

**TITLE 1**  
**ADMINISTRATION**

# TITLE 1

## ADMINISTRATION

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## Chapter 1.00

### DISTRICT BOUNDARIES

#### Sections:

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**1.00.070 Effective date and repeal of conflicting ordinances**

**1.00.010 Town Council Members.** The Town Council shall consist of three (3) members, one of whom shall be a resident of District No. 1, one of whom shall be a resident of District No. 2, and one at-large member who shall be a resident of either District. Each prospective member shall run for office as representing District No. 1, District No. 2, or at-large, but all prospective members shall be elected by all voters in the Town voting in that election. (Ord. 2012-07, S1, Aug. 14, 2012) (Ord. 2-13, S2, Oct. 7, 2002) (Ord. 90-5, S4, 1990) (Ord. O-82-7)

**1.00.020 Residency.** Residency shall be established ninety (90) days prior to primary day, except that newly incorporated areas shall be considered to have been a part of the Town for purposes of establishing residency. (Ord. 2012-07, S2, Aug. 14, 2012)

**1.00.030 Division of Districts.** The Council hereby divides the Town into two districts for the purpose of conducting Town elections, with District One being the area established as Precinct One and District Two being the area established as Precinct Two. District No. 1 and District No. 2 are divided by a line commencing on the Eastern corporate boundary of the Town, at a point in the middle of Tenth Street, thence running Westerly along a line in the middle of Tenth Street to a point in the middle of Alabama Street, thence running Northerly along a line in the middle of Alabama Street to a point in the middle of Fourteenth Street, thence running Westerly along a line in the middle of Fourteenth Street to a point in the middle of Michigan Street, thence running Northerly along a line in the middle of Michigan Street to a point in the middle of Fifteenth Street, thence running Westerly along a line in the middle of Fifteenth Street to a point in the middle of Main Street, thence running Southerly along a line in the middle of Main Street to a point in the middle of Thirteenth Street, thence running Westerly along a line in the middle of Thirteenth Street to a point in the middle of Ninth Street, thence Westerly along a line in the middle of Ninth Street to the Western corporate boundary of the Town.

District No. 1 is the area North of the line described above and District No. 2 is the area South of the line described above. (Ord. 2012-07, S3, Aug. 14, 2012) (Ord. 2-13, S3, Oct. 7, 2002) (Ord. 90-5, S1, 1990) (Ord. O-82-7)

**1.00.040 Territory not described.** If any territory in the Town is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 2012-07, S4, Aug. 14, 2012) (Ord. 2-13, S4, Oct. 7, 2002)

**1.00.050 Territory described in more than one district.** If any territory in the Town is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is one (1) of the districts in which the territory is described in this Ordinance;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 2012-07, S5, Aug. 14, 2012) (Ord. 2-13, S5, Oct. 7, 2002)

**1.00.060 Adopted Ordinance to Circuit Court Clerk.** The Clerk-Treasurer of the Town shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Dubois County not later than thirty (30) days after this Ordinance is adopted. (Ord. 2012-07, S6, Aug. 14, 2012) (Ord. 2-13, S7, Oct. 7, 2002)

**1.00.070 Effective date and repeal of conflicting ordinances.** This Ordinance shall take effect and be in full force from and after its passage, but will not affect the legality of the presently elected Council. This Ordinance repeals all ordinances in conflict herewith and Ferdinand Code Chapter 1.01. (Ord. 2012-07, S7, Aug. 14, 2012) (Ord. 2-13, S8, Oct. 7, 2002)

## Chapter 1.02

### PLAN COMMISSION

#### Sections:

##### 1.02.010 Established

##### 1.02.020 Duties

##### 1.02.030 Members

**1.02.010 Established.** There is hereby established a Town Plan Commission for the Town of Ferdinand, Indiana, under the authority provided in Chapter 174 of the Acts of 1947 of the Indiana General Assembly, as amended. (Ord. 0-67-3)

**1.02.020 Duties.** Such Plan Commission shall serve in an advisory capacity to the present established board and official (sic). (Ord. 0-67-3)

**1.02.030 Members.** The Town Plan Commission shall consist of (Seven) members with qualifications, terms of office, and methods of appointment as provided in the said Chapter 174 of the Acts of 1947, Section 6 and 10, both inclusive, as amended. (Ord. 0-67-3)

## Chapter 1.04

### BOARD OF ZONING APPEALS

#### Sections:

##### 1.04.010 Established

##### 1.04.012 Members

##### 1.04.014 Terms

##### 1.04.016 Vacancy

##### 1.04.020 Chairman, Vice-Chairman

##### 1.04.030 Call of the meeting

##### 1.04.040 Public meetings - minutes

##### 1.04.050 Voting

##### 1.04.060 Procedure of the Board

##### 1.04.070 Appeals

##### 1.04.080 Notice of appeal

##### 1.04.090 Transmitting papers

##### 1.04.100 Review powers of the Board

**1.04.010 Established.** Pursuant to the provisions of I.C. 36-7-4-901, et seq., there is hereby re-established an Advisory Board of Zoning Appeals. (Ord. 0-84-9)

**1.04.012 Members.** The Advisory Board is hereby re-established to be composed of five (5) members appointed as follows:

- (1) Three members appointed by the President of the Board of Trustees, one of whom must be a member of the Plan Commission and two of whom may not be;
- (2) One member appointed by the Board of Trustees, who may not be a member of the Plan Commission;
- (3) One member appointed by the Plan Commission who must be a member of the Plan Commission and must reside in the unincorporated area over which the town has zoning and planning jurisdiction. (Ord. 0-84-9)

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

- (1) One member for a term ending the first Monday in January, 1986, or until his successor is appointed and qualified;
- (2) One member for a term ending the first Monday in January, 1987, or until his successor is appointed and qualified;
- (3) One member for a term ending the first Monday in January, 1988, or until his successor is appointed and qualified; and
- (4) Two members for a term ending the first Monday in January, 1989, or until their successor is appointed and qualified. (Ord. 0-84-9)

**1.04.016 Vacancy.** If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. Additionally, the appointing authority may appoint an alternate member to participate with the Board in any hearing or decision in which the regular member it has appointed has a disqualification due to a conflict of interest. (Ord. 0-84-9)

**1.04.020 Chairman, Vice-Chairman.** The Board of Zoning Appeals shall elect its own chairman and vice-chairman. (Ord. 0-77-3)

**1.04.030 Call of the meetings.** All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. (Ord. 0-77-3)

**1.04.040 Public meetings-minutes.** All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. (Ord. 0-77-3)

**1.04.050 Voting.** The concurring vote of three members of the Board shall be necessary to decide in favor of the applicant any matter upon which said Board is required to pass under the provisions of this Title. (Ord. 0-77-3)

**1.04.060 Procedure of the Board.** The procedure, duties and responsibilities of the Board, as well as appeals from decisions of the Board, shall be set forth in Section 78 to 88, inclusive, and Section 90, all of Chapter 174, Acts of 1947, General Assembly of Indiana, and all acts amendatory thereto. (Ord. 0-77-3)

**1.04.070 Appeals.** Appeals to the Board may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town. The cost of legal advertising and any required notice to affected property owners shall be borne by the Petitioner. (Ord. 0-77-3)

**1.04.080 Notice of Appeal.** Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the officer from which appeal is taken and with the Board of a notice of appeal specifying the grounds thereof. (Ord. 0-77-3)

**1.04.090 Transmitting Papers.** The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. (Ord. 0-77-3)

**1.04.100 Review Powers of the Board.** The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the regulations established by this title. (Ord. 0-77-3)

## Chapter 1.05

### DEPUTY CLERK-TREASURER

#### Sections:

- 1.05.010 Powers and duties**
- 1.05.020 Signature**
- 1.05.030 Powers exercised when**

**1.05.010 Powers and duties.** Pursuant to I.C. 36-5-6-7, the Clerk-Treasurer is hereby authorized to appoint one (1) Deputy Clerk-Treasurer who shall have the power and authority to execute all documents required or permitted by law to be executed by the Clerk-Treasurer, and affix the seal of the Town thereto whenever required or permitted. (Ord. 92-5, S1.05.010, 1992)

**1.05.020 Signature.** Whenever the Deputy signs any document, the Deputy shall sign the name of the Clerk-Treasurer followed by the word "by" and the Deputy's own name and the words "Deputy Clerk-Treasurer". (Ord. 92-5, S1.05.020, 1992)

**1.05.030 Powers exercised when.** The powers described herein shall be exercised by such Deputy only in the absence of the Clerk-Treasurer or as determined by resolution of the Town Council that the Clerk-Treasurer is temporarily or permanently incapacitated or unable to perform the functions of the office. Such Deputy shall have such power and authority as authorized by the Council. (Ord. 92-5, S1.05.030, 1992)

## Chapter 1.06

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

- 1.06.010 Established**
- 1.06.020 Board members**
- 1.06.030 Terms**
- 1.06.040 Election of officers**
- 1.06.050 Duties**
- 1.06.060 Budget**
- 1.06.065 Lease guidelines**
- 1.06.070 Fees**

**1.06.010 Established.** Pursuant to the provisions of IC 36-10-3, there is hereby re-established a Department of Parks and Recreation. (Ord. 0-83-4)



**1.06.020 Board Members.** The Town of Ferdinand Park and Recreation Board is hereby re-established to be composed of four (4) members appointed by the Ferdinand 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. 2016-04, S1, Feb. 9, 2016) (Ord. 0-83-4)

**1.06.030 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, 1984;
- (2) One (1) member for a term ending the first Monday in January, 1985;
- (3) One (1) member for a term ending the first Monday in January, 1986.
- (4) One (1) member for a term ending the first Monday in January, 1987.

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. (Ord. 0-83-4)

**1.06.040 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. 0-83-4)

**1.06.050 Duties.** The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities 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 IC 36-10-3. (Ord. 0-83-4)

**1.06.060 Budget.** The Board shall prepare and submit an annual budget in the same manner as other departments of the Town government. The Board may accept gifts, donations and subsidies for park and recreation purposes. (Ord. 0-73-2)

**1.06.065 Lease guidelines.** A lease is required to reserve time for a field or shelter house. Selling anything or collecting a registration fee, requires a lease and proof of insurance. Proof of insurance must be submitted two weeks PRIOR to usage if required. Leases will only be accepted for the year usage is requested. Fees must be collected prior to usage. Payment will be defined by schedule below or modified by approval of Park Board. Scheduling will be handled by the town office or in the case of a request during a leased season, by the representative or the lease holder. Major leases-Leagues or entire Park rentals should be set at the March Park Board meeting. (Ord. 2017-14, S2, Oct 12, 2017)

**1.06.070 Fees.** The Board may authorize use of specific park facilities pursuant to terms, conditions and regulations as established from time to time by the Board, and for the fees as hereinafter set forth:

- |     |   |                  |
|-----|---|------------------|
| (1) | Entire 5 <sup>th</sup> Street or 18 <sup>th</sup> Street Park (includes shelter houses, volleyball courts, ball fields, horseshoe pits, etc.) | \$300.00 per day |
| (2) | 1 Ball field  | \$ 75.00 per day |
| (3) | Basketball court  | \$ 15.00 per day |
| (4) | Volleyball Court  | \$ 15.00 per day |
| (5) | Horseshoe pit – 18 <sup>th</sup> St or 5 <sup>th</sup> St   | \$ 15.00 per day |
| (6) | Volleyball Court with Lights  | \$ 25.00 per day |
| (7) | 18 <sup>th</sup> St. Shelter House-any  | \$ 40.00 per day |
| (8) | 5 <sup>th</sup> St. Shelter House   | \$ 45.00 per day |

The Board is authorized to enter into leases from time to time for multi-facility and multi-date use for fees the Board considers appropriate considering the length and nature of the use and which may combine fields and shelter houses or use of all park facilities on one or more dates. (Ord. 2017-4, S1, Oct. 12, 2017) (Ord. 2016-05, S1, Feb. 9, 2016)

## Chapter 1.08

### DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Sections:

##### 1.08.010 Established

##### 1.08.020 Members

##### 1.08.030 Statutory Authority And Procedures

**1.08.010 Established.** The Ferdinand Department of Economic Development for the Town of Ferdinand, Indiana, has been previously established, and shall operate pursuant to the provisions of Indiana Code 36-7-12-1 et seq., as amended, said Department to be under the control of an appointed Commission to be known as the Ferdinand Economic Development Commission, which Commission, shall have all powers and authority granted by the above mentioned statute. (Ord. 2014-12, S1.08.010, August 12, 2014) (Ord. 0-80-5, 1980)

**1.08.020 Members.** The membership of said Commission shall be as provided by said statute and shall consist of three (3) members to be appointed by the Town Council as follows:

One of the members so appointed shall be nominated by the President of the Town Council; One shall be nominated by the County Council of Dubois County, Indiana; One shall be selected by the Town Council of the Town of Ferdinand.

The nominations and appointments of such Commissioners shall be made in the manner prescribed by the provisions of Indiana Code 36-7-12-1 et seq., as amended. At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected, nominated and appointed in the same manner as the original appointee, and shall serve for a term of four (4) years. In the event any person appointed as Commissioner fails to qualify for such office, or if any member after qualifying shall die, resign or vacate such office, or be removed as provided in the above-mentioned statute, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified. All member seats on the Commission are currently vacant. Based on prior appointments, the existing vacancies would be filled with members' terms as follows:

Town Council nomination terms ends February 1, 2015.

Town Council President appointment term ends February 1, 2016.

