

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY GOVERNMENT; ORGANIZATION

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GENERAL PROVISIONS**§ 30.01 BRANCHES OF GOVERNMENT.**

The government of the city shall consist of five branches, those being:

- (A) Executive branch.
 - (B) Legislative branch.
 - (C) Fiscal branch.
 - (D) Judicial branch
 - (E) Statutory boards and commissions
- ('76 Code, § 2-16) (Ord. 1160, passed 8-29-83)

EXECUTIVE BRANCH**§ 30.10 CITY EXECUTIVE.**

The Mayor is the city executive and head of the executive branch. The Mayor shall faithfully perform the duties and responsibilities contained in IC 36-4-5 and other statutes of the state.

('76 Code, § 2-17) (Ord. 1160, passed 8-29-83)

§ 30.11 BOARD OF PUBLIC WORKS AND SAFETY.

(A) There is hereby established a Board of Public Works and Safety within the executive branch. The Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments which are hereby established.

(1) Police Department;

(2) Fire Department;

(3) Utilities Department, consisting of the sewage collection and disposal system, established by authority of IC 36-9-2-17, and water generation and distribution system, established by authority of IC 36-9-2-14.
(*'76 Code, § 2-18*)

(B) *Membership of Board; appointment of department heads.*

(1) The members of the Board of Public Works and Safety are the Mayor and two voters of the city who shall be chosen by the Mayor and serve at his or her pleasure.

(2) The Chiefs of the Police and Fire Departments and the heads of the Department of Law, sewage and water systems, and Street and Sanitation Departments are appointed by the Mayor and serve at his or her pleasure.

(3) Pursuant to IC 36-4-9-2, the Mayor shall appoint the heads of the Departments of Waterworks, Parks and Recreation, and Planning and Development with the approval of the statutory board or commission operating the department. These appointees serve at the pleasure of the Mayor.
(*'76 Code, § 2-19*)

(C) *Contracts.* Subject to the appropriation power of the Common Council, the foregoing departments shall have the ability to hire employees, and purchase or contract for materials or services, as the Board of Public Works and Safety or other governing board or commission deems necessary to perform their public functions. (*'76 Code, § 2-20*)
(Ord. 1160, passed 8-29-83)

LEGISLATIVE BRANCH

§ 30.20 COMMON COUNCIL.

(A) The legislative branch of the city is the Common Council. The Council shall have the exclusive authority to adopt ordinances and appropriate tax monies received by the city and to perform other necessary and desirable legislative functions.

(B) The Council shall be composed of seven members, two of whom shall be elected on an at-large basis, pursuant to IC 36-4-6-4; each of the remaining members shall be elected by the electors in the Councilmanic district in which he or she resides.
(*'76 Code, § 2-21*) (Ord. 1143, passed 12-20-82)

(C) *Powers.* The Council shall have the powers provided by statutory law. (*'76 Code, § 2-29*)
(Ord. 1160, passed 8-29-83)

§ 30.21 MEETINGS OF COUNCIL.

(A) The regular meeting date and time for the Common Council shall be at 7:30 p.m. on the first and third Monday of each month, unless otherwise specified. ('76 code, § 2-22) (Ord. 1160, passed 8-29-83)

(B) *Adjournment.* Any regular meeting of the Council may be adjourned to a future day or hour, at which adjourned meeting, it shall be lawful to transact any business which might have been transacted at the regular meeting of which it is a continuation and at an adjourned meeting, the Council will not be limited to complete particular items of business, which has actually been entered upon, and left unfinished, at the regular meeting, unless the order of adjournment of the regular meeting so limits the work of the adjourned meeting. ('76 Code, § 2-24)

(C) Special meetings of the Council shall be held on the call of the Mayor or on the call of not less than a majority of all members elect of the Council. Written notice shall be served upon the members of the Council by the Chief of Police or Assistant Chief of Police. ('76 code, § 2-23) (Ord. 896, passed 1-15-68)

(D) The Clerk-Treasurer shall place in the record of any special meeting of the Council a copy of the required notice calling the meeting, together with a statement by the Chief of Police that the notices have been served upon the members of the Council. ('76 Code, § 2-26)

(E) All meetings of the Council shall be public. ('76 Code, § 2-27)

§ 30.22 APPOINTMENT AND DISCHARGE OF COMMITTEES.

(A) *Standing committees.*

(1) Unless otherwise ordered by the Common Council, the Mayor shall appoint, subject to the approval of the Council, at the first meeting of the newly elected Council, following their election in November, the following standing committees:

(a) Finance.

(b) Streets and alleys.

(2) Each committee shall consist of not less than three Councilmembers.
(('76 Code, § 2-36)

(B) *Select committees.*

(1) The Mayor shall appoint the members of all select committees which may be ordered by the Council from time to time. ('76 Code, § 2-37)

(2) Discharge of select committees. A select committee of the Council when its report, if made, is disposed of and it has no other business, stands dissolved without motion; provided, however, that an affirmative vote on recommitment by the Council has the effect of reviving the committee. ('76 Code, § 2-38)

(C) *Meetings.* Meetings of committees of the Common Council may be called by either the Chairperson thereof, or by any two of the members thereof. ('76 Code, § 2-39)

(D) *Chairperson and Vice-Chairperson.* The first person appointed by the Mayor to a particular committee of the Council shall be its Chairperson. The second person appointed by the Mayor to the committee shall be its Vice-Chairperson and shall serve as Chairperson whenever the regular Chairperson is not present. If the regular Chairperson should die or otherwise cease to hold office, the Vice-Chairperson shall then become the regular Chairperson, and the third member of the committee shall assume the duties of the Vice-Chairperson. ('76 Code, § 2-40)

(E) *Filling vacancies.* Any vacancy that occurs in the membership of any committee of the Council shall be filled by the Mayor. ('76 Code, § 2-41)

(F) *Effect of minority report.* The report of a minority of a committee of the Council shall be regarded as an amendment to, or substitute for, the report of the committee. ('76 Code, § 2-42)

(G) *Right of Councilmember introducing matter to attend meetings.* Whenever any matter has been referred to a committee of the Council, the councilmember introducing the same if he or she is not a member of the committee shall have the right to meet with, and act as a member of, the committee during its deliberation thereon, but shall not be allowed to vote thereon. ('76 Code, § 2-43)

(H) *Amendments.* A committee of the Council shall not erase, interline or blot any ordinance, resolution or other paper referred to it, but must enter upon separate paper, any amendment it may propose, stating the words which it is proposed to insert or omit, by reference to page, line and words of the original paper. ('76 Code, § 2-44)

§ 30.23 PRESIDING OFFICER.

(A) The Mayor shall preside at all meetings of the Common Council. ('76 Code, § 2-52)

(B) *Presiding Officer Pro Tempore.* In the absence of the Mayor, the Council shall choose a Presiding Officer Pro Tempore from among its members. ('76 Code, § 2-51)

§ 30.24 DUTIES OF PRESIDING OFFICER IN COUNCIL MEETING.

(A) *Duty of Mayor to preserve order.* The Mayor shall preserve order and decorum in all meetings of the Common Council. ('76 Code, § 2-58)

(B) *Right of Mayor to speak on point of order.* The Mayor shall have the right to speak on points of order in preference to members of the Council. ('76 Code, § 2-59)

(C) *Questions of order.* The Mayor or Presiding Officer shall decide all questions of order. He or she shall decide whether any question submitted to the Council for adoption or rejection is to be decided in the affirmative or negative. ('76 Code, § 2-60) (Ord. 1160, 8-29-83)

(D) *Appeals from rulings.* From any decision of the Presiding Officer any member may appeal to the Council. The appeal shall be by motion duly made and seconded. A majority vote as defined in IC 36-4-6-11 is necessary to overrule the chair. ('76 Code, § 2-61) (Ord. 1160, 8-29-83)

(E) *Conduct of voting.* The Mayor shall ask for the yeas and nays on any question before the Council when a vote on it is necessary. An abstention shall be treated as a neutral vote. ('76 Code, § 2-62)

(F) *Voting by Mayor.* The Mayor shall not be entitled to vote at any meeting of the Council except in case of a tie. ('76 Code, § 2-63)

§ 30.25 QUORUM DEFINED.

The majority of all the Common Councilmembers elected shall constitute a quorum. ('76 Code, § 2-28)

§ 30.26 ORDER OF BUSINESS.

The Mayor, or in his or her absence, a President Pro Tempore of the Council, shall be the Presiding Officer of the Council pursuant to IC 36-4-6-8, and meetings shall be conducted pursuant to the applicable statutes (IC 36-4-6-10 through 36-4-6-17) and in accordance with the following rules:

(A) *Calling meeting to order.* The Mayor shall take the chair precisely at the hour fixed for the meeting and shall call the Common Council to order if a legal quorum be present. ('76 Code, § 2-53)

(B) *Order of Business.* The order of business to be followed at a meeting of the Council shall be as follows, unless suspended by the Mayor or Presiding Officer upon two-thirds vote of the Council:

- (1) Roll call.
- (2) Minutes of last meeting.
- (3) Consideration of claims.
- (4) Communications.
- (5) Petitions, remonstrances and memorials.
- (6) Reports of committees.
- (7) Reports of officers.
- (8) Ordinances and resolutions.
- (9) Unfinished business.
- (10) New business.
- (11) Adjournment.

