

TITLE 1

ADMINISTRATION AND PERSONNEL

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ADMINISTRATION AND PERSONNEL

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Chapter 1.02

TOWN COUNCIL AND ELECTIONS

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1.02.010 Statutory Authority

1.02.020 Legislative Findings

1.02.030 Number of Members

1.02.040 Manner of Election

1.02.010 Statutory Authority. Pursuant to I.C. 36-5-2-4.1(h), the Council is enacting this Chapter for the purpose of abolishing town legislative body districts (aka Town Wards) and for the purpose of providing that all Council Members shall hereafter be elected at large pursuant to I.C. 36-5-2-4.1(h). (Ord. 2015-12, S1, Dec. 7, 2015) (Ord. 10-07, S1, May 17, 2010) (Ord. 02-07, S1, Dec. 16, 2002)

1.02.020 Legislative Findings. The Council finds that the Town is a town with a population less than Three Thousand Five Hundred (3,500), as required by I.C. 36-5-2-4.1(h). The Council further finds that, as of the time of the adoption of this Chapter, there is no municipal election scheduled to be conducted in the Town under I.C. 3-10-6 or I.C. 3-10-7 during the remainder of calendar year in which this Chapter has been adopted. (Ord. 2015-12, S2, Dec. 7, 2015) (Ord. 02-07, S2, Dec. 16, 2002)

1.02.060 Number of Members. The Town Council of the Town of French Lick shall continue to consist of three members, with one member continuing to reside in each of the three Wards. (Ord. 02-07, S6, Dec. 16, 2002)

1.02.070 Manner of Election. Each of the three members of the French Lick Town Council shall continue to be elected at large by the voters of the entire town. (Ord. 02-07, S7, Dec. 16, 2002)

Chapter 1.03

TOWN MEETINGS

Sections:

- 1.03.010 Regular meeting dates**
- 1.03.020 Special meetings**
- 1.03.030 Place of meetings**
- 1.03.040 Quorum**
- 1.03.050 Order of business**
- 1.03.060 Presiding officer**
- 1.03.070 Ordinances and Resolutions**
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- 1.03.090 Suspension of Rules**
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1.03.010 Regular meeting dates. The regular meetings of the Board of Trustees shall be held on the first and third Monday of each calendar month at 7:00 P.M. Any regular meeting falling on a legal holiday may be held the next following secular day at the same hour and place upon unanimous vote of the Trustees. (Ord. 76-9, S1, Nov. 1, 1976) (Ord. unnumbered, Jan. 1, 1912) (Ord. unnumbered, S1, Feb. 21, 1910)

1.03.020 Special meetings. Special meetings of the Board of Trustees may be called by two (2) Trustees by filing a written request with the Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present and the Clerk-Treasurer is also present, or consent in writing to the holding of said meeting. Unless all Trustees and Clerk-Treasurer are in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof. (Ord. 76-9, S2, Nov. 1, 1976) (Ord. unnumbered, Jan. 1, 1912) (Ord. unnumbered, S2, Feb. 21, 1910)

1.03.030 Place of meetings. All meetings of the Board of Trustees, including special, executive, and adjourned meetings, shall be held in the Town Hall and open to the general public, executive meetings excluded. (Ord. 76-9, S3, Nov. 1, 1976)

1.03.040 Quorum. Two (2) Trustees (ex-officio member included) and the Clerk-Treasurer shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. (Ord. 76-9, S4, Nov. 1, 1976)

1.03.050 Order of business. The business of the Board of Trustees shall be conducted in the following order:

- (1) Call to order by the presiding officer.
- (2) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date.)
- (3) Reading, correcting and approval of minutes of previous meeting.
- (4) Departmental reports.
- (5) Unfinished business from previous meetings.
- (6) New business, including introduction of Ordinances and Resolutions.
- (7) Reports of various Town Officials.
- (8) Communications and miscellaneous business. (Ord. 76-9, S5, Nov. 1, 1976)

1.03.060 Presiding officer.

- (1) Control of meeting. The President of the Board of Trustees shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by majority of the members present, exclusive of the presiding officer.
- (2) Absence of President. If the President is absent at any meeting, the Clerk-Treasurer shall call the meeting to order and preside until the Board of Trustees selects a Trustee to preside for that meeting.
- (3) Participating in debate. The presiding officer may speak upon any question or make any motion or second same if he vacated the chair and designates a Trustee to preside temporarily. (Ord. 76-9, S6, Nov. 1, 1976)

1.03.070 Ordinances and Resolutions. Ordinances, resolutions, bylaws, communications and other matters submitted to the Board shall be read by title and author. No ordinance, resolution or bylaw shall be considered unless presented in writing by a Trustee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or bylaw need to read in full. (Ord. 76-9, S7, Nov. 1, 1976)

1.03.080 General Rule. The deliberations of the Board shall be conducted in accordance with the parliament rules contained in Robert's Rules of Order, Revised, except when inconsistent with the Constitution and Statutes of the State of Indiana. Said Rules of Order is hereby incorporated in this Section by reference.

No person other than a member shall address the Board of Trustees except by majority vote of the members present. No Ordinance, Resolution, or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn without the consent of the person making the same and the person seconding it. (Ord. 76-9, S8, Nov. 1, 1976)

1.03.090 Suspension of Rules. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present. (Ord. 76-9, S9, Nov. 1, 1976)

1.03.100 Effective date. This Chapter shall take effect and be in full force from and after its passage and approval by the Board of Trustees of the Town of French Lick, County of Orange, State of Indiana. (Ord. 76-9, S10, Nov. 1, 1976)

1.03.110 Repeal of conflicting documents. All Ordinances, Resolutions, and Bylaws, or parts of Ordinances, Resolutions, and Bylaws in conflict with the terms and provisions of this Chapter are hereby expressly repealed. (Ord. 76-9, S11, Nov. 1, 1976)

Chapter 1.05

TOWN ELECTIONS

Sections:

1.05.005 Preamble

1.05.010 Registration for Town elections required

1.05.020 Town Clerk-Treasurer as ex officio registration officer

1.05.030 Registration books

1.05.040 A voter must be registered at least twenty-nine (29) days before a Town election

1.05.050 Appropriation of funds for Town registration

1.05.060 Ordinance recorded at Orange County, Indiana Recorder's Office

1.05.005 Preamble. Pursuant to the provisions of the Indiana General Election Laws providing that registration for voting in Town elections is a necessary prerequisite to voting if a Town Ordinance so providing has been duly enacted by the Town Board desiring to mandate voters' registration. (Ord. 71-1, Whereas, Nov. 15, 1971)

1.05.010 Registration for Town elections required. It shall be unlawful for any person to vote at any primary or general Town election held in the Town of French Lick, Indiana, unless such person is a registered voter under the requirements of the Indiana General Election Laws. (Ord. 71-1, S1, Nov. 15, 1971)

1.05.020 Town Clerk-Treasurer as ex officio registration officer. The Town Clerk of the Town of French Lick, Indiana shall be ex officio the registration officer of said Town and shall have full charge and control of the registration of voters within said Town and such registration shall be made pursuant to the manner prescribed in the Indiana General Election Laws. (Ord. 71-1, S2, Nov. 15, 1971)

1.05.030 Registration books. The registration books of the Town of French Lick, Indiana, shall be deemed to constitute a permanent registration/record of all voters resident in the Town and entitled to vote therein, and such permanent registration record shall be compiled, purged, supplemented and preserved in the manner prescribed by the Indiana General Election Laws. (Ord. 71-1, S3, Nov. 15, 1971)

1.05.040 A voter must be registered at least twenty-nine (29) days before a Town election. Pursuant to the Indiana General Election Laws which apply to Town elections, a voter must be registered at least twenty-nine (29) days before a Town election as the registration records will be closed at that time. (Ord. 71-1, S4, Nov. 15, 1971)

1.05.050 Appropriation of funds for Town registration. The Town shall appropriate its own funds for the purpose of defraying the costs of such Town registration including the costs of all necessary forms and supplies, which records shall at all times remain the property of the

Town and shall be retained as permanent records for the statutory period. (Ord. 71-1, S5, Nov. 15, 1971)

1.05.060 Ordinance recorded at Orange County, Indiana Recorder's Office. Be it further ordained, that a copy of this Chapter be placed of record in the office of the Recorder of Orange County, Indiana. (Ord. 71-1, S6, Nov. 15, 1971)

Chapter 1.06

DRUG FREE WORKPLACE POLICY

Sections:

- 1.06.010 Policy
- 1.06.020 Prohibited Drugs
- 1.06.030 Alcohol
- 1.06.040 Reporting Violations
- 1.06.050 Employee Rehabilitation
- 1.06.060 Testing

1.06.010 Policy.

- (1) The Town requires all employees, including its elected officials, to report to work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.
- (2) Violation of any provision of this Chapter will be considered just cause for disciplinary action up to and including discharge, even for a first offense. Refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.
- (3) This Chapter and related procedures may be modified by the Town at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the Town. (Ord. 18-02, S1, June 18, 2018)

1.06.020 Prohibited Drugs.

- (1) Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120) and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription controlled substance that have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Chapter.
- (2) This Chapter prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on Town premises (including vehicles used for Town business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal

substances found on such premises will be turned over to the state police and may lead to criminal prosecution. (Ord. 18-02, S2, June 18, 2018)

1.06.030 Alcohol.

- (1) The use of alcohol on the job or on Town premises is prohibited, unless such use is not excessive, is part of an authorized official event held off Town premises, and the employee abides by all applicable laws relating to such use. The use of alcohol in vehicles used for Town business is strictly prohibited.
- (2) Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on Town premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for Town business is never authorized. (Ord. 18-02, S3, June 18, 2018)

1.06.040 Reporting Violations.

- (1) Employees must as a condition of employment, abide by the terms of this Chapter and report to the Town any conviction under a criminal drug statute for violations occurring on or off Town premises when conducting Town business. Report of a conviction must be made to the Town within five (5) business days after the conviction. The Town will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)
- (2) An employee who is involved with off the job illegal drug activity may be considered in violation of this Chapter. In determining whether disciplinary action will be imposed for this activity, the Town will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the Town's reputation and image.
- (3) Any questions regarding the reporting or violations should be directed to the Clerk-Treasurer. (Ord. 18-02, S4, June 18, 2018)

1.06.050 Employee Rehabilitation.

- (1) Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the Town will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

- (2) Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in an approved rehabilitation program before work performance becomes affected.
- (3) Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Chapter or any other Town policies or job requirements.
- (4) Any employee identified through a Town investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.
- (5) Circumstances in each case will be evaluated to determine the course of action to be taken. (Ord. 18-02, S5, June 18, 2018)

1.06.060 Testing.

- (1) Town employees, including elected officials, shall be subject to alcohol and drug tests under the following circumstances:
 - A. When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse;
 - B. During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the Town;
 - C. On a random basis for safety sensitive positions, as determined by the Town;
 - D. Following certain accidents and/or injury;
 - E. When reasonable suspicion exists that the employee or elected official is under the influence of drugs and/or alcohol;
 - F. When required by law.
- (2) Pre-employment drug testing is part of the pre-employment evaluation. The methodology of testing will be determined by the Town. Applicants who test positive for alcohol and/or prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer. (Ord. 18-02, S7, June 18, 2018)

Chapter 1.07

CAPITALIZATION POLICY

Sections:

1.07.010 Definitions and Provisions

1.07.020 Recording and Accounting

1.07.030 Safeguarding Assets

1.07.010 Definitions and Provisions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

- (1) **“Tangible Assets”** Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
- (2) **“Fixed Assets”** Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production and sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).
- (3) **“Capital Outlays”** Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvements of buildings, structures or other fixed assets; infrastructure, machinery and equipment 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.
- (4) **Land**
 - A. The Town will capitalize all land purchases, regardless of cost. Original cost of land will include the full value given to the seller, relocation, legal services incidental to the purchase (including title work and opinion) appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers (salary and benefits), such as demolishing buildings, excavating, clean up and inspections.
 - B. A department will record donated land at fair market value on the date of transfer plus associated costs.
 - C. Purchases made using Federal or State funding will follow the source funding policies and above procedures.

(5) **Infrastructure**

- A. Infrastructures are streets, curbs, sidewalks, and sewer lines. The Town will capitalize all streets, curbs and sidewalks. All sewer lines will be capitalized. The known or estimated historical costs of infrastructures will be included. Depreciated value estimates for sewer utility infrastructure will be reported.
- B. Infrastructures that are accepted from subdivision developers or acquired from other donations shall be included at the known or estimated cost at the time of receipt of the infrastructure.

(6) **Buildings**

- A. Buildings are structures designed to house personnel or equipment.
- B. A department will capitalize buildings at full cost with no subcategories for tracking attachments such as roofs, heating, cooling, plumbing, lighting, sprinkling systems, or any part of the basic building. Each department will include the cost of items designed or purchased exclusively for the building.
- C. A department's new building will be capitalized only if it meets both of the following conditions:
 - 1. the total cost exceeds \$5,000 and;
 - 2. the useful life is greater than two years.
- D. A department improving or renovating an existing building will capitalize the cost only if the results meet the following conditions:
 - 1. the total cost meets or exceeds \$5,000 and;
 - 2. the useful life is extended two or more years.
- E. A department will record donated buildings at fair market value on the known or estimated date of transfer with any associated costs.
- F. Building purchases made using Federal or State funding will follow the source funding policies and above procedures.

(7) **Improvements other than Buildings**

- A. The definition of this group of assets is improvements to land for better enjoyment, assets that are attached or not easily removed, and with a life expectancy of more than two years.

- B. Examples are walks, fencing, retaining walls, pools, outside fountains, planters, underground sprinkling systems and other related items.
- C. The Town will capitalize new improvements other than buildings or renovations to existing improvements other than buildings or renovations to existing improvements other than buildings if the results meet the following conditions:
 - 1. the total cost exceeds \$5,000 and;
 - 2. the assets useful life is extended two or more years.

(8) **Machinery and Equipment**

- A. The definition of machinery and equipment is: an apparatus, tool, or conglomerate of components to form a tool. The tool will stand alone and not become a part of a basic structure or building.
- B. The Town will capitalize civil town and utility items with an individual value equal to or greater than \$5,000.
- C. Machinery combined with other machinery to form one unit with a total value equal to or greater than the above mentioned limits will be included as one unit.
- D. Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up, (including contractors and/or Town workers (salary and benefits), which make such equipment operable for its intended purpose will be capitalized.
- E. Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:
 - 1. total cost is \$5,000 or more and;
 - 2. the useful life is extended by two or more years.
- F. A department will record donated machinery and equipment at fair market value on the known or estimated date of transfer with any associated costs.
- G. Purchases made using Federal or State funding will follow the source funding policies and above procedures.

(9) **Construction in Progress**

- A. Assets included under this item type are those buildings or improvements other than buildings that are not completed at the end of a fiscal year. These assets will be included with noted payments and dates, including change orders for all services and materials necessary for the preparation of the building or improvement other than building for its intended purpose.
- B. The Town will capitalize construction in progress if the results meet the following conditions:
 - 1. the total cost exceeds \$5,000 and;
 - 2. the assets useful life is extended two or more years.

