject to discipline or immediate suspension/discharge in accordance with Title 1.11.060.002 and 1.11.060.003 of the Code of the Town of Chrisney.
- (2) As a condition of continued employment the employee will (1) abide by the terms of the above statement; and (2) notify the Town of Chrisney of any criminal drug statue conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (3) The Town of Chrisney has a drug-free awareness program to inform its employees of (1) the dangers of drug abuse in the workplace; (2) the Town of Chrisney's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace.

(Ord. 2018-2, S2, Mar. 5, 2018)

1.25.030 Notice to Clerk-Treasurer. The Clerk-Treasurer is ordered to inform the Indiana Department of Transportation, in writing, within ten (10) days after receiving notice

from an employee under subdivision 1.25.020(2) above, or otherwise receiving actual notice of such conviction. (Ord. 2018-2, S3, Mar. 5, 2018)

1.25.040 Sanctions or Remedial Measures. Within thirty (30) days after receiving notice under subdivision 1.25.020(2) above of a conviction, the Town of Chrisney shall impose the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency. (Ord. 2018-2, S4, Mar. 5, 2018)

1.25.050 Good Faith Effort. The Town of Chrisney will make a good faith effort to maintain a drug-free workplace through the implementation of this ordinance. (Ord. 2018-2, S5, Mar. 5, 2018)

1.25.060 Amendment. To the extent any existing ordinance or personnel policy conflicts with this chapter, they are hereby amended to comply said chapter. (Ord. 2018-2, S6, Mar. 5, 2018)

Chapter 1.26

PROHIBITING TOBACCO USE ON MUNICIPAL PROPERTY

Sections:

1.26.010 Definitions

1.26.020 Prohibited

1.26.010 Definitions. The following words and phrases, whenever used in this chapter, shall be construed as defined as follows:

- (1) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Chapter.
- (2) “Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- (3) “Dissolvable tobacco product” means a smokeless tobacco product that dissolves in the mouth of the user.
- (4) “Municipal property” means all property, including vehicles, owned or leased by the Town of Chrisney or any of its subdivisive entities, including, but not limited to, utilities, boards, committees, and departments.

(Ord. 2018-4, S1, May 7, 2018)

1.26.020 Prohibited. All smoking, use of electronic smoking devices, and dissolvable tobacco products is hereby prohibited on all municipal property. (Ord. 2018-4, S2, May 7, 2018)

Chapter 1.28

NEPOTISM AND CONTRACTING WITH A UNIT BY A RELATIVE

Sections:

- 1.28.010 Adoption
- 1.28.020 Indiana Code Compliance
- 1.28.030 Effective - Nepotism Policy
- 1.28.040 Effective - Contracting with a Unit by a Relative Policy
- 1.28.050 Unit can adopt more detailed requirements
- 1.28.060 A single member of the legislative body cannot act for the body
- 1.28.070 A single member of the governing bodies cannot act for the body
- 1.28.080 Cooperation, Implementation and Compliance
- 1.28.090 Failure to cooperate or implement - Nepotism Policy
- 1.28.100 Failure to cooperate or implement - Contracting with a Unit by a Relative Policy
- 1.28.110 Actions for Implementation
- 1.28.120 Inclusion of Indiana Code
- 1.28.130 Public Inspection

1.28.010 Adoption. The Town of Chrisney finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town of Chrisney and in contracting with the Town of Chrisney in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively. (Res. 2012-3, S1, July 2, 2012)

1.28.020 Indiana Code Compliance. On July 1, 2012 the Town of Chrisney shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin. (Res. 2012-3, S2, July 2, 2012)

1.28.030 Effective - Nepotism Policy. The Town of Chrisney Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto. (Res. 2012-3, S3, July 2, 2012)

1.28.040 Effective - Contracting with a Unit by a Relative Policy. The Town of Chrisney Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of the IC 36-1-21 Nepotism in effect on July 1 is attached hereto. (Res. 2012-3, S4, July 2, 2012)

1.28.050 Unit can adopt more detailed requirements. The Town of Chrisney finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed are necessary. (Res. 2012-3, S5, July 2, 2012)

1.28.060 A single member of the legislative body cannot act for the body. The Town of Chrisney further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/she will not be in the direct line of supervision. (See IC 36-4-6-11; IC 36-5-2-9.4) (Res. 2012-3, S6, July 2, 2012)

1.28.070 A single member of the governing bodies cannot act for the body. The Town of Chrisney finds that a single member of governing bodies with authority over employees in the Town of Chrisney cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision. (Res. 2012-3, S7, July 2, 2012)

1.28.080 Cooperation, Implementation and Compliance. All elected and appointed officials and employees of the Town of Chrisney are hereby directed to cooperate fully in the implementation of the policies created by this Resolution and demonstrating compliance with these same policies. (Res. 2012-3, S8, July 2, 2012)

1.28.090 Failure to cooperate or implement - Nepotism Policy. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town of Chrisney who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Nepotism Policy may be subject to action allowed by law. (Res. 2012-3, S9, July 2, 2012)

1.28.100 Failure to cooperate or implement - Contracting with a Unit by a Relative Policy. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Town of Chrisney who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Contracting with Unit by a Relative Policy may be subject to action allowed by law. (Res. 2012-3, S10, July 2, 2012)

1.28.110 Actions for Implementation. The policies created by this Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution in its entirety in at least one of the locations in the Town of Chrisney where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution to its employees and elected and appointed officials; c) providing or posting a

notice of the adoption of this Resolution; or d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the Town of Chrisney. (Res. 2012-3, S11, July 2, 2012)

1.28.120 Inclusion of Indiana Code. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto. (Res. 2012-3, S12, July 2, 2012)

1.28.130 Public Inspection. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the Town of Chrisney for public inspection as maybe required by IC 36-1-5-4. (Res. 2012-3, S13, July 2, 2012)

APPENDIX I

Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

- (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
- (2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Sec. 3. For purposes of this chapter, the performance of the duties of:

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
 - (2) a volunteer firefighter;
- is not considered employment by a unit.

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.

- (7) A daughter-in-law or son-in-law.
- (b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
- (c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

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

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

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Sec. 11. (a) This section applies to an individual who:

- (1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and
- (2) is not exempt from the application of this chapter under section 2 of this chapter.

- (b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

- (c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

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

if the new position would violate section 10 of this chapter.

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

- (1) an individual is a party to; and
- (2) is in effect on the date the individual's relative begins serving a term

of an elected office of the unit.

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

- (1) who served as coroner;
- (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
- (3) who, as coroner, received certification under IC 36-2-14-22.3; and
- (4) whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

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

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
 - (2) any additional appropriations for the unit;
- for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

APPENDIX II

Chapter 21. Contracting With a Unit

Sec. 1. This chapter applies only to a unit.

Sec. 2. As used in this chapter, "elected official" means:

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

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
 - (2) A parent or stepparent.
 - (3) A child or stepchild.
 - (4) A brother, sister, stepbrother, or stepsister.
 - (5) A niece or nephew.
 - (6) An aunt or uncle.
 - (7) A daughter-in-law or son-in-law.
- (b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
- (c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

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

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

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an

elected official;

only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

- (b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:
 - (1) the elected official files with the unit a full disclosure, which must:
 - (A) be in writing;
 - (B) describe the contract or purchase to be made by the unit;
 - (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - (D) be affirmed under penalty of perjury;
 - (E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
 - (F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
 - (i) the state board of accounts; and
 - (ii) the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
 - (2) the appropriate agency of the unit:
 - (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (B) makes a certified statement of the reasons why the vendor or contractor was selected; and
 - (3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
- (c) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- (d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

Chapter 1.30

FIRE PROTECTION

Sections:

- 1.30.010 Responsibilities of property owners**
- 1.30.020 Failure to comply with 1.30.010**
- 1.30.100 Buildings in a designated area to be constructed with fire-proof materials**
- 1.30.110 Declaration of public nuisance for violation of Section 1.30.100**
- 1.30.120 Fine for violation of Section 1.30.100**
- 1.30.200 Clothing allowance for firemen**
- 1.30.220 Expenditures up to \$200.00**
- 1.30.221 Expenditures higher than \$200.00**
- 1.30.222 Designated Fire Department Board Member whom can make purchases during an emergency**

1.30.010 Responsibilities of property owners. Be it ordained by the Board of Trustees of the Town of Chrisney, State of Indiana, that it shall be the duty of each property owner in said town to provide ladders and fire buckets which shall be appurtenances to said real estate and exempt from execution, seizure or sale. (Ord. 35, S1, June 19, 1905)

1.30.020 Failure to comply with 1.30.010. In case of failure to any such owner of property in said Town of Chrisney, Indiana to comply with the provisions of Section 1.30.010 of this Chapter, after reasonable notice the same shall be procured and delivered to said property owner by the Trustees of said Town of Chrisney, and in default of payment therefor, may recover from such property owner the value of such ladders and fire buckets by suit before any Justice of the Peace in the proper township, and costs accrued thereby. (Ord. 35, S2, June 19, 1905)

1.30.100 Buildings in a designated area to be constructed with fire-proof materials. That the erection of any building or part thereof as addition thereto, unless the outer walls thereof are composed of concrete, stone, brick and mortar or of same one of said materials, is hereby prohibited upon and within the following described territory and limits of said town to-wit.

One the south side of Chestnut Street and on the north side of Market Street between Main Street on the east and Railroad Street on the west; also the east side of Railroad Street and the west side of Main Street between Chestnut Street on the north and Market Street on the south and the territory included and embraced within said limits. (Ord. 43, S1, Sept. 2, 1970) (Ord. 36, S1, June 19, 1905)

1.30.110 Declaration of public nuisance for violation of Section 1.30.100. That any building or part thereof as addition thereto hereafter built as construction in violation of

Section 1.30.100 of this Chapter is hereby declared to be a public nuisance. (Ord. 43, S2, Sept. 2, 1907) (Minutes, July 3, 1905, Amending Section 2 of Ord. 36) (Ord. 36, S2, June 19, 1905)

1.30.120 Fine for violation of Section 1.30.100. That any person violating Section 1.30.100 of this Chapter shall be deemed guilty of erecting a public nuisance and upon conviction thereof shall be fined in any sum not less than Five Dollars nor more than Ten Dollars. (Ord. 43, S3, Sept. 2, 1907) (Minutes, July 3, 1905, Amending Section 2 of Ord. 36) (Ord. 36, S2, June 19, 1905)

1.30.200 Clothing allowance for firemen. Each fireman on the Chrisney Volunteer Fire Department shall be paid a clothing allowance of \$100.00 for the year. (Ord. 1996-5, S9, Nov. 4, 1996) (Ord. 1995-2, S9, Feb. 6, 1995) (Ord. 1995-1, S8, Jan. 9, 1995) (Ord. 1989-1-A, S8, April 3, 1989)

1.30.220 Expenditures up to \$200.00. The Town of Chrisney Volunteer Fire Department Board of Directors shall have the authority to make expenditures for the Fire Department up to the amount of \$200.00, and no higher. (Ord. 1998-10, S1, Dec. 7, 1998)

1.30.221 Expenditures higher than \$200.00. All expenditures higher than the above stated amount shall be brought before the Town Council of the Town of Chrisney, at regular session for approval. (Ord. 1998-10, S2, Dec. 7, 1998)

1.30.222 Designated Fire Department Board Member whom can make purchases during an emergency. The Town Council President of the Town of Chrisney shall have authority to make or approve a Fire Department Board Member to make a(n) expenditure in the event of an emergency when the purchase cannot be postponed to be brought before the Town Council at regular session. (Ord. 1998-10, S3, Dec. 7, 1998)

Chapter 1.33

CARES ACT SPECIAL FUND

Sections:

- 1.33.010 Establishment**
- 1.33.020 Funds to be deposited into said Fund**
- 1.33.030 Compliance**

1.33.010 Establishment. There is hereby established a Special Fund entitled “CARES ACT SPECIAL FUND.” (Ord. 2020-15, S1, Nov. 2, 2020)

1.33.020 Funds to be deposited into said Fund. That all funds received by the Town of Chrisney pursuant to the CARES Act shall be deposited in said Special Fund. (Ord. 2020-15, S2, Nov. 2, 2020)

1.33.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in the use of said funds. (Ord. 2020-15, S3, Nov. 2, 2020)

Chapter 1.34

ARP CORONAVIRUS LOCAL FISCAL RECOVERY GRANT FUND

Sections:

1.34.010	Establishment
1.34.020	Funds to be deposited into said Fund
1.34.030	Compliance
1.34.040	Additional Appropriation, Review of Compliance, Accounting Record
1.34.050	Fund Use Plan

1.34.010 Establishment. There is hereby established a Special Fund entitled “THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY GRANT FUND.” (Ord. 2021-9, S1, May 3, 2021)

1.34.020 Funds to be deposited into said Fund. That all funds received by the Town of Chrisney pursuant to ARPA shall be deposited in said Special Fund. (Ord. 2021-9, S2, May 3, 2021)

1.34.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in the use of said funds. (Ord. 2021-9, S3, May 3, 2021)

1.34.040 Additional Appropriation, Review of Compliance, Accounting Record. Funds receipted into Special Fund will require an additional appropriation and are subject to review for compliance with ARPA requirements. The Clerk-Treasurer will also maintain a detailed accounting record of the fund to provide for future audits of the Special Fund. (Ord. 2021-9, S4, May 3, 2021)

1.34.050 Fund Use Plan.

- (1) The Town Council of the Town of Chrisney, Spencer County, Indiana, recognizes that a need now exists for the establishment of the ARP Coronavirus Local Fiscal Recovery Grant Plan (“Plan”). (Ord. 2022-11, S1, Nov. 7, 2022)
- (2) Expenditures from the ARP Fund must be made in accordance with proceeding Plan, corresponding to the provisions of Title VI of the Social Security Act (42 U.S.C. 801 et seq.), as amended Section 9901(a) of the ARP and the Indiana State Board of Accounts State Examiner Directive 2021-1. Expenditures from the ARP Fund may be used only for the purposes prescribed in Title VI of the Social Security Act (42 U.S.C. 801 et seq.), as amended Section 9901(a) of the ARP. Those eligible uses are:

- A. To respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including: assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the Town that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - C. For the provision of government services to the extent of the reduction in revenue to the Town due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; or
 - D. To make necessary investments in water, sewer, or broadband infrastructure. (Ord. 2022-11, S2, Nov. 7, 2022)
- (3) The Clerk-Treasurer will review the requested use of monies for compliance with ARP requirements. The Clerk-Treasurer will also maintain detailed accounting record of the fund to provide for future audits of the ARP fund. (Ord. 2022-11, S3, Nov. 7, 2022)
- (4) The Town of Chrisney hereby adopts the following ARP Plan:
- A. The Town will use the ARP Fund to make necessary investments in water and/or sewer infrastructure. (Ord. 2022-11, S4, Nov. 7, 2022)
- (5) This Chapter and the Plan may be amended as any other Ordinance or Plan as long as the amendment complies with the requirements of the ARP and any other formally issued guidance of the SBOA. Any specific appropriations approved by the Town Council shall be deemed a part of the Plan or an amendment to the Plan, as appropriate, when such appropriations are made. (Ord. 2022-11, S5, Nov. 7, 2022)
- (6) This Chapter be in full force and effect from and after its passage by the Town Council. (Ord. 2022-11, S6, Nov. 7, 2022)