(C) *Contempt and Disorder in the Council Room.*

(1) No person shall use violent or contemptuous language, behave in a disorderly manner, or refuse to obey the orders of the Mayor or Presiding Officer in the Council room while the Council is in session. The Mayor or Presiding Officer may order the removal of any person who disturbs the decorum of a Council meeting. (76 Code, § 2-54)

(2) Punishing disorderly Councilmembers. If any member of the Council should engage in any conduct which is out of order during a Council meeting, the Mayor shall rule him to be out of order, and he or she shall then cease his or her conduct. The member may appeal the order of the Mayor to the Council, who shall then decide, by a majority vote, whether the member was out of order. If the member should lose or fail to take the appeal, and still persist in being out of order, the Chief of Police or his delegate shall eject him from the Council chambers. If the member then tries to reenter and participate in the Council meeting, he or she shall be subject to the penalty provided for in § 10.99. ('76 Code, § 2-45)

(D) *Introduction and Adoption of Ordinances and Resolutions.*

(1) All ordinances shall be regularly filed with the Clerk-Treasurer at least seven days before a regular meeting.

(2) All ordinances shall be read two times before being passed, and no ordinance shall pass on the same day in which it is introduced unless the provisions of IC 36-4-6-13 are complied with.

(3) Resolutions shall be subject to the same rule in the method of introduction and only require one reading for adoption.

(4) On the passage or adoption of any ordinance or resolution, the yeas and nays shall be taken and entered in the record, and the ordinance shall be processed in accordance with IC 36-4-6-14 through 36-4-6-17.

('76 Code, § 2-54) (Ord. 1160, passed 8-29-83)

Cross-reference:

Effective date of ordinances, see § 10.16

Recordation and publication of ordinances, see § 10.15

§ 30.27 QUESTIONS ARISING BEFORE COMMON COUNCIL.

(A) *Debate on priority of business.* All questions as to the priority of business before the Common Council to be acted upon, shall be decided without debate. ('76 Code, § 2-55)

(B) *Debate on certain questions of order.* All questions of order which may arise pending a question which is not debatable shall be decided without debate. ('76 Code, § 2-56)

(C) *Priority of certain items.* All appeals, questions of order, objections to the consideration of a question, and suspension of the rules, are questions which shall take precedent of, and be decided before, the questions giving rise to them. ('76 Code, § 2-57)

(D) *Division of question.* A question shall be divided on the demand of any member of the Common Council, if it includes two or more distinct propositions. ('76 Code, § 2-69)

§ 30.28 SPEAKING DURING COUNCIL MEETINGS.

(A) *Recognition of members.* No member of the Common Council shall be recognized unless in his seat, or permitted to speak until recognized by the chair. ('76 Code, § 2-64)

(B) *Addressing Council.* When any member is about to speak or deliver any matter to the Council, he or she shall ask the Presiding Officer for recognition and upon being recognized shall confine himself or herself to the question before the Council avoiding personalities. ('76 Code, § 2-65)

(C) *Restriction on speaking.* No member of the Council shall speak more than twice on the same question; provided, however, that the mover of a proposition shall in any case be entitled to close the debate. ('76 Code, § 2-66)

(D) *Determination of who speaks when more than one arise at same time.* When two or more members of the Council ask to speak at once, the Presiding Officer shall decide who is entitled to speak. ('76 Code, § 2-67)

(E) *Restriction on movement of members.* While the Presiding Officer is putting the question to or addressing the Council no member shall walk out of, or across the hall, and when a member is speaking, no member shall walk between him and the Presiding Officer. ('76 Code, § 2-68)

§ 30.29 ACCEPTANCE OF RESOLUTIONS AND REPORTS.

When a resolution is offered or a report or other matter presented to the Common Council, the Presiding Officer may take the reception thereof; but if an objection is made, then formal motion shall be required.

('76 Code, § 2-70)

§ 30.30 MOTIONS.

(A) *Motion to be stated.* When a motion has been made by a member to the Council, the Presiding Officer shall state it, or if written, cause to be read by the Clerk-Treasurer before being debated. ('76 Code, § 2-71)

(B) *Withdrawal of motions.* After a motion made by a member to the Council has been stated by the Presiding Officer, or read by the Clerk-Treasurer, it shall be considered to be in the possession of the Council, and may be withdrawn from the Council only if there has been no decision on, or amendment to, the motion. ('76 Code, § 2-72)

(C) *Propriety and sequence of motions.* When a question is under debate before the Council no motion shall be received, except motions to adjourn, to lay on the table, for the previous question (which motions shall be decided without a debate), to postpone to a day certain, to refer to or amend, or to postpone indefinitely. Except as otherwise provided, motions shall have precedence in the order in which they are herein arranged. ('76 Code, § 2-73)

(D) *Motions concerning adjournment.* A motion to adjourn, and a motion to fix a time to which the Council shall adjourn, shall always be in order, with the latter motion taking precedence over the former. ('76 Code, § 2-74)

(E) *Motion to table amendments.* A motion to table an amendment shall not affect the subject which it proposes to amend. ('76 Code, § 2-75)

(F) *Effect of motion calling for previous question.* A motion before the Council calling for the previous question shall have the effect of calling for a vote by the Council on the matter then under discussion. ('76 Code, § 2-76)

(G) *Amendment of motion to postpone to day certain.* A motion to postpone to a day certain can be amended only as to the time contained therein. ('76 Code, § 2-77)

(H) *Amendment of motion to commit.* A motion to commit may be amended only by altering the committee of the Council mentioned therein or by giving instructions to the committee. ('76 Code, § 2-78)

(I) *Motions to amend.* A motion to amend and a motion to amend that amendment shall always be in order; it shall also be in order to offer a further amendment by way of a substitute, to which only one amendment may be offered. ('76 Code, § 2-79)

(J) *Consideration of matter postponed indefinitely.* A motion or proposition postponed indefinitely shall be taken up again only when demanded by a majority of the Council; provided, however, that no motion or proposition so postponed may be taken up at the same or next succeeding meeting of the Council at which it was so postponed. ('76 Code, § 2-80)

(K) *Limitation on amendments.* No motion or proposition on a subject different from that under consideration shall be under the color of an amendment. ('76 Code, § 2-81)

(L) *Reconsideration of motions generally.* When a motion has been made and carried or lost before the Council, any member of the majority voting thereon either at the same or at the succeeding meeting, may move for the reconsideration thereof; this motion shall take precedence of all other motions except a motion to adjourn, and debate thereon shall be in order where the main question is debatable, but not otherwise. ('76 Code, § 2-82)

(M) *Effect of passing motion to reconsider.* Where a motion to reconsider has been passed the question immediately recurs upon the question reconsidered. ('76 Code, § 2-83)

(N) *Tabling of motion to reconsider.* A motion to reconsider a vote may be tabled, but a motion to reconsider a vote tabling a motion to reconsider shall not be allowed. ('76 Code, § 2-84)

§ 30.31 ORDINANCES.

(A) *Numbering of ordinances.* All ordinances shall be numbered in the order that they are introduced to the Common Council. ('76 Code, § 2-85)

(B) *Reading of ordinances; passage at same meeting as introduced.*

(1) Except as provided in division (B)(2) of this section, any ordinance introduced to the Council shall be read two times before it is voted on by the Council. At the first reading the Clerk-Treasurer shall read the ordinance in full. The second and third readings of the ordinance shall be in full unless the Council by a majority vote directs otherwise. (Ord. 1160, passed 8-29-83)

(2) The Council may, by a majority vote, alter the procedure in division (B)(1) of this section; provided, however, that no ordinance shall be read for the second time at the same meeting at which it was introduced except by unanimous consent of the Council, and then only in case there are present and voting at least two-thirds of the elected members of the Council. ('76 Code, § 2-86) (Ord. 1160, passed 8-29-83)

(C) *Majority vote required to pass ordinances.* It shall require a majority of all the elected members of the Council to pass an ordinance. ('76 Code, § 2-87)

(D) *When ordinances and the like become law.* No ordinance, order or resolution of the Council shall become a law, or operative until it has been signed by the Mayor or passed over his veto and promulgated according to law. ('76 Code, § 2-88)

(E) *Approval and veto of ordinances and the like.* Every ordinance, order or resolution of the Council shall immediately upon its passage, enrollment, attestation and signature by the Clerk-Treasurer, as presented by the Clerk-Treasurer to the Mayor and a record of the time, of the presentation made by the Clerk-Treasurer. If the Mayor approves the ordinance, order or resolution he or she shall enter his approval thereon and sign the same and file it in the office of the Clerk-Treasurer, if he or she does not approve the ordinance, he or she shall veto it and return it to the Clerk-Treasurer with his objections in writing within ten days after receiving it, and the Clerk-Treasurer shall present it to the Council at its next regular meeting. If the Mayor should fail to discharge his duty by approving or disapproving the ordinance within the time, this failure shall be deemed a disapproval. ('76 Code, § 2-89)

(F) *Overriding veto.* If the Mayor should veto any ordinance, order or resolution passed by the Council, the Council may override the veto by passing it again by a two-thirds vote of all the members elect of the Council at the next regular or special Council meeting following the Mayor's veto. ('76 Code, § 2-90)

(G) *Recording ordinances.* All ordinances shall, within a reasonable time after their approval by the Mayor, or their becoming law in spite of his or her veto, be recorded in a book kept for that purpose by the Clerk-Treasurer. ('76 Code, § 2-91)

Cross-reference:

Recordation and publication of ordinances, see § 10.15

§ 30.32 ROBERT'S RULES OF ORDER; ADOPTED BY REFERENCE.

