

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY ORGANIZATIONS AND OFFICIALS

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ORGANIZATIONS

§ 30.01 COMMON COUNCIL.

(A) The legislative body of the city, the Common Council, shall be composed of 5 members.

(B) The election of the members shall be governed by I.C. 36-4-6-5 (Pub. L. No. 44 § 44).
(Ord. passed 8- -1982)

Cross-reference:

Meetings, see § 31.01

Rockport - Administration**§ 30.02 PLAN COMMISSION.**

(A) The Plan Commission of the city is hereby reconstituted and shall consist of 7 members, 3 of whom shall be appointments made by the Common Council of the city from members of the city government, and 4 of whom shall be citizen members appointed by the Mayor of the city, with not more than 2 of the citizen members being members of the same political party.

(B) The term of office of each of the 3 government members shall be coextensive with the term of office to which he or she has been elected or appointed. The term of office of each of the citizen members initially shall be 2 for a term of 3 years and 2 for a term of 4 years, with the terms to expire on January 1 of the third or fourth year, respectively, following his or her appointment; thereafter, as the terms expire, each new appointment shall be for a term of 4 years.

(C) The Plan Commission of the city shall fix the time for holding of regular meetings, but it shall meet at least once in the months of January, April, July, and October.

(Ord. 414, passed - -)

§ 30.03 ECONOMIC DEVELOPMENT COMMISSION.

(A) Under the authority of I.C. 36-7-12, and all acts amendatory or supplemental thereto, there is hereby created the Economic Development Commission, which Commission shall be the Department of Economic Development of the city.

(B) This Commission shall have 3 members, all to be appointed in the manner provided as follows.

(C) The members of the Economic Development Commission shall be appointed by the Mayor of the Common Council in the following manner:

(1) One of the members to be so appointed shall be selected by the Mayor of the Common Council; 1 member shall be nominated by the County Council of Spencer County; and 1 member shall be nominated by the Common Council of the city. The nominations made by the County Council and the Common Council of the city shall be transmitted to the Mayor in writing within 10 days from the date hereon.

(2) (a) The Commissioners shall take office upon their appointment and their terms shall run

the following number of years from February 1 following their original appointment:

1. The Commissioner nominated by the Common Council of the city: 2 years;
2. The Commissioner nominated by the County Council: 1 year; and
3. The Commissioner selected by the Mayor of the Common Council: 3 years.

(b) At the expiration of the respective terms of each of the Commissioners, their respective successors shall be selected and nominated in the same manner as the original appointees; each of the nominees shall be appointed by the Mayor of the Common Council within 10 days after receiving the nomination; and each succeeding member after the original appointees shall serve for a term of 4 years.

(3) In the event any person appointed shall fail to qualify within 10 days after the mailing to him or her of notice of his or her appointment, or if any member after qualifying shall die, resign, or vacate the office, or be removed, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom the vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term.

(D) (1) No person shall be appointed as a Commissioner who is not either a resident of the city, employed in Rockport, or owner of a business in the city. If any Commissioner shall cease to qualify in one of these categories, his or her appointment on the Board shall thereby terminate, and his or her office shall become vacant.

(2) Each Commissioner, before entering upon his or her duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his or her appointment, which shall be promptly filed with the Clerk-Treasurer.

(3) The Commission originally appointed shall meet within 30 days after its appointment at a time and place designated by the Mayor of the Common Council for the purpose of organization, and shall meet to reorganize in February of each succeeding year.

(4) The Commission shall elect 1 of its members as President, 1 as Vice-President and 1 as Secretary, each of which officers shall serve from the day of his or her election until January 31 next following his or her election and until his or her successor is qualified.

(E) The Commission shall adopt such bylaws, rules, and regulations as it may deem necessary for the proper conduct of its proceedings. Regular or special meetings shall be held at a time as the Commission may determine and upon such notice as it may fix; a majority of the Commission shall constitute a quorum, and concurrence of a majority shall be necessary to authorize any action.

(F) Any Commissioner may be removed from office for neglect of duty, incompetency, disability to perform his or her duties, or any other good cause, by the officer of the board which nominated him or her. A Commissioner so removed may obtain judicial review of the removal by filing a complaint in

the Circuit Court of Spencer County, but the burden of proof shall be upon the officer or board which removed the Commissioner. The cause shall be placed on the calendar and be tried as other civil cases are tried by the Court without the intervention of a jury. An appeal from the judgment may be taken as in civil actions.