Chapter 1.35

CUMULATIVE FIREFIGHTING BUILDING AND EQUIPMENT FUND

Sections:

- 1.35.010 Established
- 1.35.020 Revenues retained in the Chrisney Cumulative Firefighting Building and Equipment Fund
- 1.35.030 Maximum rate of levy
- 1.35.040 Use of funds
- 1.35.050 Fund cannot be used for purposes other than those specified in Section 1.35.040

1.35.010 Established. That there is hereby established a Chrisney Cumulative Firefighting Building and Equipment Fund. (Ord. 1989-3, S1, Oct. 2, 1989)

1.35.020 Revenues retained in the Chrisney Cumulative Firefighting Building and Equipment Fund. That an ad valorem property tax levy will be imposed and revenues from the levy will be retained in the Chrisney Cumulative Firefighting Building and Equipment Fund. (Ord. 1989-3, S2, Oct. 2, 1989)

1.35.030 Maximum rate of levy. That the maximum rate or levy under Section 1.35.020 will not exceed \$.10 per \$100.00 Assessed Valuation levied beginning 1989 for 1990 and continuing from year to year thereafter at the same rate. (Ord. 1989-3, S3, Oct. 2, 1989)

1.35.040 Use of funds. That the funds accumulated in the Chrisney Cumulative Firefighting Building and Equipment Fund will be used for the purchase, construction, renovation, or addition to buildings used by the fire department and 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. (Ord. 1989-3, S4, Oct. 2, 1989)

1.35.050 Funds cannot be used for purposes other than those specified in Section 1.35.040. Funds accumulated in the Chrisney Firefighting Building and Equipment Fund may not be spent for purposes other than the purposes stated in Section 1.35.040 above. (Ord. 1989-3, S5, Oct. 2, 1989)

Chapter 1.36

GAS UTILITY CASH RESERVE FUND

Sections:

- 1.36.010 Created**
- 1.36.020 Authority to loan**
- 1.36.030 Repayment of loan**

1.36.010 Created. That a cash reserve fund for the Chrisney Gas Municipal Utility is hereby created. (Ord. 1989-2, S1, July 3, 1989)

1.36.020 Authority to loan. That the cash reserve fund of the Chrisney Gas Municipal Utility may be used to make loans to any other utility owned by the Town of Chrisney, Indiana, for periods not to exceed five (5) years, and at any interest rate deemed appropriate by the Board of Trustees. (Ord. 1989-2, S2, July 3, 1989)

1.36.030 Repayment of loan. The repayment of the loan and interest shall be returned to the cash reserve fund of the Chrisney Gas Municipal Utility. (Ord. 1989-2, S3, July 3, 1989)

Chapter 1.37

SERVICE FEE FOR INSUFFICIENT FUNDS

Sections:

1.37.010 Service fee

1.37.010 Service fee. Any person, corporation or other legal entity who delivers an insufficient funds check, a no account check or a forged check to the Town of Chrisney, Indiana or any of its utilities shall be charged a Twenty Dollar (\$20.00) service fee for such check. (Ord. 2000-17, Nov. 6, 2000)

Chapter 1.38

SEWER UTILITY RESERVE FUND

Sections:

1.38.010 Established

1.38.010 Established. The Town Council hereby establishes a Reserve Fund for the Town of Chrisney Sewer Utility. (Ord. 2008-9, July 14, 2008)

Chapter 1.39

WATER UTILITY RESERVE FUND

Sections:

1.39.010 Established

1.39.010 Established. The Town Council hereby establishes a Reserve Fund for the Town of Chrisney Water Utility. (Ord. 2008-10, July 14, 2008)

Chapter 1.40

ECONOMIC DEVELOPMENT INCOME TAX FUND

Sections:

- 1.40.010 Established
- 1.40.020 Revenues deposited in the Chrisney Economic Development
Income Tax Fund
- 1.40.030 Revenue uses

1.40.010 Established. That there is hereby established the Chrisney Economic Development Income Tax Fund. (Ord. 1991-3, S1, May 6, 1991)

1.40.020 Revenues deposited in the Chrisney Economic Development Income Tax Fund. That all revenue received by the Town of Chrisney from Spencer County from the county economic development income tax shall be deposited in the Chrisney Economic Development Income Tax Fund. (Ord. 1991-3, S2, May 6, 1991)

1.40.030 Revenue uses. Pursuant to the authority granted by I.C. 6-3.5-7-15, the Town Council adopts a capital improvement plan for the Town of Chrisney, which plan sets forth the uses of the revenues which the Town shall receive from the County Economic Development Income Tax. (January 1999-December 2002 Capital Improvement Plan)

Chapter 1.41

LOCAL ROAD AND BRIDGE MATCHING GRANT FUND – FUND 476

Sections:

1.41.010	Established
1.41.020	Contributions
1.41.030	Expenditures
1.41.040	Termination

1.41.010 Established. There is hereby created a special fund, to be known as the LOCAL ROAD AND BRIDGE MATCHING GRANT FUND – FUND 476. (Ord. 2018-1, S1, Mar. 5, 2018)

1.41.020 Contributions. Contributions to the fund shall be from Community Crossings Matching Grant Funds received by the Town of Chrisney from the Indiana Department of Transportation, and qualifying matching funds from the Town of Chrisney funds as approved by the Town Council for the purpose of meeting match requirement for such program; including, but not limited to, LOIT, MVH and CEDIT. (Ord. 2018-1, S2, Mar. 5, 2018)

1.41.030 Expenditures. Expenditures may be made from the fund by appropriation by the Chrisney Town Council for the purpose of completing the projects for which Local Road and Bridge Matching Grant Funds were awarded. (Ord. 2018-1, S3, Mar. 5, 2018)

1.41.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination, or upon completion of all projects for which monies are transferred into such fund, shall be returned to the source of such funding as provided in the applicable Community Crossings Matching Grant Agreement. (Ord. 2018-1, S4, Mar. 5, 2018)

Chapter 1.43

CREDIT OR CHARGE CARD PROCEDURES AND RESTRICTIONS

Sections:

- 1.43.010 Credit Card Issuance**
- 1.43.020 Card and Account Use and Procedures**

1.43.010 Credit Card Issuance.

- (1) The Clerk-Treasurer of the Town is hereby authorized to make application for business credit, charge accounts and/or charge cards for use by Town Department Heads and other employees (hereinafter “accounts”), and no other employee of the Town shall make application for or otherwise obtain any credit card, charge account or charge card in the name of the Town.
- (2) Business credit cards issued to the Town shall have a maximum credit limit of not more than one thousand dollars (\$1,000.00).

(Ord. 2017-4, S1, May 1, 2017)

1.43.020 Card and Account Use and Procedures.

- (1) When in use, credit cards not issued and maintained to a Department Head shall be secured by and in the Office of the Clerk-Treasurer.
- (2) Upon request by a Department Head or employee authorized by a Department Head, the Clerk-Treasurer shall issue an appropriate credit card to such Department Head or employee for use.
- (3) For all credit cards maintained by the Clerk-Treasurer, the Clerk-Treasurer shall maintain an accounting system or log recording the name of each individual to which a credit card is issued, the estimated amount to be charged by such person, Town fund and account numbers to be charged for each such expenditure(s), date the credit card is issued by the Clerk-Treasurer, and date the credit card is returned to the Clerk-Treasurer.
- (4) For any and all credit cards delivered by the Clerk-Treasurer to a Department Head who retains possession of the credit card, the Department Head shall maintain the accounting system of log as required by paragraph (3) herein.
- (5) Charges made on any account shall be only for items which are authorized (and/or within the Department Head’s de minimus spending limitation) and budgeted in the Town’s then-current budget.

- (6) Within seventy-two (72) hours following any use of an account, the person using such account shall provide the original receipt to the Clerk-Treasurer or Department Head maintaining custody of the credit card.
- (7) No credit card or account issued in the name of the Town shall be used for private purchases. Any employee who fails to provide a receipt for a purchase shall be personally liable to the Town for the full amount of such charge and shall be subject to discipline by the Town.
- (8) Credit cards and accounts shall not be used to bypass or avoid the accounting system of the Town, and charges to the credit cards and accounts shall be paid by the Clerk-Treasurer only on the basis of original receipts and from appropriate budgeted funds, accounts and line items pursuant to the claims procedures of the Town. The Clerk-Treasurer shall pay the accounts promptly such that no interest-carrying charges or penalties shall be incurred due to late payments. No credit card or account shall be used to obtain cash advances by an employee.
- (9) Any and all interest or late charges incurred on any accounts by the Town due to late submission of documentation by an employee of the Town shall be paid by the employee failing to provide information as required by this section, and any and all over-limit or other fees caused by an employee's charges in excess of the available account limits shall be paid by the employee causing such fees or charges, upon demand by the Town.
- (10) The Clerk-Treasurer shall pay the accounts promptly such that no interest-carrying charges or penalties shall be incurred due to late payments. No credit card or account shall be used to obtain cash advances by an employee.
- (11) Any and all interest or late charges incurred on any accounts by the Town due to late submission or documentation by an employee of the Town shall be paid by the employee failing to provide information as required by this section, and any and all over-limit or other fees caused by an employee's charges in excess of the available account limits shall be paid by the employee causing such fees or charges, upon demand by the Town. (Ord. 2017-4, S2, May 1, 2017)

Chapter 1.44

PURCHASING POLICY

Sections:

1.44.010 Non-Federal Involvement

1.44.020 Federal Involvement

1.44.010 Non-Federal Involvement. For purchasing with no Federal involvement, the Town will follow State law outlined in IC 5-22 et seq., as well as any other applicable State provisions. (Ord. 2022-7, S1, July 14, 2022)

1.44.020 Federal Involvement. For purchasing with involving Federal funds or Federal oversight, the following procedure shall be followed:

- A. The Town will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following:
 1. Rationale for the method of procurement
 2. Selection of contract type
 3. Contractor selection or rejection, and
 4. The basis for the contract price
- B. **Informal procurement methods.** When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold (SAT), as defined by Federal law, formal procurement methods are not required. The Town may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:
 1. Micro-purchases
 - (a) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold established by Federal law. To the maximum extent practicable, the Town should distribute micro-purchases equitably among qualified suppliers.
 - (b) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the Town considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly.
 - (c) **Micro-purchase thresholds.** The Town adopts the Federally-determined threshold for micro purchases, reserving the right to increase the threshold based on an evaluation of risk.

- (d) If the Town decides on a threshold above the Federal standard, the Town must include any of the following:
 - i. a qualification as a low-risk auditee, in accordance with the Federally-set criteria for the most recent audit;
 - ii. an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
 - iii. for public institutions, a higher threshold consistent with state law.
- (e) If the Town increases the micro-purchase threshold over \$50,000, it must be approved by the cognizant agency for indirect costs. The Town must submit a request with all Federal requirements. The increased threshold is valid until there is a change in status in which the justification was approved.

2. **Small purchases**

- (a) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. Price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the Town Council.
- (b) **Simplified acquisition thresholds.** The Town adopts the Federal simplified acquisition threshold.

3. **Formal procurement methods.** When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with Federal law. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold:

- (a) **Sealed bids.** Bids shall be publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
- (b) **Sealed bids applicability.** Sealed bids will be used when the following conditions are present:

- i. A complete, adequate, and realistic specification or purchase description;
 - ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. A firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- (c) If sealed bids are used, the following requirements apply:
- i. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v. Any or all bids may be rejected if there is a sound documented reason.
- (d) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:
- i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

- ii. The Town will hire experts to provide technical evaluations of the proposals received and advice making selections;
 - iii. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the Town, with price and other factors considered; and
 - iv. The Town may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.
- 4. **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply;
 - (a) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
 - (b) The item is available only from a single source;
 - (c) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (d) The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the Town; or
 - (e) After solicitation of a number of sources, competition is determined inadequate.
- C. The Town shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- D. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

- E. The Town will follow procedures outlined in CFR 180.300, particularly that it will verify that the person with whom the Town intends to do business is not excluded or disqualified, by checking
1. SAM Exclusions; or
 2. Collecting a certification from that person; or
 3. Adding a clause or condition to the covered transaction with that person. (Ord. 2022-7, S2, July 14, 2022)

Chapter 1.45

CITIZEN PARTICIPATION PLAN

Sections:

1.45.010	Introduction
1.45.020	Standards of participation
1.45.030	Scope of participation
1.45.040	Citizens Advisory Committee on Community Development
1.45.050	Public hearings
1.45.060	Public notices
1.45.070	Submission of views and proposals
1.45.080	Objections
1.45.090	Complaints
1.45.100	Technical assistance
1.45.110	Public access to program information
1.45.120	Bilingual information

1.45.010 Introduction. In compliance with Section 570.303 of Subpart D and Section 570.431(d) of Subpart F of Title 1 of the Housing and Community Development Acts of 1974 and 1977, the Town of Chrisney hereby adopts and makes public this plan for citizen participation in Chrisney's community development program. This plan shall be in effect as of April 18, 1978 and shall remain in effect until all activities undertaken as part of the community development program are completed or until this plan is superceded by a new plan. (Unnumbered, SI, April 17, 1978)

1.45.020 Standards of participation. The procedures provided for in this plan will ensure that the Town of Chrisney upholds the following standards of participation:

- (1) Conducts its community development program in an open manner with freedom of access for all interested persons;
- (2) Encourages the active involvement of low and moderate income persons, minorities and residents of target areas;
- (3) Ensure the continuity of involvement of Chrisney citizens and civic organizations;
- (4) Provides adequate and timely information on community development activities during all stages of the program; and
- (5) Encourages Chrisney residents to submit their views and proposals regarding community development and housing in Chrisney. (Unnumbered, SII, April 17, 1978)

1.45.030 Scope of participation. The provisions of this plan shall apply to all stages of Chrisney's community development program including the following:

- (1) Preapplication development

- (2) Application development (including Housing Assistance Plan, Annual Community Development Program, and Three-Year Community Development Program)
- (3) Contingency or local option activity selection
- (4) Program implementation
- (5) Program amendment development
- (6) Performance assessment (Unnumbered, SIII, April 17, 1978)

1.45.040 Citizens Advisory Committee on Community Development. Upon adoption of this plan the Town Board President of Chrisney shall appoint a Citizens Advisory Committee on Community Development. This committee will advise and work with town officials in the development, implementation, and assessment of all community development activities. The membership of the committee shall be as follows:

- 2 members representing low and moderate income persons and/or minorities;
- 1 member representing the elderly and/or handicapped;
- 1 member representing the business community; and
- 1 member representing a civic group or the community at large.

Each member shall serve a one-year term and may be reappointed by the Town Board President for any number of terms. The committee members shall select a Chairman from among themselves and shall set a time and location for meeting.