Robert's Rules of Order, Newly Revised is hereby adopted to govern the conduct at all meetings of the Council or its committees, to the extent it is consistent with the provisions of this title, and is hereby incorporated herein by reference. Two copies are on file in the office of the Clerk-Treasurer for public inspection.

('76 Code, § 2-92)

§ 30.34 COUNCILMANIC DISTRICTS.

The city is hereby divided into five councilmanic districts, the boundaries of which shall be as follows:

(A) *District One.* Councilmanic District One shall be composed of Precinct 022, Monroe Township, Madison County, Indiana, and those parts of Precincts 023 and 024 in Monroe Township, Madison County, Indiana, adjacent to Precinct 022 and within the corporate limits of the city.

(B) *District Two.* Councilmanic District Two shall be composed of Precinct 021, Monroe Township, Madison County, Indiana.

(C) *District Three.* Councilmanic District Three shall be composed of Precinct 020, Monroe Township, Madison County, Indiana.

(D) *District Four.* Councilmanic District Four shall be composed of Precinct 019, Monroe Township, Madison County, Indiana, together with that part of Precinct 023 in Monroe Township, Indiana, which is adjacent to Precinct 019 and within the corporate limits of the city.

(E) *District Five.* Councilmanic District Five shall be composed of Precinct 018, Monroe Township, Madison County, Indiana, together with those parts of Precincts 023 and 024 which are adjacent to Precinct 018 and within the corporate limits of the city.

(F) At-large councilmanic districts shall consist of the entire city.
('76 Code, § 2-104) (Ord. 913, passed 10-3-74; Am. Ord. 1143, passed 12-20-82; Am. Ord. 1157, passed 8-1-83; Am. Ord. 1302, passed 12-21-92; Am. Ord. 1451, passed 11-4-02)

FISCAL BRANCH**§ 30.45 HEAD OF FISCAL BRANCH.**

The Clerk-Treasurer is the fiscal officer of the city and the head of the fiscal branch. He or she shall perform the duties assigned by IC 36-4-10, and other duties as the Common Council assigns.
('76 Code, § 2-121)

JUDICIAL BRANCH**§ 30.55 DEPARTMENT OF LAW ESTABLISHED.**

There is established a Department of Law pursuant to IC 36-4-9-12.
('76 Code, § 2-115) (Ord. 1160, passed 8-29-83)

§ 30.56 CITY ATTORNEY ESTABLISHED.

There is established the position of City Attorney.
(‘76 Code, § 2-116)

§ 30.57 CITY COURT ESTABLISHED.

(A) The City Court is established and continued in effect for another term, the new term to commence and be effective beginning January 1, 1987, and the Court hereby established and continued

of the Southwest corner of the Northwest Quarter of Section 30, Township 21 North, Range 8 East, thence East on and along a line being parallel with and 57.75 feet South of the South line of said Northwest Quarter to a line being parallel with and 247.5 feet East of the East line of said Southeast Quarter; thence North on and along a line being parallel with and 247.5 feet East of the East line of said Southeast Quarter to the South line of said Northwest Quarter; thence East on and along the South line of said Northwest Quarter to the centerline of State Road 9; thence Northwestly on and along the centerline of State Road 9 to the centerline of a common drive or dedicated street running through Yule Estates Golf Course; thence Westerly, Northerly, and Northwestly on and along the centerline of said common drive or dedicated street and Harrison Street to the centerline of Chipaway Drive; thence Northerly on and along the centerline of Harrison Street (also known as Harrison Boulevard) to the point of beginning.

ALSO INCLUDE: Beginning at the Southwest corner of Section 30, Township 21 North, Range 8 East and running thence East on and along the South line of the Southwest quarter of said Section 30, a distance of 1,150.2 feet, thence North parallel with the West line of said Southwest quarter, a distance of 160.5 feet, thence East parallel with said South line, a distance of 121.8 feet to the centerline of State Road No. 9, thence Northwestly on and along said centerline, a distance of 145.25 feet to a point being 300 feet North of the said South line of said Southwest quarter, thence West parallel with said South line, a distance of 242.45 feet, thence North parallel with the said West line of said Southwest quarter, a distance of 150 feet, thence East parallel with said South line, a distance of 337.05 feet to a point on said centerline of said State Road No. 9, thence Northwestly on and along said centerline, a distance of 905 feet to a point being 1,301.8 feet North of the said South line of said Southwest quarter, thence Southwestly on and along an existing property line, a distance of 400.39 feet to an existing property corner, said corner being 1,225.10 feet North of the said South line of said Southwest quarter, thence North parallel with the said West line of said Southwest quarter, a distance of 593.4 feet to an existing property corner, thence East parallel with said South line of said Southwest quarter, a distance of 204.3 feet to a point in the centerline of said State Road No. 9, thence Northwestly on and along said centerline, a distance of 841 feet to an existing property line, thence West on and along said property line, a distance of 433.4 feet to a point on the said West line of said Southwest quarter, thence South on and along said West line, a distance of 2,612 feet to the point of beginning.

ALSO INCLUDE: Beginning at a point which is 530 feet East and 1374.5 feet North of the Southwest corner of Section 30, Township 21 North, Range 8 East and running thence North 249.0 feet parallel with the West line of said Section 30; thence East 223.0 feet parallel with the South line of said Section 30 to the West right-of-way line of Indiana State Road 9; thence Southeasterly along said Westerly right-of-way line 184.15 feet; thence southwesterly 296.5 feet back to the point of beginning.

EXCEPT the following described property: Mini-Plat 170 in Madison County, Indiana, located in the Southwest corner of Section 30, Township 21 North, Range 8 East.

(C) *District 3.* Monroe Township, Precinct 3, more particularly described as follows: Beginning at the intersection of the centerline of Monroe Street and the centerline of Harrison Street in the city; thence West on and along the centerline of Monroe Street to the centerline of Fairview Street; thence North on and along the centerline of Fairview Street to the centerline of an alley between Monroe street and Jackson Street; thence West on and along the centerline of said alley to the centerline of Iowa street; thence South on and along the centerline of Iowa street to the North right-of-way line of Madison street; thence West on and along the North right-of-way line of Madison Street to the Southeast corner of Lot 610 in Plate Glass Addition to Alexandria (Plat Book 4, Page 114); thence North on and along the East line of said Lot 610 to its Northeast corner; thence West on and along the North line of the first tier of lots immediately North of Madison street (changing to Broadway) to the Northwest corner of Lot 605 in said Plate Glass Addition; thence South on and along the West line of said Lot 605 and its southerly

extension to the centerline of Broadway; thence East and Southeasterly on and along the centerline of Broadway to the West line extended southerly of Lot 712 in said Plate Glass Addition to the South right-of-way line of Madison street; thence East on and along the South right-of-way line of Madison street to the Northeast corner of Lot 683 in said Plate Glass Addition; thence south on and along the East line and its southerly extension in Lot 683 in said Plate Glass Addition to the North line of 4.70 acre tract of land described in Deed Record 536, Page 157 in the records of Madison County, Indiana; thence East on and along the North line of said 4.70 acre tract of land to the Northwest corner of Lot 16 in Carver's Homestead Addition (Plat Book 4, Page 107); thence Southwesterly on and along the West line of said Carver's Homestead Addition to the Northwest corner of Lot 41 in said Carver's Homestead Addition; thence East to the Northeast corner of Lot 42 in said Carver's Homestead Addition; thence South on and along the East line and its Southerly extension of Lot 42 in said Carver's Homestead Addition to the centerline of County Road 1100 North (Washington Street); thence West on and along the centerline of County Road 1100 North (Washington Street) to the centerline of the Norfolk and Western Railroad; thence Southeasterly on and along the centerline of said railroad to the centerline of Central Avenue; thence North up and along the centerline of Central Avenue to the centerline of Washington street; thence East, Southeasterly, and East on and along the centerline of Washington Street to the centerline of Harrison street; thence North on and along the centerline of Harrison street to the point of beginning.