Dubois County Council nomination term ends February 1, 2018. (Ord. 2014-15, S1, Sept. 9, 2014) (Ord. 2014-12, S1.08.020, Aug. 12, 2014) (Ord. O-80-5, 1980)

**1.08.030 Statutory Authority And Procedures.** The Department and Commission shall at all times operate under the authority of this Code and I.C. 36-7-12-1 et seq. and shall operate as provided therein. (Ord. 2014-12, S1.08.030, Aug. 12, 2014) (Ord. O-80-5, 1980)

## Chapter 1.10

### POLICY AND PROCEDURE FOR USE OF THE FERDINAND SENIOR CITIZENS CENTER

#### Sections:

**1.10.010 Eligible Users**

**1.10.020 Request for use and priority**

**1.10.030 Compliance with Center Rules**

**1.10.040 Appointment of a Responsible Person**

**1.10.050 User Fee**

**1.10.060 Monthly Report**

**1.10.070 Contract for Use**

**1.10.010 Eligible Users.** Any financially responsible group, organization, or individual shall be permitted to use the Center, subject to the restrictions and requirements contained herein. Provided, however, use of the Center may be denied whenever the Ferdinand Clerk-Treasurer reasonably determines that any use will unduly interfere with the peace and tranquility of the senior citizen housing complexes or poses an unacceptable financial risk to the Center. (Ord. 2016-01, S1.10.010, Jan. 12, 2016) (Ord. 02-8, S1, May 8, 2002) (Ord. 0-84-17)

**1.10.020 Request for use and priority.** Any group, organization, or individual desiring use of the Center shall contact the Ferdinand Clerk-Treasurer, advising of the desired date and time of use at least fourteen (14) days in advance, unless shorter notice is approved by the Ferdinand Clerk-Treasurer. Priority for use shall be given first to organizations directly related to the Ferdinand Senior Citizens organization and to the Town of Ferdinand, including all its Boards and Commissions; and second to all other users on a first come basis based on the date of their request to the Ferdinand Clerk-Treasurer. (Ord. 2016-01, S1.10.020, Jan. 12, 2016) (Ord. 02-8, S2, May 8, 2002) (Ord. 0-84-13)

**1.10.030 Compliance with Center Rules.** Groups, organizations, and individuals using the Center shall comply with this Code and all rules and regulations posted within the Center. Use of the Center is limited to the main meeting room, rest rooms and foyers. Users must return the Center to its original condition prior to vacating. (Ord. 2016-01, S1.10.030, Jan. 12, 2016) (Ord. 02-8, S3, May 8, 2002) (Ord. 0-84-13)

**1.10.040 Appointment of a Reliable Person.** The Clerk-Treasurer shall appoint a responsible person to unlock and generally prepare the facility for use. Upon completion of use, such person shall inspect and secure the facility and bring to the immediate attention of the Clerk-Treasurer any discrepancies regarding the condition of the facility as a result of its use. The Clerk-Treasurer shall immediately notify the apparent offenders and instruct the same to make immediate corrections. Upon any failure to make such corrections, the Clerk-Treasurer shall cause Center personnel or independent contractors to make needed corrections, and shall bill the responsible offenders the costs of making the corrections or the sum of Twenty-Five Dollars (\$25.00) whichever sum is greater. Upon action by the Town Council, repeat offenders will lose the privilege of using the facility. (Ord. 2016-01, S1.10.040, Jan. 12, 2016) (Ord. 02-8, S4, May 8, 2002) (Ord. 0-84-13)

**1.10.050 User Fee.** Any group, organization or individual desiring to use the Center shall pay to the Town upon request for use a user fee of up to 3 hours \$37.25 (\$35-rent + 2.25 tax), 3 to 5 hours \$53.50 (\$50-rent + 3.50 tax) and 1 day over 5 hours \$80.25 (\$75-rent + 5.25 tax). This fee shall be used for the costs of administration, incidental and other Center expenses. No fee shall be charged the Town or its Boards or Commissions or users under the auspices or directly related to the Ferdinand Senior Citizens organization, unless all or part of the fee is authorized by the Town Council. The fee may be waived in whole or in part as authorized by the Town Council President and Clerk-Treasurer. (Ord. 2016-01, S1.10.050, Jan. 12, 2016) (Ord. 02-8, S5, May 8, 2002) (Ord. 0-84-13)

**1.10.060 Monthly Report.** The Clerk-Treasurer shall prepare and maintain records showing use of the Center showing user name, date of use, and time of use, user fees collected for every user. Such reports will be sent to the Town Council upon request. (Ord. 2016-01, S1.10.060, Jan. 12, 2016) (Ord. 02-8, S6, May 8, 2002) (Ord. 0-84-13)

**1.10.070 Contract for Use.** No group, organization or individual shall use the Center unless an authorized representative or an individual executes a "Contract For Use", which is attached hereto and made a part of this Code. (Ord. 2016-01, S1.10.070, Jan. 12, 2016) (Ord. 02-8, S7, May 8, 2002) (Ord. 0-84-13)

Chapter 1.10

CONTRACT FOR USE

Ferdinand Senior Citizens Center

Pursuant to the provisions of Town of Ferdinand Municipal Code, the following named group, organization, or individual and all members thereof and the signatory hereto (hereinafter jointly and severally referred to as "User") does hereby agree with the Town of Ferdinand, Indiana (hereinafter referred to as "Town"), to use the facility, known as the Ferdinand Senior Citizens Center on \_\_\_\_\_ (date) from \_\_\_\_\_ to \_\_\_\_\_ (time).

User agrees that in consideration of the use of said facility that the Town and any other person, firm or organization having responsibility for said facility under the Town or in conjunction with the Town shall not be liable under any circumstances for any injury to User or any member or guest or other person using said premises under or as a result of this Contract or for any loss or damage to property brought on the facility by User, its members, guests or other persons who use the facility under or as a result of this Contract, whether such injury, loss or damage occurs by reason of negligence of the Town or the Town's boards, commissions, members, agents, employees, or of any other agent or employee of the Town, its boards and commissions, or shall occur otherwise, or by any other means or in any other manner.

User, in further consideration for the use of said premises agrees to defend, indemnify and hold harmless the Town, its successors, and assigns, and its boards and commissions and their, and each of their officers, members, agents, and employees and their, and each of their successors and assigns, of and from all claims, demands, damages, suits or actions including attorney fees and costs of defense which may be brought against them or any of them for injury to persons, including death, or damage to property, arising out of or resulting from, or in any way connected with the occupancy by or use of the facility by

User, its members, guests, and any other persons using the facility under or as a result of this Contract, for alleged acts or omissions on the part of the Town, its boards and commissions, and their and each of their officers, members, agents, and employees and their and each of their successors and assigns.

User, in further consideration for the use of said premises, agrees to vacate the premises in a timely manner, leaving the premises in a clean and orderly fashion, and without any damage to the premises. User shall be liable to the Town of Ferdinand for extra rental charges, cleaning charges, damages, and attorney fees and costs incurred for any violation of this Contract For Use.

I, the undersigned, certify that I have read this Contract; that I have read Ferdinand Municipal Code Chapter 1.10 and understand that such is incorporated herein and is part of this Contract; and that I have legal authority to bind the User and all of its members to this Contract.

\_\_\_\_\_  
(Name of User)

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Person Signing)

TOWN OF FERDINAND

Date: \_\_\_\_\_  
By: \_\_\_\_\_  
Clerk-Treasurer

## Chapter 1.12

### ORDINANCE VIOLATIONS BUREAU

#### Sections:

##### **1.12.010 Established**

##### **1.12.020 Acceptance of Payment of Fines**

##### **1.12.030 Violations Schedule**

##### **1.12.040 Payment to the Violations Clerk**

**1.12.010 Established.** There is hereby established the Ferdinand Ordinance Violations Bureau, and the Town Utilities Bookkeeper and his assistants are hereby appointed the Violations Clerk and assistant Clerks, respectively. (Ord. 88-14)

**1.12.020 Acceptance of Payment of Fines.** The Violations Clerk or authorized assistants shall accept written appearances, waivers of trial, admissions of violations, and payment of fines and penalties which do not exceed Two Hundred Fifty Dollars (\$250.00) for each violation. (Ord. 2010-12, S1, Oct. 12, 2010) (Ord. 92-2, April 14, 1992) (Ord. 88-14)

**1.12.030 Violations Schedule.** There is hereby established a Violations Schedule which schedule is declared to be the stated fine or penalty per violation as provided for in any ordinance of Ferdinand which provides for a fine or penalty, exclusive of water, electric, or sewer rate ordinances and moving traffic violations. (Ord. 88-14)

**1.12.040 Payment to the Violations Clerk.** All ordinances of Ferdinand, except water, electric, or sewer rate ordinances and moving traffic violations, which provide for payment of a fine or penalty per violation of Two Hundred Fifty Dollars (\$250.00) or less per violation, to the Town of Ferdinand, or a named representative thereof, shall be construed to allow for payment to the Violations Clerk or authorized assistants as provided for in I.C. 33-36. (Ord. 06-06, S1, July 11, 2006) (Ord. 92-2, April 14, 1992) (Ord. 88-14)



CODE AND ORDINANCE VIOLATION NOTICE

No 000002

NO. \_\_\_\_\_

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME \_\_\_\_\_

PREMISE ADDRESS: \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE \_\_\_\_\_ STATE \_\_\_\_\_

PLEASE TAKE NOTICE THAT ON (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ YOU WERE FOUND IN VIOLATION OF:

ORDINANCE(S)# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_

SPECIFICALLY THE VIOLATION CONSISTS OF:

ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON  
 PROPERTY  STREET FINE \$ \_\_\_\_\_

ANIMAL  PROHIBITED  CRUELTY  RUN AT LARGE  
 DEFECATE ON PROPERTY  UNLICENSED  
 OTHER \_\_\_\_\_ FINE \$ \_\_\_\_\_

TRASH  IMPROPER BURNING  IMPROPER DISPOSAL FINE \$ \_\_\_\_\_

HIGH GRASS OR WEEDS FINE \$ \_\_\_\_\_

LITTERING  LITTERING BY HANDBILLS FINE \$ \_\_\_\_\_

NOISE  GENERAL  VEHICULAR  ANIMAL FINE \$ \_\_\_\_\_

DISORDERLY CONDUCT FINE \$ \_\_\_\_\_

TRESPASSING  LOITERING FINE \$ \_\_\_\_\_

IMPROPER WATERING FINE \$ \_\_\_\_\_

OTHER \_\_\_\_\_ FINE \$ \_\_\_\_\_

ADDITIONAL DESCRIPTION OF VIOLATION \_\_\_\_\_

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN \_\_\_\_\_ DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

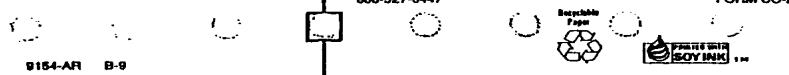
TOWN OF FERDINAND  
2065 MAIN ST.  
FERDINAND, IN 47532

ISSUING OFFICER \_\_\_\_\_ ID# \_\_\_\_\_

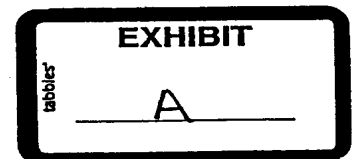
SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

LAW ENFORCEMENT SYSTEMS, INC. P.O. BOX 1835 CORSICANA, TX 75110  
800-527-8447

FORM CO-2



(Ord. 02-9, Code and Ordinance Violation Notice, June 26, 2002)



## Chapter 1.14

### EXPENDITURES TO PROMOTE THE TOWN

#### Sections:

**1.14.010 Authorization to pay expenses**

**1.14.020 Expenses allowed**

**1.14.030 Fund from which expenses shall be paid**

**1.14.040 Invalidity**

**1.14.010 Authorization to pay expenses.** Upon approval of the Town Council, the Town is authorized to pay the expenses of or reimburse a Town Official as the case may be for the expenses incurred in promoting the Town or in the conduct of Town business or in recognizing the contributions to the Town by employees, agents, or third parties. Expenses may include the cost of attendance by the Town Official and their spouse or guest at dinners and social events, including but not limited to the annual Chamber of Commerce dinner and the Christkindlmarkt dinner. (Ord. 2015-11, S1, Nov. 25, 2015) (Ord. 90-8 S1, 1990)

**1.14.020 Expenses allowed.** Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, flowers, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, grants to other civic organizations for these purposes, and any other expenses of a governmental nature deemed by the Council to be in the interest of the Town. (Ord. 90-8 S2, 1990)

**1.14.030 Fund from which expenses shall be paid.** Such approved expenses shall be paid from the General Fund, Other Charges - Promotion, as funds are appropriated from time to time, except in those instances when such expenses are properly chargeable to one or more of the Utility Funds. (Ord. 90-8 S3, 1990)

**1.14.040 Invalidity.** If any provision of this Chapter or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared severable. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed upon the effective date of Ordinance 90-8. This Chapter shall be in full force and effect as of January 1, 1990. (Ord. 90-8 S4, 1990)

## Chapter 1.15

### FEE SCHEDULE FOR CERTIFICATION, COPYING, FACSIMILE TRANSMISSIONS, NOTARIZATION OF DOCUMENTS AND INFORMATION PERTAINING TO ACCESS TO PUBLIC RECORDS

#### Sections:

- 1.15.010 Schedule of Fees and Charges
- 1.15.020 Actual Cost Not Exceeded
- 1.15.030 Access to Public Records
- 1.15.040 News Organizations
- 1.15.050 Waiver of Charges
- 1.15.060 Separability
- 1.15.070 Prior Ordinances
- 1.15.080 Publication
- 1.15.090 Effective Date

**1.15.010 Schedule of Fees and Charges.** The following schedule of fees and charges are hereby established:

- (1) Certification: \$1.00 per document
- (2) Copying: \$.10 per page
- (3) Facsimile Transmission: \$.75 per page
- (4) Notarization: \$1.00 per document
- (5) Inspection of Records: No charge
- (6) Computer Print-Out: No charge
- (7) Police Accident Report: \$5.00 per report\*\*
- (8) Compact Disk of Accident Photos: \$5.00 per disk\*\*
- (9) Law Enforcement Recording (dash cams or body cams) released pursuant to a Public Access Request: \$150.00 per recording. \*\*

\*\*All proceeds received from supplying a copy of an accident report shall continue to be deposited into the Ferdinand law enforcement continuing education fund established by I.C. 5-2-8-2. All proceeds received from supplying a law enforcement recording pursuant to a Public Access Request shall be retained by the Town of Ferdinand from year to year and shall be used, without appropriation, to purchase cameras and other equipment for use with the law enforcement recording program; for training concerning recording; and/or to defray the expense of storing, producing, and copying law enforcement records. (Ord. 2016-16, S1, S2, Sept. 13, 2016) (Ord. 2015-17, S1, 2, Dec. 15, 2015) (Ord. 1999-7, S1.15.010, July 13, 1999) (Ord. 95-9, S1, 1995)

**1.15.020 Actual Cost Not Exceeded.** These fees and charges do not exceed the actual cost of certification, copying, facsimile transmission, printing or notarization. (Ord. 1999-7, S1.15.020, July 13, 1999) (Ord. 95-9, S2, 1995)

**1.15.030 Access to Public Records.** Any person requesting permission to inspect or make copies of public records shall complete a written request therefore on a form similar to the one attached hereto as “Exhibit A - Request for Access to Public Records”. Inspection of such records, if granted, shall be allowed at no cost. Copy requests, if granted, shall be accompanied by an appropriate fee for the copies based upon the foregoing schedule. (Ord. 1999-7, S1.15.030, July 13, 1999)

**1.15.040 News Organizations.** News organizations may receive ten (10) copies per month without charge. (Ord. 1999-7, S1.15.040, July 13, 1999) (Ord. 95-9, S3, 1995)

**1.15.050 Waiver of Charges.** The council may waive charges at its discretion. (Ord. 1999-7, S1.15.050, July 13, 1999) (Ord. 95-9, S4, 1995)

**1.15.060 Separability.** If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 1999-7, S1.15.060, July 13, 1999)

**1.15.070 Prior Ordinances.** All Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed. (Ord. 1999-7, S1.15.070, July 13, 1999)

**1.15.080 Publication.** The Clerk-Treasurer shall cause Ordinance 1999-7 to be published as required by law. (Ord. 1999-7, S1.15.080, July 13, 1999) (Ord. 95-9, S5, 1995)