- (10) **“Historical Cost”** The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, improvements other than buildings and construction in progress are common examples of assets recognized under the historical cost attribute. (Ord. 14-04, S1, Apr. 21, 2014)

1.07.020 Recording and Accounting. The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the City, Town and County’s Accounting manual. The cost of property, plant and equipment includes all expenditures necessary to put the assets into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on historical cost or by estimation of such costs if historical cost is unknown. (Ord. 14-04, S2, Apr. 21, 2014)

1.07.030 Safeguarding Assets. Be it ordained that accounting controls be designed and implemented to provide reasonable assurance that:

- (1) Capital expenditures made by the Town, its various departments, and utility be in accordance with management’s authorization as documented in the minutes.
- (2) Transactions of the utility be recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles.
- (3) Adequate detail records be maintained to assure accountability for Town and utility owned assets.
- (4) Access to assets be permitted in accordance with management’s authorization.
- (5) That recorded accountability for assets be compared with existing assets at least annually and appropriate action be taken regarding any differences. (Ord. 14-04, S3, Apr. 21, 2014)

Chapter 1.08

CUMULATIVE CAPITAL IMPROVEMENT FUND

Sections:

1.08.010 Created

1.08.020 Use of funds

1.08.010 Created. There is hereby created and established a Cumulative Capital Improvement Fund into which all of the proceeds allotted to the Town of French Lick, Indiana, shall be deposited in lieu of being deposited in the General Fund, in accordance with the provisions of Chapter 222 of the 1947 Acts of the Indiana General Assembly, as amended by Chapter 225 of the 1965 Acts of the Indiana General Assembly. (Ord. 3, S1, Apr. 4, 1966) (Ord. 1965-3, S1, Nov. 2, 1965)

1.08.020 Use of funds. That funds shall be drawn on the Cumulative Capital Improvement Fund of the Town of French Lick, Indiana, as provided in Chapter 225 of the 1965 Acts of the Indiana General Assembly. (Ord. 3, S2, Apr. 4, 1966) (Ord. 1965-3, S2, Nov. 2, 1965)

Chapter 1.09

ECONOMIC DEVELOPMENT INCOME TAX, CAPITAL IMPROVEMENT PLAN

Sections:

1.09.010 Economic Development Income Tax

1.09.020 Elements of a Capital Improvement Plan

1.09.010 Economic Development Income Tax.

- (1) Whereas, the Indiana General Assembly has authorized counties to impose a county economic development income tax (“EDIT”) imposed on the adjusted gross income of county taxpayers, in accordance with I.C. 6-3.5-7 (“ACT”);
- (2) Whereas, the Orange County Council (“County”) imposed EDIT on Orange County, at a rate of 25 hundredths of one percent (0.25%) annually on the adjusted income of County taxpayers;
- (3) Whereas, pursuant to the Act, the Town of French Lick (“Town”) is a recipient of a distributive share of EDIT (“Distributive Share”) and receives its Distributive Share semi-annually in May and November from the County Auditor;
- (4) Whereas, the Act provides that a county, city or town which fails to adopt a capital improvement plan may not receive
 - A. its fractional amount of the certified distribution of revenues from EDIT; or
 - B. any amount of EDIT revenues designated for its use by a city or town in the county;
- (5) Whereas, the Town may use EDIT revenues to finance capital projects for which general obligation bonds may be issued and economic development projects as defined in the Act, through the issuance of bonds or lease financings;
- (6) Whereas, under the Act a project will be an economic development project if the Town determines that it will
 - A. promote significant opportunities for the gainful employment of its citizens;
 - B. attract a new major business enterprise to the Town; or

- C. retain or expand a significant business enterprise to the Town; and involve expenditures for the acquisition of land, interests in land, site improvements, infrastructure improvements, buildings structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings or facilities (or combination of these). (Res. 99-1, Whereas, Feb. 15, 1999)

1.09.020 Elements of a Capital Improvement Plan. The Capital Improvement Plan for the Town of French Lick

- (1) identifies the project(s)
- (2) gives a site description of the project and
- (3) an estimated cost for each project. (Res. 99-1, Whereas, Feb. 15, 1999)

Chapter 1.13

TOWN BOARD OF FINANCE

Sections:

1.13.010 Organized

1.13.010 Organized. It was resolved by the Board that they proceed to organize as a Board of Finance, pursuant to the provisions of an act of the General Assembly of Indiana, approved March 9, 1907, entitled: "An Act Concerning Public Funds, etc.", by the electing of a President.

On motion duly made U.G. Salyers, Trustee of the 3rd Ward was duly elected President of the Town Board of Finance of the Town of French Lick, Indiana. (Res. Unnumbered, Mar. 21, 1910)

Chapter 1.14

PREAPPROVED CLAIM PAYMENTS

Sections:

1.14.010 Claim requirements

1.14.020 Allowed expenses to be paid prior to approval of board

1.14.030 Fully itemized claim

1.14.040 Review at next town board meeting

1.14.010 Claim requirements. No check shall be drawn by the town fiscal officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant, or some authorized person in the claimant's behalf, and filed and allowed as provided by law and submitted at least five (5) days before the meeting of the applicable approving body, as prescribed by Indiana Code 5-11-10, and Indiana Code 36-5-4-4(a)(2). (Ord. 92-7, S1, June 15, 1992)

1.14.020 Allowed expenses to be paid prior to approval of board. Provided however, with the prior written approval of the board having jurisdiction over allowance of the claim, the town fiscal officer is hereby authorized to make claim payments in advance of the board or 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.
- (11) State, federal or county taxes. (Ord. 92-7, S2, June 15, 1992)

1.14.030 Fully itemized claim. Each payment of expenses under Section 1.14.020 of this chapter must be supported by a fully itemized claim. (Ord. 92-7, S3, June 15, 1992)

1.14.040 Review at next town board meeting. The town legislative body or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the body's or board's next regular or special meeting following the preapproved payment of the expense. (Ord. 92-7, S4, June 15, 1992)

Chapter 1.15

CLERK-TREASURER

Sections:

1.15.010 Duties

1.15.010 Duties.

- (1) Be it ordained by the Board of Trustees of the Town of French Lick, Indiana, that Lloyd H. Collins, Clerk and Treasurer of said Town is hereby ordered and authorized by said Board to collect all money due or falling to said Town, including fees from shows or any other source, and give receipt for the same properly signed by himself as Clerk of said Town and to counter sign the same by the Board of Trustees of said Town, and report at each and every meeting of said Board the amount so collected and from parties paying the same. (Ord. unnumbered, Mar. 7, 1910)

Chapter 1.16

NEPOTISM AND CONFLICTS OF INTEREST

Sections:

- 1.16.010 Policy of conduct regarding Nepotism in Employment and Contracting
- 1.16.020 Indiana Code Minimum Requirements
- 1.16.030 Establishment of Nepotism Policy
- 1.16.040 Establishment of Contracting with a Unit by a Relative Policy
- 1.16.050 More detailed requirements
- 1.16.060 Single member of Legislative Body cannot act for the Body
- 1.16.070 Single member of Governing Bodies cannot act for the Governing Body
- 1.16.080 Implementation of Policies Cooperation
- 1.16.090 Failure to abide with Nepotism Policy
- 1.16.100 Failure to abide with Contracting with a Unit by a Relative Policy
- 1.16.110 Posting of Ordinance
- 1.16.120 Provisions of Indiana Code annexed hereto
- 1.16.130 Inspection of Indiana Code

1.16.010 Policy of conduct regarding Nepotism in Employment and Contracting. The town finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the town and in contracting with the town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively. (Ord. 2012-06, S1, June 17, 2012)

1.16.020 Indiana Code Minimum Requirements. On July 1, 2012 the town shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirement of IC 36-1-20.2 (hereinafter “Nepotism Policy”) and IC 36-1-21 (hereinafter “Contracting with a Unit by a Relative Policy”) and implementation will begin. (Ord. 2012-06, S2, June 17, 2012)

1.16.030 Establishment of Nepotism Policy. The town Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto. (Ord. 2012-06, S3, June 17, 2012)

1.16.040 Establishment of Contracting with a Unit by a Relative Policy. The town Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them

a part hereof as if fully set out herein. In addition, a copy of IC 36-1-21 Contracting with a Unit in effect on July 1 is attached hereto. (Ord. 2012-06, S4, June 17, 2012)

1.16.050 More detailed requirements. The town finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are “more stringent or detailed” and that more detailed are necessary. (Ord. 2012-06, S5, June 17, 2012)

1.16.060 Single member of Legislative Body cannot act for the Body. The town further finds that, although a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, a single member can still “affect the terms and conditions of another individual’s employment”, directly or indirectly, through day to day participation in general town government operations, department governing board appointments, department head appointments, and general policy making. As such, the town finds that each individual member of the town’s legislative body is in the direct line of supervision of all town employees. (Ord. 2012-06, S6, June 17, 2012)

1.16.070 Single member of Governing Bodies cannot act for the Governing Body. The town finds that, although a single member of governing bodies with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, a single member can still “affect the terms and conditions of another individual’s employment”, directly or indirectly, through day to day participation in the town department’s general operations and policy making. As such, the town finds that each individual member of the town’s governing bodies of each town department is in the direct line of supervision of all town employees under jurisdiction of that department. (Ord. 2012-06, S7, June 17, 2012)

1.16.080 Implementation of Policies Cooperation. All elected and appointed officials and employees of the town are hereby directed to cooperate fully in the implementation of the policies created by this Chapter and demonstrating compliance with these same policies. (Ord. 2012-06, S8, June 17, 2012)

1.16.090 Failure to abide with Nepotism Policy. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Nepotism Policy may be subject to action allowed by law. (Ord. 2012-06, S9, June 17, 2012)

1.16.100 Failure to abide with Contracting with a Unit by a Relative Policy. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Contracting with Unit by a Relative Policy may be subject to action allowed by law. (Ord. 2012-06, S10, June 17, 2012)

1.16.110 Posting of Ordinance. The policies created by this Chapter are hereby directed to be implemented by any of the following actions.

- (1) posting a copy of this Chapter in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees;
- (2) providing a copy of this Chapter to its employees and elected and appointed officials;
- (3) providing or posting a notice of the adoption of this Chapter; or
- (4) any such other action or actions that would communicate the policies established by this Chapter to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the town. (Ord. 2012-06, S11, June 17, 2012)

1.16.120 Provisions of Indiana Code annexed hereto. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto. (Ord. 2012-06, S12, June 17, 2012)

1.16.130 Inspection of Indiana Code. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the town for public inspection as maybe required by IC 36-1-5-4. (Ord. 2012-06, S13, June 17, 2012)

ANNEXED MATERIALS

I.C. 36-1-20.2 and IC 36-1-21

Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

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

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

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

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
- (2) a volunteer firefighter;

is not considered employment by a unit.

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

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

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

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

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

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

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

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

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter. The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

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

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

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

(1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and

(2) is not exempt from the application of this chapter under section 2 of this chapter.

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

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

(1) be promoted to a position; or

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

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

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

(1) an individual is a party to; and

(2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

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

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

(1) who served as coroner;

(2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;

(3) who, as coroner, received certification under IC 36-2-14-22.3; and

(4) whose successor in the office of coroner is a relative of the individual;

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

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

(1) may be hired to work only in the township trustee's office;

(2) may be in the township trustee's direct line of supervision; and

(3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

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

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

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

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

Chapter 21. Contracting With a Unit

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

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

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

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

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

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

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

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

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

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

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

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

- (1) the elected official files with the unit a full disclosure, which must:
 - (A) be in writing;
 - (B) describe the contract or purchase to be made by the unit;
 - (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - (D) be affirmed under penalty of perjury;

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

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
 - (2) any additional appropriations for the unit;
- for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.

Chapter 1.17

SALARIES OF ELECTED OFFICIALS INSURANCE, TRAVEL EXPENSE

Sections:

1.17.010 Elected officials

1.17.020 Life and Health Insurance

1.17.030 Travel expenses

1.17.010 Elected officials. Council members are paid on a monthly basis while the Clerk-Treasurer is paid on a bi-weekly basis:

<u>Council</u> <u>Members</u>	<u>Each Member</u> <u>Monthly Total</u>	<u>Total</u> <u>Monthly</u>
5 members	\$1,000.00	\$5,000.00
<u>Clerk-Treasurer</u>	\$1505.37 (Bi-Weekly)	

(Ord. 2020-01, S1, Dec. 16, 2019) (Ord. 2019-09, Dec. 16, 2019) (Ord. 2019-06, Aug. 5, 2019) (Ord. 2019-01, S1, Dec. 3, 2019) (Ord. 2018-01, Dec. 18, 2017) (Ord. 17-01, Dec. 19, 2016) (Ord. 16-03, Apr. 22, 2016) (Ord. 16-01, S1, Dec. 21, 2015) (Ord. 15-06, June 1, 2015) (Ord. 15-03, May 18, 2015) (Ord. 15-01, S1, Dec. 15, 2014) (Ord. 2014-11, Dec. 1, 2014) (Ord. 14-09, Sept. 15, 2014) (Ord. 14-02, S1, Apr. 7, 2014) (Ord. 14-01, S1, Dec. 16, 2013) (Ord. 2013-03, June 17, 2013) (Ord. 13-01, S1, Dec. 17, 2012) (Ord. 12-05, S1, May 21, 2012) (Ord. 12-01, S1, Jan. 2, 2012) (Ord. 11-01, S1, Jan. 10, 2011) (Ord. 10-09, S1, June 7, 2010) (Ord. 10-05, S1, Apr. 5, 2010) (Ord. 2010-01, Dec. 28, 2009) (Ord. 2009-01, Jan. 5, 2009) (Ord. 2008-02, S1, Jan. 2, 2008) (Ord. 2007-01, S1, Dec. 18, 2006) (Ord. 06-01, S1, Dec. 19, 2005) (Ord. 05-01, S1, Dec. 27, 2004) (Ord. 04-01, S1, Dec. 30, 2003) (Ord. 03-01, Mar. 17, 2003) (Ord. 03-01, Dec. 30, 2002) (Ord. 02-01, Dec. 31, 2001) (Ord. 01-1, Dec. 28, 2000) (Ord. 00-1, Dec. 30, 1999) (Ord. 99-1, S1, Dec. 29, 1998) (Ord. 98-1, Dec. 30, 1997) (Ord. 97-1, S1, Dec. 30, 1996) (Ord. 96-1, S1, Jan. 1, 1996) (Ord. 95-1, S1, Dec. 19, 1994) (Ord. 94-1, S1, Jan. 5, 1994) (Ord. 93-1, S1, Jan. 4, 1993) (Ord. 92-1, S1, Jan. 6, 1992) (Ord. 91-2, S1, Jan. 7, 1991) (Ord. 90-1, S1, Jan. 1, 1990) (Ord. 89-1, S1, Jan. 9, 1989) (Ord. 88-1, S1, Jan. 1, 1988) (Ord. 87-1, S1, Dec. 15, 1986) (Ord. 86-1, S1, Dec. 16, 1985) (Ord. 85-1, S1, Dec. 27, 1984) (Ord. 84-1, S1, Jan. 1, 1984) (Ord. 83-1, S1, Jan. 1, 1983) (Ord. 82-1, S1, Jan. 1, 1982) (Ord. 81-1, S1, Jan. 1, 1981) (Ord. 80-1, S1, Jan. 1, 1980) (Ord. 79-6, S1, Aug. 6, 1979) (Ord. 79-1, S1, Jan. 1, 1979) (Ord. 78-1, S1, Jan. 1, 1978) (Ord. 77-2, S1, Jan. 17, 1977)

1.17.020 Life and Health Insurance. Whereas the Town of French Lick desires to add health and life insurance coverage to the elected officials of the Town Council. The specific positions to be covered under this additional coverage will be the Town Council Members and the Clerk-Treasurer.

Whereas, this extended coverage is allowed under Indiana Code 5-10-8-2.6 (b) which states that a public employer may provide programs of group insurance for its employees and retired employees (it may exclude part-time or contract employees). Indiana Code 5-10-8-1 (1) defines employee to mean:

- (1) An elected or appointed officer or official, or full-time employee and
- (2) Employee for a local unit public employer, a full-time or part-time employee or a person who provide personal services to the unit under contract during the contract period.

Whereas this coverage being extended to the Town Council and Clerk-Treasurer will be identical to the coverage given to the full-time Town Employees. The Town will pay 100% of the premium cost for employee coverage. In addition, the Town will pay 50% of the premium cost for employee dental, optometric; and long-term disability coverage at 100% for those employees electing to receive such coverage(s). If dependent coverage is requested then the employee will be responsible for the entire cost of this additional coverage. The employee's cost will be transacted through a payroll deduction from their respective monthly and bi-monthly payroll checks. This coverage for the Town Council Members and Clerk-Treasurer is a benefit option-they do not have to take this insurance if they have other coverage (either personal or other employer provided coverage).

This proposal will become effective immediately. All of which is adopted by the Town Council for the Town of French Lick, this 20th day of January 1997. (Ord. 08-06, S1, June 16, 2008) (Ord. 2007-01, Dec. 18, 2006) (Res. 97-2, Jan. 20, 1997) (Ord. 78-1, S2, Jan. 1, 1978) (Ord. 77-2, S2, Jan. 17, 1977)

1.17.030 Travel expenses. Of the above mentioned elected officials shall be paid by the Town of French Lick (applicable funds) when travel is necessary and in the interest of the Town. Mileage shall be at the rate allowed at that particular time by the Indiana State Board of Accounts, State of Indiana, and/or County of Orange. Receipts shall be attached to claims allowed for all expenses incurred. (Ord. 78-1, S3, Jan. 1, 1978) (Ord. 77-2, S3, Jan. 17, 1977)

Chapter 1.18

EMPLOYEE POLICY

Sections:

- 1.18.010 Clothing and uniforms
- 1.18.020 Employment Status
- 1.18.030 Insurance
- 1.18.040 Indiana Public Employees Retirement Fund
- 1.18.050 Delinquencies
- 1.18.060 Holiday Pay
- 1.18.070 Sick/Personal leave
- 1.18.080 Bereavement Leave
- 1.18.090 Jury Duty Leave
- 1.18.100 Compensation time
- 1.18.110 Vacation time
- 1.18.120 Terminal pay
- 1.18.130 Pay period
- 1.18.140 Elected Officials serving on Boards and Committees
- 1.18.150 Overtime

1.18.010 Clothing and uniforms.

Police Uniforms: established by the yearly budget appropriations for such expense.