If in the future it becomes necessary or beneficial to increase the membership of the committee, the number of representatives of low and moderate income persons and/or minorities must always comprise at least forty percent of the membership of the committee. (Unnumbered, SIV, April 17, 1978) (Res. Unnumbered, S1, 2, 3, Feb. 24, 1975)

1.45.050 Public hearings. In order to give its citizens the opportunity to express their views and proposals regarding community development, the Town of Chrisney shall schedule and conduct several public hearings during various stages of the community development program. These hearings shall be held at times and locations which permit the participation of Chrisney residents, especially low and moderate income persons, and handicapped citizens. The following hearings shall be conducted:

Preapplication Hearings: Prior to submitting a preapplication to the U.S. Department of Housing and Urban Development for Community Development Block Grant funds at least two public hearings must be held. At these hearings Chrisney residents shall be given the opportunity to express their views on community development and housing needs and priorities.

Application Hearings: As with the preapplication, the Town shall conduct at least two public hearings on the proposed application to obtain views on it and community development needs and priorities.

Program Amendment Hearings: If the Town should propose an amendment to its community development program or application, the town shall conduct a public hearing on the proposed amendment, especially if such amendment requires HUD approval.

Performance Hearings: Thirty to sixty days prior to the start of planning for a new Community Development Block Grant application the Town shall conduct at least two public hearings on the Town's past performance in community development. At these hearings Chrisney residents shall be asked to comment on all aspects of Chrisney's performance, including the performance of Chrisney's grantees and contractors. (Unnumbered, SV, April 17, 1978)

1.45.060 Public Notices. At least ten days prior to any public hearing the Town of Chrisney shall publish an easily readable notice of such public hearing in the nonlegal section of the local newspaper. This public notice shall state the date, time, place, procedures, and topics of the hearing. The Town will also request the local radio station to broadcast a notice of the hearing.

At the time the Town begins preparation of a preapplication and application it shall publish a notice containing the following information:

- (1) The amount of funds to be applied for;
- (2) The fact that more applications may be received than can be funded;
- (3) The range of activities that may be undertaken;
- (4) The kinds of activities previously funded in the Town;
- (5) Processes to be followed in drawing up and approving the preapplication and/or application;
- (6) Schedule and topics of hearings;
- (7) The role of citizens in the program as provided for in the Citizen Participation Plan; and
- (8) Any other important program information.

Upon submission of an application to HUD the Town of Chrisney shall publish a notice of submission in a local newspaper of general circulation. This notice shall state that the application is available for review and describe the requirements on citizen objections to the application.

To further promote citizen participation the Town shall send to local neighborhood groups, civic organizations, and special interest clubs invitations to participate in the hearings and in the development and assessment of the community development program.

Throughout the community development program the Towns shall work with the local media to publicize the various activities of the program and to present progress reports. (Unnumbered, SVI, April 17, 1978)

1.45.070 Submission of views and proposals. In all aspects of its community development program the Town shall provide for and encourage the submission of views and proposals from the public. Any citizen shall be free to express his ideas directly to town officials, to the Citizens Advisory Committee, at neighborhood and other meeting, and at the formal public hearings.

Any written proposal submitted to the Town shall be responded to in writing within fifteen working days of receipt of the proposal. The response shall state the reasons for the action taken by the Town on the proposal.

The Town shall include in its Grantee Performance Report comments on community development performance submitted by citizens, the Town's assessment of those comments, and a summary of any actions taken in response to comments received. (Unnumbered, SVII, April 17, 1978)

1.45.080 Objections. Any citizen of Chrisney may object to the approval of a Community Development Block Grant application. This objection must be made to the Indianapolis Area Office of HUD, 151 N. Delaware, P.O. Box 7047, Indianapolis, Indiana 46207.

Any objection must be made on the basis of one or more of the following points:

- (1) The Town's description of needs and objectives is plainly inconsistent with available facts and data;
- (2) Activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the Town;
- (3) The Town does not comply with the requirements governing the Community Development Block Grant program or other applicable law;
- (4) The Town proposes activities which are otherwise ineligible according to the federal regulations.

Any person who raises an objection must identify which of the aforementioned requirements was not met by the Town and also state the data upon which he relies for his objection.

Although HUD will consider objections submitted at any time, such objections should be submitted within thirty days of the Town's publication of the notice that a Community Development Block Grant application has been submitted to HUD. In order to ensure that objections submitted will be considered during the review process, HUD will not approve an application from the Town until at least forty-five days after receipt of the application. (Unnumbered, SVIII, April 17, 1978)

1.45.090 Complaints. Any written complaint submitted to the Town of Chrisney shall be responded to in writing within fifteen working days of receipt of the complaint. (Unnumbered, SIX, April 17, 1978)

1.45.100 Technical assistance. In order to facilitate citizen participation, the Town of Chrisney shall provide technical assistance to any citizen organization or low and moderate income group which requests it in writing. The Town, with the assistance of the Lincoln Hills Development Corporation, a local Community Action Agency experienced in housing affairs, shall provide training in organization and operations. (Unnumbered, SX, April 17, 1978)

1.45.110 Public access to program information. The Town of Chrisney shall provide for the full and timely disclosure of all program records and information. This shall be accomplished through public notices and hearings (as previously discussed) and by having available at the Town Hall for public inspection all documents related to the Town's community development program. These records shall be available for citizen review upon

request during the Town's normal working hours. The documents to be kept on file include the following:

- (1) Mailings and promotional material
- (2) Records of hearings
- (3) Key documents such as prior applications, letters of approval, grant agreements, and HUD evaluations
- (4) Citizen Participation Plan
- (5) Grantee Performance Report
- (6) Proposed and approved application
- (7) Copies of the federal regulations governing the Community Development Block Grant program
- (8) Other documents such as contracting procedures, environmental policies, fair housing and equal opportunity requirements, relocation provisions, and A-95 reviews. (Unnumbered, SXI, April 17, 1978)

1.45.120 Bilingual information. If ever a significant number of low and moderate income persons who speak and read a primary language other than English should reside in Chrisney, the Town shall then publish notices of hearings and summaries of important information in such language. (Unnumbered, SXII, April 17, 1978)

Chapter 1.46

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

Sections:

- 1.46.010 Adoption of Transition Plan**
- 1.46.020 Designation of Coordinator**

1.46.010 Adoption of Transition Plan. The Americans With Disabilities Act (ADA) Transition Plan for Public Rights-of-Way attached as Exhibit “A” is adopted as the official transition plan for the Town of Chrisney. (Res. 2013-2, April 1, 2013)

1.46.020 Designation of Coordinator. The Zoning Administrator of the Town of Chrisney is designated as the Americans With Disabilities Act (ADA) Coordinator for the Town of Chrisney. (Res. 2013-2, April 2, 2013)

Exhibit “A”

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY
TOWN OF CHRISNEY

Americans with Disabilities Act (ADA) Transition Plan for Public Rights- of- Way

John Graham

Zoning Administrator

Town of Chrisney

April 1, 2013

Exhibit "A"
AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY
TOWN OF CHRISNEY

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1. INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and Implemented, the ADA Provides comprehensive civil rights protection to persons with disabilities in the areas of employment, state and local governments services, access to public accommodation, Transportation and telecommunication. The ADA is a companion civil rights legislation to the civil Right Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, However does not specifically name all of the impairments that are covered.

The ADA is divided into five sections covering the following topics:

Title 1: Employment

Title 2: Public Services (and Transportation)

Title 3: Public Accommodation (and Commercial Facilities)

Title 4: Telecommunications

Title 5: Miscellaneous Provisions

Title 2, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title 2.

2. TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, Town of Chrisney has developed a Transition Plan, which is to be considered good practice.

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY
TOWN OF CHRISNEY

This Transition Plan for Public Rights-of Way considers the following:

A. ADA COORDINATOR:

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communications open, and thereby ensuring effective communication between all parties, the Town of Chrisney has designated the Zoning Administrator as the ADA coordinator. The ADA Coordinator shall coordinate the Town's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator.

Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The town shall make available to all interested individual the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator, in this case the Zoning Administrator.

B. GRIEVANCE PROCEDURE

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on basis of disability in the provision of services, activities, program, or benefits by the Town of Chrisney.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint, please make reference to Appendix A.

Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

ADA Coordinator P.O. Box 26 Chrisney, IN 47611

Within 15 calendar days after receipt of the complaint, ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the town of Chrisney and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his Designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his designee will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in the formats described above that are accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the ADA Coordinator or his designee and response from ADA office will be retained by the Town of Chrisney.

C. SELF EVALUATION/COMMITMENT

The Town of Chrisney has conducted an inventory of evaluations of curbs, ramps and sidewalks using aerial views. The majority of these do not meet ADA requirements. The town is committed to making all sidewalk and curb ramp Areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, roadwork construction or alteration, including federal projects under the control and/or inspection of the department of Public Works will be in compliance with ADA;
- The town will have in place a sidewalk repair program when funds come available.

D. ADA STANDARDS/ GUIDELINES

The standards are intended to apply to all constructions undertaken within the Town-Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawing will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

3. IMPLEMENTATION

The Town intends to implement this Transition plan effective the date of this document. Not only does the Town commit to following the guidelines set forth in this Transition Plan but it also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy, this document will be update at least every five years. Finally, a copy of this document will be placed in the Town Hall.

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC RIGHTS-OF-WAY
TOWN OF CHRISNEY

Appendix A: Complaint/Grievance Form

Grievant information:

Grievant Name:			
Address:	City Chrisney	State IN	Zip Code: 47537
Phone: ()			
Alternative Phone: ()			

Person Preparing Complaint Relationship to Grievant (if different from Grievant)

Name:			
Address:	City Chrisney	State IN	Zip Code: 47537
Phone: ()			
Alternative Phone: ()			

Please specify any location(s) related to the complaint or grievance (if applicable):

Chapter 1.48
ADVISORY PLAN COMMISSION

Sections:

1.48.010	Establishment
1.48.020	Purpose
1.48.030	Membership
1.48.040	Term of office
1.48.050	Vacancies
1.48.060	Official action
1.48.070	Conflict of interest
1.48.080	Organization
1.48.090	Duties

1.48.010 Establishment. There is hereby established the Town of Chrisney Advisory Plan Commission under the authority of IC 36-7-4-200 et seq., and herein shall be known as the "Commission." (Ord. 1999-5, S1, June 7, 1999)

1.48.020 Purpose. The fundamental purpose of the Commission is to coordinate efforts to promote and improve the health, safety, and welfare of the citizens and to plan for the future development of the community. (Ord. 1999-5, S2, June 7, 1999)

1.48.030 Membership.

- (1) Town Council Appointees. The Town Council shall appoint three persons who must be elected or appointed municipal officials or employees in the municipal government.
- (2) Town Council President Appointees. The Town Council President shall appoint four citizen members, of whom no more than two may be of the same political party. A citizen member must be a resident of the jurisdictional area of the Commission and may not hold other elective or appointive office in municipal, county, or state government. (Ord. 1999-5, S3, June 7, 1999)

1.48.040 Term of office.

- (1) Town Council Appointees. The term of office of a member who is appointed by the Town Council is coextensive with the member's term of office with the town government.
- (2) Town Council President Appointees. Two citizen members shall initially be appointed by the Town Council President for a term of three years and two shall initially be appointed for a term of four years. When an initial term of office of a citizen member expires, each new appointment of a citizen member is for a term of four years.
- (3) Term Expiration. Each member's term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment. A member serves until the member's successor is appointed and qualified. A member is eligible for reappointment. (Ord. 1999-5, S4, June 7, 1999)

1.48.050 Vacancies. If a vacancy occurs among the Commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member. (Ord. 1999-5, S5, June 7, 1999)

1.48.060 Official action. Action of the Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the Commission. (Ord. 1999-5, S6, June 7, 1999)

1.48.070 Conflict of interest. A member of the Commission may not participate as a member in a hearing or decision of the Commission concerning a zoning matter in which the member has a direct or indirect financial interest. The Commission shall enter in its records the fact its member has such a disqualification. A member may not directly or personally represent another person in a hearing before the Commission concerning a zoning matter. As used in this section, "zoning matter" does not include the preparation of a comprehensive plan. (Ord. 1999-5, S7, June 7, 1999)

1.48.080 Organization.

- (1) President and Vice President. At its first regular meeting in each year, the Commission shall elect from its members a president and a vice president. The vice president may act as president of the Commission during the absence or disability of the president.
- (2) Secretary. The Commission shall appoint and may fix the duties of a secretary, who is not required to be a member of the Commission.
- (3) Meetings and Minutes. The Commission shall fix the time for holding regular meetings each month or as necessary. The Commission shall keep minutes of its meetings. The minutes of Commission meetings and all records shall be filed in the office of the Commission and are public records. Special meetings of the Commission may be called by the president or be two members of the Commission upon written request to the secretary. The secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the date, time, and place of such meeting are fixed in a regular meeting and all members of the Commission are present at that regular meeting. (Ord. 1999-5, S8, June 7, 1999)

1.48.090 Duties.

- (1) Recommendations to the Town Council. The Commission shall make recommendations to the Council concerning the adoption, development, and amendments to the Comprehensive Plan, the Zoning Ordinance, the official Zoning Map, and any other ordinances, plans, maps, and reports relating to the development of the Town.
- (2) Final Authority for Approval. The Commission shall render decisions concerning and approve plats or replats of subdivisions, development or redevelopment plans, and the assignment of street numbers to lots and structures, the renumbering of lots and structures, and the naming and renaming of streets.

- (3) Administrative. The Commission shall supervise, and make rules for, the administration of the affairs of the Commission, shall supervise the Zoning Administrator and other Commission staff, shall supervise the fiscal affairs of the Commission, and prepare and submit an annual budget to the Town Council. The Commission shall prepare, publish, and distribute reports, ordinances, and other material relating to authorized activities. The Commission shall prescribe uniform rules pertaining to investigations and hearings. (Ord. 1999-5, S9, June 7, 1999)

Chapter 1.50

IDENTITY THEFT PREVENTION PROGRAM

Sections:

- 1.50.010 Adoption**
- 1.50.020 Exhibit A - Identity Theft Protection Program**
- 1.50.030 Exhibit B - Security Procedures**

1.50.010 Adoption. The Town of Chrisney adopts the Identity Theft Protection Program Model, prepared by the Alliance of Indiana Rural Water and further adopts the Security Procedures recommended by the said Alliance, which Identity Theft Prevention Program is attached hereto and made a part hereof as Exhibit “A”, and which Security Procedures are attached hereto and made a part hereof as Exhibit “B”. (Resolution 2011-1, S1, Jan. 3, 2011)



September 25, 2008

Alliance of Indiana Rural Water

Identity Theft Prevention Program Compliance Model

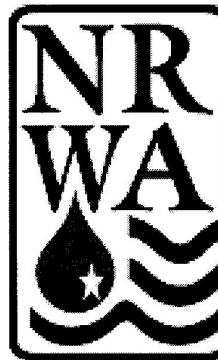
National Rural Water Association

Duncan, Oklahoma

www.nrwa.org

Ed Thomas, Senior Environmental Engineer

Questions can be emailed to redflag@ruralwater.org (place "Red Flag" in subject line)



The Red Flag rule requires any entity where there is a risk of identity theft, to develop and implement an Identity Theft Prevention Program. The Program must include reasonable policies and procedures for detecting, preventing, and mitigating identity theft. The rule was issued by the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision. The compliance date is November 1, 2008 and includes all U.S. utilities.