(D) *District 4. Monroe Township, Precinct 4, more particularly described as follows:* Beginning at the intersection of the centerline of Harrison street and the centerline of Monroe Street in the city; thence North on and along the centerline of Harrison street to the centerline of State Road 28 (Cleveland street); thence East on and along the centerline of State Road 28 to the centerline of State Road 9; thence North on and along the centerline of State Road 9 to the North line of a 1.993 acre tract of land described in Deed Record 520, Page 671 in the records of Madison County, Indiana; thence West on and along the North line of said 1.993 acre tract of land to its Northwest corner; thence South on and along the West line of said 1.993 acre tract of land to the South line of an 8.481 acre tract of land described in Deed Record 435, Page 170 in the records of Madison County, Indiana; thence West on and along the South line of said 8.481 acre tract of land to the East line of McCarty's First Addition (Plat Book 10, Page 56) extended Southerly; thence North on and along the East line of McCarty's First Addition to its Northeast corner; the next nine courses being on and along the boundary line of McCarty's First Addition; thence West, South, West, South, East, South, and West on and along the boundary lines of said McCarty's First Addition to the Northwest corner of Lot 7 in said McCarty's First Addition; thence leaving the boundary of McCarty's First Addition, North on and along the East line of a 1.32 acre tract of land annexed in Ordinance #974 and recorded in Miscellaneous Record 187, Page 241 in the records of Madison County, Indiana, to its Northeast corner; thence West on and along the North line of said 1.32 acre tract of land to its Northwest corner; thence south on and along the West line of said 1.32 acre tract of land to the centerline of State Road 28; thence East on and along the centerline of State Road 28 to the Northwest corner of Norwood Park Addition to Alexandria (Plat Book 5, Page 64); thence South on and along the West line of said Norwood Park Addition to the Northeast corner of Lot 16 in Highland Park Addition to Alexandria (Plat Book 4, Page 99), said Northeast corner being on the North line of the South Half of the Northwest Quarter of the Northeast Quarter of section 13, Township 21 North, Range 7 East; thence West on and along the North line of the South Half of the Northwest Quarter of said Northeast Quarter to the West line of said Northeast Quarter; thence South on and along the West line of said Northeast Quarter to the North line of a 15.00 acre tract of land deeded to school City of Alexandria in Deed Record 364, Page 86 in the records of Madison County, Indiana; Thence West on and along the North line of said 15.00 acre tract of land to its Northwest corner; thence South on and along the West line of said 15.00 acre tract of land to the centerline of Tyler Street; thence West on and along the centerline of Tyler street to the Northeast corner of Mary Knoll Addition (Plat Book 11, Page 35); thence continuing West on and along the North line of said Mary Knoll Addition to its Northwest corner; thence south on and along the West line of said Mary Knoll Addition to its Southwest corner; thence East on and along the

South line of said Mary Knoll Addition to its point of intersection with the Northerly extension of the West line of Lot 595 in Alexandria Land & Gas Company's First Addition (Plat Book 4, Page 45); thence South to the Northeast corner of Lot 569 in said Alexandria Land & Gas Company's First Addition; thence West to the Northwest corner of said Lot 569; thence South on and along the East line of said Lot 569, its southerly extension, the East line of Lot 487 in said Alexandria Land & Gas Company's First Addition and its Southerly extension to the centerline of an alley being 162.5 feet, more or less, North of the centerline of Monroe Street; thence East on and along the centerline of said alley to the centerline of Fairview Street; thence South on and along, the centerline of Fairview Street to the centerline of Monroe street, thence East on and along the centerline of Monroe Street to the point of beginning.

(E) *District 5. Monroe Township, Precinct 5*, more particularly described as follows: Beginning at the intersection of the centerline of Harrison Street and the centerline of Madison Street in the City of Alexandria; thence East on and along the centerline of Madison Street to the centerline of Walnut Street; thence south on and along the centerline of Walnut Street to the centerline of John Street; thence East on and along the centerline of John Street to the centerline of State Road 9, thence Southerly and Southwesterly on and along the centerline of State Road 9 to the centerline of Washington Street (also known as Bethel Pike or County Road 1100 North); thence East on and along the centerline of Washington Street to the centerline of Pipe Creek; thence Northeasterly on and along the centerline of Pipe Creek to the Easterly extension of the South line of Lincoln Heights subdivision (Plat Book 10, Page 62); thence West on and along the Easterly extension of the South line of said Lincoln Heights Subdivision to the Southeast corner of MiniPlat #207 (annexed in Ordinance #1119; Book 227, Page 363 in the records of Madison County, Indiana); thence North 185.75 feet on and along the East line of said Mini-Plat; thence West 440.00 feet on and along a boundary line of said MiniPlat; thence North 1.00 feet on and along a boundary line of said Mini-Plat to the Southeast corner of Lot 13 in, and the East line of, said Lincoln Heights Subdivision; thence North on and along the East line of said Lincoln Heights subdivision to its Northeast corner; thence West on and along the North line of said Lincoln Heights subdivision to the East line of a 0.803 acre tract of land annexed in Ordinance #1093 in the records of Madison County, Indiana; thence North on and along the East line of said 0.803 acre tract of land to its Northeast corner; thence West on and along the North line of said 0.803 acre tract of land to the Northernmost East line of a 10.447 acre tract of land annexed in Ordinance #1018 and recorded in Record 197, Page 555 in the records of Madison County, Indiana; thence North on and along the Northernmost East line of said 10.447 acre tract of land and on and along the East line of a 4.56 acre tract of land annexed in Ordinance #1025 and recorded in Miscellaneous Record 198, Page 572 in the records of Madison County, Indiana, to its Northeast corner, thence West on and along the North line of said 4.56 acre tract of land to the East line of a tract of land deeded to Michael Miller, Jr., in Deed Record 426, Page 320 in the records of Madison County, Indiana, thence North on and along the East line of said tract of land deeded to Michael Miller, Jr., to the centerline of State Road 28 (Cleveland Street); thence West on and along the centerline of State Road 28 to the centerline of the Conrail Railroad; thence Northeasterly on and along the centerline of said Conrail Railroad to the North line extended Easterly of Lot 4 in Ward's First Addition (Plat Book 5, Page 103); thence West on and along the North line of said Lot 4 and its extensions to the centerline of State Road 9; thence South on and along the centerline of State Road 9 to the centerline of state Road 28; thence West on and along the centerline of State Road 28 to the centerline of Harrison Street; thence, South on and along the centerline of Harrison Street to the point of beginning.

EXCEPT the following described property: Beginning at a point 1283 feet North and 1301.91 feet East of the Southwest corner of Section 18, Township 21 North, Range 8 East, said point being 4 feet East of the Southeast corner of Lot numbered 3 in the Replat of Alexandria Manor Estates, an Addition to the City of Alexandria, as recorded in Plat Book 15, page 76, records of Madison County, Indiana; thence South 89 degrees, 50 minutes and 55 seconds East 470.11 feet to the centerline of the dredged channel

of Pipe Creek; thence Northeasterly along said centerline, the following courses, North 21 degrees, 57 minutes and 26 seconds East 271.72 feet; thence North 33 degrees, 50 minutes and 36 seconds East 248.98 feet; thence North 32 degrees 19 minutes and 07 seconds East to a point of intersection with the centerline of Jackson Street extended as shown in said Replat of Alexandria Manor Estates for a place of beginning; thence West on and along the centerline of said Jackson Street to a point 25 feet South of the Southwest corner of lot numbered 33 in the said replat of Alexandria Manor Estates; thence North 25 feet to the Southwest corner of said lot numbered 33; thence North on and along the West line of said lot numbered 33 a distance of 408 feet to the South line of Lincoln Heights Subdivision extended; thence East on and along said South line of Lincoln Heights Subdivision extended a distance of 1220.79 feet to the centerline of the dredged channel of Pipe Creek; thence in a Southwesterly direction on and along the centerline of said Pipe Creek to the place of beginning; (Being lots 21 through 33 in Alexandria Manor Estates Replat and part of Jackson Street).

('76 Code, § 2-104) (Ord. 913, passed 10-3-74; Am. Ord. 1143, passed 12-20-82; Am. Ord. 1157, passed 8-1-83; Am. Ord. 1302, passed 12-21-92)

Editor's note: Ord. 1157 amended the legal description of Councilmanic District 3 by including the territory annexed in Ord. 1146, Ord. 1152 and Ord. 1153.

FISCAL BRANCH

§ 30.45 HEAD OF FISCAL BRANCH.

The Clerk-Treasurer is the fiscal officer of the city and the head of the fiscal branch. He or she shall perform the duties assigned by IC 36-4-10, and other duties as the Common Council assigns.