Street and Sewer Department employees will pay \$3.00 bi-weekly and the balance for uniform expense will be paid by the Town of French Lick. (Ord. 20-01A, Dec. 16, 2019) (Ord. 2019-01, Dec. 3, 2018) (Ord. 2018-01A, Dec. 18, 2017) (Ord. 2017-01A, Dec. 19, 2016) (Ord. 2016-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 08-02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006) (Ord. 2007-01, Dec. 18, 2006) (Ord. 06-01A, S1, Dec. 19, 2005) (Ord. 05-01A, Dec. 27, 2004) (Ord. 04-01A, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S1, Dec. 31, 2001) (Ord. 01-1A, S1, Dec. 28, 2000) (Ord. 00-1A, S1, Dec. 30, 1999) (Ord. 99-1A, S1, Dec. 28, 1998) (Ord. 98-1A, S1, Dec. 30, 1997) (Ord. 97-1A, S1, Dec. 30, 1996) (Ord. 96-1A, S1, Jan. 1, 1996) (Ord. 95-1A, S1, Dec. 19, 1994) (Ord. 94-1A, S1, Jan. 5, 1994) (Ord. 93-1A, S1, Jan. 4, 1993) (Ord. 92-1A, S1, Jan. 6, 1992) (Ord. 91-2A, S1, Jan. 7, 1991) (Ord. 90-1B, S1, Jan. 1, 1990) (Ord. 89-1B, S1, Jan. 9, 1989) (Ord. 88-1B, S1, Jan. 1, 1988) (Ord. 87-1B, S1, Dec. 15, 1986) (Ord. 86-1B, S1, Dec. 16, 1985) (Ord. 85-1B, S1, Dec. 27, 1984) (Ord. 77-1, S2, Jan. 3, 1977) (Ord. 76-3, S2, May 3, 1976)

1.18.020 Employment Status (effective as of January 1, 2005). Full-time employees must work a minimum of 40 hours per week. This will entitle these employees to the following benefits: holiday pay, vacation pay, insurance, PERF, and sick/personal leave.

Part-time employees: employees that work 37 ½ hours per week or less. (Ord. 06-01A, S2, Dec. 19, 2005) (Ord. 05-01A, Dec. 27, 2004) (Ord. 04-01A, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003)

1.18.030 Insurance. Health, STD, LTD, & LIFE & ADD insurance will be provided at no cost to full time employees and the Clerk-Treasurer; All Dental & Vision will be provided with the employee/Clerk-Treasurer contributing 50% of employee cost. Health, Dental & Vision coverage is available for Family, Spouse and Dependent coverage at full cost to the employee/Clerk-Treasurer. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006) (Ord. 06-01A, S3, Dec. 19, 2005) (Ord. 05-01A, Dec. 27, 2004) (Ord. 04-01A, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S2, Dec. 31, 2001) (Ord. 01-1A, S2, Dec. 28, 2000) (Ord. 00-1A, S2, Dec. 30, 1999) (Ord. 99-1A, S2, Dec. 28, 1998) (Ord. 98-1A, S2, Dec. 30, 1997) (Ord. 97-1A, S2, Dec. 30, 1996) (Ord. 96-1A, S2, Jan. 1, 1996) (Ord. 95-1A, S2, Dec. 19, 1994) (Ord. 94-1A, S2, Jan. 5, 1994) (Ord. 93-1A, S2, Jan. 4, 1993) (Ord. 92-1A, S2, Jan. 6, 1992) (Ord. 91-2A, S2, Jan. 7, 1991) (Ord. 90-1B, S2, Jan. 1, 1990) (Ord. 89-1B, S2, Jan. 9, 1989) (Ord. 88-1B, S2, Jan. 1, 1988) (Ord. 87-1B, S2, Dec. 15, 1986) (Ord. 86-1B, S2, Dec. 16, 1985) (Ord. 85-1B, S2, Dec. 27, 1984) (Ord. 77-1, S3, Jan. 3, 1977) (Ord. 76-3, S3, May 3, 1976)

1.18.040 Indiana Public Employees Retirement Fund. This fund was established on July 1, 1991 for the Town Employees. Effective January 1, 1992 the coverage was extended to cover Elected Officials of the Town. The position of Town Attorney was added January 1, 1997. The position of Airport Manager was added July 1, 2008. The position of Fire Chief was added January 1, 2012. Elected Officials and the Town Attorney are ineligible to participate in INPRS if they work less than 1,000 hours per year.

All employees will be required to pay 3% of their gross wages into the fund, deducted from each payroll check. The Town will pay the required INPRS percentage of gross wages for all employees. All employees who are designated as members of the INPRS will be required to participate.

Effective 2001, the Legislature passed HEA 1283, entitling participants to make voluntary contributions to their annuity savings account. Those voluntary contributions are post-tax, and are taxable to 10% of their compensation. Employees may elect to hold any percentage up to 10% of their compensation. This does not effect the 3% mandatory contribution.

- (1) The Clerk-Treasurer, of Town of French Lick, be, and hereby is, fully authorized and empowered to act on behalf of and in the name of Town of French Lick, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1 and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in

writing by the Director of PERF. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 06-1A, S4, Dec. 19, 2005) (Ord. 05-1A, S4, Dec. 27, 2004) (Ord. 04-1A, S4, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S3, Dec. 31, 2001) (Ord. 01-1A, S3, Dec. 28, 2000) (Ord. 00-1A, S3, Dec. 30, 1999) (Ord. 99-1A, S3, Dec. 28, 1998) (Ord. 98-1A, S3, Dec. 30, 1997) (Res. 97-3, Jan. 20, 1997) (Ord. 97-1A, S3, Dec. 30, 1996) (Ord. 96-1A, S3, Jan. 1, 1996) (Ord. 95-1A, S3, Dec. 19, 1994) (Ord. 94-1A, S3, Jan. 5, 1994) (Ord. 93-1A, S3, Jan. 4, 1993) (Ord. 92-1A, S3, Jan. 6, 1992) (Res. 91-3, May 20, 1991) (Ord. 91-2A, S3, Jan. 7, 1991)

1.18.050 Delinquencies. Any and all monies due and payable to the Town of French Lick by any employee of the municipality can and will be deducted from the employee's wages by the Clerk-Treasurer when delinquent and upon proper notification to the employee. (Ord. 06-1A, S5, Dec. 19, 2005) (Ord. 05-1A, S5, Dec. 27, 2004) (Ord. 04-1A, S5, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S4, Dec. 31, 2001) (Ord. 01-1A, S4, Dec. 28, 2000) (Ord. 00-1A, S4, Dec. 30, 1999) (Ord. 99-1A, S4, Dec. 28, 1998) (Ord. 98-1A, S4, Dec. 30, 1997) (Ord. 97-1A, S4, Dec. 30, 1996) (Ord. 96-1A, S4, Jan. 1, 1996) (Ord. 95-1A, S4, Dec. 19, 1994) (Ord. 94-1A, S4, Jan. 5, 1994) (Ord. 93-1A, S4, Jan. 4, 1993) (Ord. 92-1A, S4, Jan. 6, 1992) (Ord. 91-2A, S4, Jan. 7, 1991) (Ord. 90-1B, S3, Jan. 1, 1990) (Ord. 89-1B, S3, Jan. 9, 1989) (Ord. 88-1B, S3, Jan. 1, 1988) (Ord. 87-1B, S3, Dec. 15, 1986) (Ord. 86-1B, S3, Dec. 16, 1985) (Ord. 85-1B, S3, Dec. 27, 1984) (Ord. 77-1, S4, Jan. 3, 1977) (Ord. 76-3, S4, May 3, 1976)

1.18.060 Holiday Pay. Holidays are to be observed with pay for the municipal employees as follows:

- (1) Martin Luther King Birthday
- (2) New Year's Day
- (3) Memorial Day
- (4) Independence Day
- (5) Labor Day
- (6) Veteran's Day
- (7) Thanksgiving Day
- (8) Christmas Eve Day

- (9) Christmas Day
- (10) Good Friday
- (11) Election Day

Employees will be able to have an abbreviated work day for New Years Eve Day if the holiday occurs during a regular work day or on a Saturday, to be determined by Department Head.

If any stated holiday falls on a Saturday or Sunday, the following Monday shall be considered the Holiday. To be eligible for Holiday Pay, the employee must work the last scheduled department day preceding the holiday and work the first scheduled day following the holiday.

Part-time employees will be eligible for holiday pay (after 3-months of employment) for the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The part-time employees will NOT be eligible for insurance, vacation time, and/or pay, or PERF (public employees' retirement plan). (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 2015-01A, Dec. 15, 2014) (Ord. 14-02, S1, Jan. 3, 2014) (Ord. 14-01, S1, Jan. 3, 2014) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2013) (Ord. 11-01, Jan. 10, 2011) (Ord. 2010-05, Apr. 5, 2010) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 2007-01A, Jan. 8, 2007) (Ord. 06-1A, Dec. 19, 2005) (Ord. 05-01A, S6, Dec. 27, 2004) (Ord. 04-01A, S6 Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S5, Dec. 31, 2001) (Ord. 01-1A, S5, Dec. 28, 2000) (Ord. 00-1A, S5, Dec. 30, 1999) (Ord. 99-1A, S5, Dec. 28, 1998) (Ord. 98-1A, S5, Dec. 30, 1997) (Ord. 97-1A, S5, Dec. 30, 1996) (Ord. 96-1A, S5, Jan. 1, 1996) (Ord. 95-1A, S5, Dec. 19, 1994) (Ord. 94-1A, S5, Jan. 5, 1994) (Ord. 93-1A, S5, Jan. 4, 1993) (Ord. 92-1A, S5, Jan. 6, 1992) (Ord. 91-2A, S5, Jan. 7, 1991) (Ord. 90-1B, S4, Jan. 1, 1990) (Ord. 89-1B, S4, Jan. 9, 1989) (Ord. 88-1B, S4, Jan. 1, 1988) (Ord. 87-1B, S4, Dec. 15, 1986) (Ord. 86-1B, S4, Dec. 16, 1985) (Ord. 85-1B, S4, Dec. 27, 1984) (Ord. 77-1, S6, Jan. 3, 1977) (Ord. 76-3, S5, May 3, 1976)

1.18.070 Sick/Personal leave. Employees will be entitled to 7 days with full pay for each calendar year for sickness, accident, or personal reasons. It is the responsibility of the department head to notify the council and the Town Hall Officer Manager of use of day by their employees. Sick and/or personal days not taken are not carried over to the following year.

If an employee misses two or more consecutive workdays due to sickness or accident, the employee must bring a doctor's statement by a licensed physician.

No compensation will be granted for unused days upon termination or separation. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01, Dec. 18, 2017) (Ord. 17-01A, Dec. 16, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, Jun 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-

02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006) (Ord. 06-1A, S7, Dec. 19, 2005) (Ord. 05-01A, S7, Dec. 27, 2004) (Ord. 04-1A, S7, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S6, Dec. 31, 2001) (Ord. 01-1A, S6, Dec. 28, 2000) (Ord. 00-1A, S6, Dec. 30, 1999) (Ord. 99-1A, S6, Dec. 28, 1998) (Ord. 98-1A, S6, Dec. 30, 1997) (Ord. 97-1A, S6, Dec. 30, 1996) (Ord. 96-1A, S6, Jan. 1, 1996) (Ord. 95-1A, S6, Dec. 19, 1994) (Ord. 94-1A, S6, Jan. 5, 1994) (Ord. 93-1A, S6, Jan. 4, 1993) (Ord. 92-1A, S6, Jan. 6, 1992) (Ord. 91-2A, S6, Jan. 7, 1991) (Ord. 90-1B, S5, Jan. 1, 1990) (Ord. 89-1B, S5, Jan. 9, 1989) (Ord. 88-1B, S5, Jan. 1, 1988) (Ord. 87-1B, S5, Dec. 15, 1986) (Ord. 86-1B, S5, Dec. 16, 1985) (Ord. 85-1B, S5, Dec. 27, 1984) (Ord. 77-1, S8, Jan. 3, 1977) (Ord. 76-3, S7, May 3, 1976)

1.18.080 Bereavement Leave. Employees shall receive up to three (3) days paid leave if a member of the **immediate family** passes away. **Immediate family** members include spouse, parent, grandparent, children (adopted, half and step), grandchildren, siblings, and in-laws (mother, father, brother, sister, daughter and son). (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2019) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014)

1.18.090 Jury Duty Leave. Employees who are selected and so ordered to serve on a jury or as a witness under subpoena by any Town, State, or Federal Court will be given a leave of absence from their duties without loss of personal leave and the Town will pay to the employee the difference between their regular rate of pay and the court compensation. The employee is entitled to keep any mileage or expenses paid. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2019) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014)

1.18.100 Compensation time. If an employee is required to work beyond the standard forty (40) hour work week, compensatory time off will be allowed. Comp time is earned at 1.5 times the hours exceeding the 40 hour work week. If possible, compensation time off should be taken within the same pay period it has been earned. Comp time cannot be carried into the following calendar year unless time off is earned during inclement weather during December. Therefore, all comp time must be used by December 31st of the year it is earned. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-10, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006) (Ord. 06-1A, S8, Dec. 19, 2005) (Ord. 05-01A, S8, Dec. 27, 2004) (Ord. 04-1A, S8, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S7, Dec. 31, 2001) (Ord. 01-1A, S7, Dec. 28, 2000) (Ord. 00-1A, S7, Dec. 30, 1999) (Ord. 99-1A, S7, Dec. 28, 1998) (Ord. 98-1A, S7, Dec. 30, 1997) (Ord. 97-1A, S7, Dec. 30, 1996) (Ord. 96-1A, S7, Jan. 1, 1996) (Ord. 95-1A, S7, Dec. 19, 1994) (Ord. 94-1A, S7, Jan. 5, 1994) (Ord. 93-1A, S7, Jan. 4, 1993) (Ord. 92-1A, S7, Jan. 6, 1992) (Ord. 91-2A, S7, Jan. 7, 1991) (Ord. 90-1B, S6, Jan. 1, 1990) (Ord. 89-1B, S6, Jan. 9, 1989) (Ord. 88-1B, S6, Jan. 1, 1988) (Ord. 87-1B, S6, Dec. 15, 1986) (Ord. 86-1B, S6, Dec. 16, 1985) (Ord. 85-1B, S6, Dec. 27, 1984) (Ord. 77-1, S5, Jan. 3, 1977)

1.18.110 Vacation time. For all full-time employees hired prior to January 1, 2004, vacation pay is as follows:

- (1) Two weeks of Vacation Pay after one full year of employment.
- (2) Three weeks of vacation after five consecutive years of employment. Vacation time shall be adjusted as of the employee anniversary date. Employees shall take earned vacation within one year following the employee's anniversary date. The Town Council may allow this time to accumulate provided it is in the best interest of the Town of French Lick.

Full-time employees hired on or after January 1, 2004 will be entitled to vacation pay as follows:

- (1) One week of Vacation Pay after one full year of employment then two weeks of paid vacation after two full years of consecutive full time employment, three weeks of paid vacation will be paid after ten years of consecutive, full time employment.

Employee must be full time to qualify for vacation. Any employee, whose employment is terminated, is not eligible to use or receive compensation for any unused vacation time. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord.15-01A, Dec. 15, 2014) (Ord.14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 2007-01, Dec. 18, 2006) (Ord. 07-01, Dec. 18, 2006) (Ord. 061A, S9, Dec. 19, 2005) (Ord. 05-01A, S9, Dec. 27, 2004) (Ord. 04-1A, S9, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S8, Dec. 31, 2001) (Ord. 01-1A, S8, Dec. 28, 2000) (Ord. 00-1A, S8, Dec. 30, 1999) (Ord. 99-1A, S8, Dec. 28, 1998) (Ord. 98-1A, S8, Dec. 30, 1997) (Ord. 97-1A, S8, Dec. 30, 1996) (Ord. 96-1A, S8, Jan. 1, 1996) (Ord. 95-1A, S8, Dec. 19, 1994) (Ord. 94-1A, S8, Jan. 5, 1994) (Ord. 93-1A, S8, Jan. 4, 1993) (Ord. 92-1A, S8, Jan. 6, 1992) (Ord. 91-2A, S8, Jan. 7, 1991) (Ord. 90-1B, S7, Jan. 1, 1990) (Ord. 89-1B, S7, Jan. 9, 1989) (Ord. 88-1B, S7, Jan. 1, 1988) (Ord. 87-1B, S7, Dec. 15, 1986) (Ord. 86-1B, S7, Dec. 16, 1985) (Ord. 85-1B, S7, Dec. 27, 1984) (Ord. 77-1, S7, Jan. 3, 1977) (Ord. 76-3, S6, May 3, 1976)

1.18.120 Terminal pay. Employees who leave the service of the Town of French Lick for any reason shall receive all pay which may be due to them with the following qualifications:

- (1) All due pay will be paid out during the regular payroll period.
- (2) Employees who owe money to the Town of French Lick at the time of his/her separation shall have their final pay applied against the amount whatever may be needed to satisfy the obligation.

- (3) Vacation time and pay not taken does not carry over into succeeding years. Also, the employee must be a full-time employee to be eligible for vacation and time. Vacation pay or time does not accrue. Any employee whose employment is terminated, for any reason, is not eligible to use or receive compensation for any unused vacation time. (Ord. 06-1A, S10, Dec. 19, 2005) (Ord. 05-01A, S10, Dec. 27, 2004) (Ord. 04-1A, S10, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S9, Dec. 31, 2001) (Ord. 01-1A, S9, Dec. 28, 2000) (Ord. 00-1A, S9, Dec. 30, 1999) (Ord. 99-1A, S9, Dec. 28, 1998) (Ord. 98-1A, S9, Dec. 30, 1997) (Ord. 97-1A, S9, Dec. 30, 1996) (Ord. 96-1A, S9, Jan. 1, 1996) (Ord. 95-1A, S9, Dec. 19, 1994) (Ord. 94-1A, S9, Jan. 5, 1994) (Ord. 93-1A, S9, Jan. 4, 1993) (Ord. 92-1A, S9, Jan. 6, 1992) (Ord. 91-2A, S9, Jan. 7, 1991) (Ord. 90-1B, S8, Jan. 1, 1990) (Ord. 89-1B, S8, Jan. 9, 1989) (Ord. 88-1B, S8, Jan. 1, 1988) (Ord. 87-1B, S8, Dec. 15, 1986) (Ord. 86-1B, S8, Dec. 16, 1985) (Ord. 85-1B, S8, Dec. 27, 1984) (Ord. 77-1, S9, Jan. 3, 1977) (Ord. 76-3, S8, May 3, 1976)

1.18.130 Pay period. The following Elected and Appointed Officials will be paid on a monthly basis on the last working day of the month: Town Council Members and Revolving Loan Treasurer.