**1.15.090 Effective Date.** This Ordinance (Chapter) shall be effective upon adoption and publication as required by law. (Ord. 1999-7, S1.15.090, July 13, 1999) (Ord. 95-9, S6, 1995)

**Town of Ferdinand**  
**REQUEST FOR ACCESS TO PUBLIC RECORDS**  
**(Please Print)**

Name of person requesting access: \_\_\_\_\_ Phone: \_\_\_\_\_  
Organization person represents: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_

Date/time of request: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Specific description of records being requested \_\_\_\_\_  
\_\_\_\_\_

This request is a: \_\_\_\_\_ one time request  
\_\_\_\_\_ recurring request

This is for: \_\_\_\_\_ permission to inspect records as described above  
\_\_\_\_\_ a copy of records as described above

I understand I may be charged a fee for copying the records: \_\_\_\_\_  
*(Signature)*



FOR TOWN USE ONLY – DO NOT WRITE BELOW THIS LINE

Request Receipt Information

Date & Time Request received: \_\_\_\_\_ Individual receiving request: \_\_\_\_\_

Disposition of Request

Request: \_\_\_\_\_ granted \_\_\_\_\_ denied; reason(s) for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Individual making decision on request: \_\_\_\_\_ Disposition date and time: \_\_\_\_\_  
Number of copies provided: \_\_\_\_\_ Photocopy \_\_\_\_\_ Computer Fee charged: \$ \_\_\_\_\_

\_\_\_\_\_  
(fee received by)

## Chapter 1.16

### PROPERTY TAX ABATEMENT PROCEDURES

#### Sections:

- 1.16.010 Property Tax Abatement Available**
- 1.16.020 Applications for Designation/Abatement**
- 1.16.030 Filing Fee**
- 1.16.040 Application Procedure**
- 1.16.050 Evaluation Criteria and Abatement Schedule**
- 1.16.060 Expiration – Reapplication**
- 1.16.070 Review and Determination of Compliance**
- 1.16.080 Tax Abatement Limited by State Law**

**1.16.010 Property Tax Abatement Available.** There shall be available within the corporate limits of the Town of Ferdinand a program of property tax abatements in accordance with Indiana Code 6-1.1-12.1, as amended from time to time, for the redevelopment and/or rehabilitation of commercial, industrial and residential property, and for the acquisition and installation of: (i) new manufacturing equipment; (ii) new research and development equipment; (iii) new logistical distribution equipment; or (iv) new information technology equipment in areas within the corporate limits of said Town which are hereafter designated by the Town Council as an "economic revitalization areas". The terms "economic revitalization areas", "new manufacturing equipment", "new research and technology equipment", "new logistical distribution equipment", "new information technology equipment", "property", "redevelopment" and "rehabilitation", as used herein, shall have the same meaning as said terms are defined by I.C. 6-1.1-12.1-1 and as provided for in I.C. 6-1.1-12.1-2. (Ord. 14-01, S2, Jan. 23, 2014) (Ord. 91-2 S1, 1991)

**1.16.020 Applications for Designation/Abatement.** The Town shall prepare printed forms and require all applicants applying for designation/abatement to complete and submit such forms. The applications shall include, but not be limited to, the following information: description of the real estate, proposed use of the real estate, proposed type and costs of redevelopment, rehabilitation, and/or new manufacturing equipment and/or research and development equipment, description of the proposed operation and number of jobs to be created, wages for jobs to be created, and projected date of completion for the proposed improvements, and infrastructure requirements. In addition, an applicant must submit an SB-1 with an application for real property abatement and an SB-1PP with an application for personal property abatement. (Ord. 14-01, S3, Jan. 23, 2014) (Ord. 91-2, S2, 1991)

**1.16.030 Filing Fee.** Upon filing its application and any other forms required by the Town of Ferdinand for real property tax abatement, the applicant shall pay a non-refundable filing fee in the sum of Seven Hundred Fifty Dollars (\$750.00), made payable to the Town of Ferdinand. Upon filing its application and any other forms required by

the Town of Ferdinand for personal property tax abatement, the applicant shall pay a non-refundable filing fee in the sum of Seven Hundred Fifty Dollars (\$750.00), made payable to the Town of Ferdinand. If applicant files for both real property and personal property abatement, applicant shall pay total non-refundable fees of One Thousand Five Hundred Dollars (\$1,500.00) (Ord. 14-01, S4, Jan. 23, 2014) (Ord. 91-2 S3, 1991)

**1.16.040 Application Procedure.** The original completed application and other forms required by the Town of Ferdinand shall be submitted to the Ferdinand Clerk-Treasurer. Said information shall be forwarded to the Town’s legal counsel for review and to make recommendations to the Town Council of the Town of Ferdinand. The Town’s legal counsel shall indicate the desirability of designating the area described in the application as an economic revitalization area and may recommend the period of time during which the area shall be so designated and the type of abatement/incentives that should be allowed, in accordance with I.C. 6-1.1-12.1 and any other Indiana law. The Town Council shall consider the application and recommendation and make the determination as to whether or not to grant economic revitalization area status in accordance with Indiana Code 6-1.1-12.1 and amounts of tax abatement in accordance with the abatement schedule hereinafter set forth. The applicant or its representatives must attend all Council meetings that deal with the tax abatement application. Pursuant to I.C. 6-1.1-12.1-17, the Town Council of the Town of Ferdinand hereby adopts as a guideline the maximum abatement schedule hereinafter set forth, which considers the total amount of the applicant’s investment in real and personal property, the number of new full-time equivalent jobs created, the average wage of the new employees compared to the state minimum wage and the infrastructure requirements for the applicant’s investment. However, the Town of Ferdinand reserves the right in its discretion to use an alternative schedule or grant no or limited tax abatement. (Ord. 14-01, S5, Jan. 23, 2014) (Ord. 91-2, S4, 1991)

**1.16.050 Evaluation Criteria and Abatement Schedule.**

Project Evaluation Criteria

	Points
<u>Infrastructure requirements already in place</u>	
Adequate road.....	1
Water.....	1
Wastewater.....	1
Electric Service.....	1
Gas.....	1

	Points
New Investment in property and equipment (does not include land)	
\$500,000 to \$749,999.....	24
\$750,000 to \$999,999.....	26
\$1,000,000 to \$1,999,999.....	28
\$2,000,000 to \$3,999,999.....	29

Over \$4,000,000..... 30

New employment: number of new full-time equivalent (FTE)\* jobs earning a minimum of \$10.15 per hour

6 to 10 new FTE.....	16
11 to 15 new FTE.....	21
16 to 25 new FTE.....	24
26 to 50 new FTE.....	26
51 to 74 new FTE.....	28
75 to 99 new FTE.....	29
100 to 199 new FTE.....	30
200 to 299 new FTE.....	40
300 to 399 new FTE.....	50
400 or more new FTE.....	65

\*Average of at least thirty-five (35) hours per week

New employment wage level: % above state minimum wage (\$7.25)\*

160% of state minimum wage (\$11.60).....	16
180% of state minimum wage (\$13.05).....	21
200% of state minimum wage (\$14.50).....	24
225% of state minimum wage (\$16.31).....	26
250% of state minimum wage (\$18.25).....	28
300% of state minimum wage (\$21.75).....	30

\*Wage calculation based on average of all new positions

Guideline for Real and Personal Property Tax Incentives Schedule of Abatement

Total Score	Property Tax Phase-In
16-20 points	100% Year 1 75% Year 2
21-29 points	100% Year 1 75% Year 2 50% Year 3
30-39 points	100% Year 1 75% Year 2 50% Year 3 25% Year 4



40-49 points	100% Year 1 100% Year 2 75% Year 3 50% Year 4 25% Year 5
50-59 points	100% Year 1 100% Year 2 100% Year 3 75% Year 4 50% Year 5 25% Year 6
60-69 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 75% Year 5 50% Year 6 25% Year 7
70-79 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 100% Year 5 75% Year 6 50% Year 7 25% Year 8
80-89 points	100% Year 1 100% Year 2 100% Year 3 100% Year 4 100% Year 5 100% Year 6 75% Year 7 50% Year 8 25% Year 9
90+ points	100% Year 1 100% Year 2 100% Year 3 100% Year 4

100% Year 5  
100% Year 6  
100% Year 7  
75% Year 8  
50% Year 9  
25% Year 10

100+

100% Year 1  
100% Year 2  
100% Year 3  
100% Year 4  
100% Year 5  
100% Year 6  
100% Year 7  
100% Year 8  
75% Year 9  
50% Year 10  
(Ord. 14-01, S6, Jan. 23, 2014)

**1.16.060 Expiration - Reapplication.** If the improvements to real property or equipment proposed in the application for economic revitalization area status are not commenced (defined as obtaining a building permit and actual start of construction or purchase and installation of equipment) within one year of the date of designation, the economic revitalization area designation for the real estate and/or personal property may be revoked at the discretion of the Ferdinand Town Council. (Ord. 14-01, S7, Jan. 23, 2014)

**1.16.070 Review and Determination of Compliance.** Property owners receiving tax abatement must annually file all documents as required by Indiana law, including the Compliance with Statement of Benefits Form (CF-1). Said forms shall be reviewed by the Town to determine compliance, and if the property owner is not in compliance, the Council may act to rescind the remaining term of abatement and enforce penalties for paying back previously granted tax abatement as allowed by state law or by any agreement between the Town and property owner. (Ord. 14-01, S8, Jan. 23, 2014)

**1.16.080 Tax Abatement Limited by State Law.** This Ordinance/Chapter shall not give any applicant any rights to tax abatement for a longer period of time, or greater amount, than as provided by the laws of the State of Indiana. (Ord. 14-01, S9, Jan. 23, 2014)

## Chapter 1.17

### PURCHASING POLICIES

#### Sections:

**1.17.010 Designation of Purchasing Agency**

**1.17.015 Definitions**

**1.17.020 Purchase of Supplies Manufactured in the United States**

**1.17.030 Purchasing Policies**

#### **1.17.010 Designation of Purchasing Agency.**

- (1) The Ferdinand Town Council Purchasing Agency, (the “Purchasing Agency”), is established as the purchasing agency for the Town of Ferdinand. (Ord. 98-9, SI 1, Sept. 8, 1998)
- (2) The Purchasing Agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law or supplemented from time to time by ordinances adopted by the Town Council and policies adopted by the Purchasing Agency. (Ord. 98-9, SI 2, Sept. 8, 1998)
- (3) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the Town of Ferdinand. The Clerk-Treasurer shall be the Purchasing Agent of the Ferdinand Purchasing Agency and may designate in writing any employee of the Town of Ferdinand as a Deputy Purchasing Agent. (Ord. 98-9, SI 3, Sept. 8, 1998)

**1.17.015 Definitions.** The definitions as set forth in I.C. 5-22-2, and as may be amended from time to time are hereby adopted and incorporated into this Chapter 1.17. (Ord. 2016-09, S1, May 10, 2016.

#### **1.17.020 Purchase of Supplies Manufactured in the United States.**

- (1) Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:
  - A. the supplies are not manufactured in the United States in reasonably available quantities;

- B. the prices of the supplies manufactured in the United States exceed by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- C. the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- D. the purchase of supplies manufactured in the United States is not in the public interest. (Ord. 98-9, SII 1 A-D, Sept. 8, 1998)

**1.17.030 Purchasing Policies.**

- (1) The purchasing agent may purchase supplies as needed provided available funds have been appropriated. However, the purchasing agent must obtain Town Council approval for any purchase with an estimated cost of more than Twenty-Five Thousand Dollars (\$25,000.00) or when the supplies have not been previously budgeted, regardless of the cost. (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 1, Sept. 8, 1998)
- (2) The purchasing agent may purchase supplies with an estimated cost of less than Twenty-Five Thousand Dollars (\$25,000.00), on the open market without receiving quotes. The purchasing agent must use the quotes procedure as provided in I.C. 5-22-8-3, for purchase of supplies with an estimated cost of more than Twenty-Five Thousand Dollars (\$25,000). (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 2, Sept. 8, 1998)
- (3) Documents submitted in response to a solicitation shall be protected in the following manner:
  - A. The Clerk-Treasurer of the Town of Ferdinand, as purchasing agent under the Act, shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
  - B. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
  - C. Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized by any statute or ordinance.

- D. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals. The register of proposals is available for public inspection and copying, however, proposals may not be disclosed. (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 3 A-D, Sept. 8, 1998)

## Chapter 1.18

### CLAIMS WHICH COME DUE BEFORE TOWN COUNCIL MEETING

#### Sections:

#### 1.18.010 Allowable claims

#### 1.18.020 Electronic Funds Transfer

**1.18.010 Allowable claims.** The Clerk-Treasurer of the Town of Ferdinand is authorized to pay the following claims when the due date for payment thereof is prior to the date of the next scheduled meeting of the Town Council:

- (1) Property or services purchased or leased from the U.S. Government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.

- (11) State, federal, or county taxes.
- (12) Local retirement plan for employees.
- (13) Expenses that must be paid because of emergency circumstances.
- (14) Expenses that must be paid to wholesale utility suppliers.
- (15) Refund of meter deposits.
- (16) Replenish petty cash fund when necessary.
- (17) Folk Fest, Heimatfest and 175<sup>th</sup> celebration expenses.
- (18) Community Movie night expenses.
- (19) Credit card charges that will incur penalties if not paid by certain date.
- (20) Investments.
- (21) Refund of fee for cancelled activity in park or Senior Center.
- (22) Enrollment fees for training, seminars, conferences, etc.

Each payment of expenses must be supported by a fully itemized claim.

The Town Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. (Ord. 2013-16, Nov. 12, 2013) (Ord. 2005-08, Nov. 16, 2005) (Ord. 95-8, August 1995) (Ord. 92-13, S1, 1992)

**1.18.020 Electronic Funds Transfer.** Pursuant to IC 5-13-5-5, IC 36-1-8-11, and IC 36-1-8-11.5, the Clerk-Treasurer of the Town of Ferdinand is hereby authorized to pay the claims of its wholesale electric supplier by electronic funds transfer. The Clerk-Treasurer shall maintain adequate documentation of all such transactions so that the Town of Ferdinand may be audited as provided by law. (Ord. 2015-15, S1, Dec. 15, 2015)

## Chapter 1.20

### FAIR HOUSING ORDINANCE

#### Sections:

- 1.20.010 Policy statement
- 1.20.020 Definitions
- 1.20.030 Unlawful practice
- 1.20.040 Discrimination in the sale or rental of housing
- 1.20.050 Discrimination in residential real estate-related transactions
- 1.20.060 Discrimination in the provision of brokerage services
- 1.20.070 Interference, coercion, or intimidation
- 1.20.080 Prevention of intimidation in Fair Housing cases
- 1.20.090 Exemptions
- 1.20.100 Administrative enforcement of ordinance
- 1.20.120 Separability of provisions

**1.20.010 Policy statement.** It shall be in the policy of the Town of Ferdinand 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. 96-18, S1, Sept. 4, 1996) (Ord. 93-11, S1, July 27, 1993)

**1.20.020 Definitions.** The definitions set forth in this Section shall apply throughout this Chapter:

- (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).
- (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. Also, pursuant to 24 CFR Part 5, family includes persons regardless of the actual or perceived sexual orientation, gender identity, or marital status of the family's members. (Ord. 2012-12, S1, Nov. 13, 2012)

- (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 II of the United States Code, receivers, and fiduciaries.
- (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.
- (5) "Discriminatory Housing Practice" means an act that is unlawful under Section 1.20.040, 1.20.050, 1.20.060, 1.20.070 or 1.20.080 of this Chapter or I.C. 22-9.5-5.
- (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 an 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 transvestite [I.C. 22-9.5-2-10(c)].
- (7) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):
- 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.
- (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.