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(G) No Commissioner shall have any pecuniary interest in any contract, employment, leases, purchase, or sale made under the provisions of this act, and any transaction made in which any Commissioner has a pecuniary interest shall be void ab initio; provided, however, that any property required for the purposes of this act in which a Commissioner has a pecuniary interest may be acquired, but only by gift or condemnation.

(H) The Economic Development Commission is hereby granted all of the powers and duties set out in the Municipal Economic Development Act of 1965, the same being Chapter 402 of the Acts of the Indiana General Assembly of 1965.

(Ord. 356, passed 1-3-1974)

§ 30.04 PARKS AND RECREATION BOARD.

(A) *Creation.* There is hereby created a Parks and Recreation Board consisting of 4 members appointed by the Mayor. No more than 2 members of the Board may be affiliated with the same political party.

(B) *Terms of office.*

(1) The terms of office of the newly appointed members of the Board shall be as follows:

- (a) One member for a term of 1 year;
- (b) One member for a term of 2 years;
- (d) One member for a term of 3 years; and
- (d) One member for a term of 4 years.

(2) Upon the expiration of each of the foregoing terms, each new appointment shall be for a 4-year term. All terms shall expire on the first Monday in January, but a member continues in office until his or her successor is appointed. If an appointment for any new term is not made by the first Monday in April of the year of expiration of the term, the incumbent shall serve another 4-year term. If a vacancy on the Board occurs, the Mayor shall appoint a person to serve for the remainder of the unexpired term.

(C) *Organization.*

(1) The Board shall elect 1 of its number as President and 1 as Secretary. The Board shall keep a correct record of its proceedings and shall fix the time and place of its regular meetings, which shall not be less than quarterly. All meetings of the Board shall be open to the public.

(2) Special meetings of the Board may be called by the President or by any 2 members by written request to the Secretary.

(3) In addition to a President and Secretary, the Board shall elect a Vice-President and a Treasurer. The Vice-President may act as President during the absence or disability of the President.

(4) A majority of the members of the Board shall constitute a quorum. Action of the Board is not official unless it is authorized by at least 3 members present and acting.

(D) *Powers and duties.* Among other powers and duties as provided by law, the Board shall:

(1) Have control, superintendence, and charge of all public parks and recreation facilities and any lands or lots heretofore or hereafter devised and bequeathed to the city for parks and recreation purposes, and shall direct the ornamenting, adorning, laying out and improving of the grounds of the parks and recreation facilities.

(2) Make periodic recommendations and reports to the Mayor and Common Council of the status of parks and recreation facilities and programs in the city.

(3) Exercise other powers and perform the duties as are provided in I.C. 36-10-3 *et seq.* (Ord. 436, passed 2-2-1984)

§ 30.05 REDEVELOPMENT COMMISSION.

(A) The Common Council establishes a Redevelopment Commission pursuant to I.C. 36-7-14 *et seq.*

(B) Commissioners shall be appointed to the Redevelopment Commission pursuant to I.C. 36-7-14-6.1, and shall have the powers prescribed by I.C. 36-7-14 *et seq.* (Ord. 2005-14, passed 10-26-2005)

§ 30.06 REDEVELOPMENT AUTHORITY.

(A) The Common Council establishes a Redevelopment Authority pursuant to I.C. 36-7-14.5.

(B) The Redevelopment Authority shall be controlled by a Board of 3 members which may assist the Redevelopment Commission in undertaking and completing local public improvements.
(Ord. 2006-12, passed 10-25-2006)

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Rockport - Administration***OFFICIALS*****§ 30.15 CITY PARK CARETAKER RESIDENCE.**

(A) The Caretaker for the City Park shall be furnished a residence next to the Village and Museum without charge to him or her, or his or her family.

(B) The Caretaker is required to accept the residence as the place of residence for him or her and his or her immediate family, as a condition of his or her employment.

(Ord. 1995-3, passed 2-16-1995)

POLICE DEPARTMENT**§ 30.30 ESTABLISHING POLICE RESERVES.**

(A) The Chief of Police of the city is hereby authorized, subject to the annual salary ordinance and appropriations restrictions, to employ up to 15 police reserves pursuant to I.C. 36-8-3-20.