('76 Code, § 2-121)

JUDICIAL BRANCH

§ 30.55 DEPARTMENT OF LAW ESTABLISHED.

There is established a Department of Law pursuant to IC 36-4-9-12.

('76 Code, § 2-115) (Ord. 1160, passed 8-29-83)

§ 30.56 CITY ATTORNEY ESTABLISHED.

There is established the position of City Attorney.

('76 Code, § 2-116)

§ 30.57 CITY COURT ESTABLISHED.

(A) The City Court is established and continued in effect for another term, the new term to commence and be effective beginning January 1, 1987, and the Court hereby established and continued

for another four years after the date and thereafter unless otherwise abolished. ('76 Code, § 2-132) (Ord. 1056, passed 7-17-78; Am. Ord. 1129, passed 7-5-82; Am. Ord. 1160, passed 8-29-83; Am. Ord. 1205, passed 9-15-86)

(B) *Jurisdiction.* The city court shall have the jurisdiction provided by statutory law. ('76 Code, § 2-133)

§ 30.58 POSITION OF JUDGE CREATED.

The position of city judge is hereby established.
(‘76 Code, § 2-134)

Cross-reference:

For the provisions concerning City Judge, see §§ 31.25 through 31.28

STATUTORY BOARDS AND COMMISSIONS

§ 30.70 DEPARTMENT OF PARKS AND RECREATION.

(A) *Department of Parks and Recreation.* There is hereby established a Department of Parks and Recreation to be controlled and operated by the Park and Recreation Board established pursuant to IC 36-10-3, with a Board that is to include two ex officio members. ('76 Code, § 9-16)

(B) *Composition of Department.* The Department shall be composed of a Board of Parks and Recreation, a Superintendent, and any other personnel the Board determines necessary. ('76 Code, § 9-17)

(C) *Board composition.* The Board of Parks and Recreation shall be composed of four regular members, plus as ex officio members, a member of the Board of School Trustees and a member of the Library Board. ('76 Code, § 9-18)

(D) *Selection of members of Board.*

(1) The Mayor shall select the regular members of the Board of Parks and Recreation on the basis of their interest in and knowledge of parks and recreation, but not more than two of them shall be of the same political party.

(2) The ex officio members shall be selected by their respective boards.
(‘76 Code, § 9-19)

(E) *Term of members of Board.* The term of office of any member of the Board of Parks and Recreation shall be four years, expiring on the first Monday of January; provided, however, that an appointee shall continue in office until his successor is appointed. ('76 Code, § 9-20)

(F) *Annual organization of Board.* At its first regular meeting in each year, the Board shall elect a President and a Vice-President. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President. ('76 Code, § 9-21)

(G) *Powers of Board generally.* The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities to conduct programs as are generally understood to be park and recreation functions, including all the powers and duties specifically granted to it by statutory law. ('76 Code, § 9-22)

(H) *Power of Board to create Advisory Council.* The Board may create an Advisory Council and special committees composed of citizens interested in the problem of parks and recreation in accordance with law. ('76 Code, § 9-23)

(I) *Power of Board to accept gifts, donations and subsidies.* The Board may accept gifts, donations and subsidies for park and recreation purposes. ('76 Code, § 9-24)

(J) *Board to submit budget.* The Board shall prepare and submit an annual budget in the same manner as other departments of government. ('76 Code, § 9-25)
(Ord. 892, passed 11-27-67; Am. Ord. 1160, passed 8-29-83)

§ 30.71 DEPARTMENT OF PLANNING AND DEVELOPMENT.

There is hereby established a Department of Planning and Development, which shall consist of the Plan Commission and Board of Zoning Appeals pursuant to IC 36-7.
(('76 Code, § 10-15) (Ord. 1160, passed 8-29-83)

§ 30.72 PLAN COMMISSION.

(A) *City Plan Commission established.* The City Plan Commission is hereby established. ('76 Code, § 10-16)

(B) *Membership.* The Plan Commission shall consist of seven members, three of whom shall be appointed by the Council from among persons in the city government, and four citizen-members appointed by the Mayor and not more than two of the citizen-members shall be members of the same political party. ('76 Code, § 10-17)

(C) *Qualifications of citizen-members.* The citizen-members of the Plan Commission shall hold no other city office and shall be city residents and shall be qualified by knowledge and experience in matters pertaining to city development. ('76 Code, § 10-18)

(D) *Terms of office of citizen members.* The citizen members of the Plan Commission shall be appointed for a term of four years. ('76 Code, § 10-19)

(E) *Powers and duties.* The Plan Commission shall have the powers and duties granted to it and imposed upon it by statutory law. ('76 Code, § 10-20)

§ 30.73 DEVELOPMENT COMMISSION.

(A) *Established.* There shall be an Alexandria Economic Development Commission established pursuant to IC 36-7-12. ('76 Code, § 10-32)

(B) *Members.* The members of the Development Commission shall be appointed in the manner provided by state law. ('76 Code, § 10-33)

(C) *Powers and duties.* The Development Commission shall have the powers and duties provided by state law. ('76 Code, § 10-34)
(Ord. 921, passed 3-15-71; Am. Ord. 1160, passed 8-29-83)

§ 30.74 DEPARTMENT OF WATERWORKS.

(A) IC 8-1.5-4 which addresses the establishment of a Department of Waterworks is hereby adopted by the Common Council of the city, and by so doing makes that Chapter, Article and Title and any and all amendments thereto effective and operative as to the city.

(B) Pursuant to that chapter, a Department of Waterworks shall be and is hereby created for the purpose of operating the waterworks of the city.

(C) The waterworks has jurisdiction over the special taxing district which includes all of the territory served by the waterworks.

(D) The Department shall be administered and controlled by a Board of Directors consisting of five directors.

(E) The terms of the individual directors to serve on the Department shall be staggered. The term of the first two directors shall end on December 31, 1992; the term of the second two directors shall end on December 31, 1993; and the term of the fifth director shall end on December 31, 1994. All successive terms shall be for a period as established by Council. Not more than three directors shall be from the same political party. Each director shall give a bond, which shall be fixed by the municipal fiscal officer and subject to his/her approval.

(F) The Board has the powers and duties prescribed by IC 8-1.5-3-4 and IC 8-1.5-4-4.
(Ord. 1281, passed 11-18-91)

§ 30.75 DEPARTMENT OF STORM WATER MANAGEMENT.

(A) IC 8-1.5-5 which addresses the matter of storm water management is hereby adopted by the Common Council of the city, and by so doing makes that chapter and any and all amendments thereto effective and operative as to that city.

(B) Pursuant to that chapter, a Department of Storm Water Management ("Department") shall be and is hereby created for the purpose of providing for the collection, disposal and drainage of storm and surface water and relieving of sanitary sewers of such water in a special taxing district which is also hereby created pursuant to that chapter.

(C) The territory initially included in the special taxing district shall be and is all of the territory now and hereafter included within the corporate limits of the city.

(D) The Department shall be administrated and controlled by a board of directors consisting of three directors.

(E) The terms of the individual directors to serve on the Department shall be staggered. The term of the first director shall end on December 31, 1992; the term of the second director shall end on December 31, 1993; and the term of the third director shall end on December 31, 1994. All successor terms will be for a period of four years. Not more than two directors shall be from the same political party.

(F) The Board has the powers and duties prescribed by I.C. 8-1.5-3-4(a) and I.C. 8-1.5-5-6.

(G) The Board after approval by the Common Council of the city in ordinance form, may:

(1) Assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system.

(2) Issue and sell bonds of the district in the name of the municipality for the acquisition, construction, alteration, addition or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the board.

(3) Levy a special benefit tax upon all of the property of the storm water district in an amount necessary to meet and pay the principle of any bonds issued as they severally mature, together with all accruing interest.

(4) User fees shall include but not be limited to bonds, service rates, revenue bonds or any other available funds.

(Ord. 1269, passed 3-4-91)

§ 30.76 MAYOR'S YOUTH COMMISSION.

(A) *Purpose.* The Alexandria-Monroe High School Mayor's Youth Commission, consisting of volunteer applicants to be selected by the Mayor of Alexandria and the Mayor's Adult Advisory Committee, is created with the intent to give the youth of Alexandria-Monroe High School a direct voice in their local government. The Youth Commission has the potential to tap a vast new range of ideas to serve the Community. It is hoped that through this experience the participants will gain a better understanding of local government and eventually become active participants in the American government process, and to achieve goals, which will benefit this city's government, business community, and youth sector.

(B) *Establishment.* The Alexandria-Monroe High School Mayor's Youth Commission is hereby established to promote the educational, cultural, economic and general welfare of the youth of this community by their participation in the governmental process of the city in accordance with the provisions of this section.