Alliance of Indiana Rural Water Identity Theft Prevention Program Compliance Model

This model has been designed to assist water and wastewater utilities comply with the Federal Trade Commission's (FTC) Identity Theft Red Flags Rule. The rule requires utilities to develop an "Identity Theft Prevention Program." The program consists of selecting methods to detect red flags when accounts are fraudulent, procedures to prevent the establishment of false accounts, procedures to ensure existing accounts are not being manipulated, and procedures to respond to identity theft.

All utilities are required to comply with the FTC's "Identity Theft Red Flag Rule" even if only nominal information such as name, phone number and address are collected. However, the true risk established through the risk assessment activity may not require any changes to existing policies or procedures.

The primary purpose of the rule is to protect against the establishment of false accounts and ensure existing accounts are not being manipulated. This regulation does not address or require utilities to adopt measures that will protect consumer information and prevent unauthorized access. However, implementation of good management practices to protect personal consumer data can prevent identity theft. Appendix A is a list of other security procedures a utility should consider to protect consumer information and to prevent unauthorized access.

Steps required to develop a utility's individual Identity Theft Prevention Program:

- Assess their existing identity theft risk (risk assessment) for new and existing accounts.
- Use the risk assessment to select measures (red flags) that may be used to detect attempts to establish fraudulent accounts.
- Identify procedures for employees to prevent the establishment of false accounts and procedures for employees to implement if existing accounts are being manipulated.
- Obtain program approval by the governing body or designated senior management by May 1, 2009.
- Train the appropriate employees on the program's policies and procedures.
- Update the plan annually with review and approval by the governing body or designated senior management. The annual report should address any material matters related to the program such as the effectiveness of the policies and procedures, the oversight and effectiveness of any third party billing and account establishment entities, a summary of any identity thefts incidents and the response to the incident, and recommendations for substantial changes to the program, if any.



For

Town of Chrisney

22 E Chestnut Street

PO Box 26

Chrisney, IN 47611

December 6, 2010

Town of Chrisney Identity Theft Prevention Program

This Plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

Contact Information:

The Senior Management Person responsible for this plan is:

Name: Kim Litkenhus

Title: Clerk Treasurer

Phone number: 812-362-8668

The Governing Body Members of the Utility are:

Board Members

1. Neal Dougan
 2. Robert Adams
 3. Karen Waninger
-



Risk Assessment

The Town of Chrisney has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft:

- ☐ New accounts opened In Person
 - ☐ New accounts opened via Telephone
 - ☐ New accounts opened via Fax
 - ☐ New accounts opened via Web
 - ☐ Account information accessed In Person
 - ☐ Account information accessed via Telephone (Person)
 - ☐ Account information is accessed via Telephone (Automated)
 - ☐ Account information is accessed via Web Site
 - ☐ Identity theft occurred in the past from someone falsely opening a utility account
-

Detection (Red Flags):

The Town of Chrisney adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

- ☐ Fraud or active duty alerts included with consumer reports
- ☐ Notice of credit freeze provided by consumer reporting agency
- ☐ Notice of address discrepancy provided by consumer reporting agency
- ☐ Inconsistent activity patterns indicated by consumer report such as:
 - ☐ Recent and significant increase in volume of inquiries
 - ☐ Unusual number of recent credit applications
 - ☐ A material change in use of credit
 - ☐ Accounts closed for cause or abuse
- ☐ Identification documents appear to be altered
- ☐ Photo and physical description do not match appearance of applicant
- ☐ Other information is inconsistent with information provided by applicant
- ☐ Other information provided by applicant is inconsistent with information on file.
- ☐ Application appears altered or destroyed and reassembled
- ☐ Personal information provided by applicant does not match other sources of information (e.g. credit reports, SS# not issued or listed as deceased)
- ☐ Lack of correlation between the SS# range and date of birth
- ☐ Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application)



- ☐ Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager)
 - ☐ SS#, address, or telephone # is the same as that of other customer at utility
 - ☐ Customer fails to provide all information requested
 - ☐ Personal information provided is inconsistent with information on file for a customer
 - ☐ Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet
 - ☐ Identity theft is reported or discovered
-

Response

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

- ☐ Ask applicant for additional documentation
 - ☐ Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify Kim Litkenhus.
 - ☐ Notify law enforcement: The utility will notify Gary Cooper at 812-549-6207 of any attempted or actual identity theft.
 - ☐ Do not open the account
 - ☐ Close the account
 - ☐ Do not attempt to collect against the account but notify authorities
-



Identity Theft Prevention Program Review and Approval

This plan has been reviewed and adopted by the Chrisney Town Board. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

Signatures:

1. *Paul Dany* Date 1/3/2011
2. *Robert L. Adams* Date 1/3/2011
3. *Karen Waminger* Date 1/3/2011

Name of Senior Management Staff Person: Kim Litkenhus

Position: Clerk Treasurer

Date: 1/3/2011

Signature: *Kim Litkenhus*

A report will be prepared annually and submitted to the above named senior management or governing body to include matter related to the program, the effectiveness of the policies and procedures, the oversight and effectiveness of any third party billing and account establishment entities, a summary of any identify theft incidents and the response to the incident, and recommendations for substantial changes to the program, if any.

Personal Information Security Procedures:

1.50.030 Exhibit B - Security Procedures.



The Town of Chrisney adopts the following security procedures:

1. Paper documents, files, and electronic media containing secure information will be stored in locked file cabinets. File cabinets will be stored in a locked room.
2. Only specially identified employees with a legitimate need will have keys to the room and cabinet.
3. Employees will not to leave sensitive papers out on their desks when they are away from their workstations.
4. Employees store files when leaving their work areas
5. Employees log off their computers when leaving their work areas
6. Employees lock file room doors when leaving their work areas
7. Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the utility.
8. No visitor will be given any entry codes or allowed unescorted access the office.
9. Access to sensitive information will be controlled using "strong" passwords. Employees will choose passwords with a mix of letters, numbers, and characters. User names and passwords will be different. Passwords will be changed at least monthly.
10. Passwords will not be shared or posted near workstations.
11. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily.
12. Computer passwords will be required.
13. User names and passwords will be different.
14. Passwords will be changed at least monthly.
15. When installing new software, vendor-supplied default passwords are changed.
16. The use of laptops is restricted to those employees who need them to perform their jobs.
17. Laptops are stored in secure place.
18. Employees never leave a laptop visible in a car, at a hotel luggage stand, or packed in checked luggage.



19. Check references or do background checks before hiring employees who will have access to sensitive data.
20. New employees sign an agreement to follow your company's confidentiality and security standards for handling sensitive data.
21. Access to customer's personal identification information is limited to employees with a "need to know."
22. Procedures exist for making sure that workers who leave your employ or transfer to another part of the company no longer have access to sensitive information.
23. Implement a regular schedule of employee training.
24. Employees will be alert to attempts at phone phishing.
25. Employees are required to notify the Clerk Treasurer immediately if there is a potential security breach, such as a lost or stolen laptop.
26. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
27. Paper records will be shredded before being placed into the trash.
28. Paper shredders will be available in the office, next to the photocopier, and at the home of any employee doing work at home.
29. Any data storage media will be disposed of by shredding, punching holes in, or incineration.

Chapter 1.52

2022 WATER BOND AND INTEREST FUND

Sections:

1.52.010	Established
1.52.020	Funds Received or Disbursed
1.52.030	Compliance

1.52.010 Established. There is hereby established a Special Fund entitled “2022 WATER BOND AND INTEREST FUND.” (Ord. 2022-3, S1, June 6, 2022)

1.52.020 Funds Received or Disbursed. That all funds received or disbursed by the Town of Chrisney concerning the water bond shall be placed in or disbursed out of this fund. (Ord. 2022-3, S2, June 6, 2022)

1.52.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in the use of said funds. (Ord. 2022-3, S3, June 6, 2022)

Chapter 1.53

2022 WATER DEBT SERVICE RESERVE FUND

Sections:

1.53.010	Established
1.53.020	Funds Received or Disbursed
1.53.030	Compliance

1.53.010 Established. There is hereby established a Special Fund entitled “2022 WATER DEBT SERVICE RESERVE FUND.” (Ord. 2022-5, S1, July 11, 2022)

1.53.020 Funds Received or Disbursed. That all funds received or disbursed by the Town of Chrisney concerning the water bond debt servicing shall be placed in or disbursed out of this fund. (Ord. 2022-5, S2, July 11, 2022)

1.53.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in use of said funds. (Ord. 2022-5, S3, July 11, 2022)

Chapter 1.55

NATURAL GAS UTILITY PLAN AND POLICY FOR ALCOHOL MISUSE PREVENTION

Sections:

1.55.010 Adoption

1.55.010 Adoption. The Town of Chrisney establishes and adopts for the Chrisney Natural Gas Utility the plan and policy entitled the Research and Special Programs Administration (RSPA) Alcohol Misuse Prevention Program (AMPP), which plan and policy is attached hereto and made a part hereof as 1.55.010 (Exhibit "A"). (Res. 2011-2, S1, Jan. 3, 2011)

EXHIBIT "A"

Section 19

CHRISNEY NATURAL GAS DEPARTMENT
22 E. CHESTNUT STREET
PO BOX 26
CHRISNEY, INDIANA 47611

CHRISNEY NATURAL GAS DEPARTMENT PLAN & POLICY
FOR
THE ALCOHOL MISUSE PREVENTION PROGRAM
DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
REGULATIONS

49CFR PART 199

SUMMARY

The research and Special Programs Administration (RSPA) Alcohol Misuse Prevention Program (AMPP) prohibits certain conduct by, and requires alcohol testing of persons who perform specified covered functions. When alcohol tests are necessary, they must be conducted by qualified technicians on evidential breath testing devices. Persons who violate this regulation will be subject to consequences, including removal from covered functions. In addition, Chrisney Natural Gas Department has established its own policy with respect to employees who misuse alcohol and the consequence and actions that may occur.

IMPLEMENTATION DATE: December 6, 2010

A copy of this plan will be distributed to each covered employee prior to the start of alcohol testing under the RSPA-mandated AMPP and to each person subsequently hired for or transferred to a covered position.

Written notice of the availability of this information will be provided to representatives of employee organizations.

1. CONTACT PERSON KNOWLEDGEABLE OF THE AMPP:
AMPP Program Manager

Name: Kim Litkenhus or Neal Dougan

Address: 22 E. Chestnut St. Chrisney, IN 47611

Phone Number: (812) 362-8668

2. CATEGORIES OF EMPLOYEES SUBJECT TO TESTING:
Persons performing any of the following covered functions for Chrisney Natural Gas Department, are subject to the DOT/RSPA alcohol testing:

<u>Employee Titles</u>	<u>Supervisor Titles</u>
All Gas Employees who are covered by the Anti-Drug Program	All Gas Supervisory persons who are covered by the Anti-Drug Program

3. PROHIBITED CONDUCT:

A. ALCOHOL AND ALCOHOL USE

- ALCOHOL IS DEFINED AS THE INTOXICATING AGENT IN BEVERAGE ALCOHOL, ETHYL ALCOHOL, OR OTHER LOW MOLECULAR WEIGHT ALCOHOL'S, INCLUDING METHYL OR ISOPROPYL ALCOHOL.
- ALCOHOL USE IS DEFINED AS THE CONSUMPTION OF ANY BEVERAGE, MIXTURE, OR PREPARATION, INCLUDING ANY MEDICATION, CONTAINING ALCOHOL.

B. Alcohol Concentration

Covered employees may not report for duty or remain on duty in a position requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. (Zero tolerance or determination) (See section 8 of this document)

C. Pre-Duty Use

Employees may not perform covered function duties within 4 hours after consuming alcohol.

On-call employees who are not at work, but could be called to perform covered functions, are subject to the pre-duty alcohol prohibition (i.e., they would have to decline a call to work if acceptance would result in performing covered duties within the 4 hours). Once notified to respond to an emergency, the employee must not consume any alcohol.

D. On-Duty Use

Covered employees may not consume alcohol while performing covered functions.

This prohibition also applies to covered employees who are at work and immediately available to perform covered functions.

E. Use After an Accident

Covered employees with knowledge of an accident involving a pipeline for which they performed a covered function at or near the time of the accident may not use alcohol for 8 hours after the accident unless they have been given a post-accident test, or Chrisney Natural Gas Department has determined that their performance could not have contributed to the accident.

Incident is defined in Part 191.3 as (1) an event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and (a) a death, or personal injury necessitating in-patient hospitalization; or (b) estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more; (2) an event that results in an emergency shutdown of a LNG facility, or (3) an event that is significant, in the judgment of the operator, even though it did not meet the criteria listed above.

Accident is defined in Part 195.50 as a release of the hazardous liquid or carbon dioxide transported resulting in (1) explosion or fire not intentionally set by the operator, (2) loss of 50 or more barrels of hazardous liquid or carbon dioxide; (3) escape to the atmosphere of more than five barrels a day of highly volatile liquids; (4) death of any person; (5) bodily harm to any person resulting in one or more of the following; (a) loss of consciousness, (b) necessity to carry the person from the scene, (c) necessity for medical treatment, (d) disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident; or (6) estimated property damage to the property of the operator or others, or both, exceeding \$5,000.

F. Refusal to Submit to Testing

Covered employees may not refuse to submit to a random, post-accident, reasonable suspicion, or follow-up alcohol test. Chrisney Natural Gas Department will not permit an employee who refuses to submit to such a test to perform or continue to perform covered functions.

Refusal to submit to a return-to-duty test is not a violation of the RSPA AMPP rule, but a refusal will preclude any person from performing covered functions.

4. FUNCTIONS AND PERIOD OF THE WORK DAY COVERED BY THE AMPP:

- A. All employees performing covered functions are subject to alcohol testing and must refrain from consuming any alcohol whenever they are performing, ready to perform, or immediately available to perform these functions.

- B. For example, our compression maintenance coordinator (employee) is on call to perform emergency maintenance coordinator functions at any time during his or her regular work day. Even though these functions might not be performed during his or her regular work day, he or she would be subject to testing the entire work day because he or she is immediately available to perform the functions of the maintenance coordinator.
 - C. Employees will only be tested for alcohol while they are at the work site. Therefore, a covered employee on call for duty while at home has not violated the regulations if he or she has an alcoholic beverage unless he or she reports for duty within 4 hours of consuming such alcohol. He or she is not subject to alcohol testing until he or she reports for work. Therefore, if he or she is called to work and has consumed alcohol within the 4 hour time frame, he or she would have to decline to report until 4 hours has passed with no alcohol consumption. Once notified about reporting to duty, the employee may not consume any alcohol.
 - D. A secretary who is available to perform covered functions from 8 a.m. to 12 noon in order to cover for an absent employee would be subject to testing during those hours even if no covered functions were actually performed.
5. CIRCUMSTANCES THAT REQUIRE TESTING:
Covered employees are subject to the following federally mandated alcohol tests:
- A. Post-Accident
 - 1. As soon as practicable, but not later than 8 hours after an accident, each covered employee will be alcohol tested if that employee's performance either contributed to the accident or cannot be discounted as a contributing factor to the accident.
 - 2. A covered employee who is subject to post-accident alcohol testing must remain readily available for testing or may be deemed by Chrisney Natural Gas Department to have refused to submit to testing.
 - 3. Attempts to conduct post-accident alcohol testing will cease 8 hours after the accident, even if no alcohol test has been conducted.
 - 4. Operator's plan must prohibit employees from using alcohol for 8 hours following an accident unless (1) the employee has been alcohol tested or (2) the employee's performance can be discounted as a contributing factor to the accident.