- (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.
- (10) "Complaint" (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. 96-18, S2, Sept. 4, 1996) (Ord. 93-11, S2, July 27, 1993)

**1.20.030 Unlawful practice.** Subject to the provisions of subsection (2) of this Section, Section 1.20.090 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 1.20.040 of this Chapter shall apply to:

- (1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in section 1.20.040 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 an (sic) any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house an (sic) 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 house 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

1.20.040 (3) of this Chapter, but nothing in this proviso 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.
- (3) For the purposes of 1.20.030 subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
- A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - B. he has, within the preceding twelve 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
  - C. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 96-18, S3, Sept. 4, 1996)

**1.20.040 Discrimination in the sale or rental of housing.** As made applicable by Section 1.20.030 and except as exempted by Sections 1.20.030 (2) and 1.20.090, 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, handicap, familial status or national origin.
- (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, handicap, familial status or national origin.
- (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.

- (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.
- (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.
- (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 of 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 any 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 person 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 (3)(C)(iii).

- 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. 96-18, S4, Sept. 4, 1996)

**1.20.050 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.
- (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 a residential real estate.
  - B. The selling, brokerage, or appraising of residential real property.
- (3) Nothing in this Chapter 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. 96-18, S5, Sept. 4, 1996)

**1.20.060 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. 96-18, S6, Sept. 4, 1996)

**1.20.070 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 the account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.20.030, 1.20.040, 1.20.050, or 1.20.060 of this Chapter. (Ord. 96-18, S7, Sept. 4, 1996)

**1.20.080 Prevention of intimidation in fair housing cases.** Whoever, whether or not acting under color 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 participation in any service, organization or facility relating to the business of selling or renting dwellings; or
- (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) (sic); or
  - B. affording another person or class of persons opportunity or protection so to participate; or
- (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 for facilities described in 1.20.080(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate. (Ord. 96-18, S8, Sept. 4, 1996)

**1.20.090 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.
- (2) Nothing in this Chapter 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 or such lodgings to its members or from giving preference to its members.

- (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 (sic) one person 55 years of age or older per unit. (Ord. 96-18, S9, Sept. 4, 1996)

**1.20.100 Administrative enforcement of ordinance:**

- (1) The authority and responsibility for properly administering this Chapter and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Town Council of the Town of Ferdinand, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Ferdinand, Indiana, because of 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 Complaints to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Town Council of the Town of Ferdinand, 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.
- (3) All executive departments and agencies of the Town of Ferdinand, 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 Town Council and the Commission to further such purposes.

- (4) The Town Council of the Town of Ferdinand, Indiana, or its designee, shall provide information on remedies available to any aggrieved person or complaint requesting such information. (Ord. 96-18, S10, Sept. 4, 1996)

**1.20.120 Separability of provisions.** If any provision of this Chapter or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Chapter and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 96-18, S12, Sept. 4, 1996)



## Chapter 1.21

### CIVIL RIGHTS POLICY

#### Sections:

- 1.21.010 Discrimination Prohibited**
- 1.21.020 Identification and Elimination**
- 1.21.030 Public Outreach**
- 1.21.040 Federally Funded Contracts Title VI included**
- 1.21.050 Non-Discrimination Policy – Appendix A**
- 1.21.060 Title VI Coordinator**
- 1.21.070 Commitment to Comply**
- 1.21.080 Grievance Procedure – Exhibit B**
- 1.21.090 Posting of Non-Discrimination Policy**

**1.21.010 Discrimination Prohibited.** The Town prohibits discrimination and/or the exclusion of individual from its municipal facilities, programs, activities and services based on the individual person's race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency. (Ord. 2016-10, S1, April 12, 2016)

**1.21.020 Identification and Elimination.** The Town will continue to work to identify and eliminate discrimination on race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency. (Ord. 2016-10, S2, April 12, 2016)

**1.21.030 Public Outreach.** The Town is committed to providing the general public with information on the non-discrimination protections provided by Title VI. The Town will pursue all available opportunities to educate the public on issues relating to discrimination under Title VI. Public outreach may include, but is not limited to, posting the Town's non-discrimination policy in public locations, including the Town's non-discrimination policy in public notices as appropriate, and posting the Town's non-discrimination policy on the Town's website. (Ord. 2016-10, S3, April 12, 2016)

**1.21.040 Federally Funded Contracts Title VI included.** The Town will ensure that all federally funded contracts contain required Title VI assurances prohibiting discrimination in violation of Ferdinand's policy on non-discrimination. The Town will monitor consultants and contractors for compliance with Ferdinand's non-discrimination policy. The Town will promptly investigate any alleged claim of discrimination and will work with the consultant or contractor to obtain voluntary compliance with Ferdinand's non-discrimination policy. (Ord. 2016-10, S4, April 12, 2016)

**1.21.050 Non-Discrimination Policy – Appendix A.** The attached Appendix A which sets forth the Non-Discrimination Policy is adopted. (Ord. 2016-10, S5, April 12, 2016)

**1.21.060 Title VI Coordinator.** The Town Manger or his designee is designated as the Title VI Coordinator for the Town. (Ord. 2016-10, S6, April 12, 2016)

**1.21.070 Commitment to Comply.** The Town's Commitment to comply with Title VI, as evidenced in the attached Non-Discrimination Policy, shall be posted on the public bulletin board at the Town Hall and shall be posted on the Town's website at [www.ferdinandindiana.org](http://www.ferdinandindiana.org). (Ord. 2016-10, S7, April 12, 2016)

**1.21.080 Grievance Procedure – Exhibit B.** The Town's Grievance Procedure under Title VI, a copy of which is attached hereto as Appendix B, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency in the provision of services, activities, programs, or benefits by the Town. (Ord. 2016-10, S8, April 12, 2016)

**1.21.090 Posting of Non-Discrimination Policy.** In compliance with Federal and State laws as set forth above, the Ferdinand Town Council directs the Title VI Coordinator to accomplish the posting of the required information under Title VI, and the Town's Title VI grievance procedure on the Town's website and at such other locations as may be determined from time to time. (Ord. 2016-10, S9, April 12, 2016)

## APPENDIX A

### **Title VI and General Non-Discrimination Policy for the Town of Ferdinand, Indiana**

#### **Policy Statement**

The Town of Ferdinand, Indiana (Ferdinand) is committed to a policy of inclusiveness, fairness, and accessibility of its programs, activities and services to all persons in Ferdinand. As provided by Title VI of the Civil Rights Act of 1964 and all related statutes, Ferdinand assures that no person shall on the grounds of race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Town of Ferdinand program, activity or service. The Town of Ferdinand further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the Town of Ferdinand distributes Federal aid funds to another entity, the Town of Ferdinand will include Title VI language in all written agreements.

#### **Definition of Federal Financial Assistance and Recipients Affected**

Federal financial assistance is defined as any Federal dollars that are assigned to the Town of Ferdinand to support any program, activity or service by way of grant, loan or contract, other than a contract of insurance or guaranty.

#### **Specific Forms of Discrimination Prohibited**

Town of Ferdinand efforts prohibit and are intended to prevent various forms of discrimination including, but not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

#### **Title VI Coordinator and Complaint Process**

The Title VI Coordinator for the Town of Ferdinand is the Town Manager or his designee. Title VI Complaints shall be processed in the manner and under the rules that

have been established by the Ferdinand Town Council. A copy of the grievance procedure and a blank complaint form are available on the Town of Ferdinand website at [www.ferdinandindiana.org](http://www.ferdinandindiana.org) or at Town Hall which is located at 2065 Main Street, Ferdinand, IN 47532.

## **APPENDIX B**

### **Town of Ferdinand Grievance Procedure under Title VI of the 1964 Civil Rights Act**

This Grievance Procedure is established to meet the requirements of Title VI of the 1964 Civil Rights act ("Title VI"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency in the provision of services, activities, programs, or benefits by the Town of Ferdinand, Indiana.

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. The sample Grievance/Complaint form attached hereto can be used, but is not required to be used. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available upon request.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Town Manager, Title VI Coordinator  
Town of Ferdinand  
2065 Main Street  
Ferdinand, IN 47532  
(812) 367-2280**

It is the policy of the Town of Ferdinand to promptly investigate all properly submitted complaints of alleged discrimination. Within sixty (60) days of receiving a complete complaint, the Town of Ferdinand will issue a written report of its findings and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The Town of Ferdinand will try to obtain an informal resolution to all complaints and offer options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or assigned designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Ferdinand Town Council or assigned designee.

Within 30 calendar days after receipt of the appeal, the Ferdinand Town Council or assigned designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the Ferdinand Town Council or assigned designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

All written complaints received by the Title VI Coordinator or assigned designee, appeals to the Ferdinand Town Council or assigned designee, and responses from these two offices will be retained by the Town of Ferdinand for at least three years.

## TOWN OF FERDINAND Complaint/Grievance Form

Alternate means of filing a Complaint/Grievance, such as a personal interview or audio recording, will be made available upon request to the Town of Ferdinand, Title VI Coordinator

<b>Section I:</b>					
Name:					
Address:					
Telephone (Home):			Telephone (Work):		
Electronic Mail Address:					
Accessible Format Requirements?	Large Print		Audio Tape		
	TDD		Other		
<b>Section II:</b>					
Are you filing this complaint on your own behalf?			Yes *	No	
*If you answered "yes" to this question, go to Section III.					
If not, please supply the name and relationship of the person for whom you are complaining:					
Please explain why you have filed for a third party:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No	
<b>Section III:</b>					
I believe the discrimination I experienced was based on (check all that apply):					
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Religion	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Low Income	<input type="checkbox"/> Limited English Proficiency	
Date of Alleged Discrimination (Month, Day, Year): _____					
Describe, in as much detail as possible, what happened and why you believe you were discriminated against. Identify all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses to the incident complained of. If more space is needed, please use the back of this form.					
What type of corrective action is the Complainant seeking: _____					

<b>Section IV:</b>		
Have you previously filed a Title VI complaint with this agency?	Yes	No
<b>Section V:</b>		
Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court?		
<input type="checkbox"/> Yes * <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal agency: _____		
<input type="checkbox"/> Federal court _____		<input type="checkbox"/> State agency _____
<input type="checkbox"/> State court _____		<input type="checkbox"/> Local agency _____
If yes, please provide information about a contact person at the agency/court where the complaint was filed.		
Name: _____		
Title: _____		
Agency: _____		
Address: _____		
Telephone: _____		
<b>Section VI</b>		
Name of agency complaint is against: _____		
Contact person: _____		
Title: _____		
Telephone number: _____		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Printed Name: \_\_\_\_\_

Please submit this form in person at the address below, or mail this form to:

Town of Ferdinand  
 Attn: \_\_\_\_\_  
 Title VI Coordinator  
 2065 Main Street  
 Ferdinand, IN 47532  
 (812) 367-2280

## Chapter 1.22

### BUILDING AND PREMISES STANDARDS DEPARTMENT

#### Sections:

##### 1.22.010 Creation

**1.22.010 Creation.** There is hereby created the Building and Premises Standards Department of the Town of Ferdinand. The Town Council is authorized to appoint one or more persons as Building and Premises Standards Officers and Deputy Officers, as needed from time to time. Such Officer(s) shall be appointed and serve at the pleasure of the Town Council upon such terms and conditions as set by the Council. (Ord. 94-2, S1, Feb. 22, 1994)



## Chapter 1.24

### DEPARTMENT OF REDEVELOPMENT

#### Sections:

- 1.24.010 Establishment**
- 1.24.020 Board Membership**
- 1.24.030 Territory**
- 1.24.040 Appointment of Members**
- 1.24.050 Conflicting Ordinances**

**1.24.010 Established.** The Town Council of the Town of Ferdinand, Indiana (“Town”), now deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a department of redevelopment. (Ord. 94-4, S1, May 24, 1994)

**1.24.020 Board Membership.** The Town Council hereby establishes the Department of Redevelopment of the Town. The Department will be controlled by a board of five members known as the Ferdinand Redevelopment Commission. (Ord. 94-4, S2, May 24, 1994)

**1.24.030 Territory.** Pursuant to the Act [IC 36-7-14 and IC 36-7-25] all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Ferdinand Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the act to the extent of the special taxes levied under the Act. (Ord. 94-4, S3, May 24, 1994)

**1.24.040 Appointment of Members.** The President of the Town Council shall appoint three of the five members of the Ferdinand Redevelopment Commission. (Ord. 94-4, S4, May 24, 1994)

**1.24.050 Conflicting Ordinances.** All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this ordinances are hereby repealed. (Ord. 94-4, S5, May 24, 1994)

## Chapter 1.26

### TOWN OF FERDINAND PRIDE OF PLACE COMMISSION

#### Sections:

**1.26.010 Creation**

**1.26.020 Members**

**1.26.030 Representation**

**1.26.040 Advisory members**

**1.26.050 Expenses**

**1.26.060 Selection of Chairman, Vice-Chairman, and Secretary; Terms; Meetings**

**1.26.070 Technical, Administrative and Clerical Assistance**

**1.26.080 Purpose**

**1.26.010 Creation.** There is hereby created the Town of Ferdinand Pride of Place Commission (hereinafter "Commission"). (Ord. 94-5, S1, July 12, 1994)

**1.26.020 Members.** The Commission shall consist of not less than three (3) nor more than seven (7) acting members, as determined by the Town Council from time to time. The voting members shall be appointed by the Council President, subject to approval of the Council. Voting members shall each serve for a term of three (3) years; however, the first three (3) members appointed shall have initial terms which expire on December 31, 1996; the next two (2) members appointed shall have initial terms which expire on December 31, 1995, and the last two (2) members appointed shall have initial terms which expire on December 31, 1994. A vacancy or new appointment shall be filled for the duration of the designated member's term. (Ord. 94-5, S2, July 12, 1994)

**1.26.030 Representation.** All members shall have an interest in the work of the Commission and one (1) member shall be representative of at least one of the following groups:

- (1) Large business;
- (2) Small business;
- (3) Historical Society;
- (4) Tourism;
- (5) County government; and
- (6) Town government.