(B) Police reserves shall be known as police reserves or patrol officers, as designated by the Chief of Police.

(C) All police reserves shall be subject to the same background check before employment as a regular member of the Department. All reserves shall receive training by the Office of the Chief in criminal law, traffic law, firearms, patrol procedure, and the Department's standard operating procedures.

(D) No reserve officer shall be assigned alone to patrol duty until the officer has spent at least 6 months in the company of a regular member of the Department. The requirement of this section may be waived on a case-by-case basis by the Chief if he or she does so in writing, setting out the need for the waiver.

(E) Compensation paid to police reserves is deemed compensation as defined by I.C. 36-8-3-20.
(Ord. 2001-, passed - -)

§ 30.31 LIMITING NUMBER OF RESERVES.

(A) The city has the ability to fix the number of reserve officers serving in its Police Department.

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(B) The city hereby limits the number of reserve officers serving in its Police Department at any given time to 15.
(Ord. 2004-4, passed 5-27-2004)

§ 30.32 PAID TRAINING FOR NEW HIRES.

(A) The city will pay the salary of any new city police officer, who is required to attend the Indiana Law Enforcement Academy, during the 15-week basic training course at the Indiana Law Enforcement Academy.

(B) Any police officer whose salary is paid by the city during the 15-week basic training course at the Indiana Law Enforcement Academy shall work for the city as a police officer for a minimum of 4 years after completion of the 15-week basic training course.

(C) Any police officer who fails to work for the city for at least 4 years following completion of the 15-week basic training course at the Indiana Law Enforcement Academy shall be required to refund to the city the salary paid to him or her during the period that he or she attended the Indiana Law Enforcement Academy, which refund shall be due in full 60 days following termination of employment for any reason with the city within the 4-year period.
(Ord. 2006-9, passed 7-26-2006)

§ 30.33 POLICE CHIEF; UNMARKED AUTOMOBILE.

The city shall furnish to the Chief of Police an unmarked police automobile for official use and for personal use, which personal use is necessary for him or her to enforce the law, such as being able to report directly from home to an emergency.
(Ord. 1995-1, passed 2-2-1995)

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CHAPTER 31: CITY POLICIES

Section

General

31.01 Common Council meetings

Fiscal Policies

31.15 Fixed asset capitalization policy

31.16 Purchasing agency

31.17 Advance claim payments

GENERAL

§ 31.01 COMMON COUNCIL MEETINGS.

Beginning on February 6, 1964, regular meetings of the Common Council of the city will be held at City Hall, at 310 North 5th Street in the city on the first and third Thursdays of each month, at the hour of 7:30 p.m.

(Ord. 315, passed 1-15-1964)

Cross-reference:

Common Council provisions, see § 30.01

FISCAL POLICIES

§ 31.15 FIXED ASSET CAPITALIZATION POLICY.

(A) *Creation.* The Common Council of the city desires to establish a capitalization policy for the city and its various departments and utilities (Enterprise Funds).

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDINGS. The acquisition cost of permanent structures owned or held by the city and improvements thereon.

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

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

(c) A department will record donated ***BUILDINGS*** at fair market value on the date of transfer plus any associated costs.

(d) Purchases made using federal or state funding will follow the source funding policies and above procedures.

CAPITAL OUTLAYS. Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

ENTERPRISE FUNDS.

(a) Those funds used to account for operations:

1. That are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered, primarily through user charges; or

2. Where the governing body has decided that periodic determination of revenues

earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, and other purposes.

(b) The *ENTERPRISE FUNDS* of the city shall include the municipally-owned water and wastewater utilities. Operation of these utilities shall require *ENTERPRISE FUND* accounting and reporting.

FIXED ASSETS. Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment, of **FIXED ASSETS**. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

IMPROVEMENTS OTHER THAN BUILDINGS.

(a) Acquisition value of permanent improvements other than buildings which add value to the land and are attached or not easily removed. Examples are: fences, retaining walls, sidewalks, parking pavements, gutters, outside fountains, planters, underground sprinkler systems, and other similar items.

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

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

(d) Purchases made using federal or state funding will follow the source funding policies and above procedures.