B. Reasonable Suspicion

1. A covered employee must submit to an alcohol test if Chrisney Natural Gas Department has determined that reasonable suspicion exists that the employee has violated the alcohol misuse prohibitions.
2. This determination must be based on a trained supervisor's specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.
3. Even if an alcohol test cannot be administered, no employee who appears to be under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse, should report for duty or remain on duty requiring the performance covered functions until a test can be administered and the result is below 0.02 or until the commencement of the employee's next duty period if at least 8 hours has elapsed.
4. Similarly, even if an alcohol test cannot be administered, Chrisney Natural Gas Department will not permit any employee who is under the influence of or impaired by alcohol, as shown by behavioral, speech, or performance indicators of alcohol misuse, to report for duty or remain on duty requiring the performance of covered functions until a test can be administered and the result is below 0.02 or until the commencement of the employee's next duty period if at least 8 hours has elapsed.
5. A supervisor who identifies an employee for a reasonable suspicion test cannot conduct the alcohol test as the breath alcohol technician for that employee.

C. Random Testing

1. All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
2. The operator will test at least ten percent (10%) of covered employees every twelve (12) months, divided on a quarterly basis. All persons will be subject to be randomly picked for drug/alcohol testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period.
3. To assure that the selection process is random, all employees covered by this policy will be placed in a common pool. All full time and temporary employees will be in this pool.

D. Return to Duty

1. Before a covered employee returns to duty in a covered function after engaging in prohibited conduct, he or she must undergo a return-to-duty test.
2. The employee is not allowed to perform a covered function until a result indicating an alcohol concentration of less than 0.02 is obtained.

E. Follow-Up

1. Each covered employee, who has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving a problem with alcohol misuse and who has returned to duty performing a covered function, will be subject to follow-up testing.
2. Follow-up tests will be unannounced and at least 6 tests will be conducted in the first 12 months after the employee is back on the job. Follow-up testing may continue for up to 60 months.
3. The schedule for follow-up alcohol testing is established by the SAP, and may include testing for drugs, as directed by the SAP.

F. Retests

1. If Chrisney Natural Gas Department desires to permit an employee to perform a covered function within 8 hours following administration of an RSPA-mandated alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04, Chrisney Natural Gas Department will first retest the employee.
2. The employee may return to the covered function if the retest result indicates an alcohol concentration of less than 0.02.

6. PROCEDURES FOR ALCOHOL TESTING; PROTECTING THE EMPLOYEE AND THE INTEGRITY OF THE BREATH TESTING PROCESS; SAFEGUARDING THE VALIDITY OF THE TEST RESULTS; AND ENSURING THAT THOSE RESULTS ARE ATTRIBUTED TO THE CORRECT EMPLOYEE:

Note: CMGD will be using Indiana Testing of Indianapolis to conduct breath alcohol testing. All tests will use the following procedures:

A. Preparation for Breath Alcohol Testing

The employee will be notified by their supervisor that they are being subject to alcohol testing (post-accident, reasonable suspicion, etc.). Upon entering the alcohol testing location, the Breath Alcohol Technician (BAT) will require the employee to provide positive identification (photo I.D. or identification by a Chrisney Natural Gas Department

representative). On request, the BAT will provide positive identification to the employee. The BAT will explain the testing procedure to the employee.

B. Screening Tests (Question all steps)

1. The BAT will complete Step 1 on the breath alcohol testing form, and the employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test.
2. An individually sealed mouthpiece will be opened in view of the employee and attached to the Evidential Breath Testing device (EBT) in accordance with the manufacturer's instructions.
3. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
4. If the EBT does not have a printer capable of generating a printed result, a sequential test number, the manufacturer's name for the device, the device's serial number, and the time and date of the test; the BAT will show the employee the result displayed on the EBT. The BAT will record the displayed result, test number, testing device, serial number of the testing device, date, time, and quantified result in Step 3 of the form; record the test number, date of the test, name of the BAT location, and quantified test result in a log book. The employee will initial the log book entry.
5. If the EBT provides a printed result, but does not print the results directly onto the form, the BAT will show the employee the result displayed on the EBT. The BAT will then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).
6. If the EBT prints the test results directly onto the form, the BAT will show the employee the result displayed on the EBT.
7. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT will date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form.
8. If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it will not be considered a refusal to be tested. In this event, the BAT will note

the failure to sign or initial in the "Remarks" section of the form.

9. If a test result printed by the EBT does not match the displayed result, the BAT will note the disparity in the remarks section. Both the employee and the BAT will initial or sign the notation. The test is then invalid and Chrisney Natural Gas Department and the employee will be so advised.
10. No further testing is authorized. The BAT will transmit the result of less than 0.02 to Chrisney Natural Gas Department in a confidential manner, and Chrisney Natural Gas Department will receive and store the information so as to ensure that confidentiality is maintained as required.

C. Confirmation Tests

1. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test will complete and sign the form and log book entry. The BAT will provide the employee with Copy 2 of the form.
2. The BAT will conduct an "air blank" to ensure that the device is working correctly. The air blank result must be 0.00. If the reading is greater than 0.00, the BAT will conduct one more air blank. If the reading is greater than 0.02, testing will not proceed using that instrument. However, testing may proceed on another instrument.
3. The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and will not be less than 15 minutes. The BAT will explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT will so note in the "Remarks" section of the form.

4. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new Breath Alcohol Testing form. The BAT will complete Step 1 on the form. The employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The BAT will note in the "Remarks" section of the form that a different BAT conducted the screening test.
5. A breath alcohol test is invalid under the following circumstances:
 - A. The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test; does not invalidate negative tests).
 - B. The breath alcohol technician does not observe the minimum 15-minute waiting period prior to the confirmation test.
 - C. The breath alcohol technician does not perform an air blank of the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00.
 - D. The breath alcohol technician does not sign the form.
 - E. The breath alcohol technician fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted.
 - F. An EBT fails to print a confirmation test result.
 - G. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

D. Employee Records

Employee records pertaining to alcohol testing will be maintained in a secure location with controlled access.

1. These records will be promptly released to the employee, or a person identified by the employee (including subsequent employers), upon written request of the employee. This release of information will not be contingent upon payment for records other than those specifically requested.

2. These records will be released to the Secretary of Transportation upon request of DOT or RSPA.
3. In a post-accident situation, these records will be released to the National Transportation Safety Board when requested as part of an accident investigation.
4. These records will be released to the employee or a decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising out of a determination that the employee engaged in prohibited conduct.

7. CONSEQUENCES FOR VIOLATING THE RULES OF THE AMPP:

A. Removal From Covered Functions

Covered employees are prohibited from performing covered functions if they have engaged in prohibited conduct under the RSPA rule or another DOT agency's alcohol misuse rule (including refusal to submit to post-accident, reasonable suspicion, or follow-up testing).

B. Required Evaluations and Testing

1. No covered employee who has violated the rules on alcohol misuse or refused to submit to testing can perform any covered function unless and until that employee has:
 - a. Been evaluated by an SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol use.
 - b. Completed any treatment recommended by the SAP;
 - c. Been evaluated by an SAP to ensure that the employee has properly followed the treatment program; and
 - d. Undergone required return-to-duty testing.
2. A SAP is a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of disorders related to drug use and abuse.

8. CONSEQUENCES FOR HAVING AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04.

If a covered employee is found to have an alcohol concentration of 0.02 or greater but less than 0.04, that employee will be immediately removed from performing covered functions, until the employee is retested with a result below 0.02, or until the start of the employee's next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test.

9. INTERVENING WHEN AN ALCOHOL PROBLEM IS SUSPECTED, INCLUDING CONFRONTATION, REFERRAL PROGRAM, AND/OR REFERRAL TO MANAGEMENT:

A. Why You Should Get Involved:

1. Although Chrisney Natural Gas Department has no history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.
2. There are three good reasons why you should be concerned if any of your coworkers is using drugs or alcohol on the job:
 - a. Your health and safety may be at risk.
 - b. Alcohol misuse costs you money.
 - c. Alcohol creates a negative work environment.
3. According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job cost society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in consumer prices, drug and alcohol use on the job costs you and your fellow workers a significant amount of money.
4. Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
5. Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of the hazardous liquid (or natural gas), alcohol misuse is an especially serious issue.
6. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the company. Acceptance of any

misuse puts you, this company, and the public at risk.

10. EFFECTS OF ALCOHOL MISUSE ON AN INDIVIDUAL'S HEALTH, WORK, AND PERSONAL LIFE:

- A. Alcohol is a central nervous system depressant. Taken in large quantities it causes not only the euphoria associated with "being drunk" but also adversely affects your judgment, your ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
- B. Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
- C. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.
- D. Workers who use alcohol (and other drugs) affect everyone. Studies show that compared to alcohol-free and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
- E. The measurable dollar cost of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden cost resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the company's public image mean that workplace substance abuse can further cut profits and competitiveness.
- F. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
- G. If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow.

11. SIGNS AND SYMPTOMS OF ALCOHOL MISUSE

Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking.
- Job or financial difficulties related to drinking.
- Loss of a consistent ability to control drinking.
- "Blackouts" or the inability to remember what happened while drinking.

- Distressing physical and/or psychological reactions if you try to stop drinking.
- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking
- Getting drunk frequently.
- Injuring yourself--or someone else--while intoxicated.
- Breaking the law while intoxicated.
- Starting the day with a drink.

12. AVAILABLE METHODS OF EVALUATING AND RESOLVING PROBLEMS ASSOCIATED WITH THE MISUSE OF ALCOHOL.

- A. Outpatient programs exist in a variety of settings:
 1. Community mental health centers.
 2. Family service agencies.
 3. Private physicians' and therapists' offices.
 4. Occupational settings.
 5. Specialized alcoholism treatment facilities.
- B. Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.
- C. Your local phone directory will list helpful referral organizations such as:
 1. Local council on alcoholism.
 2. Alcoholics Anonymous.
 3. Community alcoholism or mental health clinic.
 4. Social services or human resources department.
 5. County medical society.
- D. The SAP for Chrisney Natural Gas Department is Deaconess CONCERN in Evansville, IN. The SAP can be reached at (800) 874-4104. The SAP will perform an initial evaluation, recommend any additional treatment if necessary, and refer employees needing assistance for treatment.

13. REFERENCES AND RELATED DOCUMENTS

The following documents are an essential part of the implementation of this AMPP Plan and Policy. They are readily available to the AMPP Program Manager, the designated SAP, the designated BAT(s) and the Gas Superintendent. The custodian of these documents for availability to the parties is Kim Litkenhus.

- A. Employee Policy Statement for AMPP Program 1 page
- B. Implementation Guidelines for Alcohol Misuse Prevention Regulations in the Pipeline Industry (December 1994) 95 pages
- C. Substance Abuse Professional Procedures Guidelines for Transportation Workplace Drug and Alcohol Testing Programs (June 1995) 24 pages
- D. Alcohol Misuse Prevention Plan, US DOT, RSPA and OPS (July 1995) 44 pages
- E. Drug and Alcohol Program Interpretation Letter FY94-95 (August 1995) 25 pages

It is to be noted that the attached Plan and Policy was based on an October 31, 1994 document provided by the U.S. DOT/RSPA and was found to be the basis for an understandable Plan to be used by relatively small natural gas distribution utilities. The above document referenced as D. was issued in July 1995. Its 44-pages go into much greater detail which is the reason for using it as a reference. That document would be more suitable for a very large utility having thousands of employees. One should first read the disclaimer at the front of the July 1995 model. It specifically states that the document is not intended to require an operator to replace a current policy. It is a guide and, therefore, will be referenced to this Plan and Policy.

Other references will be available but will not be needed on a regular basis. These include, but are not limited to, the National Highway Traffic Safety Administration List of Breath Alcohol Devices, a list of approved drug laboratories, and a list of acronyms pertaining to alcohol and drug programs. Some material is available through the Superintendent of Documents, other from the U.S. Department of Transportation and some from the Pipeline Safety Division of the Illinois Commerce Commission.

14. ONGOING DOCUMENT

This is an ongoing Plan and Policy that may be changed or amended at any time.

CHRISNEY NATURAL GAS DEPARTMENT
22 E. CHESTNUT ST.
PO BOX 26
CHRISNEY, INDIANA 47611

The policy of Chrisney Natural Gas Department as it relates to alcohol misuse by employees performing covered functions is as follows: (These policies are not governed by DOT/RSPA regulations, but are developed and enforced solely by Chrisney Natural Gas Department).

1. Any employee who refuses to provide an adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement to be tested in accordance with the requirements of the AMPP, or who engages in conduct that clearly obstructs the testing procedure, will be terminated from the company.
2. Any employee who registers an alcohol concentration of 0.04 or greater on any test administered by or for Chrisney Natural Gas Department will be removed from performing a covered function and shall be suspended for a minimum of 10 working days without pay and shall be referred to a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse. The employee will not be allowed to return to a covered function until they have completed all treatment recommended by the SAP. If an employee registers an alcohol concentration of 0.04 for a second time, the employee will be terminated.
3. Any employee who registers an alcohol concentration of 0.02 - 0.039 on an RSPA-mandated test will be removed from performing a covered function and will be sent home for the day in an unpaid status the first time such a test result is obtained. Any employee who twice registers an alcohol concentration of 0.02 - 0.039 on RSPA-mandated tests will be suspended for five working days without pay and referred to a substance abuse professional, and must follow all the recommendations of the assessment. Any subsequent test at 0.02 or greater will result in termination from the company. In extraordinary circumstances, the company may exercise the right to retest an employee rather than send the employee home).
4. Employees self referring for an alcohol problem prior to being selected for testing will not be terminated and will be sent to a substance abuse professional for evaluation at their own expense.
5. Any employee who will be terminated will be advised to obtain an evaluation at their own expense from Deaconess CONCERN, our SAP, to determine if the employee is in need of assistance with an alcohol problem.

Chapter 1.56

NATURAL GAS UTILITY ANTI-DRUG PROGRAM AND PROCEDURE

Sections:

1.56.010	Required Plan
1.56.020	Owner of Utility
1.56.030	Adoption of Plan

1.56.010 Required Plan. 49 CFR PART 199, a pipeline safety regulation, requires operators of gas utilities to establish an anti-drug program. (Res. 2011-3, Whereas, Jan. 3, 2011)

1.56.020 Owner of Utility. The Town of Chrisney is the owner and operator of a natural gas utility. (Res. 2011-3, Whereas, Jan. 3, 2011)

1.56.030 Adoption of Plan. The Town of Chrisney establishes and adopts for the Chrisney Natural Gas Utility the Anti-Drug Program Policy and Procedure set out in Exhibit "A", which is attached hereto and made a part hereof. (Res. 2011-3, Whereas, Jan. 3, 2011)

Chapter 1.56
EXHIBIT “A”
SECTION 18
ANTI-DRUG PROGRAM
POLICY & PROCEDURE

Policy Statement:

Pursuant to the Pipeline Safety Regulation, Code of Federal Regulations, Title 49 (49CFR) Part 199 requiring operators of gas utilities to establish an anti-drug program, this policy establishes said program for employees of this utility who perform construction, operation, maintenance and/or emergency response functions as a course of their employment.