All other employees including the Clerk/Treasurer will be paid on a bi-weekly basis, wages based on 26 pay periods. The first pay in January will be on 01/10/2020.

Full time employees are any employee working 40 hours per week. Benefits are only available to full time employees after completion of their 60-day probationary period from their date of hire. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02B, Jan. 2, 2008) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 2008-02, Jan. 2, 2008) (Ord. 2007-01B, undated) (Ord. 2007-01, Dec. 18, 2006) (Ord. 06-1A, S11, Dec. 19, 2005) (Ord. 04-1A, S11, Dec. 30, 2003) (Ord. 03-1A, Mar. 17, 2003) (Ord. 03-1A, Dec. 30, 2002) (Ord. 02-1A, S10, Dec. 31, 2001) (Ord. 01-1A, S10, Dec. 28, 2000) (Ord. 00-1A, S10, Dec. 30, 1999) (Ord. 99-1A, S10, Dec. 28, 1998) (Ord. 98-1A, S10, Dec. 30, 1997) (Ord. 97-1A, S10, Dec. 30, 1996) (Ord. 96-1A, S10, Jan. 1, 1996) (Ord. 95-1A, S10, Dec. 19, 1994) (Ord. 94-1A, S10, Jan. 5, 1994) (Ord. 93-1A, S10, Jan. 4, 1993) (Ord. 92-1A, S10, Jan. 6, 1992) (Ord. 91-2A, S10, Jan. 7, 1991) (Ord. 90-1B, S9, Jan. 1, 1990)

1.18.140 Elected Officials serving on Boards and Committees. Any Town Council Member serving on other appointed boards within the Town's Jurisdiction, will not receive any compensation for those meetings or serving on those committees. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006)

1.18.150 Overtime. Overtime will not be paid without the prior authorization by the Town Council. Compensatory time off for hours worked above 40 is preferred; however, should overtime become necessary due to emergency situation, permission for overtime must be authorized by the Council in charge of overseeing that particular department.

- (1) This section applies only to employees who work on special projects for which the Town receives funds from other than the normal and regular budgetary tax revenues.

This Chapter is in accordance with IC-36-8-3-3 and IC-36-4-7-3 which applies to police officers and other Town employees respectively.

The above applies to working hours over and above the normal assigned or scheduled working hours for that period which is required during an emergency situations such as floods, thunderstorms, high winds, lightning, fire, life and death threatening, etc.

In the above situations and when money and/or funding outside the regular and normal tax revenues is received, the employees will be paid overtime as required and necessary.

The Town Council, Clerk-Treasurer and department heads will have the authority to determine and approve the above mentioned overtime pay for those employees.

- (2) All employees meeting the above requirements shall be paid as approved by the Town Council and Clerk-Treasurer as a special pay basis. (Ord. 20-01A, Dec. 16, 2019) (Ord. 19-01, Dec. 3, 2018) (Ord. 18-01A, Dec. 18, 2017) (Ord. 17-01A, Dec. 19, 2016) (Ord. 16-01A, Dec. 21, 2015) (Ord. 15-01A, Dec. 15, 2014) (Ord. 14-02, Apr. 7, 2014) (Ord. 14-01, Dec. 16, 2013) (Ord. 13-03, June 17, 2013) (Ord. 13-01, Dec. 17, 2012) (Ord. 11-01, Jan. 10, 2011) (Ord. 10-01, Dec. 28, 2009) (Ord. 09-01, Jan. 5, 2009) (Ord. 2008-02A, Jan. 2, 2008) (Ord. 07-01, Dec. 18, 2006) (Ord. 90-1C, S1&2, May 7, 1990)

Chapter 1.19

EQUAL EMPLOYMENT OPPORTUNITY

Sections:

1.19.010 Non-discrimination in hiring

1.19.020 Exceptions to Section 1.19.010

1.19.030 Receiving and reviewing charges of violations

1.19.040 Penalty

1.19.010 Non-discrimination in hiring. No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income, nor be excluded from employment rights in participation in, or be denied the benefits of, or otherwise subject to discrimination under any municipal program, service, or activity under the provisions of any and all applicable Federal and State laws against discrimination including the Civil Rights Acts of 1964. (Ord. 89-4, S1, Oct. 2, 1989)

1.19.020 Exceptions to Section 1.19.010. The prohibition contained in Section 1.19.010 shall not apply to any of the following:

- (1) Use of an individual's unfavorable discharge from military service as a valid employment criterion where:
 - A. Authorized by federal law or regulation; or
 - B. Where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the dishonorable discharge relate to his or her fiduciary capacity.
- (2) Hiring or selecting between individuals for bona fide occupational qualifications.
- (3) Giving preferential treatment to veterans and their relatives as required by federal or state law or regulation. (Ord. 89-4, S2, Oct. 2, 1989)

1.19.030 Receiving and reviewing charges of violations. The Board of Trustees of the Town of French Lick, Indiana, shall receive and review charges of violations of this Chapter and shall prepare and provide necessary forms for such charges. The Board of Trustees shall refer charges to municipal counsel for prosecution as provided by law. (Ord. 89-4, S3, Oct. 2, 1989)

1.19.040 Penalty. Judgement of up to Twenty-Five Hundred Dollars (\$2,500.00) may be entered for each violation of this Chapter. (Ord. 89-4, S4, Oct. 2, 1989)

Chapter 1.20

PROCESS TO RESOLVE EMPLOYEE COMPLAINTS

Sections:

1.20.010 Purpose

1.20.020 Policy

1.20.030 Definition

1.20.040 Procedures

1.20.010 Purpose. It is the purpose of this policy to provide a procedure whereby municipal employees may resolve disputes or complaints concerning the terms of their employment. (Ord. 96-6, SI, Aug. 19, 1996)

1.20.020 Policy. The Town of French Lick, Indiana, recognizes that every municipal employee has the right to be treated fairly in matters arising from municipal employment; that each municipal employee should have the opportunity to be heard fully any time his right to fair treatment has been violated; and that a carefully designed grievance process can help to reduce personnel dissatisfaction, increase morale, identify perception municipal employees have of their employment with the Town of French Lick, Indiana. Therefore, whenever an municipal employee believes that he has been treated unfairly with regard to the terms and conditions of his employment, he may initiate proceedings as specified in this policy in order to resolve those matters. (Ord. 96-6, SII, Aug. 19, 1996)

1.20.030 Definition.

- (1) **ELIGIBLE EMPLOYEE.** All permanent, probationary or regular part-time municipal employees. Regular part-time employees are those who work 20 hours per week or more on a continuous basis for at least six months. (Ord. 96-6, SIII, Aug. 19, 1996)

1.20.040 Procedures.

- (1) **Conditions and Limitations.**
 - A. The grievance procedures set forth in this policy are applicable only to eligible employees. (Ord. 96-6, SIV A1, Aug. 19, 1996)
 - B. This grievance procedure shall not be used in addition to other grievance procedures as may be in effect through other Indiana statutes. Under no circumstances shall more than one procedure be used to redress the same grievance, although use of this or other procedures does not preclude municipal employees from seeking legal remedies as appropriate. (Ord. 96-6, SIV A2, Aug. 19, 1996)

- C. The Town of French Lick, Indiana, retains the right under applicable laws ordinances and laws, to direct municipal employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer, and assign employees as well as to suspend, demote, discharge or take disciplinary action against such municipal employees for just cause. (Ord. 96-6, SIV A3, Aug. 19, 1996)
 - D. This grievance procedure is not applicable to matters for which an appeal process is otherwise provided and may not be used in addition to or in replacement of those processes. (Ord. 96-6, SIV A4, Aug. 19, 1996)
 - E. The scope of the municipal grievance must:
 - 1. Clearly define the situation in question through a written allegation of the specific wrongful act or situation, the harm done and the facts upon which it is based;
 - 2. Arise out of an act or failure to act that directly relates to the working conditions of the eligible employee or to the municipal employee's employment relationship;
 - 3. Define a matter within the control of the Town of French Lick, Indiana; and
 - 4. State which relief sought that is within the power of the Town of French Lick, Indiana, to grant. (Ord. 96-6, SIV A5, Aug. 19, 1996)
- (2) Grievance Procedure. The grievance procedure established by this chapter consists of three steps for appeal, each of which must be utilized in turn before appeal is made to the next step unless specified in this policy.
- A. Step one - immediate supervisor. A municipal employee who believes that elements of his working environment are unsatisfactory and can be made more effective should take the following measures:
 - 1. Discuss the specific problem with his immediate supervisor. A problem that results from a specific event or action must be presented within seven days. The supervisor's decision regarding the matter shall be rendered in writing to the municipal employee with seven calendar days following the conference. The municipal employee has the right to the presence of a representative of his choosing during this conference.

2. If the problem cannot be resolved through the conference and/or the municipal wishes to document the grievance for further action, he may submit a formal written grievance to his immediate level supervisor. Municipal employees who do not have an immediate level supervisor may submit their grievance directly the President of the Town Council. (Ord. 96-6, SIV B1, Aug. 19, 1996)
- B. Step two - intermediate level supervisor. Grievances submitted to an intermediate level supervisor shall be writing on the designated department form. The grievance must:
1. Be submitted within seven days following receipt of the immediate supervisor's response;
 2. Include a copy of the immediate supervisor's response;
 3. Specify the municipal employee's grievance and the specific remedy requested;
 4. Provide a response to the immediate supervisor's decision; and
 5. Be responded to by the immediate level supervisor with seven days of receipt. (Ord. 96-6, SIV B2, Aug. 19, 1996)
- C. Step three - President of Town Council. If the matter is not satisfactorily resolved in step two, the problem may be presented in writing to the President of the Town Council, together with a copy of all preceding responses, within seven days following the response of the municipal employee's intermediate supervisor. The President of the Town Council shall meet with the affected municipal employee and a representative of his choosing if so desired. A written response will be provided to the municipal employee with seven days after receipt of the appeal from the municipal employee. (Ord. 96-6, SIV B3, Aug. 19, 1996)
- D. Written responses to grievances. Written responses to grievances shall include the following:
1. Notation of the time, date and person who received the grievance.
 2. Analysis of the facts or allegation in the grievance.
 3. Affirmation or denial of the allegations.

4. Identification of the remedies or adjustments, if any, to be made. (Ord. 96-6, SIV B4, Aug. 19, 1996)
- E. Time limits. If a grievance is not processed by the aggrieved municipal employee within the specified time limits provided in this Chapter, the grievance shall be considered void. If the municipal representative fails to process a grievance within the time limits specified, the municipal employee may initiate action by proceeding to the next step. However, municipal employees are encouraged to make reasonable attempt to determine the reason for the delay. (Ord. 96-6, SIV B5, Aug. 19, 1996)
- F. Time extension. All times specified in this procedure are subject to scheduled vacations, sick leave, or other authorized leave necessary for the proper conduct of departmental business. Additionally, involved parties may request one extension not to exceed seven days by providing written notice to the other parties prior to the expiration of the time limit established for that step. (Ord. 96-6, SIV B6, Aug. 19, 1996)
- G. Withdrawal of grievance. At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process. (Ord. 96-6, SIV B7, Aug. 19, 1996)
- H. Coordination of grievance procedures. The Clerk-Treasurer of the Town of French Lick, Indiana, is the official designated who shall coordinate the Town's grievance procedures as established within these guidelines. This officer shall also be responsible for:
 1. Maintaining and controlling all records relating to grievances in a manner that will ensure their confidentiality; and
 2. Preparing written reports analyzing grievances filed as directed by the President of the Town Council.
 3. Appeal Hearing once the department's grievance procedure has been exhausted, a municipal employee and his representative have the right to explain and argue the grievance before full membership of the Town Council. The appeal hearing is informal and no record will be kept of the proceedings, although there is a right to cross examination. Findings of the Town Council shall be rendered within 15 days and are binding upon all parties involved. (Ord. 96-6, SIV B8, Aug. 19, 1996)

Chapter 1.21

PROHIBITING HARASSMENT

Sections:

1.21.010 Prohibited activity

1.21.020 Employees' responsibilities

1.21.030 Complaint procedures

1.21.010 Prohibited activity.

- (1) No municipal employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person. (Ord. 96-7, S1A, Aug. 19, 1996)
- (2) Municipal employees shall not make offensive or derogatory comments based race, color, sex, religion, or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the Town of French Lick, Indiana. (Ord. 96-7, S1B, Aug. 19, 1996)
- (3) Sexual harassment is defined by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of municipal employment; or
 - B. Submission to or rejection of such conduct by a municipal employee is used as a basis for employment decisions affecting the municipal employee; or
 - C. Such conduct has the purpose or effect of unreasonably interfering with a municipal employee's work performance or creating an intimidating, hostile, or offensive working environment. (Ord. 96-7, S1C, Aug. 19, 1996)

1.21.020 Employees' responsibilities.

- (1) The supervisor of each municipal department will be responsible for preventing acts of harassment. This responsibility includes:
 - A. Monitoring the work unit environment on a daily basis for signs that harassment may be occurring;

- B. Counseling all municipal employees on the types of behavior prohibiting, and the agency procedures for reporting and resolving complaints of harassment;
 - C. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved municipal employees are within his line of supervision; and
 - D. Taking immediate action to limit the work contact between the two employees where there has been a complaint of harassment, pending investigation. (Ord. 96-7, S2A, Aug. 19, 1996)
- (2) Each supervisor has the responsibility to assist any municipal employee who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the Town Council. (Ord. 96-7, S2B, Aug. 19, 1996)
- (3) Each municipal employee is responsible for assisting in the prevention of harassment through the following acts:
- A. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 - B. Reporting acts of harassment to a supervisor; and
 - C. Encouraging any municipal employee, who confides that he is being harassed, to report these acts to a supervisor. (Ord. 96-7, S2C, Aug. 19, 1996)
- (4) Failure to take action to stop known harassment shall grounds for discipline. (Ord. 96-7, S2D, Aug. 19, 1996)

1.21.030 Complaint procedures.

- (1) Municipal employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The municipal employee shall document all incidents of harassment in order to provide the fullest basis for investigation. (Ord. 96-7, S3A, Aug. 19, 1996)
- (2) Any municipal employee who believes that he is being harassed shall report the incident(s) to his supervisor as soon as possible so that steps may be taken to protect the municipal employee from further harassment and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the municipal employee may instead file a complaint with another supervisor, or with the Town Council.

- A. The supervisor or other person to whom a complaint is given shall meet with the municipal employee and document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred.
 - B. The municipal employee taking the complaint shall expeditiously deliver the complaint to the Town Council. (Ord. 96-7, S3B, Aug. 19, 1996)
- (3) The Town Council shall be responsible for the investigation of any complaint alleging harassment.
- A. The Town Council shall immediately notify the prosecutor's office if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
 - B. The Town Council shall make a determination whether other municipal employees are being harassed by the person, and whether other municipal employees participated in, or encouraged the harassment.
 - C. The Town Council shall inform the parties involved of the outcome of the investigation.
 - D. A file of harassment complaints shall be maintained in a secure location by the Town Clerk-Treasurer. (Ord. 96-7, S3C, Aug. 19, 1996)
- (4) There shall be no retaliation against any municipal employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint. (Ord. 96-7, S3D, Aug. 19, 1996)
- (5) This policy does not preclude any municipal employee from filing a complaint or grievance with an appropriate outside agency. (Ord. 96-7, S3E, Aug. 19, 1996)

Chapter 1.22

INTERNAL CONTROL POLICY

Sections:

- 1.22.010 Purpose
- 1.22.020 Control Environment
- 1.22.030 Risk Assessment
- 1.22.040 Control Activities
- 1.22.050 Information and Communication
- 1.22.060 Monitoring Activity

1.22.010 Purpose. The purpose of this policy is to communicate the Council's internal control objectives to all employees and elected officials of the Town of French Lick and to firmly commit the Town to the seventeen (17) key principles of internal controls as established by the Indiana State Board of Accounts. (Ord. 16-04, June 6, 2016)

1.22.020 Control Environment.

- (1) The oversight body and management demonstrate a commitment to integrity and ethical values.
 - A. The Town has the responsibility to establish and maintain an adequate system of internal control and to furnish to the Town Council, various boards and commissions, governmental agencies, creditors and others reliable financial information on a timely basis.
 - B. Controls help ensure that assets are not exposed to unauthorized access and use, transactions are properly recorded in the financial records, and the financial information is reliable. External organizations of the Town rely on financial information to make decisions toward appropriations, loans and other debt, grants, and other contractual relationships. Town resources are dependent upon the system of internal control. Auditors are required annually to report upon the adequacy of the Town's systems for control over financial reporting and compliance per Indiana Code 5-11-1-27(e). The safeguarding of Town assets and the reliability which the Town and others can place upon its financial records is dependent upon the effectiveness of the internal control process.
 - C. The system of internal control is meant to keep the Town on course toward its mission and to minimize surprises. The system promotes efficiency, minimize risks of asset loss, helps ensure the reliability of financial information, and compliance with applicable laws, rules, and regulations.