Additionally, there may be one (1) member appointed who is not representative of the above groups. (Ord. 94-5, S3, July 12, 1994)

**1.26.040 Advisory members.** The Council may appoint such additional non-voting advisory members with such terms and qualifications as it deems appropriate from time to time. (Ord. 94-5, S4, July 12, 1994)

**1.26.050 Expenses.** Members shall serve without compensation but may be paid for reasonable expense incurred in the performance of their duties, as approved by the Council. (Ord. 94-5, S5, July 12, 1994)

**1.26.060 Selection of Chairman, Vice-Chairman and Secretary; Terms; Meetings.** The Commission, at its first meeting each year, shall select from its membership a Chairman, Vice-Chairman, and Secretary, who shall initially serve until December 31, 1994, and until each December 31 of each subsequent year thereafter. Such may be re-elected. The Commission may adopt rules for the transaction of its business not inconsistent with this Ordinance. The Commission shall adopt rules for a date, time and place of regular meetings at least monthly unless there is no business to conduct. The Commission shall also adopt rules for calling special meetings. All Commission meetings must comply with the Indiana Open Door and Open Records statutes. (Ord. 94-5, S6, July 12, 1994)

**1.26.070 Technical, Administrative and Clerical Assistance.** Each official of the Town of Ferdinand who has responsibility for building inspections, building permits, planning or zoning shall provide such technical, administrative and clerical assistance as may be requested by the Commission. (Ord. 94-5, S7, July 12, 1994)

**1.26.080 Purpose.** The purpose of the Commission is to augment the Ferdinand Advisory Plan Commission for the protection of buildings, places, and districts of historic interest and to facilitate the enactment and application of ordinances for preserving the historic, esthetic and scenic qualities of our community, while promoting appropriate economic growth. The Commission is to augment the development and application of ordinances affecting the development, preservation and esthetics of Ferdinand and the area within its jurisdictional zoning area as it exists from time to time. Areas of Commission responsibility are: Signage, Design, Architecture, Historical Preservation, Property Development, Esthetics, and Scenic Preservation. In this respect, the Commission shall act in an advisory manner only to the Plan Commission, Board of Appeals, and Town Council. (Ord. 94-5, S8, July 12, 1994)

## Chapter 1.30

### PROCEDURES FOR SELECTION OF CONSULTANTS ON CONTRACTS INVOLVING FEDERAL PARTICIPATION ON TRANSPORTATION PROJECTS

#### Sections:

- 1.30.010 Purpose
- 1.30.020 Necessity for use of consultant
- 1.30.030 Authorization for employment of a consultant
- 1.30.040 Record of consultants
- 1.30.050 Selection of consultants
- 1.30.060 Request for proposals
- 1.30.070 Submittal of proposals
- 1.30.080 Selection of consultant
- 1.30.090 Negotiations for contract
- 1.30.100 Exceptions to procedure
- 1.30.110 Notice to proceed with work

**1.30.010 Purpose.** To prescribe the procedures of the Town Council of Ferdinand, (hereinafter called the "Town Council"), applicable to the retaining of consultants on contracts involving federal participation so that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation. (Ord. 93-17, S1, Dec. 28, 1993)

**1.30.020 Necessity for use of consultant.** The services of a consultant may be requested for a project where:

- (1) the in-house capabilities of the Town Council are insufficient to accomplish the project within the desirable time; or
- (2) the complexity or nature of the project requires specialized expertise; or
- (3) it is more economical to engage such services; or
- (4) it is otherwise in the public interest. (Ord. 93-17, S2, Dec. 28, 1993)

**1.30.030 Authorization for employment of a consultant.** When determined at a meeting of the Town Council that consulting services be used, the minutes shall show that the Town Council has decided to use the services of a consultant. (Ord. 93-17, S3, Dec. 28, 1993)

**1.30.040 Record of consultants.** The Clerk-Treasurer of the Town Council will maintain files and records of consultants who have expressed interest in providing

professional services and who have submitted information as to the qualifications of their firm.

The record of consultants will be based upon information provided by each consultant in a manner which may be prescribed, supplemented with such other information as is considered necessary to provide current data about the firm. The information shall include the name, address, list of principals, list of professional-technical-supportive staff, the qualifications and experience of individuals, the history and experience of the firm, the extent of involvement in noteworthy projects, and technical and financial references. From time to time supplemental information may be submitted by the consultant to keep their file current.

The record of listing of consultants will include the firms previously and currently satisfactorily employed by the Town and all MBE/WBE firms known to the Indiana Department of Transportation (INDOT). (Ord. 93-17, S4, Dec. 28, 1993)

**1.30.050 Selection of consultants.** The selection of consultants for specific projects will be made by majority decision of the Town Council. (Ord. 93-17, S5, Dec. 28, 1993)

**1.30.060 Request for Proposals.** Prior to the consultant selection, the Town Council will prepare a notice of projects for which consultant proposals are being requested. The listing is to provide the necessary project data for preparation of consultant proposals.

The notice is to provide for a period of time, not be less than thirty (30) days from date of posting of the notice, during which consultant proposals will be accepted for the various proposed agreements described in the notice.

The listing is to be posted in the Office of the Town Council in the Town Hall in Ferdinand, Indiana.

Also by regular mail the notice will be sent to all firms that have met the requirements outlined in Section 1.30.040 of these procedures, and which have requested in writing that notices covering specific types of projects be sent to them with the firm's request being renewed annually. (Ord. 93-17, S6, Dec. 28, 1993)

**1.30.070 Submittal of proposals.** Any consultant having on file in the Town Council Office or submitted with their proposal current information on the firm's qualifications may submit proposal(s) for items noted in the notice of request for proposals during the period of time specified in the notice. The proposal must include:

- (1) description of the proposed project; and
- (2) description of anticipated work elements; and
- (3) proposed staffing for the work including designation of project manager; and

- (4) proposed schedule of work; and
- (5) information concerning current overhead rate as prepared by a C.P.A. or registered accountant, or as approved by the INDOT. (Ord. 93-17, S7, Dec. 28, 1993)

**1.30.080 Selection of consultant.** The Town Council, after a review of the proposals received for a project, will decide which firm the Town Council, in its opinion, has found most suitable for employment for that project. In keeping with the intent of Indiana's MBE Affirmative Action Plan and Federal Regulations concerning employment of minority business enterprises, the greatest possible consideration for use of minority-owned firms will be given during the selection process.

The minutes of the Town Council meeting will note the reasons for selection of the recommended consultant.

Upon the Town Council's approval, the proposal received from the selected consultant, together with any necessary added information of breakdown of scope, schedule, and proposed compensation with man-hour estimates - overhead rate - direct costs - etc., will undergo a further technical review by the Town Council. As required, preliminary discussions between the consultant and Town Council will take place during these assessments.

In those instances where FHPM 1-7-2 requires preaward audit evaluation on selected consultants which are expected to exceed \$50,000.00, said financial review will be made by the Town Council in conjunction with the Indiana Department of Transportation Division of Accounting and Control. (Ord. 93-17, S8, Dec. 28, 1993)

**1.30.090 Negotiations for contract.** When the assessment of the consultant's proposal has been completed, negotiations of the contract for the work will take place with the Town Council in group negotiating the contract with documentation of the use of the evaluations during negotiations and a preliminary agreement developed and submitted for any necessary reviews and approvals. Upon receipt of needed approvals, including local, INDOT and FHWA approvals, a final contract will be executed.

If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the Town Council or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken. (Ord. 93-17, S9, Dec. 28, 1993)

**1.30.100 Exceptions to procedure.** Where a project is considered of any emergency nature, or where the scope of work is relatively small, or where consultant's fees for the work will be less than \$10,000.00, or when the specialized qualifications of a particular consultant appear needed for accomplishment of the work, or when non-competitive negotiations are authorized by the Federal Highway Administration, a consultant may be

selected with any necessary concurrence by the Indiana Department of Highways and the Federal Highway Administration's Division Office, and only that firm requested to immediately submit a consultant proposal for the project. (Ord. 93-17, S10, Dec. 28, 1993)

**1.30.110 Notice to proceed with work.** When Federal and State approvals have been received on the contract along with "authorization to proceed", a written Notice to Proceed with the work will be given to the consultant by the Town Council. No compensation will be made for work undertaken prior to such Notice to Proceed. (Ord. 93-17, S11, Dec. 28, 1993)

## Chapter 1.32

### DISASTER RECOVERY PLAN

#### Sections:

##### 1.32.010 Storage of critical data

##### 1.32.020 Re-establishing computer inventory

##### 1.32.030 Periodic testing of plan

**1.32.010 Storage of critical data.** In the event that the Town of Ferdinand's computers and programs are destroyed by fire, tornado, or other damage occurs to them, various processing of accounting information such as payment of bills, payroll, receipting of monies, mapping, etc. will need to continue. The following is a plan of action that will be utilized for this situation which will help ensure continued processing until computer resources are again available.

- (1) Offsite storage of critical forms which are used in the day to day operations of the office. Such forms include a box each of 100 checks used by different departments, box of utility bills, 25 invoices, package of claim forms and payroll vouchers preprinted with Town of Ferdinand, box of 100 receipts, at least one receipt book and customer deposit book.
- (2) Simplified cash journals for all departments, ledger of receipts, disbursements, balances, ledger of appropriations, encumbrances, disbursements, and balances, clerk-treasurers depository and cash reconciliation, electric, water, sewer cash journal forms, employees service record forms, mileage claims, register of Investments, register of insurance, and Towns fixed assets forms can be purchased from A.E. Boyce, Inc. and arrive in 2-3 days. Preprinted forms such as claim forms, water and electric checks, receipts, invoices, customer deposits, and utility bills will take 3-4 weeks before arrival. Town and Sewer checks are purchased from Deluxe Business Systems and would take 3-4 weeks for delivery.

There will be offsite storage of backups of data and other software. Backups are updated daily. Water, Sewer and Street Department heads are responsible for updating their data daily on mapping and storing their backups at their homes. These backups will provide the data needed to start normal operations. The utility payroll, inventory, and budget programs are stored offsite at both bookkeepers residences. These backups will be used to begin normal operations. (Ord. 96-7, May 14, 1996)



**1.32.020 Re-establishing computer inventory.**

- (1) Computers and printers can be purchased within one day from WalMart in Jasper, IN or Best Buy in Evansville, IN. Temporary emergency checks and deposit books can be purchased from Dubois Co. Bank and German American Bank immediately or if preprinted would arrive in four days rush order.
- (2) In half a day the Town could get a couple computers, printers, and control boxes that would work with our programs. The following is a list of contacts to re-establish our computer facility:

Keystone Consulting Services, Inc., Muncie, IN  
A.E. Boyce, Inc., Muncie, IN  
Deluxe Business Systems, St. Paul, MN  
Hoffman Office Supply, Jasper, IN  
Computer Resources, Suite 201, 2100 Gardiner Lane, Louisville, KY  
(Ord. 96-7, May 14, 1996)

**1.32.030 Periodic testing of Disaster Recovery Plan.** This written disaster recovery plan shall be developed, maintained, and tested periodically. (Ord. 96-7, May 14, 1996)

## Chapter 1.38

### TOWN MANAGER

#### Sections:

- 1.38.010 Employment**
- 1.38.020 Requirements of employment**
- 1.38.030 Bonding**
- 1.38.040 Powers and duties as provided by Indiana Code**
- 1.38.050 Duties as set forth on Exhibit A**
- 1.38.060 Organizational Chart**

**1.38.010 Employment.** The Town Council may authorize employment of a Town Manager from time to time. Said Manager, unless otherwise authorized by the Council, shall serve as an at-will employee of the Town, serving at the pleasure of the Council, with the pay and benefits as authorized by the Council from time to time. (Ord. 06-07, S1, Sept. 12, 2006)

**1.38.020 Requirements of employment.** Except as specifically modified herein, the Manager is subject to all current or future requirements of employment as required of other employees, including but not limited to pre and post employment medical, psychological, drug, and alcohol testing and work related policies and restrictions. (Ord. 06-07, S2, Sept. 12, 2006)

**1.38.030 Bonding.** The Manager shall be bondable by the Town's current or future bonding company as required by I.C. 36-5-5-5 and 5-4-1. (Ord. 06-07, S3, Sept. 12, 2006)

**1.38.040 Powers and duties as provided by Indiana Code.** The Manager shall have those powers and duties as provided for by I.C. 36-5-5-8 except for subsections (2) and (3) related to Town employees and subsection (8) regarding execution of contracts. However, the Manager shall make recommendations to the Council regarding prospective and current Town employees, may interview prospective employees and discipline current Town employees and may execute contracts for amounts not in excess of \$5,000.00, or as expressly authorized by the Council. (Ord. 09-06, S1, May 12, 2009) (Ord. 06-07, S4, Sept. 12, 2006)

**1.38.050 Duties as set forth on Exhibit A.** The Manager shall also have those duties as set forth on Exhibit A attached hereto and incorporated herein. Those duties may be modified or clarified from time to time by the Council. (Ord. 09-06, S3, May 12, 2009) (Ord. 06-07, S5, Sept. 12, 2006)

**1.38.060 Organizational Chart.** The Town Government Organizational Chart for the Town of Ferdinand, as set forth on Exhibit B, which is attached hereto and incorporated herein, shall be followed with respect to supervisory powers, until such time as modified or clarified from time to time by the Council. (Ord. 09-06, S2, May 12, 2009)

## **EXHIBIT A**

### **Duties of the Town Manager**

#### **The Town Manager shall:**

1. Serve at the pleasure of the Town Council;
2. Must execute a bond for the faithful performance of his/her duties (IC 5-4-1);
3. Shall attend meetings of the Town Council and others as specified by the Town Council.
4. Have a general understanding of the Town's ordinances, rules and procedures.

#### **Oversee all departments:**

1. The Town Manager will act as the Town's Chief Administrative Officer, overseeing the day-to-day operations of the Town of Ferdinand and providing direction and guidance to all Town departments.
2. All department heads will report directly to the Town Manager and adhere to the attached organizational chart for the Town of Ferdinand (Exhibit B). All other employees will report directly to their immediate supervisor and indirectly to the Town Council by and through its Town Manager.
3. Assist Supervisors in creating work schedules.
  - Analyze labor needs within departments for projects.
  - Use excess labor from one department to another.
4. Oversee the utilization / scheduling of equipment between departments.
5. Assist Supervisors in the development of the department budgets; and shall assist supervisors in their meeting with the Town Council when budget presentations are made.

#### **Human Resource Coordinator:**

1. Will be the Human resource person for the Town of Ferdinand.
2. Develop hiring guidelines and work with Supervisors on needs.
3. Create Job Descriptions for all employees.