LAND. The cost of **LAND** and rights-of-way owned by the city.

(a) Original cost of **LAND** will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the **LAND** for its intended purpose (including contractors and/or city workers (salary and benefits)), such as demolishing buildings, excavating, cleanup, and/or inspection.

(b) A department will record donated **LAND** at fair market value on the date of transfer plus any associated costs.

(c) Purchases made using federal or state funding will follow the source funding policies and above procedures.

MACHINERY AND EQUIPMENT.

(a) Costs of tangible property of a more or less permanent nature, other than land or building and improvements thereon.

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(b) Machinery combined with other machinery to form 1 unit will be capitalized as 1 unit. Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or setup (including contractors and/or city workers (salary and benefits)), which make the equipment operable for its intended purpose will be capitalized. Examples include:

1. A work truck equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered 1 unit;

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

3. A department's computer system (CPU, monitor, keyboard, and printer) is considered 1 unit.

(c) A department will record donated **MACHINERY AND EQUIPMENT** at fair market value on the date of transfer, plus any associated costs.

TANGIBLE ASSETS. Assets that can be observed by 1 or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.

(C) *Lower limit.*

(1) Judgments must be exercised in making decisions as to whether a given expenditure is a capital expenditure. To avoid excessive costs of accounting for relatively small dollar value items, the Common Council desires to set \$5,000 as a lower limit to the definition of capital expenditure. Thus any expenditure under the established limit shall always be expenses currently, even though future benefits are expected from the expenditure.

(2) Capital expenditures made by the city, its various departments and utilities for the acquisition of fixed assets shall have a useful life of more than 1 year.

(3) Computer equipment and software, including hard drives, scanners, facsimiles and related programming software, shall not be classified as items to be included under the above regulation on small dollar value items.

(D) *Recording and accounting.*

(1) The city and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made, in accordance with the Chart of Accounts of the State Board of Accounts Cities and Town Accounting Manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the city and its departments, the valuation of assets shall be based on fair market value plus associated costs, or where the original fair market value and associated costs are undeterminable, by estimation for those assets previously purchased and in existence.

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(2) The city's departments and municipally-owned utilities shall record acquisition of fixed assets and determine the rate of straight-line depreciation in accordance with generally accepted accounting principles.

(a) Assets may be acquired under a number of other arrangements including:

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

(b) In addition, an asset register approved by the State Board of Accounts shall be maintained to provide a detailed record of capital assets of the governmental unit.

(E) *Safeguarding of assets.* Accounting controls shall be designed and implemented to provide reasonable assurances that:

(1) Capital expenditures made by the city, its various departments, and utilities shall be in accordance with management's authorization as documented in the minutes;

(2) Transactions of the utilities shall be recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles;

(3) Adequate detailed records shall be maintained to assure accountability for city- and utility- owned assets;

(4) Access to assets shall be permitted in accordance with management's authorization; and

(5) The recorded accountability for assets shall be compared with the existing assets at least every year and appropriate action be taken with respect to any differences.
(Ord. 1995-21, passed 11-16-1995; Am. Ord. 2006-1, passed 1-4-2006)

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§ 31.16 PURCHASING AGENCY.

(A) The Common Council is designated as the purchasing agency for the city.

(B) The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as it may be amended from time to time by law, or supplemented from time to time by ordinances adopted by the Common Council, and policies adopted by the purchasing agency.

(C) The purchasing agency shall act as purchasing agency for every agency, board, office, branch, bureau, commission, council, and department of the city. The Mayor shall be the purchasing agent of the city purchasing agency and may designate in writing a department head of the city as a deputy purchasing agent.

(D) This section is effective retroactively as of July 1, 1998, the effective date of the Act.
(Ord. 98-3(a), passed 7-2-1998)

§ 31.17 ADVANCE CLAIM PAYMENTS.

(A) The Clerk-Treasurer of the city may make claim payments in advance of Council allowance for the following kinds of expenses:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions;

(2) License or permit fees;

- (3) Insurance premiums;
- (4) Utility payments or utility connection charges;
- (5) General grant programs, where 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; and

(11) State, federal, or county taxes.

(B) Each payment of expenses under this section must be supported by a fully itemized claim.

(C) The Common Council shall review and allow the claim at its next regular or special meeting following the payment of the expense.