- D. Internal control is a process; a means to an end, and not an end unto itself. The control environment is the foundation upon which all components of internal control are based. It sets the tone for Town operations. Internal control is about people, operations, communications, and the work environment. It is not about policies and forms though it takes shape through the implementation of relevant policies, procedures, and practices. Internal control can provide reasonable assurance, but no system of control can provide absolute assurance to the Council and other users of financial information.

- E. The Clerk-Treasurer shall:
 - 1. Convey periodic messages of the City's internal control philosophy and expectations to all employees;
 - 2. Evaluate the internal control system for weaknesses on a periodic basis, provide solutions to any discovered weakness, and inform employees of necessary changes in procedure;
 - 3. Report, to the Council, individuals suspected of fraud and abuse of internal control policies.

- (2) The oversight body oversees the entity's internal control system. As the fiscal body for the Town, the Council is responsible for setting the expectations for internal control, ensuring management is aware of those expectations, requiring the upward communication channels are open through all levels of management, and evaluating management's effectiveness toward monitoring the control environment and implementing sound control policies and procedures.

- (3) Management establishes an organizational structure, assigns responsibility, assigns responsibility, and delegates authority to achieve the entity's objectives.
 - A. Individuals with delegated approval authority, e.g. Elected Officials and Department Heads are responsible for establishing, maintaining, and supporting a system of internal controls within their areas of responsibility and for creating the control environment that encourages compliance with Town policies and procedures.

 - B. Adequate supervision is necessary to monitor that internal controls are operating as intended, and to help ensure the reliability of accounting and operations controls by pointing out errors, omissions, exceptions, and inconsistencies in procedures. Staff in leadership roles are responsible for the application of this policy and the design, development, implementation, and maintenance of systems of internal controls focusing on the effectiveness of operations and the safeguarding of assets within their respective areas of responsibility.

- C. All levels of management and supervision are responsible for strengthening internal controls when weaknesses are detected. Department managers should periodically review departmental procedures to ensure that the general principles of internal control are being followed.
 - D. The Clerk-Treasurer has the primary responsibility for internal control over financial reporting and compliance with applicable laws, rules, and regulations. The Clerk-Treasurer is the main source for information and assistance to staff and Department Heads on this topic and will make resources available to assist in administering this policy.
 - E. The Town Council and Department Heads are responsible for internal controls over employee recruitment, hiring, separation, promotion, job classification, employee rights, and salary administration. The Town Council and Department Heads are the sources for information and assistance on this topic and will make resources available to assist in administering this policy.
 - F. All levels of internal control are subject to examination by external auditors who are required to report on the adequacy of internal controls over finance and compliance.
 - G. Department Heads are responsible for prompt corrective action on all internal control findings and recommendations made by internal and external auditors. The audit process is completed only after Department Heads receive the audit results and take action to correct internal control weaknesses, improve systems, or demonstrate that management action is not warranted. Department Heads have the responsibility to ensure that those who report to them have adequate knowledge, skills, and abilities to function within, and contribute to, an effective internal control environment. This includes providing access to appropriate training on topics relevant to their job responsibilities.
- (4) Management demonstrates a commitment to recruit, develop, and retain competent individuals.
- A. Department Heads will be responsible for recruiting and maintaining quality employees. Prior to employment, individuals may be subject to pre-employment background screening. While employed, Town employees are entitled to a benefits package including health and disability insurance and certain other post-employment benefits. The Town will continue to assess the best recruitment tools for the different sets of skills necessary to adequately implement and maintain quality internal controls.

- B. Employees will be trained in internal controls and documented in employees' personnel files. Employees will be evaluated by their supervisors on internal controls and receive feedback on possible improvements.
- (5) Management evaluates performance and holds individuals accountable for their internal control responsibilities. Individuals are held accountable for their internal control responsibilities through operating procedures, periodic reviews, regular feedback, and progressive disciplinary policy. Additionally, the Town Council will seek to address issues in specific departments and positions through regular one-on-one with Department Heads. (Ord. 16-04, S1, June 6, 2016)

1.22.030 Risk Assessment.

- (1) Management defines objectives clearly to enable the identification of risks and risk tolerances.
- A. Through standard operating procedures and accurate reporting, management conveys and identifies objectives, missions, policies, and risk tolerances to employees. The Council will lead a risk analysis of three major areas:
 - 1. The effectiveness and efficiency of operations.
 - 2. The reliability of reporting for internal and external use.
 - 3. Compliance with applicable laws and regulations.
 - B. For each category above, management will define objectives in specific measurable terms in order to enable the design of internal control for related risk, increase understanding at all levels, assess performance, identify what is to be achieved, who is to achieve it, how it will be achieved, when it will be achieved and incorporate external requirements.
- (2) Management identifies, analyzes, and responds to risks related to achieving the defined objectives.
- A. The Council will identify, analyze and respond to the risks identified in Subsection 1 by determining:
 - 1. How likely is the risk to occur?
 - 2. How will it impact the objective?
 - 3. Is the risk based on complex or unusual transactions?

4. Is the risk based on fraud?
- B. Once each risk is identified and analyzed, the Council will work with Department Heads to determine how to respond to each risk with a specific solution and action.
- (3) Management considers the potential for fraud when identifying, analyzing, and responding to risks. Management is committed to fraud prevention by utilizing a “trust but verify” approach. The potential for fraud, misappropriation, and theft are contemplated as controls are designed for various divisions. Fraud responses will include statutorily required responses to fraud, including, but not limited to Indiana Code 5-11-1-27(I) relating to the Report of Misappropriation of Funds to State Board of Accounts and Prosecuting Attorney and Indiana Code 5-11-1-27(j) relating to the Report of Material Variances, Losses, Shortages or Thefts to the State Board of Accounts. The Town shall utilize a materiality threshold of \$100.00.
 - (4) Management identifies, analyses, and responds to significant changes that could impact the internal control system. The Town Council, Clerk-Treasurer, in coordination with Department Heads, will evaluate and adjust internal control policies in order to accommodate for the impact of future changes, including but not limited to, personnel changes, newly elected officials, new programs, new technology, new laws and regulations, and financial fluctuations. (Ord. 16-04, S2, June 6, 2016)

1.22.040 Control Activities.

- (1) Management designs control activities to achieve objectives and respond to risks.
 - A. The Town Council will establish and maintain a system of internal controls that satisfies the objectives in the following categories:
 1. Risks are identified and effectively managed.
 2. Safeguarding of Town assets.
 3. Reliability and integrity of financial information.
 4. Compliance with City policy, plans, procedures, laws and regulations.
 5. Economical and efficient use of Town resources.
 6. Meeting established objectives and goals for Town operations and programs.

- B. General internal control principles for Departments are:
1. Separation of duties, as practical
 - a. Duties are separated so that one person's work routinely serves as a check on another's work.
 - b. No one person has complete control over more than one key function or activity (e.g. authorizing, approving, certifying, disbursing, receiving, or reconciling)
 2. Authorization and approval
 - a. Transactions are approved by the person who has delegated approval authority.
 3. Custodial and security arrangements
 - a. Responsibility for physical security of Town assets is separated from recordkeeping/accounting for those assets.
 4. Timely and accurate review and reconciliation, as practical
 - a. Departmental accounting records and documents are examined by those who have sufficient understanding of the accounting system to verify that recorded transactions actually were made.
 5. The general internal control principles should be applied to all departmental operations, especially accounting records and reports, payroll, transaction approvals, equipment and supply inventories, cash receipts, petty cash, billing and accounts receivables.
- C. All systems, processes, operations, functions, and activities are subject to evaluations of internal control systems. The results of these evaluations provide information regarding the overall system of control.
- D. Information and communication, information must be timely and communicated in a manner enables people to carry out their responsibilities.
1. All required employees must be trained on Internal Controls according to Indiana Code 5-11-1-27(g).

All employees must receive a clear message that control responsibilities are to be taken seriously. Failure to comply will subject employees to the terms of disciplinary action or dismissal from employment.

2. Employees must understand their own roles in the internal control system, as well as how individual activities relate to the work of others. For example, when a new budgetary unit, financial activity, etc. is set up, the Clerk-Treasurer will provide notification to the appropriate parties of the responsibilities for good practices and appropriate financial management.
 3. The Town must communicate effectively with external parties, such as auditors, creditors, contractors, suppliers, etc.
- E. Internal control is meant to keep the Town focused while avoiding surprises. All levels of management must assess the costs, benefits, and risks when designing controls to develop a positive control environment and compensate for the risks on non-compliance, loss of assets, or unreliable reporting.
- F. The following specific internal control policies are adopted for use by the Town:
1. Payroll Activities
 - a. Salaries and wages are verified by the Business Office Manager.
 - b. Responsibilities for hiring, terminating, and approving promotions are segregated from those preparing payroll transactions.
 - c. Responsibilities for approving time sheets are segregated from those preparing payroll transactions.
 - d. Employees' time and attendance records are approved by their supervisors.
 - e. Corrections to recorded time and attendance records are approved by the employee and/or employee's supervisor.
 - f. Changes in employment status are promptly reported the Business Office Manager.
 - g. Payroll disbursements are reviewed by an individual prior to payment.

- h. Access to payroll applications are appropriately controlled by specific user logins and passwords.
- i. Payroll checks are accounted for in numerical order and reconciled to the payroll check register.
- j. Payroll checks are distributed by someone outside the normal payroll distribution function.
- k. Unclaimed payroll checks are returned to the Clerk-Treasurer via the Department Heads.
- l. An employee is cross-trained in the payroll process, in the event of the absence of the normal payroll processor.

2. Disbursement Activities

- a. The responsibility for approving claims is segregated from those preparing the claims.
- b. Checks are written by an individual other than the one approving the claim.
- c. Claims for payment are reviewed and approved by the governing body prior to payment.
- d. Vendor checks are accounted for in numerical order and reconciled to the bank statements monthly.
- e. Invoices or other receipts are attached to each claim to support the disbursement.
- f. Access to disbursements are controlled by user logins and passwords.

3. Receipting Activities

- a. The responsibility for making bank deposits is segregated from those preparing the monthly bank reconcilements.
- b. Pre-numbered receipts are issued for all money collected and the receipt is retained with supporting documentation.

- c. Posting of receipts to the ledger is completed by an individual other than the one who collects money and makes the deposit.
- d. Receipts indicate the type of payment received (cash, check, etc.) and this is reconciled to the make-up of the bank deposit.
- e. Adjustments to customer accounts are approved by the governing body.

4. Cash Activities

- a. Monthly reconcilements between the cash balance and the bank balance is reviewed and approved by the governing body.

5. Credit Card Transactions

- a. A designated employee(s) oversees the issuance and use of credit cards.
- b. A log is maintained to include the name of individual requesting the use of the credit card, reason for use of the credit card, date the card is issued and returned.
- c. A resolution specifically states the purposes for which the credit card may be used.
- d. The Clerk-Treasurer reviews transactions listed on the credit card statements for sufficient required documentation.

6. Travel, Meal and Expense Reimbursements

- a. A resolution specifically states the criteria for employee travel, meal and expense reimbursements.

(2) Management designs the political subdivision's information system and related control activities to achieve objectives and respond to risks.

A. The Town Council, Clerk-Treasurer and Department Heads will work together to ensure that information technology is used as part of the internal control system. This may include, but not limited to:

- 1. Setting permission such that only certain users may perform certain tasks.

2. Prohibiting user ID and password sharing between employees.
 3. Requiring the use of prescribed forms or the approval of alternative forms.
- (3) Management implements control activities through policies. The Town Council and/or Clerk-Treasurer provides policies and procedures, in writing, to individuals that are part of any financial or reporting process. These policies set out the expectations of the Town Council and the procedures specify the actions needed to comply with the policy. (Ord. 16-04, S3, June 6, 2016)

1.22.050 Information and Communication.

- (1) Management uses quality information to achieve the political subdivision's objectives. The Town of French Lick strives to excel in the areas of financial transparency and accountability. The Clerk-Treasurer and Department Heads attend training and job related seminars to keep informed of changes and developments in requirements and communicate that information to employees.
- (2) Management internally communicates the necessary quality information to achieve the political subdivision's objectives. Internal communications on internal controls are communicated through adoption of formal policies by the Town Council and/or relevant boards or documented through memos from the relevant Department Head.
- (3) Management externally communicates the necessary quality information to achieve the entity's objectives. Communications with the State Board of Accounts, and other state agencies are documented by email, memos, letters, and other forms of written correspondence. Notations are kept for information received verbally. Documents are maintained according to the state's record retention policies. (Ord. 16-04, S4, June 6, 2016)

1.22.060 Monitoring Activity.

- (1) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
 - A. The Town Council monitors and evaluates compliance with overall internal control policies. The Clerk-Treasurer shall monitor to include:
 1. Periodic checks to determine if controls are working effectively.
 2. Review control activities to determine if the activities are compliant with procedures.

3. If necessary, document deficiencies in the internal control process and solve quickly.
 - B. Monitoring activities will be documented by signatures or initials.
- (2) Management remediates identified internal control deficiencies on a timely basis. If informed of a breach of internal controls, the Town Council and/or Clerk-Treasurer will address and adjust policies and procedures to prevent breaches in the future. (Ord. 16-04, S5, June 6, 2016)

Chapter 1.24

DRUG-FREE WORKPLACE

Sections:

- 1.24.010 Statement to employees
- 1.24.020 Notification to Town of conviction
- 1.24.030 Notification to granting agency of conviction
- 1.24.040 Action within 30 days of receiving notice of conviction
- 1.24.050 Drug abuse assistance or rehabilitation program
- 1.24.060 Definitions
- 1.24.070 Awareness program

1.24.010 Statement to employees. That the Clerk-Treasurer of the Town of French Lick, shall publish a statement notifying municipal employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the municipal workplace of the Town of French Lick, Indiana, and that each municipal employee that is directly engaged in performance of the work of such grant be given a copy of said statement. (Ord. 97-10, S1, Nov. 3, 1997) (Ord. 92-8, S1, Dec. 7, 1992)

1.24.020 Notification to Town of conviction. That the Clerk-Treasurer shall further notify each municipal employee required to be notified by said legislation, that as a condition of employment in such grant, the employee shall abide by the terms of the statement and the employee shall further notify the Town of French Lick, as employer, of any criminal drug statute conviction occurring in the workplace no later than five (5) days after such conviction. (Ord. 97-10, S2, Nov. 3, 1997) (Ord. 92-8, S2, Dec. 7, 1992)

1.24.030 Notification to granting agency of conviction. The Town of French Lick shall notify the granting agency within ten (10) calendar days after receiving notice of a conviction from a municipal employee or otherwise receiving actual notice of such conviction. (Ord. 97-10, S3, Nov. 3, 1997) (Ord. 92-8, S3, Dec. 7, 1992)

1.24.040 Action within 30 days of receiving notice of conviction. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph (d) (2) with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including separation for his/her employment; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or Local health, law enforcement, or other appropriate agency. (Public Law 100-690 Title V, Subtitle D, 41 USC 701 et seq.) (Ord. 97-10, S4, Nov. 3, 1997)

1.24.050 Drug abuse assistance or rehabilitation program. That the Town of French Lick shall impose a sanction on, or require the satisfactory participation in a drug abuse assistance, or rehabilitation program by any employee who is so convicted, and who was engaged in performance of such grant, as set forth in Section 703 of said title. (Ord. 97-10, S5, Nov. 3, 1997) (Ord. 92-8, S4, Dec. 7, 1992)

1.24.060 Definitions. That the definitions of “drug-free workplace”, “employee”, “controlled substance”, “conviction”, “criminal drug statute” and “grantee”, as defined and set forth in 41 U.S.C.A. Section 706, shall also apply as definitions in this chapter and are incorporated herein by reference. (Ord. 97-10, S6, Nov. 3, 1997) (Ord. 92-8, S5, Dec. 7, 1992)

1.24.070 Awareness program. The grantee certifies that it will provide a drug-free workplace by establishing an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee’s policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and,
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. (Ord. 97-10, S7, Nov. 3, 1997)

Chapter 1.25

DISABILITY ASSISTANCE POLICY

Sections:

1.25.005 Provisions

1.25.010 Satisfactory Policy

1.25.020 Disability Assistance Policy adoption and approval

1.25.005 Provisions.

- (1) The Town Council of the Town of French Lick, Indiana, strives to provide access to its facilities and public meetings to all persons with disabilities; and
- (2) The municipal offices of the Town of French Lick, Indiana, are fully accessible to persons with disabilities; and
- (3) The Town of French Lick will utilize the Dual Party Relay Services provided by the local telephone company for telephone communications with persons with impaired hearing and speech; and
- (4) Any person needing additional assistance should contact the Office of the Clerk-Treasurer at the Town Hall, or the Town Council to make arrangements at least 48 hours in advance of any function by calling Area Code 812-936-4737. (Ord. 94-1, Whereas, May 2, 1994)

1.25.010 Satisfactory Policy. That the Council has determined that this policy satisfactorily addresses the need to provide access to persons with disabilities. (Ord. 94-1, S1, May 2, 1994)

1.25.020 Disability Assistance Policy adoption and approval. The Council does hereby adopt and approve this Disability Assistance Policy for the Town of French Lick, Indiana. (Ord. 94-1, S2, May 2, 1994)

Chapter 1.26

DEPUTY MARSHAL

Sections:

1.26.010 Appointment of Deputy Marshal

1.26.010 Appointment of Deputy Marshal. Be it ordained by the Board of Trustees of the Town of French Lick, of the State of Indiana, that the Marshal of said Town be and he is hereby authorized to appoint a Deputy Marshal, to serve during the pleasure of the Board and without cost to the Town of French Lick his compensation to be the fees allowed by law.