4. Develop job performance guidelines for all employees and get approval of Town Council.
5. Set up job performance reviews with all employees on an annual basis or as needed.
6. Upon direction of the Town Council shall organize and conduct with the Department Supervisor all interviews for open non-supervisory positions. Recommendations are brought to the Town Council for approval.
7. Develop a merit system to assist the Town Council in setting the annual wage increases or wage increases as needed.
8. Will assist the Town Council in the interviewing of any open Supervisory positions.
9. Keep the Town of Ferdinand's Employee handbook updated. Assist with the training of all employees on handbook and personnel policy changes.
10. Take current practice and develop a New Employee Training format, along with who the trainers are and who are their back-ups.
11. Develop disciplinary actions for employees as needed, per the Employee Handbook and Personnel Policy. Actions to be taken only after approved by the Town Council.
12. Termination of employees must be done by the Town Council. Town Manager may recommend the action to the Town Council.
13. The Town Manager cannot hear disciplinary charges against any member of the police department (IC 36-5-5-9).
14. For all non-supervisory positions, begin the process necessary to fill any vacant position of employment including, but not limited to, running advertisements, interviewing applicants, scheduling pre-employment and new hire and C.D.L. testing, physicals, agility test, psychological tests or other tests as may be required by the particular position held by an employee of the Town.

**Assist Department Supervisors with purchases and contracts:**

1. Develop the specifications that are necessary for equipment purchases.
2. Coordinate quotes or bids and make recommendations to the Town Council.

3. Complete a thorough review of projects, with the assistance of the Supervisors, prior to the letting of bids.
4. Review contractor recommendations and advise the Town Council.
5. Note all modifications or change orders after the bids have been approved.
6. Oversee the projects and keep the Town Council advised.
7. At completion of project, establish a file with as built drawings and pictures.
8. Research new products and technology regarding their feasibility and longevity.

**Oversee Safety Concerns:**

1. Assist the Safety Officer in making sure all departments and employees are following regulated and or established procedures.
2. Address potential liability issues and implement corrective actions.
3. Address hazardous exposures and develop / implement corrective actions.
4. Maintain Safety programs or develop where there is a need.
5. Work with the supervisors in providing manuals and training.
6. Oversee that all safety procedures are being followed on all job sites.
7. Complete, with Safety Officer and Department Supervisors, all accident reporting for property and vehicles and workers compensation reports.
8. Complete, with Safety Officer and Department Supervisors, all workers compensation reports and injury investigations.

**Development and Growth:**

1. Provide ideas to update the Town's website.
2. Work with various organizations to promote the growth of the Town of Ferdinand.
3. Promote the Town in a positive way.
4. Work on grants and loans for projects to help the town grow.

5. Be the initial contact person on signage issues and refer to Executive Secretary of the Plan Commission.
6. Assist the Executive Secretary of the Plan Commission with and follow up on all building permits to ensure guidelines are being met.
7. Work with the Street Department Supervisor on all street related issues concerning building permits or renovations.
8. Follow up with department supervisors to make sure all street locations and storm sewer and utility tap-ins are being placed on the GIS mapping program.
9. Discuss ideas and concerns with members of the Town Council, the Town's attorney, surveyors and engineers.
10. Spend additional time maintaining contacts with other towns and cities regarding things that have worked and have not worked.
11. Continue to develop oneself in the area of Town Manager.

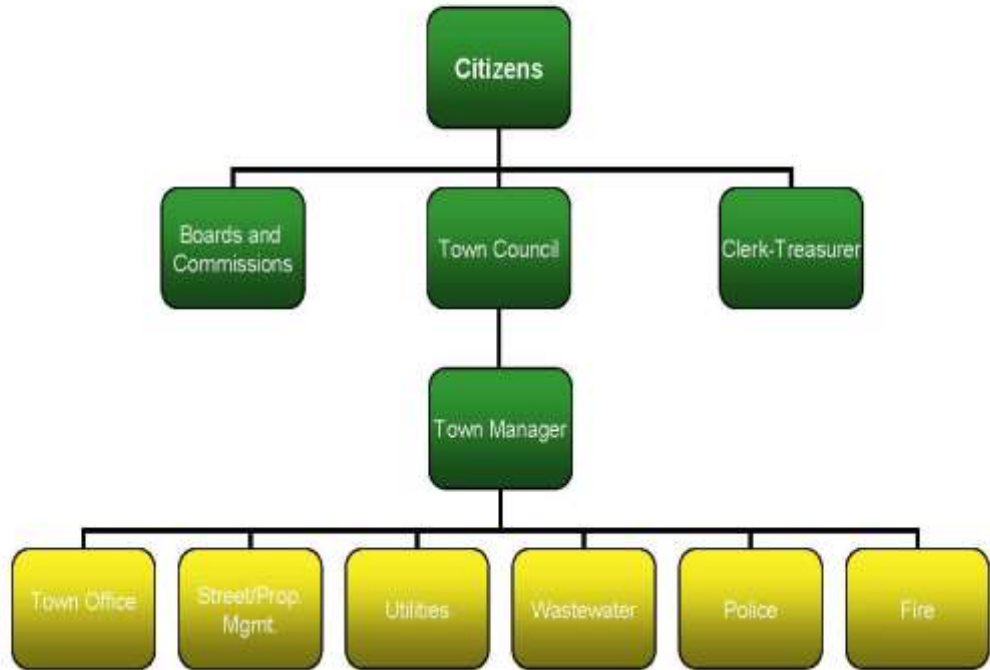
**Community Concerns:**

1. Shall address concerns raised by the Town's residents.
2. Review and educate with the residents the current ordinance that is related to the complaint.
3. Shall respond to calls and ideas for residents of Ferdinand and review with the Town Council.

**EXHIBIT B**



Town Government Organizational Chart



## Chapter 1.40

### CUMULATIVE CAPITAL DEVELOPMENT FUND

#### Sections:

- 1.40.010 Re-established**
- 1.40.020 Ad valorem property tax**
- 1.40.030 Maximum rate of levy**
- 1.40.040 Cumulative Capital Development Fund Use**
- 1.40.050 Other purposes**
- 1.40.060 Public Hearing**

**1.40.010 Re-established.** There is hereby re-established pursuant to the provisions of I.C. 6-1.1-41 and 36-9-15.5 the Ferdinand Cumulative Capital Development Fund. (Ord. 2017-4, Mar. 7, 2017) (Ord. 96-4, S1, 1996)

**1.40.020 Ad valorem property tax.** An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Ferdinand Cumulative Capital Development Fund. (Ord. 96-4, S2, 1996)

**1.40.030 Maximum rate of levy.** This Council will adhere to the provisions of Indiana Code 6-1.1-41 and 36-9-15.5. The proposed fund will not exceed a tax rate of \$0.05 per \$100.00 of Assessed Valuation. Said tax rate will be levied beginning with taxes for 2017, payable in 2018, continuing until reduced or rescinded. (Ord. 2017-4, Mar. 7, 2017) (Ord. 96-4, S3, 1996)

**1.40.040 Cumulative Capital Development Fund Use.** That the funds accumulated in the Ferdinand Cumulative Capital Development Fund will be used for any purpose for which property taxes may be imposed under the authority of I.C. 36-8-14, 36-9-16-2 and 3, and as described therein. Use of such funds shall include the construction, renovation, or addition to buildings used by the fire department; the purchase of firefighting equipment, the construction, equipping and maintaining of municipal buildings, the construction of streets; and to retire in whole or in part any general obligation bonds of the Town that are issued for the purpose of acquiring or constructing improvements authorized by I.C. 36-8-14, I.C. 36-9-16-2 and 3. (Ord. 96-4, S4, 1996)

**1.40.050 Other purposes.** Notwithstanding Section 1.40.040, funds accumulated in the Ferdinand Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.40.040, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Monies from said fund may be spent under the authority of this Section only after the Town Council of Ferdinand issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of monies from said fund. (Ord. 96-4, S5, 1996)



**1.40.060 Public Hearing.** Proofs of publication of the public hearing and a certified copy of the Ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance. (Ord. 2017-4, Mar. 7, 2017)

## Chapter 1.46

### PETTY CASH FUND FOR THE GENERAL FUND

#### Sections:

##### 1.46.010 Purpose

##### 1.46.020 Amount of General Petty Cash Fund

##### 1.46.030 Effective date

#### 1.46.010 Purpose.

- (1) The Town of Ferdinand is establishing a petty cash fund for the General Fund.
- (2) The purpose of establishing the petty cash fund is for paying small or emergency items of operating expenses.
- (3) A receipt shall be taken for each and every expenditure from such fund and an accounts payable voucher shall be filed by the clerk-treasurer of the fund, to reimburse such fund for expenditures so made. No reimbursement shall be made unless there is attached to the accounts payable voucher receipts totaling the amount so claimed.
- (4) Such reimbursement shall be approved, allowed and paid in the same manner as other accounts payable vouchers. (Ord. 06-05, Whereas, July 11, 2006)

**1.46.020 Amount of General Petty Cash Fund.** The amount of the General Petty Cash fund shall be \$100.00. (Ord. 06-05, S1, July 11, 2006)

**1.46.030 Effective date.** This ordinance shall be effective July 11, 2006. (Ord. 06-05, S2, July 11, 2006)

## Chapter 1.47

### RAINY DAY FUND

#### Sections:

#### **1.47.010 Use of the Fund**

#### **1.47.020 Transferring into the Fund**

#### **1.47.030 Appropriations process**

#### **1.47.040 Transfer of Restrictive Funds**

**1.47.010 Use of the Fund.** The Ferdinand Town Council shall make a finding that the proposed use of the rainy day fund is consistent with the intent of the fund which will be for Capital Outlay and Emergencies, whenever the Council authorizes the use of the fund. (Ord. 02-10, S1, June 26, 2002)

**1.47.020 Transferring into the Fund.** In any fiscal year, the town may transfer not more than ten percent (10%) of the town's total budget for the fiscal year to the rainy day fund. (Ord. 02-10, S2, June 26, 2002)

**1.47.030 Appropriations process.** The rainy day fund will be subject to the same appropriation process as other funds that receive tax money. (Ord. 02-10, S3, June 26, 2002)

**1.47.0140 Transfer of Restricted Funds.** The Town Council may authorize the transfer of monies in the MVH or LRS Funds into the Rainy Day Fund. Such transfer shall be restricted with such funds being used only for projects for which MVH or LRS Funds could be used and may be used only as matching funds for grants from INDOT's Local Road and Bridge Matching Grant Fund. Any committed unused balance remaining at the end of the grant shall be transferred back to the originating MVH or LRS Fund. (Ord. 2016-12, S1, July 12, 2016)

## Chapter 1.50

### ELECTRIC CASH RESERVE FUND

#### Sections:

- 1.50.010 Re-established**
- 1.50.020 Transfer of funds into the Deprecation Fund**
- 1.50.030 Transfer of funds into the Cash Reserve Fund**
- 1.50.040 Record keeping**
- 1.50.050 Repealing Conflicting Ordinances**

**1.50.010 Re-established.** Pursuant to I.C. 8-1.5-3-11 there is hereby re-established within the Electric Utility a Deprecation Fund and a Cash Reserve Fund. (Ord. 98-7, S1, June 30, 1998)

**1.50.020 Transfer of funds into the Depreciation Fund.** Electric Utility Funds shall be transferred into the Depreciation Fund in the amounts as periodically determined by the Town Council. In addition, there shall be transferred into the Depreciation Fund each year an amount equal to five (5) percent of the operating cash revenues of said Utility, provided the Utility, in the opinion of the Utility Clerk, has sufficient funds available for operating expenses, customer deposits, or any other priority fund requirements fixed by law. (Ord. 98-7, S2, June 30, 1998)

**1.50.030 Transfer of funds into the Cash Reserve Fund.** Electric Utility funds shall be transferred into the Cash Reserve Fund in the amounts as periodically determined by the Town Council. However, such transfers shall only be from "Surplus earnings" as defined in I.C. 8-1.5-3-11(c). (Ord. 98-7, S3, June 30, 1998)

**1.50.040 Record keeping.** The funds re-established by this Chapter (Ordinance) are for accounting and statutory purposes only and the Utility Clerk shall not be required to separate such funds from other Electric Utility Funds for deposit or investment purposes, but shall maintain proper records to account for such funds. (Ord. 98-7, S4, June 30, 1998)

**1.50.050 Repealing Conflicting Ordinances.** Ordinance No. O-64-1 and all other ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect immediately upon passage. (Ord. 98-7, S5, June 30, 1998)

## Chapter 1.62

### USE OF CREDIT CARDS

#### Sections:

#### **1.62.010 Use of Credit Cards**

#### **1.62.020 Private purchases not allowed**

**1.62.10 Use of Credit Cards.** Use of credit cards be authorized when necessary. If any interest or penalty is incurred due to late filing or the furnishing of documentation by an employee, the employee shall be held responsible for paying the interest or penalty charges. All costs incurred and charged with the credit cards must be business related and not personal in nature. Such items as cleaning, pressing, laundry, personal telephone calls, etc., are personal and should not be paid from public funds. Specific uses are gas, food and housing while at training, to make business purchases over the internet, office supplies at Wal-Mart. (Ord. 06-10, S1, Nov. 14, 2006) (Ord. 2000-8, Aug. 9, 2000)

**1.62.020 Private purchases not allowed.** No credit card issued to the Town shall be used by any person for private purchases. In the event that an improper purchase is made using Town credit card, the employee responsible for the improper purchase shall immediately reimburse the Town for all said charges and said employee may be subject to disciplinary action. The credit card privilege of that employee of the town may be terminated upon agreement by the Council President and the Clerk-Treasurer. (Ord. 06-10, S2, Nov. 14, 2006)

## Chapter 1.68

### FIXED CAPITAL ASSET POLICY

#### Sections:

- 1.68.010 General Information
- 1.68.020 Definition of Capital Assets
- 1.68.030 Valuation of Capital Assets
- 1.68.040 Asset Definitions by Major Category
- 1.68.050 Depreciation Methods
- 1.68.060 Capital Asset Acquisitions
- 1.68.070 Asset Transfers and Dispositions
- 1.68.080 Periodic Inventories
- 1.68.090 Responsibilities of Clerk's Office
- 1.68.100 Responsibilities of Department Heads

**1.68.010 General Information.** The Fixed Asset Policy is being issued effective January 1, 2003. The new policy will be referred to as the Capital Asset Policy. This Policy is being issued to document the minimum value of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. Statement 34 will require the Town to depreciate capital assets. The capital asset threshold will be \$1000. An asset with a value under \$1000 will be expensed in the year of purchase. The infrastructure portion of this policy is also effective January 1, 2003.

Town Utilities will follow this same definition of capital assets except any item with a unit cost of \$1000 or more shall be capitalized. Assets that are not capitalized (items < \$ 1000) are expensed in the year of acquisition.

The Town of Ferdinand has established a Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies and regulators. All public information pertaining to capital assets will be made available in the Annual Financial Report.

The purpose of establishing a Capital Policy is fivefold:

- (1) to safeguard the investments of the citizens of Ferdinand,
- (2) to fix responsibility for the custody of equipment,
- (3) to provide a basis for formulating capital asset acquisition, maintenance and retirement policies,

- (4) to provide data for financial reporting,
- (5) to demonstrate appropriate stewardship responsibility for public assets.