(Ord. 1992-11, passed 12-17-1992)

CHAPTER 32: FINANCES

Section

Funds

- 32.01 Vehicle Inspection Fund
- 32.02 Sanitation Reserve Fund
- 32.03 Rainy Day Fund
- 32.04 Television Fund
- 32.05 High School Traffic Control Account
- 32.06 Garage Fund
- 32.07 Cumulative Capital Development Fund
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- 32.09 Natcher Bridge Street Fund
- 32.10 Police Pension Fund
- 32.11 River Road Bluff Project Fund

Fees

- 32.30 Accident reports
- 32.31 Vehicle title inspections
- 32.32 Usage and rental rates for Parks Board properties

FUNDS

§ 32.01 VEHICLE INSPECTION FUND.

(A) A Vehicle Inspection Fund is hereby created.

(B) All fees obtained for vehicle inspections shall be deposited in this fund.

(C) The fund shall be used for police training and the purchase of equipment for the Police Department.
(Ord. 1992-5, passed 8-20-1992)

§ 32.02 SANITATION RESERVE FUND.

(A) There is hereby created a special fund known as the Sanitation Reserve Fund.

(B) The Sanitation Reserve Fund shall be used only for capital improvements for the Sanitation Department, including but not limited to replacement of the sanitation truck.

(C) The Common Council shall determine from time to time the amount to be deposited, each month, in the Sanitation Reserve Fund from the Sanitation Department receipts.

(D) This Sanitation Reserve Fund is effective as of June 1, 1993.
(Ord. 1995-15, passed 7-20-1995)

§ 32.03 RAINY DAY FUND.

(A) *Creation.* There is hereby established a Rainy Day Fund to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the city, whenever the purpose of the tax levy has been fulfilled and an unused and unencumbered balance remains.

(B) *Purposes of the fund.* The funds on deposit in the Rainy Day Fund may be used for the operation of the city and its various departments, when the city does not have sufficient levies or funds to pay the costs, including but not limited to salaries and wages, costs of services, supplies, equipment, capital improvements, repairs, and similar expenditures.

(C) *Transfer to fund.* On or before December 31 of each year, the Common Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than 10% of the city's total budget for that fiscal year.

(D) *Appropriations.* The Common Council for the city may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax levies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund.

(Ord. 2004-2, passed - -2004)

§ 32.04 TELEVISION FUND.

(A) There is hereby created a special fund known as the Television Fund.

(B) All contributions received from the general public for the purposes of purchasing television production equipment and to pay for the production of television programs of Channel 3 shall be deposited in the Television Fund.

(C) The monies deposited in the Television Fund shall be used only for the purposes of purchasing television production equipment and to pay for the production of television programs for Channel 3, and for no other purposes.

(D) Monies shall be paid out of the Television Fund only after a claim has been duly filed with the Clerk-Treasurer of the city and duly approved by the Common Council in the manner prescribed by Indiana law.

(Ord. 1993-4, passed 6-17-1993)

(E) In addition to public contributions as described above, 50% of all monies received by the city for franchise fees from television franchises shall be deposited into the Television Fund for use as provided in divisions (A) through (D) of this section. However, monies may be transferred from the Television Fund upon action of the Common Council in accordance with statutory law governing those actions.

(Am. Ord. 2000-5, passed 8-21-2000)

§ 32.05 HIGH SCHOOL TRAFFIC CONTROL ACCOUNT.

(A) An account entitled South Spencer High School Traffic Control Account is hereby established for the purpose of receiving and depositing funds received from the South Spencer County School Corporation for services rendered by the city police in conducting traffic control at U.S. 231 and C.R. 275W, at the location of the South Spencer High School.

(B) The City Police Department, at the discretion of the Chief of Police, is hereby authorized to use and draw funds from the South Spencer School Traffic Control Account for the purchase of equipment and supplies for the day-to-day operation of the Police Department, so long as any 1 purchase does not exceed the sum of \$500. For any purchase that exceeds \$500, the Police Department must receive approval from the Board of Public Works and Safety or from the Common Council of the city.

(Ord. 98-3, passed 6- -1998)

§ 32.06 GARAGE FUND.