Said Deputy Marshal shall give a bond payable to the State of Indiana or to any person entitled thereto, in the penal sum of Three Hundred (300) Dollars, and shall serve one year from the date of his appointment and shall be subject to the orders of said Marshal, who may discharge him at any time. (Ord. unnumbered, May 16, 1925) (Ord. unnumbered, Oct. 1, 1917) (Ord. unnumbered, Jan. 1, 1917) (Ord. unnumbered, Jan. 17, 1916) (Ord. unnumbered, Jan. 1, 1912)

Chapter 1.27

FRENCH LICK POLICE DEPARTMENT

Sections:

- 1.27.003 Powers and duties
- 1.27.004 Responding to calls in West Baden Springs
- 1.27.010 Six months probation
- 1.27.020 Code of ethics
- 1.27.030 Applicant requirements
- 1.27.040 Temporary suspension, demotion or discharge
- 1.27.050 Standards of discipline
- 1.27.060 Separability

1.27.003 Powers and duties. The members of the police force of the Town of French Lick, Indiana, when on duty, shall devote their time and attention to the discharge of the duties of their stations, according to the laws of the State of Indiana and ordinances of the Town of French Lick, and the rules and regulations of the police department to preserve order, peace and quiet and enforce the laws and ordinances throughout the Town, all pursuant to IC #36-5-7-4. (Ord. 96-3, S1, Dec. 2, 1996) (Ord. 90-3, S1, May 21, 1990)

1.27.004 Responding to calls in West Baden Springs. Police officers of the Town of French Lick shall respond only to “emergency” calls for assistance from the Town of West Baden Springs, Indiana; “emergency” calls exist, when, upon receipt of a message, the responding officer truly believes an emergency exists and has reasonable grounds to believe that an immediate need exists for police assistance for the protection of life or property; and will include any sudden or unexpected event which creates a temporarily dangerous condition necessitating immediate or quick action for the preservation of life or property for which irreparable injury or damage might otherwise result from delay. (Ord. 96-3, S2, Dec. 2, 1996) (Ord. 90-3, S2, May 21, 1990)

1.27.010 Six months probation. All police officers hired will be on probation for a period of six months before becoming a full pledge officer. He or she can be terminated within the six month period without just cause from the Town Council as provided by Indiana law. (Ord. 96-2, S1, no date, 1996) (Ord. 85-3, SA, Apr. 1, 1985)

1.27.020 Code of ethics. The following general rules of conduct are hereby established for all members of the Department. All members of the Department shall:

- (1) Regard themselves as members of an honorable and important profession and conduct themselves accordingly.
- (2) Be mindful that they are servants of the public that elects the head of their Department and provides their salaries and other occupational benefits.

- (3) Regard their office as a public trust and serve the public courteously, efficiently, and effectively at all times.
- (4) Recognize the limits of their authority and at no time use the power of their office for personal advantage.
- (5) Not solicit or accept any gratuity of any kind or nature that might limit the effectiveness as a law enforcement officer.
- (6) Co-operate with all other agencies of the executive, legislative, and judicial branches of government for public welfare.
- (7) Be exemplary in their conduct, both public and private, and obedient to all laws of the Town, County, State, and Country.
- (8) Be loyal and courteous to all superior officers who determine their courses of action and take responsibility for same.
- (9) Add to their effectiveness as police officers by continual study and inquiry for self-improvement.
- (10) Enforce the laws and discharge all of their duties without favor or prejudice.
- (11) Must take a leave of absence before being involved with any type of political groups or declaring to run for public office.
- (12) Officer must be in **full** police dress at all times while on duty. (Includes hat.) (Ord. 96-2, S2, no date, 1996) (Ord. 85-3, SB, Apr. 1, 1985)

1.27.030 Applicant requirements. All applicants must:

- (1) Be a citizen of the United States of American.
- (2) Be over 21 years of age during the calendar year the applicant is hired.
- (3) Be a high school graduate and possess a diploma from an accredited high school, or possess a G.E.D.
- (4) Possess a valid Indiana Motor Vehicle Operators License.
- (5) Be of good reputation and character.
- (6) Have a good credit rating.
- (7) Not have been found guilty of any offense except minor traffic.

- (8) Possess an aptitude for police work.
- (9) Be of good appearance.
- (10) Have a good past work record.
- (11) Be in a good physical condition no infirmities except for defective vision that has been corrected to 20/20 with eye glasses or contact lenses.
- (12) Have resided in Orange County for one year immediately prior to date of application unless in military service with immediate prior residence for one year in the County. (Ord. 04-03, S1, Jan. 19, 2004) (Ord.96-2, S3, no date, 1996) (Ord. 85-3, SC, Apr. 1, 1985)

1.27.040 Temporary suspension, demotion or discharge. Terms “misconduct” and “cause” to temporarily suspend, demote, or discharge shall include but not be limited to the following:

- (1) Any act of malfeasance.
- (2) Nonfeasance.
- (3) Any act or demonstration of incompetence.
- (4) Any act of misconduct.
- (5) Conduct unbecoming an officer while on or off duty.
- (6) Any act detrimental to the welfare of the Department.
- (7) Any political activity of any kind or nature, including the making of any donation to any political party or candidate, except the act of voting.
- (8) Violation of any existing law.
- (9) Neglect of duty.
- (10) Violation of any Rule or Regulation of the Department.
- (11) Incapacity to perform any reasonable assignment.
- (12) Absence without leave.
- (13) Immoral conduct while on or off duty.
- (14) Failure to pay promptly all just debts.

- (15) Failure to obey promptly any lawful order of superior officer.
- (16) Failure to cooperate with fellow officers or with officers of a different Department.
- (17) Soliciting gratuities.
- (18) Accepting gratuities from anyone.
- (19) Using authority given him for personal ends.
- (20) Repeated demonstration of poor judgement.
- (21) Refusal to take lie detector test as may be ordered by the police chief or Town Council.
- (22) Knowingly becoming or remaining a member of any organization branded as un-American by the FBI.
- (23) Failure to improve his effectiveness by continual study and inquiry.
- (24) Failure to conduct his public and private life so as to be a good example of fidelity, stability, and morality.
- (25) Associating with persons of known bad repute without the authorization of a superior officer.
- (26) Drinking to excess in public while off duty.
- (27) Drinking alcoholic beverages in public while in uniform, shall result in automatic discharge.
- (28) Drinking alcoholic beverages while on duty.
- (29) Appearing for duty or working while under the influence of any intoxicating beverage or as evidenced by alcoholic beverage on breath.
- (30) Failure to acquire basic knowledge and skills of the job.
- (31) Knowingly making any false statement in any required oral or written report.
- (32) Repeated failure to turn in required reports on time.
- (33) Removing, without proper authorization, any Department reports or files.

- (34) Displaying, loaning, or giving, without proper authorization, any Department report, photograph, or document, to anyone outside the Department except members of the Town Council or other police agencies.
- (35) Attempting to intimidate any witness or attempting to influence the testimony of any witness for any reason.
- (36) Incompatibility or inability to get along with other members of the Department.
- (37) Making false statements or passing along rumors that debase any other member of the Department.
- (38) Maintaining improper attitude about the Department or conditions within the Department repeated griping, slovenly performance, slovenly appearance, or obvious continued dissatisfaction.
- (39) Repeated appearance in uniform not up to standards with shoes polished, brass polished, and uniform pressed and clean.
- (40) Officers of the Department will not engage, either directly or indirectly in any off-duty employment:
 - A. Where alcoholic beverages are sold and consumed;
 - B. At any location which is connected with unlawful activities involving the gaming or other laws of the State of Indiana; and
 - C. With, or for, anyone who is connected with the unlawful activities involving the gaming or other laws of the State of Indiana.

All officers will submit a report of their off-duty employment plans. This off-duty employment will be denied by their police chief if the circumstances of the employment are contrary to the rules and regulations or if, in his opinion, the employment would hinder the performance of the officer's official duties.

- (41) Failure to provide regular and reasonable quality and quantity of work.
- (42) Any act of cowardice.
- (43) Outside employment without prior written permission from the police chief and Town Council.
- (44) Incurring any judgement for debts incurred. (Ord. 96-2, S4, no date, 1996) (Ord. 85-3, SD, Apr. 1, 1985)

1.27.050 Standards of discipline. A member of the French Lick Police Department may be disciplined under the procedures provided by Indiana law for a violation of this Chapter by demotion, dismissal, reprimand, forfeiture, or suspension for each violation as follows:

- FIRST VIOLATION: Verbal Warning;
- SECOND VIOLATION: Written Warning;
- THIRD VIOLATION: Three (3) days off;
- FOURTH VIOLATION: Two (2) weeks off; and
- FIFTH WARNING: Hearing for Discharge. (Ord. 96-2, S5, no date, 1996)

1.27.060 Separability. Should any court of competent jurisdiction determine any provision of this Chapter to be invalid and unenforceable for any reason the remaining provisions shall remain in effect unless the effect of the remaining provisions are inconsistent with the intended effect of this Chapter. To such extent, the provisions of this Chapter shall be construed as severable. (Ord. 96-2, S6, no date, 1996)

Chapter 1.29

VEHICLE INSPECTION FEE

Sections:

1.29.010 Fees

1.29.020 Fees collected remitted to Clerk-Treasurer

1.29.030 Receipts

1.29.040 Special Vehicle Inspection Fund

1.29.050 Use of Special Vehicle Inspection Fund

1.29.010 Fees. There shall now be and is hereby established a fee or charge in the amount of five Dollars (\$ 5.00) for each inspection of any motor vehicle by a member of the police department of said Town of French Lick. Such fee/charge shall be the liability of that person requesting said inspection and shall be paid in full prior to delivery of any necessary certificate of inspection. (Ord. 89-3, S1, Oct. 2, 1989) (Ord. 86-3, S1, Mar. 17, 1986)

1.29.020 Fees collected remitted to Clerk-Treasurer. Fees/charges collected shall be remitted to the Clerk-Treasurer on a weekly basis. (Ord. 89-3, S2, Oct. 2, 1989) (Ord. 86-3, S2, Mar. 17, 1986)

1.29.030 Receipts. Police officers shall issue a receipt, General Form No. 352 for each fee collected. The Town Hall will issue an official receipt to the Police Department specifying on such receipts the number of general receipts included with deposit. (Ex: General Receipts No. 1-4, four @ \$5.00, total \$20.00). (Ord. 89-3, S3, Oct. 2, 1989)

1.29.040 Special Vehicle Inspection Fund. The Town shall receipt the inspection fees/charges into a fund entitled, "Special Vehicle Inspection Fund". (Ord. 89-3, S4, Oct. 2, 1989)

1.29.050 Use of Special Vehicle Inspection Fund. The "Special Vehicle Inspection Fund" may only be expended, after an appropriation, for law enforcement purposes. (Ord. 89-3, S5, Oct. 2, 1989)

Chapter 1.32

FIRE DEPARTMENT

Sections:

1.32.010 Contract for fire protection

1.32.020 Fire calls

1.32.010 Contract for fire protection. This agreement, made and entered into the first day of July, 1956 by and between the Board of Trustees of the Civil Town of French Lick, Indiana, party of the first part, and hereinafter called the Board and the French Lick Volunteer Fire Association, composed of the following members, viz., Fred Condra, Russell Harrison, R. M. Wininger, Robert Lane, Geo. Archer, Harry L. Brown, John Brown, Jr., Frank Love, Harry Harrison, Leon Harrison, Chas. Mason, and Everett Goodman, of French Lick, Indiana, part of the second part and hereinafter called the Fire Department, WITNESSETH: Balance of contract filed in Clerk-Treasurer's Office, properly signed by all members of the Board and Fire Department, Attested to by Geo. H. Pruett, Clerk-Treasurer, December 18, 1956. (Contract, Dec. 18, 1956)

1.32.020 Fire calls. The Fire Department of said town will not answer fire calls outside the corporation limits of the Town of French Lick, Orange County, Indiana.

Said resolution approved and adopted this the 3rd day of March, 1947. (Res. No. 1, Mar. 3, 1947)

Chapter 1.35

FRENCH LICK DEPARTMENT OF PARKS AND RECREATION

Sections:

- 1.35.010 Definitions
- 1.35.020 Department of parks and recreation; creation; transfer of property to park and recreation board
- 1.35.030 Department of parks and recreation; jurisdiction
- 1.35.040 Park board membership
- 1.35.050 Park board; initial appointments; vacancy
- 1.35.060 Park board; removal; procedure
- 1.35.070 Park board; meetings, regular, special; election of officers; quorum
- 1.35.080 Park board; compensation
- 1.35.090 Park board; duties
- 1.35.100 Park board; powers
- 1.35.110 Park board; public or private sale of personal property declared to be surplus
- 1.35.120 Superintendent of parks and recreation; appointment; qualifications; incumbents
- 1.35.130 Superintendent of parks and recreation; duties
- 1.35.140 Assistant superintendent of parks and recreation; appointment; qualifications; duties
- 1.35.150 Advisory council and special committees; composition; selection; duties; reports
- 1.35.160 Gifts, donations and subsidies; approval; disposition
- 1.35.170 Fees for particular activities; special funds; deposits; withdrawals
- 1.35.180 Park board; additional powers, duties, and requirements

1.35.010 Definitions. As used in this chapter:

“District” means the area within the jurisdiction of the department of parks and recreation. (Ord. 02-05, S1, Apr. 15, 2002)

1.35.020 Department of parks and recreation; creation; transfer of property to park and recreation board.

- (1) The Town of French Lick shall have a department of parks and recreation. The department shall consist of a park and recreation board (hereinafter the “park board”), a superintendent, and other personnel that the park and recreation board determines. (Ord. 02-05, S2(a), Apr. 15, 2002) (Ord. 67-1, S1, Apr. 17, 1967) (Ord. 4, S1, June 16, 1947)

- (2) All books, papers, documents, and other property of any former park and recreation authorities shall be transferred to and become the property of the park board. (Ord. 02-05, S2(b), Apr. 15, 2002)

1.35.030 Department of parks and recreation; jurisdiction.

Pursuant to I.C. § 36-10-2-6, the jurisdiction of the department of parks and recreation shall include all areas within four (4) miles outside the corporate boundaries of the Town of French Lick. (Ord. 02-05, S3, Apr. 15, 2002)

1.35.040 Park board membership.

- (1) The park board shall consist of four (4) members to be appointed by the President of the Town of French Lick Town Council. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than two members may be affiliated with the same political party. Members of the park board must be residents of the district. (Ord. 02-05, S4(a), Apr. 15, 2002) (Ord. 67-1, S2, Apr. 17, 1967) (Ord. 4, S2, June 16, 1947)
- (2) A member of the French Lick Town Council may not serve on the park board. (Ord. 02-05, S4(b), Apr. 15, 2002)

1.35.050 Park board; initial appointments; vacancy.

- (1) Initial appointments to the park board are as follows:
 - A. Ms. Royce Springer for a term of one (1) year.
 - B. Mr. James Wagner for a term of two (2) years.
 - C. Mr. Jay Hill for a term of three (3) years.
 - D. Mr. Matt Hollis for a term of four (4) years.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed. (Ord. 02-05, S5(a), Apr. 15, 2002) (Ord. 67-1, S3, Apr. 17, 1967) (Ord. 4, S2, June 16, 1947)

- (2) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. (Ord. 02-05, S5(b), Apr. 15, 2002)
- (3) If a vacancy on the board occurs, the French Lick Town Council shall appoint a person to serve for the remainder of the unexpired term. (Ord. 02-05, S5(c), Apr. 15, 2002)

1.35.060 Park board; removal; procedure.

A member of the park board may be removed only for the cause, upon specific written charges filed against him. The charges shall be filed with and heard by the French Lick Town Council, unless the French Lick Town Council is bringing the charges. If the French Lick Town Council is bringing the charges, the French Lick Town Council shall appoint a hearing officer to hear the charges. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. (Ord. 02-05, S6, Apr. 15, 2002)