(1) *Membership.* The Alexandria-Monroe High School Mayor's Youth Commission shall consist of no less than nine nor more than 11 members. There shall be at least one member from each grade, grades nine through 12, and that one member shall be selected at large from any class; further, that the number of members from any one class shall not exceed four; there shall also be two alternates selected at large. The Youth Commission will have the authority to increase the membership of voting members (not to exceed 11), by amendment of their Constitution and By-Laws.

(2) *Terms of office.* The members selected to serve on this Commission shall be appointed for a term of one year, commencing July 1 of each year through June 30 of the year following and until their successors have been appointed and qualified. Appointment to this commission shall be made by the Mayor's Adult Advisory Committee, which shall make such appointments on the basis of written applications, personal interviews, and faculty recommendation.

(C) *Mayor's Adult Advisory Committee.* The Mayor's Adult Advisory Committee shall consist of five members. There shall be two representatives from Alexandria-Monroe High School. The two representatives shall be selected by the administration of Alexandria-Monroe High School. There shall be three members to be appointed from the community by the Mayor, each member shall be appointed for a term of one year, and until their successors have been appointed and qualified.

(D) *Powers and Duties of Commission.*

(1) The Commission shall have the power to adopt and amend the Constitution and By-Laws within the spirit and intent of this section.

(2) Adopt and amend the rules and procedures to carry out the duties as set forth in this section.

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

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

(E) *Officers.* At its regular meeting, which shall be held on the first day of September, the Commission shall elect from their members, a President, Vice-President, Corresponding Secretary, Treasurer and Parliamentarian. The Commission shall have the power to elect or appoint other officers as shall be provided in their By-Laws.

(F) *Voting.* The seven regular members of the Commission shall be entitled to vote on all issues presented to the Commission. The two alternate members appointed to the Commission may attend all meetings of the Commission, but shall not be entitled to vote on any issue except in the instance when a regular Commission member is absent and the alternate member is granted authority to vote by a simple majority vote of the remaining members of the Commission present and voting. The alternate shall be allowed to vote on all matters to be acted upon by the Commission during that meeting. When the attendance and participation of alternate members is required to replace an absent regular member such attendance and participation shall be on an alternating basis.

(G) *Non-Partisan Selection of Members.* This shall be a politically non-partisan commission. (Ord. 1266, passed 9-18-90; Am. Ord. 1276, passed 7-29-91)

Statutory reference:

Establishment of Youth Commission, IC 36-1-3-4 and IC 36-1-3-5

CHAPTER 31: OFFICERS AND EMPLOYEES

Section

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Cross-reference:

Animal Control Officer, see §§ 90.30 - 90.50

GENERAL PROVISIONS

§ 31.01 QUALIFICATIONS OF ELECTED OFFICIALS.

No person shall be eligible for any elective city office unless he or she has been a resident of the city or an area annexed to the city for at least one year preceding that election.
('76 Code, § 2-1)

§ 31.02 BOND OF OFFICERS.

Except as otherwise provided by state law, every city officer except the Mayor and the members of the Common Council shall execute a bond to the approval of the Mayor, payable to the city in a penal sum as the Council may enact by ordinance in accordance with IC 5-4-1-18, conditioned for the faithful performance of the duties of the office. The bond shall be filed with the Clerk-Treasurer. ('76 Code, § 2-2)

§ 31.03 OATH OF OFFICERS.

Except as otherwise provided by state law, every city officer shall, before entering upon the duties of his or her office take and subscribe an oath, to be endorsed on his certificate of election or appointment, before the Clerk-Treasurer, or some other officer authorized to administer oaths that he or she will support the Constitution of the United States, and the State Constitution and will faithfully discharge all official duties. This oath shall be filed with the Clerk-Treasurer. ('76 Code, § 2-3)

§ 31.04 VACANCY IN OFFICE FOR FAILURE TO FILE OATH OR BOND.

Except as otherwise provided by state law, any city officer who does not file the required oath and/or bond within ten days after the beginning of the term for which that officer was elected or appointed shall be deemed to have refused to serve, and the office shall be deemed to be vacant. ('76 Code, § 2-4)

§ 31.05 FILLING OF VACANCIES.

All vacancies occurring in any elective city office shall be filled in the manner provided by state law. ('76 Code, § 2-5)

§ 31.06 TURNING OVER EFFECTS OF OFFICE.

Every city officer or employee upon the termination of his or her term of office or employment shall surrender to the city the effects of the office or position. ('76 Code, § 2-6)

§ 31.07 CITY MEMBERSHIP IN ORGANIZATIONS.

(A) The city may be a member of the following organizations:

- (1) Indiana Association of Cities and Towns.
- (2) Indiana Chiefs of Police Association.
- (3) Indiana Fire Chiefs Association.

- (4) Indiana League of Municipal Clerks and Treasurers.
 - (5) Madison County Council of Governments.
 - (6) North Central Mayors Round Table.
- ('76 Code, § 2-7)

(B) *Memberships—Mayor.* The Mayor shall represent the city in the following organizations:

- (1) Indiana Association of Cities and Towns.
 - (2) Madison County Council of Governments.
 - (3) North Central Mayors Round Table.
- ('76 Code, § 2-8)

(C) *Memberships—Clerk-Treasurer.* The Clerk-Treasurer shall represent the city in the following organization: Indiana League of Municipal Clerks and Treasurers.

('76 Code, § 2-9)

(D) *Memberships—Chief of Police.* The Chief of Police shall represent the city in the following organizations: Indiana Chiefs of Police Association.

('76 Code, § 2-10)

(E) *Memberships—Fire Chief.* The Fire Chief shall represent the city in the following organizations: Indiana Fire Chiefs Association.

('76 Code, § 2-11)

(Ord. 1130, passed 7-5-82)

Cross-reference:

Dues, see § 32.05

§ 31.08 TRAVEL POLICY.

(A) *Establishment.*

(1) The city will reimburse all allowable expenses incurred for authorized travel pertaining to and necessary for conducting city business. Expenses incurred must be reasonable and within the guidelines established in this policy. All travel from the employee's residence requiring overnight lodging must have the prior approval of the Mayor and the department head. Also, the travel authorization form, which will include an estimated cost, must be completed and approved by the Mayor or his or her designee prior to the date of travel. All expenses for reimbursement must be in accordance with the requesting department's approved budget for travel. Submissions of travel expenses must be accompanied by detailed receipts. Each receipt must contain the vendor's name, address, and date of purchase. Cash advances to employees are not permitted.

(2) Travel expenses will be reimbursable for city employees only. If a spouse travels with the employee, it is the responsibility of the employee to pay all of the spouse's expenses.

(3) Any exceptions to the guidelines established here must have the written authorization of the mayor and the department head (or other appropriate elected official). While on city business, such items as meals, lodging, transportation, and approved miscellaneous expenses as defined below shall be construed as travel expenses.

(B) *Definitions.* The following definitions are provided to assist all departments in complying with the travel policy.

REIMBURSABLE TRAVEL EXPENSES. Include meals, lodging, and transportation expenses incurred by an employee while on city business requiring them to leave geographical boundaries of the city.

MISCELLANEOUS TRAVEL EXPENSES. Include other expenses incurred while on city business, including but not limited to stenographic and typing services, storage of baggage, rental or room for official business, and telephone calls for official business. Detailed receipts must support miscellaneous expenses. Reimbursement of all such expenses are subject to express approval of the Mayor and the department head (or other appropriate elected official).

TRAVEL EXPENSES NOT COVERED. Include:

- (a) Personal entertainment.
- (b) Business entertainment (expenses for non-city employees).
- (c) Fines for parking, speeding, and the like.
- (d) Alcoholic beverages.
- (e) Valet and/or other personal services.

(C) *Transportation.*

(1) *Automobile.*

(a) Whenever an automobile is the approved method of transportation and a city vehicle is available, the employee should use the city vehicle. All appropriate mileage logs and expense receipts should be maintained.

(b) If the approved travel is to be in a privately owned vehicle, mileage logs shall be maintained and the current approved city mileage rate shall be reimbursable. Mileage must be calculated from where the employee regularly reports to begin work each day to the travel location. Map Quest or some other approved internet map site may be used to calculate the mileage.

(c) Miscellaneous expenses including parking fees, road tolls, bridge tolls, and similarly related expenses are allowable.

(d) 1. A rental car may be allowable for travel outside the state depending on the nature of the travel. The class of rental car must be standard, mid-size, compact, or economy depending upon the size of the traveling party. A larger vehicle is to be based only on the number of city employees traveling. A mini-van may be allowed if a department is transporting large equipment for a departmental purpose. The rental of a vehicle is only allowable for the period of time while on city business.

2. For the fuel option, the standard option must be chosen, which means to start out with a full tank and return to the rental company with a full tank. Keep the receipt for fuel purchase and submit for reimbursement. Return the vehicle on time. Any extra hour charges for a late return are not reimbursable unless extenuating circumstances can be proven.