(A) There is hereby created a fund, to be designated City Garage Fund, into which all revenues for payment of indebtedness for purchase of real estate shall be deposited and from which all payments on

the indebtedness approved shall be made, all pursuant to city provisions.

(B) The Clerk-Treasurer of the city shall set up the fund in accordance with the provisions of this section.

(Ord. 96-6, passed 11-2-1996)

§ 32.07 CUMULATIVE CAPITAL DEVELOPMENT FUND.

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

(C) The rate of the levy under division (B) of this section will be as set from time to time.

(D) The Cumulative Capital Development Fund is established until such time as the fund is rescinded.

(E) Funds accumulated in the Cumulative Capital Development Fund will be used for capital improvements as described in I.C. 36-9-16-2 and I.C. 36-9-16-3, and for improvements of public ways and sidewalks as described in I.C. 36-9-16.5-2.

(F) Notwithstanding division (E) of this section, funds accumulated in the 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 approval of the State Board of Tax Commissioners.
(Ord. 1998-4(a), passed 8-3-1998)

§ 32.08 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) In accordance with the requirements of I.C. 36-9-16, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the city, into which the cigarette taxes allotted to the city by reason of subsection C(1)(C) of § 27C and 27d of the Indiana Cigarette Tax Law, being I.C. 6-7-1, as amended, shall be deposited. The fund shall be a cumulative fund and all of the monies deposited into the fund shall be appropriated and used solely for capital improvements as hereinafter defined; none of the monies shall revert to the General Fund or be used for any purposes other than capital improvements.

(B) The term ***CAPITAL IMPROVEMENTS*** means the construction or improvements of any property owned by the city, including but not limited to streets, thoroughfares, and sewers, and the retirement of general obligation bonds of the city, issued and the proceeds used for the purpose of constructing capital improvements. The term ***CAPITAL IMPROVEMENT*** shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

(Ord. 321, passed 5-6-1965)

§ 32.09 NATCHER BRIDGE STREET FUND.

(A) There is hereby established a special fund to be known as the Natcher Bridge Street Fund.

(B) The amounts received by the city pursuant to the Road Transfer Memorandum of Agreement, attached to Ord. 2001-2 as Exhibit A, shall be deposited in the fund.

(C) The fund shall continue from year to year.

(D) Monies in the fund shall be used only for street improvement, curb improvement, curb inlet improvement, snow removal, and equipment and sidewalks.

(E) Interest on the fund shall be a part of the fund.

(F) Monies may be appropriated from this fund only in the following manner:

(1) The Board of Public Works and Safety shall, at least 1 time annually by majority vote, recommend to the Common Council the project or projects for which it desires to expend money from the fund.

(2) The Common Council may by majority vote accept or reject the recommendation of the Board of Public Works and Safety for the expenditure of money from the fund.

(3) In the event that the Common Council by the majority vote approves the recommendation of the Board of Public Works and Safety, the Board of Public Works and Safety may proceed with expenditure of the approved funds in the manner provided by law.

(Ord. 2001-2, passed - -2001)

§ 32.10 POLICE PENSION FUND.

There is hereby created a Police Pension Fund in the city, and a Board of Trustees for the management of the Pension Fund, all as provided by Chapter 51 of the 1925 Acts of the General Assembly of the state, being I.C. 36-8-6 and all acts supplemental thereto and mandatory thereof.

(Ord. 313, passed 9-18-1963)

§ 32.11 RIVER ROAD BLUFF PROJECT FUND.

(A) There is hereby established a fund to receive money through CEDIT Lease Rental Revenue Bonds in the amount of \$600,000.

(B) The funds shall be used for the local share of erosion-control construction cost to repair the Bluff area on South 1st Street.

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(C) The funds shall remain until the U.S. Army Corps of Engineers requests the draw of local share.

(D) Any funds remaining after construction shall be transferred to the CEDIT fund.
(Ord. 2007-2, passed 2-9-2007)

FEES

§ 32.30 ACCIDENT REPORTS.

(A) There is hereby established a fee to be charged by the city in the amount of \$3, designated the Accident Report Fee.

(B) All requests for copies of reports compiled by the City Police Department, the Chief of Police, or police officer, or kept in the possession of any of them, whether the request be in writing or oral, shall be accompanied by the Accident Report Fee, and the Accident Report Fee shall be paid to the Clerk-Treasurer of the city prior to the issuance of any copy of the report.