This policy will only serve to classify capital assets, including fixed and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. (Ord. 2003-17, S1, Nov. 12, 2003)

#### **1.68.020 Definition of Capital Assets.**

- (1) Capital assets include land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All land will be capitalized but not depreciated. All items with a useful life or more than one year, and having a unit cost of \$1000 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria will be reported and depreciated in the government-wide financial statements.
- (2) Assets that are not capitalized (items < \$ 1000) are expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of less than \$1000.
- (3) Exceptions are:
  - A. items costing less than the above limits which are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit,
  - B. modular equipment added subsequent to original equipment construction of a larger building or equipment unit which may be put together to form larger units costing more than the prescribed limits will be charged to capital assets even though the cost of individual items is less than such units,
  - C. cabinets, shelving, bookcases, and similar items, added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized,

NOTE: Purchases made using grant funds must comply with grant requirements or the above procedures, whichever are the most restrictive. (Ord. 2003-17, S2, Nov. 12, 2003)

**1.68.030 Valuation of Capital Assets.** Capital assets must be recorded at actual cost. Normally the cost recorded is the purchase price or construction costs of the asset, but also included is any other reasonable and necessary costs incurred to place the asset in its intended location and intended use. Such costs could include the following:

- (1) legal and title fees, closing costs,
- (2) appraisal and negotiation fees, surveying fees,
- (3) damage payments,
- (4) land preparation costs, demolition costs,
- (5) architect, engineering and accounting fees,
- (6) insurance premiums during construction,
- (7) transportation charges,
- (8) interest costs during construction

Donated or contributed assets should be recorded at their fair market value on the date donated. (Ord. 2003-17, S3, Nov. 12, 2003)

**1.68.040 Asset Definitions by Major Category.** It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance be fully aware of the categorization system. This section further clarifies the asset definitions by major category.

- (1) Land - Land is defined as specified land, lots, parcels or acreage including rights of way, owned by the Town of Ferdinand, its various departments, boards or authorities, regardless of the method or date of acquisition. Easements will not be included as the Town does not own them, but as an interest in land owned by another that entitles its holder to a specified limited use.
- (2) Improvements Other Than Buildings - Examples of assets in this category are walks, parking areas and drives, fencing, retaining walls, pools, pavements, gutters, water supply mains, collections sewers, dams, intake pipes, manholes, street lights, poles, transformers, and electric lines.
- (3) Buildings - All structures designed and erected to house equipment services, or functions are included. This includes systems, services, and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the building. Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included with the building, if owned.
- (4) Equipment - Equipment includes all other types of physical property within the scope of the Fixed Asset Management System not previously classified. Included within this category are office equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, street and park



department, lab equipment, vehicles, road equipment, earth moving equipment, and data processing equipment. All supplies are excluded.

- (5) Infrastructure - Infrastructure assets are long-lived capital assets that normally can be preserved for a significant greater number of years than most capital and that are normally stationary in nature. Additions and improvements to infrastructure, which increase the capacity or efficiency of the asset, will be capitalized. Maintenance/repairs will be considered as necessary to maintain the existing asset, and therefore not capitalized. The retroactive reporting requirements for infrastructure of GASB 34 required the Town to report items put into service from 1980 forward, and gives the Town the option to report items put into service prior to 1980. The Town will report on all items put into service. (Ord. 2003-17, S4, Nov. 12, 2003)

#### **1.68.050 Depreciation Methods.**

- (1) The Town will be depreciating capital assets by using the straight-line method. Salvage value will be determined on an asset-by-asset basis. Depreciation will be calculated at year-end. Land is not depreciated according to general accepted accounting principles. A full year's depreciation will be taken a year after the asset is placed in service. A gain or loss on disposal will be recorded.
- (2) Following is the list of the most common useful lives Town will use for depreciation:
  - A. Street Lights - 35 years
  - B. Roads - Cement - 10 years  
Gravel- 15 years, Concrete - 30 years, Asphaltic Concrete - 20 years, Brick or Stone - 50 years
  - C. Vehicles, Computer Software & Hardware, Office Eq. - 5 years
  - D. Heavy equipment - 10 years
  - E. Fire Trucks, Grounds Equipment, and outdoor equipment - 15 years
  - F. Office Furniture, Building Components, Land Improvements (structure & ground work) - 20 years
  - G. Buildings - 50 years
  - H. Water transmission & Distribution mains, pumping equipment, water treatment equipment, reservoirs/Tanks - 50 years;

- I. Meters/hydrants/accessories to water mains - 20 years
- J. Water Furniture & Equipment, other equipment, transportation equipment, shop & lab equipment, communications equipment - 10 years
- K. Sewer buildings & improvements, sewer lines, lift station, treatment plant - 50 years
- L. Treatment plant lab equipment - 10 years
- M. Office equipment, miscellaneous operating equipment, vehicles - 5 years
- N. Electric Buildings & improvements - 50 years
- O. Poles - 33 years
- P. Electric substation & equipment, transformers, capacitors, meters - 28 years
- Q. Electrical tools - 20 years
- R. Electrical Trucks, grounds equipment - 15 years
- S. Communications and other equipment related to Electric Utility - 10 years (Ord. 2003-17, S5, Nov. 12, 2003)

**1.68.060 Capital Asset Acquisitions.**

- (1) The method of acquisition is not a determining factor. Each department should report items acquired by:
  - A. regular purchases or lease purchases,
  - B. construction by Town personnel, construction by an outside contractor,
  - C. resolution/condemnation, donation/contribution,
  - D. addition to an existing asset,
  - E. transfer from another department,
  - F. trade or barter,
  - G. annexation

- (2) Leased equipment should be capitalized if the lease agreement meets any one of the following criteria:
  - A. The lease transfers ownership of the property to the lessee by the end of the lease term
  - B. The lease contains a bargain purchase option
  - C. The lease term is equal to 75 percent of the estimated economic life of the leased property
  - D. The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90 percent of the fair value of the leased property.
- (3) Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements. (Ord. 2003-17, S6, Nov. 12, 2003)

#### **1.68.070 Asset Transfers and Dispositions.**

- (1) Property should not be transferred, turned-in for auction, or disposed of without prior approval of the department head. A Vehicle/Equipment outprocessing checklist should be sent to the Town Clerk's Office in all cases. This form is a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department, building, floor, or room) or retirement (disposal) of property.
- (2) The main points to be remembered when using this form are:
  - A. always provide sufficient detail to properly identify the asset, most importantly the asset's tag number
  - B. be accurate and do not overlook any of the needed entries
  - C. write legibly, complete each column for every asset listed on the form
  - D. enter information in correct row, depending on whether you are transferring or deleting an asset
  - E. have Department Head sign at the bottom of the form
  - F. return form to Town Clerk's Office
- (3) If an asset is stolen, the department should notify the Ferdinand Police Dept. as well as the Town Clerk's Office. (Ord. 2003-17, S7, Nov. 12, 2003)

**1.68.080 Periodic Inventories.** A physical inventory of all capital assets (any item over \$1000) will be conducted in each department on or about December 31 of every year. The Town Clerk's Office will conduct spot checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year-end. (Ord. 2003-17, S8, Nov. 12, 2003)

**1.68.090 Responsibilities of Clerk's Office.** The Fiscal Officer will ensure that accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Fiscal Officer will further ensure that the capital asset report will be updated annually to reflect additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculation. (Ord. 2003-17, S9, Nov. 12, 2003)

**1.68.100 Responsibilities of Department Heads.** It is the responsibility of the department head to act as or designate an employee for each piece of property. This individual will become the focal point for questions regarding the availability, condition, and usage of the asset, as well as the contact during the physical inventory process. Someone should be designated to record the receipt of the asset, to examine the asset to make sure that no damage was incurred during shipment and to make sure that the asset was received in working order.

The department head or his designee are responsible for arranging for the necessary preventative maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory or when someone wants to borrow the asset. This individual ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the department head or designee should report any property damage or theft. (Ord. 2003-17, S10, Nov. 12, 2003)

**CAPITAL ASSET NOTIFICATION FORM**

DEPARTMENT: \_\_\_\_\_

THIS NOTIFICATION IS FOR:    ADDITION                  UPDATE                  TRANSFER                  DISPOSAL

ACQUISITION IS BY:            PURCHASE                  DONATION                  LEASE                  TRANSFER  
  (ATTACH COPY)

---

DATE OF TRANSACTION: \_\_\_\_\_

ACCOUNT NO. \_\_\_\_\_ P.O. No. \_\_\_\_\_

ESTIMATED:    LIFE EXPECTANCY \_\_\_\_\_ MILEAGE OR HOURS \_\_\_\_\_

CIP NUMBER \_\_\_\_\_ LOCATION: \_\_\_\_\_

SERIAL OR VIN NUMBER: \_\_\_\_\_

TOTAL/PARTIAL VALUE OF ASSET: \_\_\_\_\_  
(PLEASE ATTACH OR FORWARD COPY OF CHECK(S) TO DOCUMENT COST. IF ASSET WAS DONATED, ATTACH DOCUMENTATION OF FAIR MARKET VALUE OF ASSET, HOW DETERMINED, AND DATE BOARD APPROVED.)

DESCRIPTION OF ASSET: \_\_\_\_\_

---

(BUILDING DESCRIPTION MUST INCLUDE SQUARE FOOTAGE, BUILDING MATERIAL, ROOF TYPE, AND IF EQUIPPED WITH SPRINKLER SYSTEM OR BOILER.)

BRAND OR MAKE: \_\_\_\_\_ MODEL No. \_\_\_\_\_

YEAR: \_\_\_\_\_ LICENSE No. \_\_\_\_\_  
(ATTACH COPY OF REGISTRATION)

GROSS VEHICLE WEIGHT: \_\_\_\_\_ TYPE OF FUEL: \_\_\_\_\_  
(TRUCKS ONLY)

---

DISPOSAL OF CAPITAL ASSET:

METHOD OF DISPOSITION:    SALE        TRADE-IN                  SCRAPPED                  END-OF-LEASE

  STOLEN/WRECKED.                  TRANSFERRED TO: \_\_\_\_\_  
(ATTACH POLICE REPORT)

AMOUNT OF CASH RECEIVED OR TRADE-IN VALUE (IF APPLICABLE)          \$ \_\_\_\_\_

DATE BOARD APPROVED: \_\_\_\_\_ DATE COUNCIL APPROVED: \_\_\_\_\_  
(ATTACH COPY OF MINUTES)                                  (REAL PROPERTY VALUE > \$9,999)

DATE MAYOR APPROVED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
(REAL PROPERTY ONLY)

PERSON RESPONSIBLE: \_\_\_\_\_  
  SIGNATURE                                  PRINTED NAME

RESPONSIBLE DEPARTMENT HEAD'S SIGNATURE: \_\_\_\_\_

IF TRANSFERRED

RECEIVING PERSON'S SIGNATURE: \_\_\_\_\_

  PRINTED NAME: \_\_\_\_\_

---

**CLERK-TREASURER'S USE ONLY**

RECEIVED: \_\_\_\_\_ ENTERED CAPITAL ASSET: \_\_\_\_\_

INSURED: \_\_\_\_\_ CLERK-TREASURER'S INITIAL: \_\_\_\_\_

## Chapter 1.70

### MATERIALITY POLICY AND MATERIALITY THRESHOLD

#### Sections:

##### **1.70.005 Purpose**

##### **1.70.010 Adoption of Appendix I**

##### **1.70.020 Enforcement**

##### **1.70.030 Monitoring, Compliance, Reporting**

##### **1.70.040 Changes**

#### **1.70.005 Purpose.**

- (1) IC 5-11-1-27 (j) requires erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property be reported immediately to the State Board of Accounts; and
- (2) State Examiner Directive 2015-6 allows a political subdivision to determine its own policy on materiality and further allows a political subdivision to determine appropriate thresholds for materiality of both funds and non-cash property, after taking into account the qualitative and quantitative factors unique to that political subdivision; and
- (3) The Town Council of the Town of Ferdinand is mindful that if materiality thresholds are not established, the State Board of Accounts will consider the threshold to be \$0.00; and
- (4) while the Town of Ferdinand does not condone nor encourage or intend not to deter the immediate reporting of erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or other property, it recognizes that relatively small items may not justify the time and cost of the involvement of the State Board of Accounts; and
- (5) the Town Council of the Town of Ferdinand has carefully considered what the appropriate thresholds should be and developed a policy thereon stating the Town of Ferdinand's policy on materiality and a process for reporting material items; (Ord. 2016-08, Whereas, April 12, 2016)

**1.70.010 Adoption of Appendix I.** The Town of Ferdinand's policy, in the form attached as Appendix I to this Ordinance, regarding materiality thresholds and the process for reporting material items is adopted and approved in all respects.

**1.70.020 Enforcement.** The Town Council members, the Clerk-Treasurer, the Town Manager and all Town officials, employees, and agents are hereby directed to enforce and comply with the attached policy on materiality and report material items to the Clerk-Treasurer or a member of the Town Council.

**1.70.030 Monitoring, Compliance, Reporting.** The Town Council directs its Clerk-Treasurer to monitor, as she deems necessary, compliance with the policy on materiality so that material items are timely and appropriately reported to the Indiana State Board of Accounts and the Town Council.

**1.70.040 Changes.** The Town Council reserves the right to make any necessary changes in the policy on materiality and process for reporting material items.

**APPENDIX I**  
**TOWN OF FERDINAND**  
**POLICY ON MATERIALITY**

in compliance with the Indiana State  
Examiner Directive 2015-6

Effective Date: January 1, 2016



## INTENT

This policy on materiality is intended to assist the Town of Ferdinand public officials, employees and agents in complying with Indiana's requirement to develop policies for materiality and establish variance thresholds.

## REPORTING

There is a notification link on the Indiana State Board of Accounts website which allows public officials to report via e-mail material irregular variances, losses, shortages, or thefts. Telephone and in-person reporting is also permitted. Reports will be followed up with a return e-mail or call to gather additional information as necessary. All reports of irregular variances, losses, shortages, or thefts are maintained by the State Board of Accounts.

When a report is received, the State Board of Accounts will use a qualitative and quantitative analysis to determine materiality for investigative and reporting purposes, as well as written internal control recommendations as required by Ind. Code § 5-11-1-27(j)." State Examiner Directive 2015-6

## MATERIALITY THRESHOLDS

Pursuant to State Examiner Directive 2015-6, the Town of Ferdinand may, by ordinance, establish its own thresholds of materiality. The Town of Ferdinand must promptly report to the State Board of Accounts any erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property in excess of the thresholds determined herein.