3. Liability and collision coverage is required.

(2) *Air travel.*

(a) Air travel, unless specifically authorized by the Mayor and the department head, is allowable only for travel outside the state.

(b) Air tickets must be coach class to be eligible for reimbursement.

(3) *Rail and bus travel.* Rail and bus expenses are allowable for reimbursement. Travel within the state by such conveyances must be specifically pre-authorized by the Mayor and department head or other elected official.

(4) *Incidental travel expenses.*

(a) Land transportation (that is, bus, taxicabs) to/from an airport and business site is allowable.

(b) Baggage transfers and similar travel expenses are allowable.

(D) *Lodging.*

(1) Expenses for hotel/motel accommodations are reimbursable if they meet the following criteria:

(a) If the travel distance (one-way) is 65 miles or more for a one-day conference.

(b) If a two- or more day conference is being attended then the travel distance for hotel/motel accommodations is 50 miles (one-way).

(c) The expenses meet the guidelines herein.

(2) The city will pay only a single room rate, unless the rates are the same. Whenever possible, accommodations should be reserved using a government rate. The government rate must normally be arranged in advance of arrival. Some type of city identification card will be required at check-in.

(3) If the employee is attending a conference, the city will pay the published room rate for the conference. Documentation should be provided showing the room rate.

(4) When traveling with a spouse, it is the responsibility of the employee to submit documentation showing the single and double room rates. The employee is responsible for paying the difference between the two rates.

(E) *Meal per diem.*

(1) Meals will be paid at the rate of \$30 per day, unless prior approval has been given for a different amount by the Mayor and department head. Daily meal charges will not be averaged. On any day that meal charges exceed \$30 the employee will be responsible for the excess amount. For employees attending a one-day conference or seminar, up to \$10 will be paid for lunch when lunch is not included in the conference fee. A receipt for lunch must be provided.

(2) A meal is intended to mean one serving of a meal to an employee. Groceries are not intended to be a "meal" within this definition. However, under certain circumstances the purchase of groceries may be allowable, for example, if a group of employees is going on a training session where it is impracticable to go to a restaurant. The purchase of groceries in place of meals must have the prior written authorization of the Mayor and department head.

(F) *Receipts.* All receipts must be itemized and in sufficient detail to determine what was purchased. Food receipts must be specifically detailed as to what food and beverages were purchased. If more than one employee is traveling together it must be indicated which employee ate or drank the items listed on the receipt. The receipts must also include the nature of the government business being conducted, as well as the names of the employees dining together.

(G) *Deviation of policy.* The employee must explain any deviation from this policy on the travel authorization request. Approval for the request will be in writing from the Mayor.

(H) *General rules.*

(1) In order to receive reimbursement for travel expenses, the employee must file an itemized report using the city travel and expense report and sign the appropriate claim form.

(2) Attached with the travel report should be receipts for each expense.

(3) Travel expenses related to any seminar, convention, or training must include a brochure describing the program, dates, and registration costs.

(4) Only those expenses detailed within this travel policy will be reimbursable.

(5) A copy of the travel request form must be attached to the claim form.

(6) Any prior authorization for deviation of this policy must be attached to the claim form.
(Ord. 1479, passed 12-20-04)

§ 31.09 MILEAGE TRAVEL ALLOWANCE.

The standard mileage travel allowance for public officials and employees of the city during official business for the city is hereby established at \$0.25 per mile.
(Ord. 1416, passed 7-19-99)

CITY ATTORNEY

§ 31.15 APPOINTMENT OF A CITY ATTORNEY.

- (A) The City Attorney is appointed by the Mayor. ('76 Code, § 2-117)
- (B) The City Attorney need not be a resident of the city. ('76 Code, § 2-118)

§ 31.16 BOND FOR CITY ATTORNEY.

The bond of the City Attorney shall be \$5,000.
(‘76 Code, § 2-119)

§ 31.17 POWERS AND DUTIES OF THE CITY ATTORNEY.

The City Attorney shall have the powers and duties provided by statutory law.
(‘76 Code, § 2-120)

CITY JUDGE

§ 31.25 ELECTION OF JUDGE.

The City Judge shall be elected in the manner provided by statutory law every four years.
(‘76 Code, § 2-135)

§ 31.26 BOND OF JUDGE.

Before entering upon the discharge of his or her duties the City Judge shall execute a bond payable to the city in the penal sum of \$5,000 with good and sufficient surety, to be approved by the Mayor and filed in the office of the Clerk-Treasurer, conditioned for the faithful discharge of the duties of the office.
(‘76 Code, § 2-136)

§ 31.27 SALARY OF JUDGE.

The City Judge shall receive the salary provided by statutory law.
(‘76 Code, § 2-137)

Cross-reference:

For provisions concerning the Judicial Branch of the city, see §§ 30.55 through 30.58

§ 31.28 POWERS OF JUDGE.

The City Judge shall preside over the city court and shall have the powers provided by statutory law.

('76 Code, § 2-138)

Cross-reference:

For provisions concerning the Judicial Branch of the city, see §§ 30.55 through 30.58

CLERK-TREASURER**§ 31.40 CLERK-TREASURER AS COUNCIL CLERK.**

The Clerk Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by IC 36-4-6-9 and such others as the Council may direct. ('76 Code, § 2-30) (Ord. 1160, passed 8-29-83)

§ 31.41 THE DEPUTY CLERK-TREASURER.

The Deputy Clerk-Treasurer is to be paid solely from funds appropriated for the Office of the Clerk-Treasurer. Such deputy shall work under the exclusive direction of the Clerk-Treasurer and serves at the pleasure of the Clerk-Treasurer.

('76 Code, § 2-121)

§ 31.42 ADMINISTRATION AND RECORDS OF THE CITY'S UTILITIES.

The Clerk-Treasurer shall furnish space within his or her office for the administration and records of the city's utilities. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the Board having control of the utility the clerk serves. The utility clerks serve at the pleasure of the board which appointed them. The Clerk-Treasurer shall be compensated for services he or she renders to the city's utilities, and shall have the power to supervise the utility personnel subject to the approval of the governing boards of the various utilities.

('76 Code, § 2-121) (Ord. 1160, passed 8-29-83)

§ 31.43 MILEAGE ALLOWANCE.

The Clerk-Treasurer may pay any person presenting a proper claim for mileage allowance for travel on official business for the city the amount authorized by § 31.09.

('76 Code, § 2-15) (Ord. 1091, passed 12-17-79; Am. Ord. 1107, passed 1-19-81; Am. Ord. 1140, passed 11-15-82; Am. Ord. 1416, passed 7-19-99)

CHAPTER 32: FUNDS

Section

- 32.01 Revolving Loan Fund
- 32.02 Fund Board
- 32.03 Loan fund increases
- 32.04 Application terms
- 32.05 Dues
- 32.06 Promotional appropriations
- 32.07 Reimbursement
- 32.08 Cumulative Capital Development Fund
- 32.09 Park Non-Reverting Operating Fund
- 32.10 Clerk's Record Perpetuation Fund

§ 32.01 REVOLVING LOAN FUND.

There is hereby created the Alexandria Revolving Loan Fund, which Fund shall be funded from time to time as provided in this chapter.
('76 Code, § 10-35) (Ord. 1208, passed 3-16-87)

§ 32.02 FUND BOARD.

(A) There is hereby created the Alexandria Revolving Loan Fund Board and the Board shall be created by members who are appointed by the Mayor. The members shall serve a term of one year and the Board shall consist of a representative of each of the two local Alexandria banks, the Mayor, the City Attorney, who shall be the legal representative of the Board, two members of the Common Council, and a representative from the County Council of Governments. The Board members hereon will serve without remuneration or consideration of any type.

(B) The Alexandria Revolving Loan Fund Board shall function as a loan review body and act to negotiate loan conditions and terms for the Alexandria Revolving Loan Fund. The Board will act in an advisory capacity to the Alexandria Council who will make the final determination as to what loans shall or shall not be granted from the Revolving Loan Fund.
('76 Code, § 10-36) (Ord. 1208, passed 3-16-87)

§ 32.03 LOAN FUND INCREASES.

The city hereby agrees to establish a loan fund from an amount equivalent to that in the grant agreement and any increases therein as may from time to time result from any additional grants or

increases in the grant agreement but in no case shall the loan authority exceed the total amount of any previously approved grant or grants.

('76 Code, § 10-38) (Ord. 1208, passed 3-16-87)

§ 32.04 APPLICATION TERMS.

(A) The city recognizes that the revolving loan fund and loan applications thereto shall be governed in accordance with the terms of the grant agreement with the state, being Grant Agreement No. C-86-001.

(B) No loans shall be made from the Revolving Loan Fund until approved by a majority of the Common Council by resolution of the Council.

('76 Code, § 10-39) (Ord. 1208, passed 3-16-87)

Cross-reference:

Grant agreement entered into, see TSO, Table I

§ 32.05 DUES.