1.35.070 Park board; meetings, regular, special; election of officers; quorum.

- (1) All meetings of the park board shall be open to the public. The park board shall fix the time and place of its regular meetings, but it shall meet at least quarterly. (Ord. 02-05, S7(a), Apr. 15, 2002)
- (2) Special meetings of the park board may be called by the president of the park board or by any two (2) members by written request to the secretary of the park board. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. 02-05, S7(b), Apr. 15, 2002)
- (3) At its first regular meeting each year the park board shall elect a president, a vice president, and a secretary. The vice president may act as president during the absence or disability of the president. The park board may select a secretary either from within or outside its membership. A secretary selected from outside the membership of the park board shall not be entitled to vote on any matters before the park board. (Ord. 02-05, S7(c), Apr. 15, 2002) (Ord. 67-1, S4, Apr. 17, 2002)
- (4) A majority of the members constitutes a quorum. Action of the park board is not official unless it is authorized by at least three (3) members present and acting. (Ord. 02-05, S7(d), Apr. 15, 2002)

1.35.080 Park board; compensation.

- (1) The members of the park board shall not receive a salary, per diem allowance, or other compensation for serving on the park board. (Ord. 02-05, S8(a), Apr. 15, 2002)
- (2) If the park board determines that members or employees should attend a state, regional, or national conference dealing with park and recreation problems, the park board may authorize the payment of the actual expenses involved in

attending the conference. However, the amount must be available as part of the park board's appropriation. (Ord. 02-05, S8(b), Apr. 15, 2002)

- (3) The French Lick Town Council shall provide suitable quarters for holding meetings and conducting the work of the park board. (Ord. 02-05, S8(c), Apr. 15, 2002)

1.35.090 Park board; duties.

- (1) The park board shall:
 - A. exercise general supervision of and make rules for the department;
 - B. establish rules governing the use of the park and recreation facilities by the public;
 - C. provide police protection for its property and activities, either by requesting assistance from state, municipal, or county police authorities, or by having specified employees deputized as police officers; the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;
 - D. appoint the necessary administrative officers of the department and fix their duties;
 - E. establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;
 - F. make recommendations and an annual report to the French Lick Town Council concerning the operation of the park board and the status of park and recreation programs in the district;
 - G. prepare and submit an annual budget in the same manner as other executive departments of the unit; and
 - H. appoint a member of the park board to serve on another kind of board or commission, whenever a statute allows a park or recreation board to do this. (Ord. 02-05, S9(a), Apr. 15, 2002) (Ord. 67-1, S5, S7, Apr. 17, 1967) (Ord. 4, S3, June 16, 1947)
- (2) The park board shall fix the compensation of officers and personnel appointed under subsections (1)D and (1)E, subject to IC 36-4-7-5 and IC 36-4-7-6. (Ord. 02-05, S9(b), Apr. 15, 2002)

1.35.100 Park board; powers.

- (1) The park board may:
 - A. enter into contracts and leases for facilities and services;
 - B. contract with persons for joint use of facilities for the operation of park and recreation programs and related services;
 - C. contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;
 - D. acquire and dispose of real and personal property, either within or outside Indiana;
 - E. exercise the power of eminent domain under statutes available to municipalities;
 - F. sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the park board;
 - G. engage in self-supporting activities as prescribed by Section 1.35.170 of this chapter;
 - H. contract for special and temporary services and for professional assistance;
 - I. delegate authority to perform ministerial acts in all cases except where final action of the park board is necessary;
 - J. prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;
 - K. sue and be sued collectively by its legal name, as the “French Lick Park and Recreation Board”, with service of process being had upon the president of the park board;
 - L. invoke any legal, equitable, or special remedy for the enforcement of I.C. § 36-10-3, this chapter, or the park board’s own action taken under either; and
 - M. release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of

another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit. (Ord. 02-05, S10(a), Apr. 15, 2002) (Ord. 67-1, S7, Apr. 17, 1967)

- (2) The park board may also lease any buildings or grounds belonging to the Town of French Lick and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1. (Ord. 02-05, S10(b), Apr. 15, 2002)
- (3) Notwithstanding subsection (2) above, the park board may lease buildings or grounds belonging to the Town of French Lick for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under IC 5-3-1 if:
 - A. the buildings or grounds are leased to an Indiana nonprofit corporation;
 - B. the buildings or grounds are operated as a public golf course; and
 - C. the golf course remains subject to rules and regulations promulgated by the park board. (Ord. 02-05, S10(c), Apr. 15, 2002)

1.35.110 Park board; public or private sale of personal property declared to be surplus.

- (1) The park board may sell, or order sold through a designated representative, by public or private sale, any personal property that the park board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of five thousand dollars (\$5,000) or less. Whenever the park board decides to sell at a private sale, the park board must employ a qualified appraiser to determine a reasonable selling price for each kind of surplus item and must publish, in a manner provided in IC 5-3-1:
 - A. the fact that a private sale will be held;
 - B. the location of the sale;
 - C. the dates of the beginning and end of the sale;
 - D. the time of day during which the sale will take place;

- E. the kinds of items to be sold at the sale; and
 - F. the price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.
- (2) If the park board decides to sell at a public sale, the park board shall conduct the sale in the manner provided by law for the French Lick Town Council. (Ord. 02-05, S11, Apr. 15, 2002)

1.35.120 Superintendent of parks and recreation; appointment; qualifications; incumbents.

- (1) The park board may appoint a superintendent of parks and recreation. The park board may not consider political affiliation in the selection of the superintendent. (Ord. 02-05, S12(a), Apr. 15, 2002)
- (2) The superintendent must:
- A. be qualified by training or experience in the field of parks and recreation; or
 - B. have a certification or an advanced degree in the field of parks and recreation. (Ord. 02-05, S12(b), Apr. 15, 2002)
- (3) An incumbent performing park and recreation functions in a supervisory capacity at the time a unit adopts a creating ordinance under this chapter is eligible for appointment as superintendent or as an assistant, but he must have the required training, experience, or certification. (Ord. 02-05, S12(c), Apr. 15, 2002)

1.35.130 Superintendent of parks and recreation; duties.

Under the direction of the park board, the superintendent shall:

- (1) propose annually a plan for the operation of the department;
- (2) administer the plan as approved by the park board;
- (3) supervise the general administration of the department;
- (4) keep the records of the department and preserve all papers and documents of the department;
- (5) recommended persons for appointment as assistants is the board determines there is a need;

- (6) appoint the employees of the department, subject to the approval of the park board, according to the standards and qualifications fixed by the park board and without regard to political affiliation;
- (7) prepare and present to the park board an annual report; and
- (8) perform other duties that the park board directs. (Ord. 02-05, S13, Apr. 15, 2002)

1.35.140 Assistant superintendent of parks and recreation; appointment; qualifications; duties.

- (1) If the park board determines that the size of the department's operation requires assistants for the superintendent, the park board may appoint, upon the recommendation of the superintendent, one (1) or more assistants. The park board shall determine their qualifications on a basis similar to that prescribed for the superintendent. (Ord. 02-05, S14(a), Apr. 15, 2002)
- (2) Assistants are directly responsible to the superintendent and shall perform the duties specified by the superintendent. (Ord. 02-05, S14(b), Apr. 15, 2002)

1.35.150 Advisory council and special committees; composition; selection; duties; reports.

- (1) The park board may create an advisory council and special committees composed of citizens interested in parks and recreation. (Ord. 02-05, S15(a), Apr. 15, 2002)
- (2) In selecting an advisory council or special committees, the park board shall give consideration to the groups in the community particularly interested in parks and recreation. In a resolution creating an advisory council or a special committee, the park board shall specify the terms of its members and the purposes for which it is created. (Ord. 02-05, S15(b), Apr. 15, 2002)
- (3) The advisory council or a special committee shall:
 - A. study the subjects and problems specified by the park board and recommend to the park board additional problems in need of study;
 - B. advise the park board concerning these subjects, particularly as they relate to different areas and groups in the community; and
 - C. upon the invitation of the park board, sit with and participate in the deliberations of the board, but without the right to vote. (Ord. 02-05, S15(c), Apr. 15, 2002)

- (4) The advisory council or a special committee shall report only to the park board and shall make inquiries and reports only in those areas specified by the park board's resolution creating the council or committee. (Ord. 02-05, S15(d), Apr. 15, 2002)

1.35.160 Gifts, donations and subsidies; approval; disposition.

- (1) The park board may accept gifts, donations, and subsidies for park and recreational purposes. However, a gift or transfer of property to the park board may not be made without its approval. (Ord. 02-05, S16(a), Apr. 15, 2002)
- (2) A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the park board for purposes specified by the grantor. The Clerk-Treasurer of the Town of French Lick may draw warrants against the fund only upon vouchers signed by the president and secretary of the park board. (Ord. 02-05, S16(b), Apr. 15, 2002) (Ord. 67-1, S6, Apr. 17, 1967)

1.35.170 Fees for particular activities; special funds; deposits; withdrawals.

- (1) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the park board may charge a reasonable fee. (Ord. 02-05, S17(a), Apr. 15, 2002)
- (2) Money received from fees or from the sale of surplus property shall be deposited in the Town of French Lick's general fund. (Ord. 02-05, S17(b), Apr. 15, 2002)
- (3) Money procured from fees or received from the sale of surplus property under Section 1.35.110 of this chapter shall be deposited at least once each month with the Clerk-Treasurer of the Town of French Lick. (Ord. 02-05, S17(c), Apr. 15, 2002)

1.35.180 Park board; additional powers, duties, and requirements.

In addition to the powers, duties, and requirements set forth in this chapter, the park board and the department of parks and recreation shall have and be subject to all powers, duties, and requirements set forth in I.C. § 36-10-3. (Ord. 02-05, S18, Apr. 15, 2002)

Chapter 1.41

AIRPORT GRANT REPAYMENT FUND

Sections:

1.41.010 Created

1.41.010 Created. The Airport Grant Repayment Fund is hereby created and shall be classified as a non-reverting capital projects fund. (Res. 05-03, Aug. 29, 2005)

Chapter 1.42

BOARD OF AVIATION COMMISSIONERS

Sections:

1.42.010 Goal to acquire land and construct, operate and maintain an airport

1.42.020 Creation of Board of Aviation Commissioners

1.42.030 Compliance with State laws

1.42.040 Number of Commissioners

1.42.010 Goal to acquire land and construct, operate and maintain an airport. That this body is in favor of the acquisition, improvement, operation or maintenance of an airport or landing field in compliance with any and all provisions of any current Acts or any Acts of the General Assembly of the State of Indiana which may be enacted. (Res. 8-21-61, S1, Aug. 21, 1961)

1.42.020 Creation of Board of Aviation Commissioners. That we hereby declare there is a need and necessity for the creation of a Board of Aviation Commissioners in the best interest and welfare of the people of this community. (Res. 8-21-61, S2, Aug. 21, 1961)

1.42.030 Compliance with State laws. That a Board of Aviation Commissioners be formed in compliance with the current Acts of the General Assembly of the State of Indiana. (Res. 8-21-61, S3, Aug. 21, 1961)

1.42.040 Number of Commissioners. The French Lick Board of Aviation Commissioners shall, pursuant to I.C. § 8-22-2-2(g) have a total of five (5) members. (Ord. 07-09, S1, Dec. 17, 2007)

Chapter 1.43

LEASING OF THE FRENCH LICK MUNICIPAL AIRPORT

Sections:

1.43.010 Authorization to lease

1.43.020 Lease limitation

1.43.030 Administration of leases

1.43.010 Authorization to lease. The Board of Aviation Commissioners of the Town of French Lick, Indiana, is hereby authorized as Lessor to let, rent, and lease, including the option to lease, a portion of the premises and facilities known as the French Lick Municipal Airport, situated in French Lick Township, Orange County, Indiana, to: (1) Sheraton, Incorporated, (2) French Lick Hangar Associates, Inc., as Lessees, on such terms and conditions as said Board of Aviation Commissioners in fact may deem proper, and to extend or renew any lease or leases now or hereinafter in effect, for such terms or term and at such rents and subject to such covenants, provisions, and conditions as said Board of Aviation Commissioners may deem best. (Ord. 91-4, S1, Sept. 3, 1991) (Ord. 75-7, S1, Oct. 20, 1975)

1.43.020 Lease limitation. Provided, however, that any lease executed pursuant to this Chapter shall not be for a period exceeding the statutory limitation of ninety-nine (99) years, and shall otherwise be subject to and comply with the provisions of the Indiana Airport Act as found in I.C. 8-22, as amended. (Ord. 91-4, S2, Sept. 3, 1991) (Ord. 75-7, S2, Oct. 20, 1975)

1.43.030 Administration of leases. The Board of Aviation Commissioners is further granted the full power to do all acts necessary for the carrying out and execution of any lease pursuant to the terms of this Chapter, together with the power to ask, demand, collect, and receive all rents and moneys, and to give receipts therefor. (Ord. 91-4, S3, Sept. 3, 1991) (Ord. 75-7, S3, Oct. 20, 1975)

Chapter 1.44

AVIATION REVOLVING GASOLINE FUND

Sections:

1.44.010 Establishment/Purpose

1.44.010 Establishment/Purpose. All aviation monies received from gasoline sales will be set aside in a fund to be known as the “Aviation Revolving Gasoline Fund”. Any and all monies received from the sales of aviation gasoline will be deposited into this “fund”. All monies from gasoline sales will be brought to the French Lick Town Hall on a timely basis and given to the Office Manager who will in turn make the appropriate deposit.

Upon the establishment and receiving of monies into this “fund”, all future gasoline purchases will be paid out of this “fund”. In addition to all gasoline purchases, all related taxes (local, state and federal) for gasoline purchases will be paid out of this “fund”.

If during the course of the calendar year, the operating balance of the Airport Operating Fund were to become negligent (in the negative) or to have a minimal operating balance to where it could create some difficulty making the appropriate payments from the established Airport Operations appropriations then there will be a transference of funds from the Aviation Revolving Gasoline Fund to the Airport Operating Fund to alleviate any negligible account balances. In addition, transference of funds from the Aviation Revolving Gasoline Fund to the Airport Operating Fund can be done to help the following:

- (1) Purchase of supplies;
- (2) Purchase of equipment;
- (3) Paying of wages/salaries of Airport personnel;
- (4) Payment of insurance;
- (5) Payment of utilities; and
- (6) Etc. (Ord. 96-10, Dec. 30, 1996)

Chapter 1.45

AVIATION LOAN REPAYMENT ACCOUNT AND AIRCRAFT HANGAR DEPRECIATION ACCOUNT

Sections:

- 1.45.005 Authority
- 1.45.010 Resolution to obtain loan, subject to approvals
- 1.45.020 Loan repayment and maintenance of hangars paid from specific revenues
- 1.45.030 “Aviation Loan Repayment Account” and “Aircraft Hangar Depreciation Account” revenue allocations
- 1.45.040 Previous Loan proceeds to be authorized under this Chapter
- 1.45.050 Effective

1.45.005 Authority. Whereas, the Indiana General Assembly has authorized Local Boards of Aviation Commissioners to borrow money from any source for the payment of the costs of airport capital improvements, including construction or improvement of revenue producing buildings or facilities located on an airport and owned and operated by the eligible entity, in accordance with I.C. 8-22-2-18 and I.C. 8-22-2-18.5 (“ACTS”);

Whereas, the Board of Aviation Commissioners of the French Lick Municipal Airport (“Board”) has determined that there is a need for aircraft hangars, which are an essential public and governmental purpose for the operation of an airport; and that the monthly rental from such hangars plus income from fuel sales and crop rentals will be sufficient to pay for the costs of constructing said hangars in a reasonable time;

Whereas, the ACTS provide that, subject to the approval of the fiscal body of the eligible entity, the BOARD may contract with any person for construction, extensions, additions, or improvements of aircraft hangars or facilities located or to be located on the airport, and that the principal and interest on the contract are exempt from taxation as provided in I.C. 6-8-5;

Whereas, the ACTS further provide that the loan contract must be approved by resolution of the BOARD and the fiscal body of the eligible entity that established the BOARD must provide for repayment of the loan in not more than forty (40) years; must state that the indebtedness is that of the BOARD, is payable solely from revenues of the BOARD that are derived from either airport operations or from revenue bonds, and may not be paid by a tax levied on property located within the district;

Whereas, the loan contract must be submitted to the state board of tax commissioners, which may approve, disapprove, or reduce the amount of the proposed loan contract. (Ord. 01-02, Whereas, June 4, 2001)

1.45.010 Resolution to obtain loan, subject to approvals. The resolution of the BOARD to obtain a loan to finance the construction of airplane hangars at the French Lick Municipal Airport, subject to the provisions of the ACTS, is approved, and the BOARD is authorized

to contract for such a loan, subject to approval of the contract by the COUNCIL. (Ord. 01-02, S1, June 4, 2001)

1.45.020 Loan repayment and maintenance of hangars paid from specific revenues.

The principal and interest for said loan, and the maintenance of the aircraft hangars, shall be paid exclusively from the revenues and receipts of the hangars, from revenues derived from fuel sales, and from one-half the revenues from crop rentals for fiscal year 2001, and from all of the revenues from crop rentals thereafter. (Ord. 01-02, S2, June 4, 2001)

1.45.030 “Aviation Loan Repayment Account” and “Aircraft Hangar Depreciation Account” revenue allocations.