## DETERMINATION OF THE MATERIALITY THRESHOLD OF THE TOWN OF FERDINAND

The Town of Ferdinand, after considering the qualitative and quantitative factors unique to the Town of Ferdinand, has determined that any erroneous or irregular variances, losses, shortages, or thefts of Town of Ferdinand funds or property in excess of the dollar amounts or fair market values listed below, must be reported to the State Board of Accounts. Effective January 1, 2016, those thresholds are as follows:

Town of Ferdinand Funds:

• erroneous variances	\$	<u>100.00</u>	*
• irregular variances	\$	<u>100.00</u>	*
• losses	\$	<u>100.00</u>	*
• shortages	\$	<u>100.00</u>	*
• thefts	\$	<u>100.00</u>	*

\*except for those resulting from inadvertent clerical errors that are timely identified and promptly corrected with no loss to the Town of Ferdinand.

Town of Ferdinand (Non-cash) Property

• erroneous variances	\$ 250.00	*
• irregular variances	\$ 250.00	*
• losses	\$ 250.00	*
• shortages	\$ 250.00	*
• thefts	\$ 250.00	*

\*except for those resulting from inadvertent clerical errors that are timely identified and promptly corrected with no loss to the Town of Ferdinand.

**PROCESS FOR REPORTING MATERIAL ITEMS**

The following should be done as promptly as possible after an incident.

When an irregular variance, loss, shortage, or theft is determined material according to the foregoing policy on materiality, a Town official must promptly report the incident to the State Board of Accounts. This reporting may take place through a reporting link on the Board of Accounts website, by email, telephone, or in person.

Town of Ferdinand officials, employees and agents shall report all erroneous or irregular variances, losses, shortages, or thefts of Town of Ferdinand funds or property, or funds or property the Town of Ferdinand holds in trust exceeding the thresholds for materiality to the Clerk-Treasurer, or Town Council member, who will report to the State Board of Accounts.

In compliance with IC 5-11-1-27(j), all erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the state board of accounts. For all material variances, losses, shortages, or thefts, the state board of accounts shall:

- (1) determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- (2) determine the internal control weakness that contributed to or caused the condition; and
- (3) make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:
  - (A) the method of correcting the condition; and
  - (B) the necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition.

Notwithstanding the foregoing thresholds, whenever a variance, loss, shortage or theft of funds or property occurs, no matter the amount or value, or the requirement to report such to the Indiana State Board of Accounts, the Clerk-Treasurer or a Town Council member may investigate the variances, losses, shortages, or thefts of funds or assets. The investigation and the resolution of the investigation must be documented by the party who conducts the investigation. Such documentation should be maintained in the public records of the Town of Ferdinand. Any public officer who has actual knowledge of, or reasonable cause to believe, a misappropriation of Town of Ferdinand funds has occurred must immediately report such misappropriation to the Indiana State Board of Accounts and the county prosecuting attorney.

Compliance with the foregoing policy is mandatory.

This policy shall be kept as a public record for the auditors to examine. (Ord. 2016-08, Appendix I, April 12, 2016)

## Chapter 1.72

### INTERNAL CONTROL STANDARDS

#### Sections:

- 1.72.005 Purpose
- 1.72.010 Mission
- 1.72.020 Objectives
- 1.72.030 Minimum Level
- 1.72.040 Principles
- 1.72.050 Effective Internal Control System
- 1.72.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards
- 1.72.070 Periodic Review
- 1.72.080 Personnel Compliance
- 1.72.090 Personnel Training
- 1.72.100 Mandatory Training Requirement
- 1.72.110 Delegates Authority and Duties for Implementation to Fiscal Committee
- 1.72.120 Full Cooperation
- 1.72.130 Violation by Employee
- 1.72.140 Failure to Abide by Non-employee Personnel of the Town
- 1.72.150 Implementation Actions

#### 1.72.005 Purpose.

- (1) Ind. Code § 5-11-1-27 requires all Indiana political subdivisions to adopt minimum levels of internal control standards consistent with those developed by the State Board of Accounts and published in the Uniform Internal Controls Standards for Indiana Political Subdivisions; train appropriate personnel; and implement policies and procedures consistent with the State Board of Accounts; and
- (2) The minimum level of internal control standards and procedures of the Town must include the following: (1) Control Environment (2) Risk Assessment (3) Control Activities (4) Information and Communication and (5) Monitoring; and
- (3) Control Environment refers to the demonstration of a commitment of the Town to:
  - A. integrity and ethical values,

- B. oversight of the internal control system,
  - C. establishment of an organization structure that oversees the operations, reporting and compliance of the objectives of the internal controls system,
  - D. attracting developing and retaining competent individuals and
  - E. evaluating performance and holding individuals responsible for internal control duties and responsibilities; and
- (4) Risk Assessment refers to the process that identifies and assesses internal and external risks and establishes tolerances of the Town sufficient to:
- A. enable the identification of risks and the amount of risks tolerated,
  - B. identify, analyze and respond to risks,
  - C. consider the potential for fraud in the risk assessment process and
  - D. identify, analyze and respond to significant changes impacting the internal control system; and
- (5) Control Activities refers to the Town actions and tools established through policies and procedures that go towards the detection, prevention or the reduction of identified risks of loss while still providing government operations by:
- A. designing control activities,
  - B. designing information systems and
  - C. implementing policies; and
- (6) Information and Communication refers to the internal and external communication needed to support an internal controls system that is valued and used by:
- A. receiving quality information,
  - B. internally communicating quality information and
  - C. externally communicating quality information; and
- (7) Monitoring Activities refers to the activities of the Town officials to see that all of the components of the internal control system that meet or

exceed the standards herein are functioning properly by:

- A. establishing and operating monitoring activities and then evaluating them on an ongoing or periodic basis and
  - B. the timely remediation of deficiencies; and
- (8) To ensure that these minimum standards and procedures are met or exceeded, the Town Council needs to adopt a policy that at least includes the requirements set forth in IC 5-11-1-27 and also the approved compliance guidelines of the State Board of Accounts dated September 2015 and any revisions thereafter, to the extent that it is reasonable for a town of its size and the size of its government; and
  - (9) The standards listed are considered in light of the operations objectives, the reporting objectives and the compliance objectives of the Town in performing certainly its financial activities of governance but also the other governmental activities; and
  - (10) Because governments vary in size and complexity, there is no single method or set of internal control policies and procedures that is universally applicable; and
  - (11) The Clerk-Treasurer has reviewed and recommends adoption of the proposed internal control standards; and
  - (12) After thoughtful consideration and in order to comply with IC 5-11- 1-27 and the guidelines, the Town believes it is in the best interests of its citizens to adopt as its policy, the minimum requirements of IC 5-11-1-27, and implement its policy in the manner stated below. (Ord. 2016-22, Whereas, Nov. 8, 2016)

**1.72.010 Mission.** The Town finds that its mission as related to an internal control system is as follows:

- (1) Provision of a democratic governmental structure at the grassroots level;
- (2) Provision of services as determined through the political process including but not limited to, police, fire, streets, roads, economic development, and parks;
- (3) Promotion of government efficiency, accountability, reliability and transparency; and
- (4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors. (Ord. 2016-22, S1, Nov. 8, 2016)

**1.72.020 Objectives.** The Town finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:

- (1) Operations Objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.
- (2) Reporting Objectives which involve the filing of financial and non-financial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.
- (3) Compliance Objectives involve the adherence to law and regulations, including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as the Indiana Association of Cities and Towns (IACT) and the Indiana League of Municipal Clerks and Treasurers, among other, as appropriate for the Town. (Ord. 2016-22, S2, Nov. 8, 2016)

**1.72.030 Minimum Level.** The Town adopts and directs the minimum level of internal control standards and internal control procedures for an internal control system that includes the following five (5) standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

- (1) Control Environment.
- (2) Risk Assessment.
- (3) Control Activities.
- (4) Information and Communication.
- (5) Monitoring (Ord. 2016-22, S3, Nov. 8, 2016)

**1.72.040 Principles.** The Town adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the Town government:

- (1) Control Environment:

- A. The oversight body and management demonstrate a commitment to integrity and ethical values.
  - B. The oversight body oversees the Town's internal control system.
  - C. Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the Town's objectives.
  - D. Management demonstrates a commitment to attract, develop and retain competent individuals.
  - E. Management evaluates performance and holds individuals accountable for their internal control responsibilities.
- (2) Risk Assessment:
- A. Management defines objectives clearly to enable the identification of risks and defines risk tolerances.
  - B. Management identifies, analyzes and responds to risk related to achieving the defined objectives.
  - C. Management considers the potential for fraud when identifying, analyzing and responding to risks.
  - D. Management identifies, analyzes and responds to significant changes that could impact the internal control system.
- (3) Control Activities:
- A. Management designs control activities to achieve objectives and respond to risks.
  - B. Management designs the Town's information system and related control activities to achieve objectives and respond to risks.
  - C. Management implements control activities through policies.
- (4) Information and communication:
- A. Management uses quality information to achieve the Town's objectives.
  - B. Management internally communicates the necessary quality information to achieve the Town's objectives.



- C. Management externally communicates the necessary quality information to achieve the Town's objectives.

(5) Monitoring:

- A. Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
- B. Management remediates identified internal control deficiencies on a timely basis. (Ord. 2016-22, S4, Nov. 8, 2016)

**1.72.050 Effective Internal Control System.** The Town adopts the internal control standards above so as to establish an effective internal control system for the Town through its design, implementation and operation. (Ord. 2016-22, S5, Nov. 8, 2016)

**1.72.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards.** The Town directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the Town, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the Town. (Ord. 2016-22, S6, Nov. 8, 2016)

**1.72.070 Periodic Review.** The Town authorizes the Clerk-Treasurer and the three (3) Town Council Members (collectively, referred to as the "Fiscal Committee") together with the advice of the Town attorney to review the current procedures and thereafter periodically review the internal control system of the Town and when deems necessary or appropriate, adopt any policy or make necessary modifications of existing policy for the future internal control systems, subject to the approval of the Town Council and perform an annual review, or more if determined necessary for compliance with this Ordinance. (Ord. 2016-22, S7, Nov. 8, 2016)

**1.72.080 Personnel Compliance.** The personnel of the Town, both elected and appointed, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity (the "personnel of the Town") shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the Town now and as modified in the future. For the purpose of implementing this Ordinance, personnel shall also include, but not limited to legal counsel, independent contractors for stormwater compliance, the executive secretary of the Plan Commission and Board of Zoning Appeals and all members of the Police and Fire Departments. (Ord. 2016-22, S8, Nov. 8, 2016)

**1.72.090 Personnel Training.** The personnel of the Town, both elected and appointed, full time and part time, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures determined necessary by the Town and shall cooperate with the Clerk-Treasurer or designee so that the Clerk-Treasurer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law. The Certification form, attached hereto as Exhibit A, shall be used for that purpose. The training is to include watching a training webinar which the State Board of Accounts has made available. A mass training session is scheduled for November 15, 2016 at 9:00 a.m. at Town Hall and anyone absent shall immediately make necessary arrangements with the Clerk-Treasurer to watch the video at a later date and time. (Ord. 2016-22, S9, Nov. 8, 2016)

**1.72.100 Mandatory Training Requirement.** The Town authorizes the Clerk-Treasurer to notify all personnel as defined in paragraphs 1.72.080 and 1.72.090 above of the mandatory training requirement. It is anticipated that most personnel will watch the training webinar at the above mentioned date, place and time. However, the Fire Department will have the webinar available to be watched at one of its regular meetings prior to year end. New employees will be required to receive the training, as they are hired and must likewise certify that they have received such training. All certifications are to be immediately provided to the Clerk-Treasurer. (Ord. 2016-22, S10, Nov. 8, 2016)

**1.72.110 Delegates Authority and Duties for Implementation to Fiscal Committee.** The Town Council delegates to the Fiscal Committee, subject to Town Council approval, all authority and/or duties necessary to adopt these new standards, train personnel and implement Town internal control systems policies and procedures. (Ord. 2016-22, S11, Nov. 8, 2016)

**1.72.120 Full Cooperation.** All personnel of the Town (as defined herein) are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the Town. (Ord. 2016-22, S12, Nov. 8, 2016)

**1.72.130 Violation by Employee.** An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the internal control system commits a violation of this policy and may result in the discipline, including termination, of the employee. (Ord. 2016-22, S13, Nov. 8, 2016)

**1.72.140 Failure to Abide by Non-employee Personnel of the Town.** Any non-employee personnel of the Town who fails to abide by or cooperate with the implementation and the mandated certifications of the internal control system may be subject to any action allowed by law. (Ord. 2016-22, S14, Nov. 8, 2016)

**1.72.150 Implementation Actions.** This Ordinance may be implemented by any and all of the following actions or such others as authorized by the Town Council: a) posting a copy of this Ordinance in its entirety in at least one of the locations in the Town where it

posts employer posters or other notices to its employees; b) providing a copy of this Ordinance to its employees and elected and appointed officials and anyone else whose job duties meet the definition of personnel, as defined herein; c) providing or posting a notice of the adoption of this Ordinance; or d) any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials and other personnel. (Ord. 2016-22, S15, Nov. 8, 2016)

**EXHIBIT A**

**INTERNAL CONTROL TRAINING CERTIFICATION FOR  
ELECTED OFFICIALS, APPOINTEES, AND EMPLOYEES**

I, \_\_\_\_\_, the duly elected, appointed, or employed  
(print name)

\_\_\_\_\_ for \_\_\_\_\_ certify that I  
(position or title) (political subdivision)

received the following training concerning internal controls standards and procedures as required by Ind. Code § 5-11-1-27(g)(2):

Title of Training	Time Spent
_____	_____
_____	_____
_____	_____

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\*This certification may be printed, signed, and retained in paper form or electronically. If signed electronically, the elected official, appointee, or employee must designate his or her signature by typing the last four (4) digits of their Social Security number in the signature line.

## Chapter 1.86

### RIVERBOAT FUND

#### Sections:

**1.86.010 Creation of Riverboat Fund**

**1.86.020 Purposes of the Fund**

**1.86.030 Transfer to the Fund**

**1.86.040 Appropriations**

**1.86.050 Unexpended Balance**

**1.86.010 Creation of Riverboat Fund.** There is hereby established a special fund which shall be known as the "Riverboat Fund" which shall receive the Town's portion of the distribution of wagering taxes that Dubois County receives from the State of Indiana. (Ord. 2003-10, S2, Aug. 14, 2003)

**1.86.020 Purposes of the Fund.** The funds on deposit in the Riverboat Fund may be used for any governmental purpose for which the money is appropriated by the Town Council. (Ord. 2003-10, S3, Aug. 14, 2003)

**1.86.030 Transfer to the Fund.** The Town's portion of the distribution of wagering taxes from the State of Indiana, through Dubois County, shall be deposited in the Riverboat Fund. (Ord. 2003-10, S4, Aug. 14, 2003)

**1.86.040 Appropriations.** The Town Council of the Town of Ferdinand may authorize the expenditure of funds from the Riverboat Fund by appropriation, made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 2003-10, S5, Aug. 14, 2003)

**1.86.050 Unexpended Balance.** At end of any year the balance shall revert to the general fund of the Town. (Ord. 2003-10, S6, Aug. 14, 2003)