The Council may appropriate funds to pay for the dues of the city for membership in the organizations listed in § 31.07(A). The Clerk-Treasurer shall pay these dues as they become due and following appropriations of funds for that purpose by the Council.

('76 Code, § 2-12) (Ord. 1130, passed 7-5-82)

§ 32.06 PROMOTIONAL APPROPRIATIONS.

The Council may appropriate funds in the city annual budget for the purpose of compensating and reimbursing officials and representatives of the city for expenses incurred in promoting the city.

('76 Code, § 2-13) (Ord. 1124, 12-28-81)

§ 32.07 REIMBURSEMENT.

Expenditures reimbursed under § 32.05 shall include but are not limited to expenses incurred in the rental of meeting places, the provision of meals, decorations, memorabilia and awards, interviewing job applicants, promoting industrial, commercial, and residential development, developing relations with other units of government, and any other expenses of a civic or governmental nature deemed by the Mayor or the Common Council to be in the interest of the city.

('76 Code, § 2-14) (Ord. 1124, passed 12-28-81)

§ 32.08 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby re-established the Alexandria Cumulative Capital Development Fund.

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

(C) The maximum rate of levy under division (B) above will not exceed \$.15 per \$100 assessed valuation.

(D) The Alexandria Cumulative Capital Development Fund is re-established for the years 1993, 1994 and 1995.

(E) The funds accumulated in the Alexandria Cumulative Capital Development Fund will be used for: capital improvements, fire-fighting equipment, police-radio fund as described in IC 36-8-14

(F) Notwithstanding division E above, funds accumulated in the Alexandria Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division E, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

(G) This fund takes effect upon the approval of the State Board of Tax Commissioners.
(Ord. 1296, passed 8-3-92)

§ 32.09 PARK NON-REVERTING OPERATING FUND.

(A) A Park Non-Reverting Operating Fund is hereby established.

(B) The revenues within the Non-Reverting Fund shall be used to maintain and operate public activities and improvements within the Alexandria Park System.

(C) The revenues within the Park Non-Reverting Operating Fund may be applied to the Park Fund.
(Ord. 1292, passed 6-15-92)

§ 32.10 CLERK'S RECORD PERPETUATION FUND.

(A) *Findings.*

(1) On occasion, certain defendants of the City Court, after being duly advised and notified of dates of appearance and/or amounts owed pursuant to citations fail to appear or fail to pay without notification to the Court of their intention to either pay or deny the charge.

(2) Upon failure to pay or appear, notice is then sent to the Bureau of Motor Vehicles for a license suspension.

(3) When a defendant subsequently appears and/or pays the citation and becomes eligible for reinstatement pursuant to the Court's lifting of the indefinite suspension, the Court must produce a form to send by mail or facsimile to the Bureau of Motor Vehicles to reinstate the suspended individual.

(4) The City Court incurs expenses associated with the production and subsequent filing of this reinstatement form that should rightly be assessed to the defendant.

(5) The fees assessed pursuant to the above mentioned should be collected by the County Clerk and deposited in a Clerk's Perpetuation Fund, established and controlled by the Clerk-Treasurer for the city, to be used for court record keeping improvements and equipment.

(B) *Fee.* A \$25 fee shall be assessed to the defendant for production and facsimile transmission of the above mentioned form to the Bureau of Motor Vehicles.

(C) *Fund.* There shall be established an account to be designated as the Clerk's Record Perpetuation Fund, established for the purpose of collection of the above mentioned fee.

(D) *Collection responsibility.* The City Court Clerk shall collect this money and deposit the same in the Clerk's Record Perpetuation Fund, which shall be established and controlled by the Clerk-Treasurer's office of the city. Fees shall be remitted to the Clerk-Treasurer on a monthly basis.

(E) *Use of funds.* The Clerk's Record Perpetuation Fund may only be expended after appropriation for contractual services, repairs, maintenance, supplies, purchase of equipment, and overall promotion of the City Court's record keeping and administration. All expenditures from the Clerk's Record Perpetuation Fund shall be processed, appropriated, claimed, and allowed in the same manner as other claims of the city.

(Ord. 1443, passed 12-3-01)

CHAPTER 33: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 33.01 Police Department
- 33.02 Composition of Department
- 33.03 Power of Police Chief generally
- 33.04 Power generally
- 33.05 Residency
- 33.06 Police Pension Board
- 33.07 Reserve police unit

Fire Department

- 33.20 Established
- 33.21 Appointment
- 33.22 Position of Fire Chief established
- 33.23 Appointment of Fire Chief
- 33.24 Residency
- 33.25 Firefighters' Pension Board
- 33.26 Charges for rescue and hazardous material responses

POLICE DEPARTMENT

§ 33.01 POLICE DEPARTMENT.

The Police Department is hereby established.
(‘76 Code, § 11-1)

§ 33.02 COMPOSITION OF DEPARTMENT.

The Police Department shall consist of a Chief of Police and other personnel as may be provided by ordinance.

(‘76 Code, § 11-2)

Statutory reference:

For provisions concerning the appointment of members of the police department, see IC 36-8-3-3

§ 33.03 POWER OF POLICE CHIEF GENERALLY.

The Police Chief shall be in charge of the Police Department.
('76 Code, § 11-4)

§ 33.04 POWER GENERALLY.

All members of the Police Department shall have the powers and duties provided by statutory law.
('76 Code, § 11-5)

§ 33.05 RESIDENCY.

(A) If a member of the Police Department is not residing in the city when hired, the member shall within nine months after his or her date of hire move into the city and shall remain a resident thereof for a period of at least five years; thereafter, the employee must remain a resident of Madison County during the entire period of employment.

(B) If a member of the Police Department is a resident of the city when hired, the member shall remain a resident of the city for a period of at least five years after his or her date of hire; thereafter, the member shall remain a resident of Madison County during the entire period of employment.
('76 Code, § 11-6) (Ord. 1097, passed 2-4-80; Am. Ord. 1452, passed 12-2-02)

Statutory reference:

For residency requirements, see IC 36-8-4-2

§ 33.06 POLICE PENSION BOARD.

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by IC 36-8-1-5 (1977 Fund) concerning the statutory pension of the City Police.
('76 Code, § 11-7) (Ord. 1160, passed 8-29-83)

§ 33.07 RESERVE POLICE UNIT.

There is hereby reestablished for the city a reserve police unit to be governed by the Board of Works, all pursuant to IC 36-8-3-20.
(Ord. 1424, passed 2-7-00)

FIRE DEPARTMENT**§ 33.20 ESTABLISHED.**

The City Fire Department is hereby established.
('76 Code, § 5-16)

§ 33.21 APPOINTMENT.

All members of the Fire Department, except the Fire Chief, shall be appointed by the Board of Public Works and Safety.
(‘76 Code, § 5-17)

§ 33.22 POSITION OF FIRE CHIEF ESTABLISHED.

The position of Chief of the Fire Department is hereby established.
(‘76 Code, § 5-18)

§ 33.23 APPOINTMENT OF FIRE CHIEF.

The Chief of the Fire Department shall be appointed by the Mayor.
(‘76 Code, § 5-19)

§ 33.24 RESIDENCY.

(A) If a member of the Fire Department is not residing in the city when hired, the member shall within nine months after his or her date of hire move into the city and shall remain a resident thereof for a period of at least five years; thereafter, the employee must remain a resident of Madison County during the entire period of employment.

(B) If a member of the Fire Department is a resident of the city when hired, the member shall remain a resident of the city for a period of at least five years after his or her date of hire; thereafter, the member shall remain a resident of Madison County during the entire period of employment.
(‘76 Code, § 5-20) (Ord. 1097, passed 2-4-80; Am. Ord. 1452, passed 12-2-02)

Statutory reference:

For residency requirements, see IC 36-8-4-2

§ 33.25 FIREFIGHTERS' PENSION BOARD.

There shall be a Firefighters' Pension Board of Trustees to perform certain duties prescribed by IC 36-8-1-5 (1977 Fund) concerning the statutory pensions of city firefighters.
(‘76 Code, § 5-21) (Ord. 1160, passed 8-29-83)

§ 33.26 CHARGES FOR RESCUE AND HAZARDOUS MATERIAL RESPONSES.

The following schedule of service charges for protection services is established:

(A) For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a motor vehicle accident or hazardous material incident: \$250 per response vehicle except command/control vehicle, which is \$100 per vehicle.

(B) For each hour or fraction thereof as on-scene assistance, \$150 per response unit and \$50 per command/control vehicle.

(C) For expandable materials such as medical supplies, absorption material, emulsifiers, or other agents used in cleanup operations, and the actual replacement cost of those materials and supplies.

(D) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal or disposal at an authorized location.

(E) For replacement and/or repair of equipment and apparatus damaged while extricating a person involved in a motor vehicle accident or in the course of responding to a hazardous material incident.

(Ord. 1385, passed 5-18-98)