These functions being outlined in 49CFR Part 192, 193, or 195. Contractors who perform any of these functions for Chrisney Municipal Gas Department will be required to maintain and to make available to CMUD a written drug policy. Contractors will verify that any employees in violation of their drug policy will not be allowed to work for CMUD.

Mandatory screening shall be required of all job applicants of positions covered under this program. Those who fail this test shall not be hired for those positions.

Any employee who refuses to take or fails a drug test shall be immediately removed from their construction, operation, maintenance and/or emergency responsive duties. Any employee refusing to take or failing a drug test may receive disciplinary action up to and including termination of employment.

PROCEDURE

1. **Employee Categories**
 - a) **Testing Program:** The following employee positions are subject to drug testing as outlined in this policy.
-All gas department personnel except the Clerk Treasurer.
 - b) **Employee Assistance Program (EAP) Training:**
The following positions have received EAP Training to detect symptoms of drug use:
-Utility Superintendents
2. **Types of Drug Testing:** Employees subject to this drug testing program are required to be tested under the following five types of tests:
 - a) **Pre-Employment Testing:**
 - (1) A pre-employment drug test will be conducted when an individual is hired for a position listed in this policy.

- (2) A pre-employment drug test will be conducted when a current employee transfers from a position not covered by this policy into a position listed in this policy. An employee who previously is separated from a Part 199 anti-drug program position will be pre-employment tested prior to performing a function covered by the pipeline safety standards.
 - (3) Only applicants who are offered a position covered by this policy will be tested before being employed. Pre-Employment job applicants who test positive will not be hired and do not have the right to have their samples retested. Employees transferring into a position requiring drug testing who test positive do have the right to have their sample retested. Employees who fail a drug test will not be hired for the position requiring drug testing. If applicant's drug test is positive, then the company will refer to the MRO review (see Section 4-Medical Review Officer).
 - (4) An employee who transfers from one position covered by this policy to another covered by this policy does not require pre-employment testing.
 - (5) Employees working in a position covered by this policy on the effective date and continue to work in a covered position do not require a pre-employment test.
- (b) Random Testing:
- (1) All employees working in a position covered by this policy are subject to unannounced testing based on random selection. This includes temporary employees performing work in a covered position.
 - (2) The CMGD will test at least twenty-five percent (25%) of covered employees every twelve (12) months, divided on a quarterly basis. All persons will be subject to be randomly picked for drug testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period.
 - (3) To assure that the selection process is random, all employees covered by this policy will be placed in a common pool. All full time and temporary employees will be in this pool.
 - (4) The random selection procedure will be computer based number generated.

- (a) The Utility will then be notified of those employees selected for testing.
- (5) The selection procedure will select sufficient additional numbers (names) to be used to reach the appropriate testing level during each test period. These alternate numbers (Names) will be tested in order of selection only if persons selected are unavailable for testing due to vacations, medical leave or travel requirements.
- (c) Post-Accident Testing:
 - (1) Employees working in positions covered by this policy whose performance either contributed to an accident or cannot be completely discounted as a contribution factor to the accident will be tested.
 - (2) An "accident" on a gas pipeline or LNG facility is defined as an "incident" in 49CFR, Section 191.3 as follows:
 - a) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from and LNG facility and:
 - 1) A death, or personal injury necessitating inpatient hospitalization;
 - 2) or estimated property damage, including cost of gas lost, to the operator or others, or both, of \$50,000 or more.
 - b) An event that results in an emergency shutdown of an LNG facility.
 - c) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (a) or (b).
 - (3) An "accident" on a hazardous liquid pipeline is defined as an "accident" in 49CFR, Section 195.50.
 - (4) The employee will be tested as soon as possible, but no later than 32 hours after the accident. Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing should be as soon as possible. An employee who is subject to post-accident testing who fails to remain readily available for such

testing, including notifying the company or company representative as to their location if he or she leaves the scene of the accident may be deemed as refusing to submit to testing by the company.

- (5) All reasonable steps will be taken to obtain a urine sample from an employee after an accident. In case of a conscious but hospitalized employee, the hospital or medical facility will be required to obtain a sample and if necessary, reference will be made to the DOT drug testing requirement. If an employee is unconscious or otherwise unable to evidence consent to the procedure, the medical facility shall collect the sample. The test shall not interfere with any necessary emergency treatment.
 - (6) If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that employee will be removed from duty as an employee covered by this policy.
 - (7) Positive urine specimens will be retained by the laboratory for one (1) year. During this time, the employer or other designated person may request the lab to retain the specimen an additional period of time.
 - (8) If the MRO determines there is not legitimate medical explanation for a confirmed positive test results other than the unauthorized use of a prohibited drug, the original sample must be retested upon further request of the employee received within sixty (60) days of the receipt of final test results from the MRO. The employee may designate either the original lab or a second certified lab to make the retest.
 - (9) All accidents or incidents as defined under (2) and (3) of this section will require mandatory testing.
- (d) Reasonable Cause Testing:
- (1) When there is reasonable cause to believe that an employee covered by this policy is using a prohibited drug, the employee will be required to take a drug test.
 - (2) Only one supervisor of the employee must substantiate the decision to test for reasonable cause. This supervisor must be EAP trained in drug use symptoms.

- (3) A decision to test must be based on specific contemporaneous physical, behavioral, or performance indicators of probable drug use. Examples of this are evidence of repeated errors on-the-job, regulatory or city (utility) rule violations, or unsatisfactory time and attendance patterns, coupled with a specific contemporaneous event that indicates probable drug use.
- (4) The supervisor involved in the reasonable cause determination will ensure that the employee is transported immediately to a collection site for collection of the necessary specimen.
- (5) The employees conduct will be documented and signed by the witness within 24 hours of the observed behavior, or before the results of the drug test are released.
- (6) Testing under 49CFR, Part 199 is limited to marijuana, cocaine, opiates, amphetamines, and PCP. However, for purposes of reasonable cause, employees will be tested for any substance listed in Schedules I or II of the Controlled Substances Act.
- (e) Return to Duty Testing:
 - (1) An employee who at the recommendation of the Medical Review Officer (MRO) returns to work will be given unannounced drug tests, as scheduled by the MRO. These tests are in addition to the other types of tests stated in this policy.
 - (2) Follow up tests will be unannounced and at least 6 tests must be conducted in the first 12 months after the employee returns to duty and may continue for up to 60 months. The employee will be responsible for the costs of all testing. The time period for "return to duty" testing will not be more than sixty (60) months. A reasonable minimum is twelve (12) months. This period will be determined by the MRO.
 - (3) Testing will be on a daily, weekly, monthly or longer basis at the discretion of the MRO.

3. TESTING PROCEDURES:

- (a) Drug testing will be performed utilizing urine samples.
- (b) Tests for marijuana, cocaine, opiates, amphetamines, and

phencyclidine will be performed.

- (c) An applicant who is offered a position covered by this policy will be required to report to the drug testing collection site specified in Section 6 of this policy with forty-eight (48) hours of notification and provide a specimen of his/her urine.
- (d) Upon notification that a drug test is required, an employee will report as soon as possible but no later than twenty-four (24) hours [thirty-two (32) hours for post-accident] after notification to the drug collection site and provide a specimen of his/her urine.
- (e) The collection agency shall adhere to all requirements outlined in 49CFR Part 40, Procedures For Transportation Workplace Drug Testing Program.

4. MEDICAL REVIEW OFFICER (MRO):

- (a) The MRO for this policy is the current MRO at:
Dr. Eric Levine
881 S. Girls School Road
Indianapolis. IN 46231
317-271-2611
- (b) The following is a listing of the MRO's specific responsibilities:
 - (1) Receive positive confirmed results from laboratory.
 - (2) Request, if needed, a quantitative description of test results.
 - (3) Receive a certified copy of the original chain of custody.
 - (4) Review and interpret positive test results.
 - (5) Inform the tested individual and provide test results.
 - (6) Conduct a medical interview with the tested individual.
 - (7) Review the individual's medical history, or any other relevant biomedical factors.
 - (8) Give the individual an opportunity to discuss test results.
 - (9) Order reanalysis of the original sample in a certified laboratory, if necessary.
 - (10) Consult with others if question of accuracy arises. Consistent with Part 9-confidentiality.
 - (11) Consult with laboratory officials.

- (12) Not receive urinalysis results that do not comply with the mandatory guidelines.
 - (13) Not declare as positive an opiate-positive urine without "clinical evidence".
 - (14) Determine whether a result is scientifically sufficient.
 - (15) Determine whether and when an employee who refused to take or did not pass a drug test administered under DOT procedures may be returned to duty.
 - (16) Determine whether a result is consistent with legal drug use.
 - (17) Forward results of verified positive tests to local company coordinator.
 - (18) Maintain the required records to administer this program.
 - (19) In administering their duties, the MRO shall also conform to procedures as outlined for them in 49CFR Part 40.
5. Testing Laboratory: This testing laboratory shall be selected from the latest list of "Certified Labs for Drug Testing" which have been certified under DHHS "Mandatory Guidelines for Federal Workplace Drug Testing".
- (a) The testing laboratory for this policy is MedTox Lab
 - (b) The testing laboratory will comply with all methods and procedures of 49CFR Part 40 and will provide annual reports to Chrisney Municipal Gas Department & others as required showing compliance.
6. Collection Site: (Labs can give instructions to various agents across the state).
- (a) The collection agents for this policy are:
Indiana Testing
Memorial Hospital in Jasper
Gibson General Hospital in Princeton
Sullivan County Hospital in Sullivan
Medical Center of Vincennes
STAT Lab of Bloomington
 - (b) The collection agency will comply with all methods and

procedures of 49CFR Part 40 and will provide annual reports to Chrisney Municipal Gas Department & others as required showing compliance.

7. Employee Assistance Program (EAP):

- (a) Education - Every employee covered by this policy will receive the following drug use education:
 - (1) Drug information will be periodically distributed and displayed in the work areas.
 - (2) A copy of this policy will be given to each employee and displayed in the work area.
 - (3) The hot-line telephone number for employee assistance will be given to each employee and displayed in the work area.
- (b) Training - Every supervisor covered by this policy who will determine whether an employee must be drug tested based on reasonable cause will receive the following drug use training:
 - (1) A one hour (minimum) training period on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.
- (c) An employee who fails a drug test and who asks for help will be referred to the EAP.
- (d) Participation in rehabilitation through the EAP will not result in disciplinary action. However, successful completion of the prescribed program will be required for the employee to continue in the employment of Chrisney Municipal Gas Department.
- (e) Participation in rehabilitation through the EAP will not waive disciplinary action where warranted for violations of rules and regulations.
- (f) No employee who has been tested positive may return to work without certification of attendance in a qualified rehabilitation program.

8. RECORD KEEPING:

- (a) Chrisney Municipal Gas Department will keep the following records for the periods specified. These records will be maintained in the CM(office under the control of C N/1G D.
 - (1) Records that demonstrate the collection process conforms

to Part 199 will be kept for a minimum of three (3) years.

- (2) Records of employee drug test results that show employees failed a drug test, and the type of test failed and records that demonstrate rehabilitation, if any will be kept for a minimum of five (5) years, and include the following information:
 - (i) The functions performed by each employee who fails the drug test.
 - (ii) The prohibited drugs which were used by each employee who fails the drug test.
 - (iii) The disposition of each employee who fails the drug test (e.g. termination, rehabilitation, leave without pay, etc.).
 - (iv) The age of each employee who fails the drug test.
- (3) Records of employee drug test results that show employees passed a drug test will be kept for a minimum of one (1) year.
- (4) A record of the number of employees tested by type of test will be kept for a minimum of five (5) years.
- (5) Records confirming that supervisors and employees have been trained as required by this policy will be kept for a minimum of three (3) years. Training records will include copies of all training materials.

9. CONFIDENTIALITY:

- (a) Each individual's record of testing and results under this policy will be maintained private and confidential. With the exception of the testing laboratory, MRO designated personnel manager or upon request of RSPA or State agency officials as part of an accident investigation, the results of individual drug tests will not be released to anyone without the expressed written authorization of the individual tested. Prior to testing, the individual will be informed about who will receive test data (e.g. testing laboratory, MRO, personnel manager).
- (b) All written records will be stored in a secure location with access available only by the program administrator and the Clerk Treasurer and or Town Board President.
- (c) Unless an employee gives his or her written consent, the employee's drug testing and/or rehabilitation records will not be released to a subsequent employer.

Chapter 1.58

ALLIANCE OF INDIANA RURAL WATER REIMBURSEMENT GRANT SPECIAL FUND

Sections:

- 1.58.010** **Establishment**
- 1.58.020** **Funds to be deposited into said Fund**
- 1.58.030** **Compliance**

1.58.010 Establishment. There is hereby established a Special Fund entitled “ALLIANCE OF INDIANA RURAL WATER REIMBURSEMENT GRANT SPECIAL FUND.” (Ord. 2020-7, S1, June 1, 2020)

1.58.020 Funds to be deposited into said Fund. That all funds received by the Town of Chrisney that are associated with the Alliance of Indiana Rural Water apprenticeship program shall be deposited in said Special Fund. (Ord. 2020-7, S2, June 1, 2020)

1.58.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in the use of said funds. (Ord. 2020-7, S3, June 1, 2020)

Chapter 1.59

WATER IMPROVEMENT PROJECT SPECIAL FUND

Sections:

- 1.59.010** **Establishment**
- 1.59.020** **Funds to be deposited in said Fund**
- 1.59.030** **Compliance**

1.59.010 Establishment. There is hereby established a Special Fund entitled “WATER IMPROVEMENT PROJECT SPECIAL FUND.” (Ord. 2020-14, S1, Nov. 2, 2020)

1.59.020 Funds to be deposited in said Fund. That all funds received by the Town of Chrisney that are associated with the water improvement project shall be deposited in said Special Fund. (Ord. 2020-14, S2, Nov. 2, 2020)

1.59.030 Compliance. That the Town of Chrisney shall comply with all State and Federal laws and regulations in the use of said funds. (Ord. 2020-14, S3, Nov. 2, 2020)

Chapter 1.60

CHRISNEY HOUSING AUTHORITY

Sections:

1.60.010 Created

1.60.010 Created. It is hereby declared by the Town Board of Trustees of the Town of Chrisney that there is a need for a housing authority in the Town of Chrisney and that the Chrisney Housing Authority is hereby activated. (Res. Unnumbered, Dec. 1, 1975)

Chapter 1.65

FAIR HOUSING ORDINANCE

Sections:

1.65.010	Policy statement
1.65.020	Definitions
1.65.030	Unlawful practice
1.65.040	Discrimination in the sale or rental of housing
1.65.050	Discrimination in residential real estate-related transactions
1.65.060	Discrimination in the provision of brokerage services
1.65.070	Interference, coercion, or intimidation
1.65.080	Prevention of intimidation in fair housing cases
1.65.085	Equal Access to Housing in HUD Programs
1.65.090	Exemptions
1.65.100	Administrative enforcement of Ordinance
1.65.120	Separability of provisions