(C) Any Accident Report Fee collected by the Clerk-Treasurer of the city shall forthwith be deposited by the Clerk-Treasurer into the Accident Report Fund of the city, and shall be dispersed from the fund in the same manner as any other monies received therein.
(Ord. 1992-2, passed 4-2-1992)

§ 32.31 VEHICLE TITLE INSPECTIONS.

(A) There is hereby imposed a fee for any vehicle title inspection made by the City Police Department, pursuant to I.C. 9-17-2-12. The fee shall be payable by the person requesting the inspection, and it shall be paid at the time the inspection is made. Upon payment of the fee, the person making the inspection shall issue a receipt thereof.

(B) The amount of the fee established in division (A) of this section shall be \$5. In addition, in the event that arrangements are made for an inspection other than at the City Hall, and in the event that either the vehicle to be inspected or the person requesting the inspection is unavailable at the time and place agreed for the inspection, then the fee shall nonetheless be payable, whether or not the inspection

is completed. An additional fee shall be payable at any subsequent time at which the inspection is actually made.

(C) Nothing herein shall be construed to require that the City Police travel to any location outside of the corporate limits of the city to make any inspection, but the Police Department is authorized to so travel in the discretion and at the direction of the Chief of Police.

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(D) All fees collected pursuant to this section shall be payable to the City of Rockport, shall be delivered forthwith upon receipt to the office of the Clerk-Treasurer, and shall be deposited in the Vehicle Inspection Fund for use for police training and equipment.

(E) This section shall be in full force and effect from and after August 1, 1992.
(Ord. 1992-6, passed 8-20-1992)

§ 32.32 USAGE AND RENTAL RATES FOR PARKS BOARD PROPERTIES.

(A) Community building.

(1) The community building shall be available for rental to the public at a flat rental charge of \$75, and a refundable deposit of \$75 to be applied against any costs of cleanup, damage or injury to any improvements, if alcohol is not available to guests.

(2) Renters desirous of serving alcohol will be charged a \$150 rental fee, and a refundable deposit of \$100 to be applied against any costs of cleanup, damage or injury to any improvements, and will be responsible for furnishing a valid Indiana liquor license, at least 1 licensed bartender, and a law enforcement officer.

(3) Nonprofit organizations shall be charged at the rate of \$10 per hour for use of the community building.

(B) Shelter house at the Rockport City Park. The shelter house at the Rockport City Park shall be available for public rental at the flat rate of \$20.

(C) Rockport City Pool.

(1) The Rockport City Pool shall charge admission of \$2 per person, general admission, with a family season pass available for \$100 per season.

(2) The Rockport City Pool shall be available for private rental during the hours of 6:00 p.m. to 8:00 p.m., on authorized days, for the fixed, nonrefundable sum of \$150, payable 1 week in advance of the date requested.

(Ord. 02-02, passed 5-16-2002; Am. Ord. 2006-2, passed 1-4-2006; Am. Ord. 2007-4, passed 5-16-2007)

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CHAPTER 33: PERSONNEL

Section

- 33.01 Employee Policy and Procedure Handbook; adoption by reference
- 33.02 Drug testing policy; adoption by reference
- 33.03 Pay and benefits; adoption by reference

§ 33.01 EMPLOYEE POLICY AND PROCEDURE HANDBOOK; ADOPTION BY REFERENCE.

The city hereby adopts an Employee Policy and Procedure Handbook, which is attached to Ord. 1994-1 as Exhibit A. This Employee Policy and Procedure Handbook is adopted by reference as if fully set out herein, and is available through city offices.

(Ord. 1994-1, passed 1-20-1994)

§ 33.02 DRUG TESTING POLICY; ADOPTION BY REFERENCE.

The city hereby adopts a drug testing policy by reference as if fully set out herein.

(Res. passed 8-4-1994)

§ 33.03 PAY AND BENEFITS; ADOPTION BY REFERENCE.

All provisions of the city regarding employee paycales, salaries, and other benefits are hereby adopted by reference as if fully set out herein.

(Am. Res. 92-3, passed 3-19-1992; Am. Ord. 1992-10, passed 12-17-1992; 96-7, passed 12-7-1996)