1.65.010 Policy statement. It shall be the policy of the Town of Chrisney to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. (Ord. 1996-1, S1, Jan. 8, 1996) (Ord. 1992-2, S1, Oct. 3, 1992)

1.65.020 Definitions. The definitions set forth in this Section shall apply throughout this Ordinance:

- (1) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8). (Ord. 1996-1, S2(a), Jan. 8, 1996) (Ord. 1992-2, S2(a), Oct. 3, 1992)
- (2) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in Subsection (8) of this Section. (Ord. 1996-1, S2(b), Jan. 8, 1996) (Ord. 1992-2, S2(b), Oct. 3, 1992)
- (3) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. (Ord. 1996-1, S2(c), Jan. 8, 1996) (Ord. 1992-2, S2(c), Oct. 3, 1992)
- (4) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant. (Ord. 1996-1, S2(d), Jan. 8, 1996) (Ord. 1992-2, S2(d), Oct. 3, 1992)

- (5) "Discriminatory Housing Practice" means an act that is unlawful under Sections 1.65.040, 1.65.050, 1.65.060, 1.65.070 or 1.65.080 of this Chapter or I.C. 22-9.5-5. (Ord. 1996-1, S2(e), Jan. 8, 1996) (Ord. 1992-2, S2(e), Oct. 3, 1992)
- (6) "Handicap" means, with respect to a person:
 - A. A physical or mental. impairment which substantially limits one or more of such person's major life activities,
 - B. A record of having such a impairment, or
 - C. Being regarded as having such an impairment,
 - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 - E. Any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is a transvestite [I.C. 22-9.5-2-10(c)]. (Ord. 1996-1, S2(f), Jan. 8, 1996)
- (7) "Aggrieved person" includes any person who (I.C. 22-9.3-2-2):
 - A. Claims to have been injured by a discriminatory housing practice; or
 - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur. (Ord. 1996-1, S2(g), Jan. 8, 1996)
- (8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
 - A. A parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. (Ord. 1996-1, S2(h), Jan. 8, 1996)
- (9) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4. et. seq. (Ord. 1996-1, S2(i), Jan. 8, 1996)
- (10) "Complainant" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 1996-1, S2(j), Jan. 8, 1996)

1.65.030 Unlawful practice. Subject to the provisions of subsection (2) of this Section, Section 1.65.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and In Section 1.65.040 of this Chapter shall apply to:

- (1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code. (Ord. 1996-1, S3(a), Jan. 8, 1996) (Ord. 1992-2, S3(a), Oct. 3, 1992)

- (2) Other than the provisions of subsection (3) of this Section, nothing in section 1.65.040 shall apply to:
- A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 - 1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - 2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.65.040(3) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. (Ord. 1996-1, S3(b)(1)(2), Jan. 8, 1996) (Ord. 1992-2, S3(b), Oct. 3, 1992)
- (3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
- A. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or (Ord. 2018-5, S3A, Aug. 13, 2018)
 - B. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or (Ord. 2018-5, S3B, Aug. 13, 2018)

- C. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. 2018-5, S3C, Aug. 13, 2018) (Ord. 1996-1, S3(c)(1)(2)(3), Jan. 8, 1996)

1.65.040 Discrimination in the sale or rental of housing. As made applicable by Section 1.65.030 and except as exempted by Sections 1.65.030(2) and 1.65.090, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin. (Ord. 1996-1, S4(a), Jan. 8, 1996) (Ord. 1992-2, S4(a), Oct. 3, 1992)
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin. (Ord. 1996-1, S4(b), Jan. 8, 1996) (Ord. 1992-2, S4(b), Oct. 3, 1992)
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination. (Ord. 1996-1, S4(c), Jan. 8, 1996) (Ord. 1992-2, S4(c), Oct. 3, 1992)
- (4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available. (Ord. 1996-1, S4(d), Jan. 8, 1996) (Ord. 1992-2, S4(d), Oct. 3, 1992)
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin. (Ord. 1996-1, S4(e), Jan. 8, 1996) (Ord. 1992-2, S4(e), Oct. 3, 1992)
- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of
 1. that buyer or renter;
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 1. that person; or

2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that
 - (a) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for

buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1") suffices to satisfy the requirements of paragraph C.3.(c).

- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 1996-1, S4(f)(1)(2)(3)(4)(5), Jan. 8, 1996)

1.65.050 Discrimination in residential real estate-related transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin. (Ord. 1996-1, S5(a), Jan. 8, 1996) (Ord. 1992-2, S5, Oct. 3, 1992)
- (2) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - A. The making or purchasing of loans or providing other financial assistance:
 - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - 2. secured by residential real estate.
 - B. The selling, brokering, or appraising of residential real property. (Ord. 1996-1, S5(b), Jan. 8, 1996) (Ord. 1992-2, S5, Oct. 3, 1992)
- (3) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 1996-1, S5(c), Jan. 8, 1996) (Ord. 1992-2, S5, Oct. 3, 1992)

1.65.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 1996-1, S6, Jan. 8, 1996) (Ord. 1992-2, S6, Oct. 3, 1992)

1.65.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 1.65.030, 1.65.040, 1.65.050 or 1.65.060 of this Chapter. (Ord. 1996-1, S7, Jan. 8, 1996)

1.65.080 Prevention of intimidation in fair housing cases. Whoever, whether, or not acting under code of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or (Ord. 1996-1, S8(a), Jan. 8, 1996)
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or
 - B. Affording another person or class of persons opportunity or protection so to participate; or (Ord. 1996-1, S8(b), Jan. 8, 1996)
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 2018-5, S8C, Aug. 13, 2018) (Ord. 1996-1, S8(c), Jan. 8, 1996)

1.65.085 Equal Access to Housing in HUD Programs. Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members. (Ord. 2018-5, S9, Aug. 13, 2018)

1.65.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under Subsections (2) and (3) of this Section. (Ord. 1996-1, S9(a), Jan. 8, 1996)
- (2) Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor

shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (Ord. 1996-1, S9(b), Jan. 8, 1996) (Ord. 1992-2, S7, Oct. 3, 1992)

- (3) A. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
- B. As used in this section, "housing for older persons" means housing:
 - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - 2. intended for, and solely occupied by, persons 62 years of age or older; or
 - 3. intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 1996-1, S9(c), Jan. 8, 1996)

1.65.100 Administrative enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in Subsection (2) hereof shall be vested in the Chief Executive Officer of the Town of Chrisney, Indiana. (Ord. 1996-1, S10(a), Jan. 8, 1996) (Ord. 1992-2, S8, Oct. 3, 1992)
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Chrisney, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the Town of Chrisney, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code. (Ord. 1996-1, S10(b), Jan. 8, 1996)
- (3) All executive departments and agencies of the Town of Chrisney, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes. (Ord. 1996-1, S10(c), Jan. 8, 1996)

- (4) The President of the Town Council of the Town of Chrisney, Indiana, or the President of the Town Council's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 2018-5, S11D, Aug. 13, 2018) (Ord. 1996-1, S10(d), Jan. 8, 1996)

1.65.120 Separability of provisions. If any provision of this Ordinance (Chapter) or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 1996-1, S12, Jan. 8, 1996) (Ord. 1992-2, S11, Oct. 3, 1992)

Chapter 1.77

OAK HILL CEMETERY

Sections:

1.77.010 Price of gravesites

1.77.040 Permanent Maintenance Fund for Oak Hill Cemetery

1.77.010 Price of gravesites. That the price of a single gravesite is now increased to \$200.00 and the price of a lot, which consists of eight (8) gravesites, is now increased to \$1,600.00. (Ord. 2000-11, S1, July 10, 2000)

1.77.040 Permanent Maintenance Fund for Oak Hill Cemetery.

- (1) There is hereby established a Permanent Maintenance Fund for the maintenance of Oak Hill Cemetery, a cemetery located within the Town of Chrisney and owned by the Town of Chrisney.
- (2) Fifty percent (50%) of the proceeds from the sale of lots in Oak Hill Cemetery is hereby set aside for the Permanent Maintenance Fund established by this Ordinance.
- (3) The income from the Permanent Maintenance Fund shall remain in the fund except as hereinafter provided in Item Number (4).
- (4) If the revenue from the sale of lots and other income from Oak Hill Cemetery become insufficient to meet the expense of maintaining the cemetery, income derived from the fund and its accretions may be used in whole or in part as the needs of the cemetery require, after appropriation by the Town Council according to statute.
- (5)
 - A. The Town Council may accept gifts, donations, bequests, or devises of money or real or personal property for the use of the:
 1. cemetery; or
 2. Permanent Maintenance Fund of the cemetery.
 - B. Except as provided in subsection (3), a municipality shall use:
 1. gifts, donations, bequests, or devises accepted under Subsection (1); and
 2. income or interest derived from the gifts, donations, bequests, or devises; in the same manner as the municipality uses proceeds from the sale of lots.
 - C. If a gift, donation, bequest, or devise of money or real or personal property is given or made for the use a particular lot or plot of ground, the income from the gift, donation, bequest, or devise may be used only for the upkeep and maintenance of that particular lot or plot of ground. (Ord. 2000-12, S1-5, July 10, 2000)

Chapter 1.81

PARK AND RECREATION BOARD

Sections:

1.81.010	Establishment
1.81.020	Definitions
1.81.030	Members
1.81.040	Terms
1.81.050	Election of officers
1.81.060	Powers and duties
1.81.070	Compliance with Indiana Code
1.81.080	Compensation
1.81.090	Removal of board member
1.81.100	Meetings
1.81.110	Department of Parks and Recreation

1.81.010 Establishment. Pursuant to the provisions of I.C. 36-10-3, there is hereby re-established a Chrisney Park and Recreation Board. (Ord. 2002-15, S1, Nov. 4, 2002)

1.81.020 Definitions. Definitions as used in this Ordinance:

- (1) "Board" refers to the Chrisney Park and Recreation Board.
- (2) "Department" refers to the Department of Parks and Recreation of the Town of Chrisney, Indiana.
- (3) "District" means that area being within the jurisdiction of the department which is the territory lying within the corporate boundaries of the Town of Chrisney, Indiana as such boundaries may change from time to time. (Ord. 2002-15, S2, Nov. 4, 2002)

1.81.030 Members. The Town of Chrisney Park and Recreation Board is hereby established to be composed of four (4) members. Four members are appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party. (Ord. 2002-15, S3, Nov. 4, 2002)

1.81.040 Terms. Upon re-establishment of the Board, the terms of the members initially appointed shall be:

- (1) One (1) member for a term ending the first Monday in January, 2004.
- (2) One (1) member for a term ending the first Monday in January, 2005.
- (3) One (1) member for a term ending the first Monday in January, 2006.
- (4) One (1) member for a term ending the first Monday in January, 2007.

As a term expires, each new appointment shall be made for a term of four (4) years. All members shall continue in office until a successor is appointed. If an appointment is not made by the first Monday in April, the incumbent is automatically appointed to serve

another term. A new member shall be appointed to serve the remainder of any unexpired term due to a vacancy. All members of the Board shall be residents of the Town. Neither a municipal executive nor a member of the Town Council may serve on the Board. (Ord. 2002-15, S4, Nov. 4, 2002)

1.81.050 Election of officers. At its first meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 2002-15, S5, Nov. 4, 2002)

1.81.060 Powers and duties. The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in I.C. 36-10-3. (Ord. 2002-15, S6, Nov. 4, 2002)

1.81.070 Compliance with Indiana Code. The intent of this Ordinance is to comply with I.C. 36-10-3 and therefore no rights or duties of the present Park and Recreation Board shall be affected by adoption of this Ordinance and all books, papers, documents, rights, duties and other property of the former Board are transferred to and shall become the property, right or duty of the Board created herein. (Ord. 2002-15, S7, Nov. 4, 2002)

1.81.080 Compensation. The compensation and per diem allowances for members of the Board shall not exceed those limits established by I.C. 36-10-3 and other applicable laws of the State of Indiana. (Ord. 2002-15, S8, Nov. 4, 2002)

1.81.090 Removal of board member. A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the Town Council shall appoint a hearing officer. The persons to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Ord. 2002-15, S9, Nov. 4, 2002)

1.81.100 Meetings. All meeting of the Board are open to the public. The Board shall fix the time and place of is regular meetings, but it shall meet at least quarterly.

Special meetings of the Board may be called by the President or by any two (2) members by written request to the Secretary. The Secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. 2002-15, S10, Nov. 4, 2002)

1.81.110 Department of Parks and Recreation. There is hereby created a Department of Parks and Recreation of the Town of Chrisney, Indiana, pursuant to the provisions of I.C. 36-10-3 to operate, control, and manage the Town parks now owned by the Town of

Chrisney and any and all similar parks hereafter established by and for the use of the Town and its citizens, together with all of the recreation facilities situated therein, and to control and conduct such recreation programs and activities for the citizens of this community as its governing board may deem appropriate, all pursuant to the provisions of I.C. 36-10-3.

The Department shall consist of a Park and Recreation Board, a Superintendent, and such other personnel that the Board may determine to be necessary for the proper operation and management of said Department. (Ord. 2002-15, S11, Nov. 4, 2002)

Chapter 1.84

SKATE BOARD PARK AND OTHER RECREATIONAL FACILITIES DONATION FUND

Sections:

- 1.84.010 Created**
- 1.84.020 Use of funds**

1.84.010 Created. There is hereby created a special fund for the purpose of depositing donations to purchase, construct and maintain facilities for a skate board park and other recreational facilities in the Town of Chrisney. (Ord. 2008-4, S1, Apr. 7, 2008)

1.84.020 Use of funds. The donations shall be used for the sole purpose of providing a skate board park and other recreational facilities in the Town of Chrisney. (Ord. 2008-4, S2, Apr. 7, 2008)

Chapter 1.86

POLICY ON MATERIALITY OF VARIANCES, LOSSES, SHORTAGES OR THEFTS AND PROCESS FOR REPORTING

Sections:

1.86.010	Reporting to the Clerk-Treasurer
1.86.020	Record Maintenance
1.86.030	Reporting to Law Enforcement by Clerk-Treasurer
1.86.040	Reporting to Law Enforcement and the Clerk-Treasurer by Town Council or Employees
1.86.050	Reporting to the State Board of Accounts Cash Theft in Excess of \$500
1.86.060	Reporting to the State Board of Accounts non-cash items in Excess of \$2,000
1.86.070	Investigation
1.86.080	Compliance

1.86.010 Reporting to the Clerk-Treasurer. All erroneous or irregular variances, losses, shortages, or thefts of Town funds or property shall be reported to the Clerk-Treasurer promptly upon discovery. (Res. 2016-2, S1, Apr. 4, 2016)

1.86.020 Record Maintenance. The Clerk-Treasurer shall maintain records, in compliance with accounting principles and internal control standards provided by the Indiana State Board of Accounts, pertaining to all erroneous or irregular variances, losses, shortages, or thefts of Town funds or property discovered or reported to the Clerk-Treasurer. (Res. 2016-2, S2, Apr. 4, 2016)

1.86.030 Reporting to Law Enforcement by Clerk-Treasurer. If the Clerk-Treasurer suspects that an erroneous or irregular variance, loss, shortage, or theft of Town funds or property was the result of a criminal act, regardless of amount, the Clerk-Treasurer will contact law enforcement immediately. (Res. 2016-2, S3, Apr. 4, 2016)

1.86.040 Reporting to Law Enforcement and the Clerk-Treasurer by Town Council or Employees. If any Town employee, agent or councilperson suspects that an erroneous or irregular variance, loss, shortage or theft of Town funds or property was the result of a criminal act, regardless of amount, that person will contact law enforcement and the Clerk-Treasurer immediately. (Res. 2016-2, S4, Apr. 4, 2016)

1.86.050 Reporting to the State Board of Accounts Cash Theft in Excess of \$500. It is the policy of the Town of Chrisney that the Clerk-Treasurer shall report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of Five Hundred Dollars (\$500.00) per incident, except for inadvertent clerical errors

that are identified timely and promptly corrected with no loss to the Town. (Res. 2016-2, S5, Apr. 4, 2016)

1.86.060 Reporting to the State Board of Accounts non-cash items in Excess of \$2,000. It is the policy of the Town of Chrisney that the Clerk-Treasurer shall report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of Two Thousand Dollars (\$2,000.00) estimated market value, except for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the Town, and except for losses from casualty, accidents or acts of God. (Res. 2016-2, S6, Apr. 4, 2016)

1.86.070 Investigation. It is the policy of the Town of Chrisney that if an erroneous or irregular variance, loss, shortage, or theft of Town funds or property does not meet the materiality threshold in Section 1.86.050 or Section 1.86.060, the Clerk-Treasurer will nonetheless investigate said erroneous or irregular variance, loss, shortage, or theft of Town funds or property and do the following:

- (1) Implement a procedure designed to prevent the reoccurrence of such incidents.
- (2) Take appropriate disciplinary action against the Town employee or agent that is responsible for the incident, if applicable.

(Res. 2016-2, S7, Apr. 4, 2016)

1.86.080 Compliance. All Town elected officials, all town employees and their agents are directed to comply with this policy and can be disciplined if they fail to follow this policy. (Res. 2016-2, S8, Apr. 4, 2016)

Chapter 1.87

UNIFORM INTERNAL CONTROL STANDARDS

Sections:

1.87.005	Purpose
1.87.010	Adoption

1.87.005 Purpose.

- (1) IC 5-11-1-27 requires each political subdivision to maintain a system of internal controls in order to promote accountability and transparency; and
- (2) Pursuant to IC 5-11-1-27(e) the Indiana State Board of Accounts developed and published the Uniform Internal Control Standards for Indiana Political Subdivisions in order to provide the basis of common understanding to assist public sector managers in complying with the internal control requirements; and
- (3) The Uniform Internal Control Standards for Indiana Political Subdivisions Manual is available on the government website at www.in.gov/sboa and contains the acceptable minimum level of internal control standards; and
- (4) IC 5-11-1-27(g) requires that after June 30th, 2016 the legislative body of political subdivisions ensure that internal control standards and procedures developed by the Indiana State Board of Accounts pursuant to IC 5-11-1-27(e) are adopted and that personnel receive training on internal controls; and
- (5) The Town Council of the Town of Chrisney finds that the Town's policy regarding internal controls should be the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual; and
- (6) The fiscal officer of the Town of Chrisney is the Clerk-Treasurer and pursuant to the Uniform Internal Control Standards for Indiana Political Subdivisions, the fiscal officer shall certify in writing that the Uniform Internal Control Standards have been adopted; and
- (7) The Uniform Internal Control Standards require and mandate that the legislative body insures that personnel as defined in IC 5-11-1-27 shall receive training concerning the Uniform Internal Control Standards for Indiana Political Subdivisions and that the Clerk-Treasurer of the Town of

Chrisney as the fiscal officer shall certify in writing that the personnel as defined by statute have received the required training.

(Ord. 2016-6, Whereas, Sept. 12, 2016)

1.87.010 Adoption.

- (1) That the above recitations are adopted as findings by the Town Council; and
- (2) It is further ordered and determined that the Town of Chrisney hereby adopts as policy the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time; and
- (3) It is further ordained that at the time the annual financial report is electronically filed, the Clerk-Treasurer as fiscal officer of the Town of Chrisney shall certify in writing that the Uniform Internal Control Standards for Indiana Political Subdivisions have been adopted and shall certify that the personnel have been trained as required by law; and
- (4) It is further ordained that this Chapter takes effect upon its adoption by the Town Council of the Town of Chrisney.
- (5) It is further ordained that any ordinances inconsistent or in conflict with the terms of this ordinance are of no further force and effect and are specifically repealed. This chapter shall be in full force and effect immediately upon adoption as set forth herein.

(Ord. 2016-6, Sept. 12, 2016)

Chapter 1.90

RAINY DAY FUND

Sections:

- 1.90.010** **Established**
- 1.90.020** **Transfer of funds**
- 1.90.030** **Subject to appropriation process**
- 1.90.040** **Expenditure of funds**

1.90.010 Established. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds under Indiana Code 36-1-8-5. (Ord, 2004-1, S1, Feb. 2, 2004)

1.90.020 Transfer of funds. Not more than ten percent (10%) of any fiscal years total budget shall be transferred into the "Rainy Day Fund". Therefore, effective this date, the Town Council of the Town of Chrisney approves the transfer of \$1,953.00 of unused and unencumbered funds from the Town General Fund to the "Rainy Day Fund". (Ord, 2004-1, S2, Feb. 2, 2004)

1.90.030 Subject to appropriation process. The "Rainy Day Fund" shall be subject to the same appropriation process as other funds that receive tax money. (Ord, 2004-1, S3, Feb. 2, 2004)

1.90.040 Expenditure of funds. The Town Council of the Town of Chrisney hereby intends to utilize its decision - making power regarding fiscal affairs and set priorities for allocation and expenditure of the "Rainy Day Fund" as deemed necessary to best serve the residents of the Town of Chrisney which could include appropriation for technical support, computers and communications systems, along with addressing safety concerns. (Ord, 2004-1, S4, Feb. 2, 2004)

Chapter 1.91

RIVERBOAT FUND

Sections:

- 1.91.010** **Established**
- 1.91.020** **Administration**
- 1.91.030** **Eligible use of funds**
- 1.91.040** **Non-eligible use of funds**

1.91.010 Established. There is hereby established a "Riverboat Fund" to receive revenues under Indiana Code 4-33-12-3. (Ord, 2004-6, S1, Oct. 4, 2004)

1.91.020 Administration. The revenue shall be administered by the Clerk-Treasurer of the Town of Chrisney. (Ord, 2004-6, S2, Oct. 4, 2004)

1.91.030 Eligible use of funds. The revenues may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under Indiana Code. 5-1-14-4. (Ord, 2004-6, S3, Oct. 4, 2004)

1.91.040 Non-eligible use of funds. The revenues may not be used to reduce the unit's maximum or actual levy under Indiana Code 6-1.1-18.5. (Ord, 2004-6, S4, Oct. 4, 2004)

Chapter 1.93

LIBRARY DONATION FUND

Sections:

- 1.93.010 Created**
- 1.93.020 Use of funds**
- 1.93.030 If the Library is not constructed**

1.93.010 Created. There is hereby created a special fund for the purpose of depositing donations to construct a library in the Town of Chrisney. (Ord. 2006-8, S1, Dec. 18, 2006)

1.93.020 Use of funds. The donations shall be used for the sole purpose of providing a public library in the Town of Chrisney. (Ord. 2006-8, S2, Dec. 18, 2006)

1.93.030 If the Library is not constructed. In the event that the library is not constructed within the ten (10) years from this date, the donations will be refunded to the donors. (Ord. 2006-8, S3, Dec. 18, 2006)

Chapter 1.94

MEMORANDUM OF UNDERSTANDING BETWEEN TOWN, SCHOOL, AND
LIBRARY

Sections:

1.94.010 Memorandum of Understanding between Town, School, and Library

**MEMORANDUM OF UNDERSTANDING CONCERNING
PROPOSED BRANCH LIBRARY AT CHRISNEY, INDIANA**

This Memorandum and Understanding is made and entered into this 26 day of February, 2007 by and among the Town of Chrisney, Indiana (hereinafter "Town"), the North Spencer School Corporation (hereinafter "School Corporation") and Lincoln Heritage Public Library (hereinafter "Library")

Witnesseth:

WHEREAS, the Town will apply for a Community Focus Fund (CFF) grant to construct a public library in the Town of Chrisney;

WHEREAS, the School Corporation has agreed to donate land to be used only for a library for the project in the form of a forty-nine (49) year lease at no cost to the Town with an option to renew the lease for an additional forty-nine (49) years with the terms of the new lease to be consistent with any change of conditions and with the provision that the land and improvements thereon continue to be used for a library;

WHEREAS, the Library has agreed to assume ownership and operation of the constructed library as a branch library of Lincoln Heritage Public Library after its construction by the Town;

NOW, THEREFORE, the parties hereto agree as follows:

1. The Town will apply for a Community Focus Fund (CFF) grant through the Indiana Office of Community and Rural Affairs on or before March 16, 2007.
2. The Town will provide at least \$50,000.00 as local matching funds for the Community Focus Fund (CFF) grant.

3. The School Corporation will, upon the funding of the grant, donate to the Town for the purpose of providing a branch library facility a forty-nine (49) year lease of the following described real estate in the Town of Chrisney, Indiana, to wit:

Part of the west half of the southwest quarter of section 1, township 6 south, range 6 west in Grass Township, Spencer County, Indiana and more particularly described as follows:

Beginning at a ½" iron pipe found marking the southeast corner of said west half; thence north 89 degrees 46 minutes 17 seconds west along the south line of said west half 242.30 feet to an iron pine found marking the southeast corner to Dimmett (167/148); thence north 00 degrees 16 minutes 40 seconds west along the east line of Dimmett 225.00 feet to an iron pin set; thence south 89 degrees 46 minutes 17 seconds east and parallel with said south line 242.30 feet to an iron pin set on the east line of said west half; thence south 00 degrees 16 minutes 40 seconds east along said east line 225.00 feet to the point of beginning and containing 1.251 acres per survey by Chamness Land Surveying in January, 2007.

The above-described tract is subject to all easements, rights-of-way, and restrictions of record.

Easement

The above described real estate is subject to an easement fifty (50) feet in width along the entire east side of the above described real estate retained by the North Spencer County School Corporation for the purpose of ingress and egress to its adjoining real estate.

which lease shall provide that the leased land and improvements thereon shall be used only for a library, that the lease may be assigned to the Library and that the Library shall have an option to renew the lease for an additional forty-nine (49) years with the terms of the new lease to be consistent with any change of conditions and with the provision that the land and improvements thereon continue to be used only for a library;

4. The Town will lease the real estate initially and will maintain the land and branch library during construction of the branch library until the branch library is substantially completed.

5. After the branch library is substantially completed, the Town will assign the forty-nine (49) year lease to the Library.

6. The Town will provide at its expense the following services for the branch library for a period of two (2) years from the date of transfer of title to the Library:

- a. A volunteer staff to operate the library; and
- b. Building maintenance of the library.

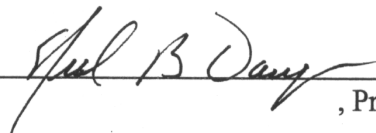
7. The Town will provide at its expense the following services for the branch library for as long as the branch library exists as a library beginning from the date of the lease to the Library:

- a. Water and sewer (not electricity); and
- b. Mowing of grounds surrounding the branch library.

8. In the event that the proposed grant is not funded, this Memorandum is void.

IN WITNESS WHEREOF the parties hereto have set their hands on the date first above written.

THE TOWN COUNCIL OF THE
TOWN OF CHRISNEY, INDIANA

BY: , President

THE BOARD OF TRUSTEES OF THE
LINCOLN HERITAGE PUBLIC LIBRARY

BY: , President

THE BOARD OF TRUSTEES OF THE
NORTH SPENCER COUNTY SCHOOL
CORPORATION

BY: , President

This instrument prepared by Jack R. Robinson, Attorney at Law, 122 S. Third Street, P.O. Box 61, Rockport, Indiana 47635, Telephone No. (812)649-5011, Attorney No. 6108-74

Chapter 1.95

LABOR RATES FOR THE TOWN

Sections:

- 1.95.010 Labor Rates**
- 1.95.020 Work Performed After Business Hours**
- 1.95.030 Minimum Charge**

1.95.010 Labor Rates. Town employees engaged work that will be charged to a private party shall charge as follows:

	<u>Charge Per Hour</u>
Laborer	\$ 60.00
Laborer with Hand Equipment	80.00
Backhoe/Operator	90.00
Tractor/Operator	80.00
Dump Truck/Operator	80.00
(Ord. 2022-1, S1, Apr. 4, 2022)	

1.95.020 Work Performed After Business Hours. Any work performed after normal business hours, on weekends or holidays, will be charged 1.5 times the aforementioned rate. (Ord. 2022-1, S2, Apr. 4, 2022)

1.95.030 Minimum Charge. A \$200 minimum charge will be assessed for the first hour on any lot that has mowing or general clean up performed. (Ord. 2022-1, S3, Apr. 4, 2022)

Chapter 1.100

OPIOID FUND - UNRESTRICTED

Sections:

1.100.010	Established
1.100.020	Contributions
1.100.030	Use of Funds
1.100.040	Termination

1.100.010 Established. There is hereby established a special fund known as Opioid Settlement Fund-Unrestricted (Fund 2256). (Ord. 2023-01, S1, Feb. 6, 2023)

1.100.020 Contributions. Contributions to the fund shall be the unrestricted portion of Opioid Settlement Funds received from the State of Indiana by the Town as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson. (Ord. 2023-01, S2, Feb. 6, 2023)

1.100.030 Use of Funds. Expenditures may be made from the fund by appropriation by the Chrisney Town Council for any purpose approved by the Town Council. (Ord. 2023-01, S3, Feb. 6, 2023)

1.100.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be returned to general fund of the Town. (Ord. 2023-01, S4, Feb. 6, 2023)

Chapter 1.101

OPIOID FUND - RESTRICTED

Sections:

1.101.010	Established
1.101.020	Contributions
1.101.030	Use of Funds
1.101.040	Termination

1.101.010 Established. There is hereby established a special fund known as Opioid Settlement Fund-Restricted (Fund 2257). (Ord. 2023-02, S1, Feb. 6, 2023)

1.101.020 Contributions. Contributions to the fund shall be the restricted portion of Opioid Settlement Funds received from the State of Indiana by the Town as a participating political subdivision from a national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health and McKesson. (Ord. 2023-02, S2, Feb. 6, 2023)

1.101.030 Use of Funds. Expenditures may be made from the fund by appropriation by the Chrisney Town Council for any purpose approved by the Town Council from the list of approved uses reached in the settlement. (Ord. 2023-02, S3, Feb. 6, 2023)

1.101.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be returned to general fund of the Town. (Ord. 2023-02, S4, Feb. 6, 2023)