The revenues received, as set out in paragraph two (1.45.020), shall be set aside in two special funds known as the “Aviation Loan Repayment Account” and the “Aircraft Hangar Depreciation Account”, with ninety percent (90%) of said revenues allocated to the Aviation Loan Repayment Account and ten percent (10%) allocated to the Aircraft Hangar Depreciation Account. (Ord. 01-02, S3, June 4, 2001)

1.45.040 Previous Loan proceeds to be authorized under this Chapter.

All amounts previously borrowed under French Lick Ordinance 98-2 and its predecessors shall be paid off using the aforementioned loan proceeds and rolled over into the loan authorized under this chapter. (Ord. 01-02, S4, June 4, 2001)

1.45.050 Effective.

This chapter shall become effective from and after the date of its adoption. Signed and Adopted June 4, 2001. (Ord. 01-02, S5, June 4, 2001)

Chapter 1.46

HOUSING AUTHORITY OF THE TOWN OF FRENCH LICK

Sections:

1.46.010 Declaration of need

1.46.020 Official name

1.46.010 Declaration of need. Pursuant to the Housing Authority Act as amended, the Board of Trustees of the Town of French Lick, Indiana, upon due notice having been given, held a public hearing whereat an opportunity to be heard was granted to all residents and tax payers of the Town of French Lick, Indiana, and to all other persons, and having considered the testimony and evidence presented at said public hearing, together with their own personal knowledge of dwelling accommodations and the need for a housing authority to function in the Town, the Board of Trustees of the Town of French Lick, Indiana, hereby finds, determines and declares, that:

- (1) Unsanitary and unsafe inhabited dwelling accommodations exist in the Town of French Lick, Indiana;
- (2) There is a shortage of safe and sanitary dwelling accommodations in the Town of French Lick, Indiana, available to persons of low income at rentals they can afford;
- (3) There is a need for a housing authority to function in the Town of French Lick, Indiana. (Res. No. 2, S1, Nov. 16, 1965)

1.46.020 Official name. The name of said housing authority shall be “Housing Authority of the Town of French Lick.” (Res. No. 2, S2, Nov. 16, 1965)

Chapter 1.47

FAIR HOUSING ORDINANCE

Sections:

- 1.47.010 Policy statement
- 1.47.020 Definitions
- 1.47.030 Unlawful practice
- 1.47.040 Discrimination in the sale or rental of housing
- 1.47.050 Discrimination in residential real estate-related transactions
- 1.47.060 Discrimination in the provision of brokerage services
- 1.47.070 Interference, coercion, or intimidation
- 1.47.080 Prevention of intimidation in Fair Housing cases
- 1.47.090 Exemptions
- 1.47.100 Administrative enforcement of Ordinance
- 1.47.120 Separability of provisions

1.47.010 Policy statement. It shall be the policy of the Town of French Lick to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. Seq. (Ord. 93-2, S1, Apr. 5, 1993)

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

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

- (5) “Discriminatory Housing Practice” means an act that is unlawful under Sections 1.47.040, 1.47.050, 1.47.060, 1.47.070 or 1.47.080 of this Chapter or I.C. 22-9.5-5.
- (6) “Handicap” means, with respect to a person:
- A. A physical or mental impairment which substantially limits one or more of such person’s major life activities,
 - B. A record of having such an impairment, or
 - C. Being regarded as having such an impairment,
 - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 - E. Any other impairment defined under I.C. 22-9.5-2-10.

The term “handicap” shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term “handicap” include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)].

- (7) “Aggrieved person” includes any person who (I.C. 22-9.5-2-2):
- A. Claims to have been injured by a discriminatory housing practice; or
 - B. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (9) “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.
- (10) “Complainant” (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 93-2, S2, Apr. 5, 1993)

1.47.030 Unlawful practice. Subject to the provisions of subsection (2) of this section, Section 1.47.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.47.040 of this Chapter shall apply to:

- (1) All dwelling except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in Section 1.47.040 shall apply to:
 - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 1. Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 2. Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.47.040(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (3) For the purposes of Subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
 - A. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

- B. He has, within the preceding twelve months, participated as agent, other than in the sale of his own person residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
- C. He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 93-2, S3, Apr. 5, 1993)

1.47.040 Discrimination in the sale or rental of housing. As made applicable by Section 1.47.030 and except as exempted by Sections 1.47.030(2) and 1.47.090, it shall be unlawful:

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

- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. That person; or
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected;
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--
 - (a) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (b) All the doors designed to allow passage into and within all premises with such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (c) All premises within such dwellings contain the following features of adaptive design:
 - i An accessible route into and through the dwelling;

- ii Light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- D. Compliance with the appropriate requirements Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph C.3(c)
- E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 93-2, S4, Apr. 5, 1993)

1.47.050 Discrimination in residential real estate-related transactions.

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- (2) As used in this section, the term “residential real estate-related transaction” means any of the following:
- A. The making or purchasing of loans or providing other financial assistance:
 - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling, or
 - 2. secured by residential real estate.
 - B. The selling, brokering, or appraising of residential real property.

Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 93-2, S5, Apr. 5, 1993)

1.47.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 93-2, S6, Apr. 5, 1993)

1.47.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.47.030, 1.47.040, 1.47.050, or 1.47.060 of this chapter. (Ord. 93-2, S7, Apr. 5, 1993)

1.47.080 Prevention of intimidation in Fair Housing cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwelling; or
- (2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - A. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a), or
 - B. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (Ord. 93-2, S8, Apr. 5, 1993)

1.47.090 Exemptions.

- (1) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Chapter (Chapter) to include those activities or organizations set forth under subsections (2) and (3) of this section.
- (2) Nothing in this chapter (chapter) shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter (chapter) prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (3)
 - A. Nothing in this chapter (chapter) regarding familial status shall apply with respect to housing or older persons.
 - B. As used in this section, “housing for older persons” means housing:
 1. Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 2. Intended for, and solely occupied by, persons 62 years of age or older; or
 3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ord. 93-2, S9, Apr. 5, 1993)

1.47.100 Administrative enforcement of Ordinance.

- (1) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the commission as set forth in subsection (2) hereof shall be vested in the Chief Executive Officer of the Town of French Lick, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of French Lick, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complaints of violation of the articles

of this chapter by complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of French Lick, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

- (3) All executive departments and agencies of the Town of French Lick, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- (4) The Chief Executive Officer of the Town of French Lick, Indiana, or the Chief Executive Officer’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ord. 93-2, S10, Apr. 5, 1993)

1.47.120 Separability of provisions. If any provision of this chapter or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 93-2, S12, Apr. 5, 1993)

Chapter 1.50

FRENCH LICK ECONOMIC DEVELOPMENT COMMISSION

Sections:

1.50.010 Created

1.50.010 Created. The Board of Trustees of the Town of French Lick, Indiana does find that a need exists for the financing of economic development. There is hereby created, pursuant to Section 3 of IC 1971, 18-6-4.5, as added by Acts of 1973 P.L. 182, and as amended and supplemented hereafter, a Department of Development which shall be under the control of a Commission to be known as “French Lick Economic Development Commission”. (Ord. 75-8, Oct. 20, 1975)

Chapter 1.52

TAX ABATEMENT

Sections:

1.52.010 Tax deduction areas identified

1.52.020 Property owner's qualifications for deductions

1.52.030 Definitions

1.52.040 Amount and time span of deductions for property owners

1.52.050 Amount and time span of deductions for manufacturing equipment

1.52.060 Applications

1.52.010 Tax deduction areas identified. The areas shown on the map labeled Exhibit 2 which is on file in the town hall, are declared "economic revitalization areas" within the meaning of Indiana Code 6-1.1-12.1-1 et. seq. (Ord. 84-4, S2.12.010, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

1.52.020 Property owner's qualifications for deductions. To encourage economic growth, redevelopment of real state and rehabilitation of structures, the owners of property located in identified economic revitalization areas, as defined in this chapter, are entitled to a deduction from the assessed value of the property for a period of ten (10) years if:

- (1) The property has been rehabilitated; or
- (2) The property is located on real estate which has been redeveloped. (Ord. 84-4, S2.12.010, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

1.52.030 Definitions.

- (1) "Economic revitalization area" means an area which is within the corporate limits of the town of French Lick, Indiana which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.
- (2) "Town" means the incorporated town of French Lick, Indiana.
- (3) "Property" means a building or structure, but does not include land.
- (4) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

- A. On unimproved real estate, or
 - B. On real estate upon which a prior existing structure is demolished to allow for a new construction.
- (5) "Rehabilitation" means the remodeling, repair or betterment of property in any manner or any enlargement or extension of property. (Ord. 84-4, S2.12.030, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

1.52.040 Amount and time span of deductions for property owners. The amount of the deduction which the property owner is entitled to receive for a particular year equals the product of:

- (1) The increase in the assessed value resulting from the rehabilitation or redevelopment, multiplied by
- (2) The percentage prescribed in the following table:

<u>YEAR OF DEDUCTION</u>	<u>PERCENTAGE</u>
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10 th	5%

A general reassessment of real property which occurs within the ten (10) year period does not affect the amount of the deduction. (Ord. 84-4, S2.12.040, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

1.52.050 Amount and time span of deductions for manufacturing equipment. Owners of new manufacturing equipment situated in the cited urban areas are entitled to a deduction from the assessed value of that equipment for a period of five (5) years. The amount of the deduction that an owner is entitled to for a particular year equals the product of:

- (1) The assessed value of new manufacturing equipment, multiplied by
- (2) The percentage prescribed in the following table:

<u>YEAR OF DEDUCTION</u>	<u>PERCENTAGE</u>
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th and thereafter	0%

(Ord. 84-4, S2.12.050, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

1.52.060 Applications. The owner of property within a designated economic revitalization area may apply to the board of town trustees for the tax deductions described in this chapter. The town will supply an application form. If the board of town trustees determines that the tax deduction is for property improvements or new manufacturing machinery:

- (1) Located in identified revitalization area, and
- (2) Meets the requirements of pertinent state statutes and this Chapter of the Municipal Code of the Town of French Lick, the application shall be approved. The property owner must then apply to the County Auditor for tax deduction using forms prescribed by the state board of tax commissioners. A form shall be prepared for structural improvements and a separate form shall be used for deductions pertaining to new tax manufacturing machinery. (Ord. 84-4, S2.12.060, Apr. 2, 1984) (Ord. 82-5, Aug. 2, 1982)

Chapter 1.53

HOTEL/LODGING TAX

Sections:

1.53.010 Purpose

1.53.020 Tax levy

1.53.010 Purpose. The Town of French Lick, Indiana, is in need of tax money to promote and encourage conventions, trade shows, special events, recreation and visitors within said municipality and the surrounding area. (Res. 91-1, Jan. 7, 1991)

1.53.020 Tax levy. That the County Council be authorized by state statute to levy a tax on every person engaged in the business of renting or furnishing for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations or any commercial hotel, tourist camp or tourist cabins located in the municipality with accommodations for more than one hundred (100) persons. The tax may be imposed at any rate up to and including three (3) percent. The tax shall be imposed upon the gross retail income derived from the lodging income only, and shall be in addition to the state gross retain tax imposed on those persons by law. Funds shall be one hundred percent (100%) dedicated for the promotion of and the advertising of the town of French Lick and French Lick Springs Resort, Indiana in any and all market areas that would promote the above as a resort destination. French Lick Springs Resort will administer the funds in accordance with the aforementioned resolution. (Res. 91-1, Jan. 7, 1991)

Chapter 1.56

FRENCH LICK REVOLVING LOAN FUND COMMISSION

Sections:

- 1.56.010 Definitions
- 1.56.020 Membership
- 1.56.030 Officers and organization
- 1.56.040 By-laws, rules and regulations, meetings
- 1.56.050 Commissioner reimbursement
- 1.56.060 Pecuniary interests
- 1.56.070 Powers and duties
- 1.56.080 Negotiations
- 1.56.090 French Lick Economic Development Commission
- 1.56.100 Noninterference

1.56.010 Definitions.

- (1) “Borrower” means a person that proposes to enter, or has entered, into a financing agreement to borrow money from the municipality for economic development purposes.
- (2) “Economic development facilities” means any facility used for commercial, tourism, manufacturing or similar purposes and which produce new or restored employment and/or income for the area, including retaining employment and/or income which is threatened with dislocation (losses).
- (3) “Financing” includes the activities listed in the section under “Powers of the Municipality” of this chapter.
- (4) “Financing agreement” means an agreement between the municipality and a borrower, user, or lender concerning the financing of, the title to, or possession of economic development facilities, and payments to the unit in respect to the financing, title, or possession.
- (5) “Lender” means any federal or state chartered bank, federal land bank, savings and loan association, building and loan association, production credit association, bank for cooperatives, or small business investment company, and includes any other institutions qualified to originate and service loans, such as an insurance company, credit union, or mortgage loan company.
- (6) “Municipality” means the Civil Town of French Lick, Indiana.
- (7) “User” means a person that has entered into a financing agreement with the municipality, a borrower or lender in contemplation of its use of the facilities referred to in the agreement. (Ord. 86-5, S1, July 21, 1986)

1.56.020 Membership. The French Lick Revolving Loan Fund Commission shall include the following:

- (1) The three members of the Board of Trustees of the Civil Town of French Lick, Indiana;
- (2) The three members of the Development Commission of the Town of French Lick (as organized pursuant to IC 36-7-12-6 and the French Lick Municipal Code of Ordinances.);
- (3) Additionally, if none of the above six members qualify as
 - A. A person with professional financing experience, or
 - B. A representative of a minority group,

The President of the Board of Trustees shall appoint as many as two more members to satisfy such requirements; and

- (4) The Orange County Commissioners shall be ex officio members of the French Lick RLF Committee and invited to participate with full voting rights in all deliberations concerning applicants with projects to be located in the unincorporated areas of Orange County. (Non-code: See attached Inter-local Agreement.)

The members of the board of trustees and the development commission shall serve only during their current elected or appointed terms. Other appointees shall continue to serve only as long as a need exists as determined by the President of the Board of Trustees under subsection “3” immediately above. (Ord. 86-5, S2, July 21, 1986)

1.56.030 Officers and organization.

- (1) The Revolving Loan Fund Commission shall meet within thirty (30) days after its original establishment at a time and place designated by the President of the Board of Trustees for the purpose of organization, and shall meet to reorganize in February of each succeeding year.
- (2) At the meeting required by Subsection 1.56.040(1), the commission shall elect one (1) of its members as president, one (1) as vice-president, and one (1) as secretary. Each officer shall serve from the date of his election until January 31 after his election, and until his successor is elected or appointed and qualified. (Ord. 86-5, S3, July 21, 1986)

1.56.040 By-laws, rules and regulations, meetings.

- (1) The commission may adopt the bylaws, rules, and regulations that it considers necessary. Regular or special meetings shall be held at times and upon notice fixed by the commission, either by resolution or in accordance with the bylaws, rules, and regulations adopted.
- (2) A majority of the members of the commission constitutes a quorum.
- (3) Actions of the commission must be approved by a majority of the members of the commission.
- (4) The records of the commission are public records; provided, however, that no data submitted by a private business borrower regarding its previous business history or similar matter will be released without the express permission and consent of the chief executive officer of that business.
- (5) The Revolving Loan Fund Plan, which is attached to this chapter, shall become the initial bylaws and plan for the Revolving Loan Fund Commission. While it may be amended or modified without amending this code, no change shall be made by the RLF Commission that has not first been reviewed and approved, as necessary, by the grantor agencies. (Ord. 86-5, S4, July 21, 1986)

1.56.050 Commissioner reimbursement. Revolving Loan Fund Commissioners are not entitled to any salary, but are entitled to:

- (1) Reimbursement for expenses necessarily incurred in the performance of their duties; and
- (2) A per diem allowance for each day he attends a commission meeting, if that allowance:
 - A. Does not exceed the per diem allowance for members of the general assembly; and
 - B. Is authorized by the fiscal body that established the commission. (Ord. 86-5, S5, July 21, 1986)

1.56.060 Pecuniary interests.

- (1) A commissioner shall disclose any pecuniary interest in any employment, financing agreement, or other contract made under this chapter before any action by the commission on it, and shall not vote on any such matter.
- (2) Notwithstanding any other law, a member of the Board of Trustees of the municipality may have a pecuniary interest in any employment, financing agreement, or other contract made under this chapter if he discloses his

pecuniary interest before any action by the Board of Trustees on it and does not vote on any such matter. (Ord. 86-5, S6, July 21, 1986)

1.56.070 Powers and duties. The French Lick Revolving Loan Fund Commission members shall serve as trustees for the establishment and operation of the revolving loan fund capitalized by public and private grants to avert economic development decline and to promote economic development in the French Lick and Orange County area. Pursuant to this task, the commission may:

- (1) Enter into loan agreements with borrowers from the revolving loan fund for both capital improvements and working capital loans;
- (2) Enter into security agreements with borrowers to insure that the revolving loan fund is protected in the event of default;
- (3) Receive, use, and/or dispose of real properties, equipment, and other assets which may be either: 1) granted or donated to the revolving loan fund, or 2) come into its possession as the result of a default of payment or through similar circumstances. In this regard, it is the intent of this chapter that every legal means, not otherwise limited by applicable laws, shall be permitted to the commission to protect the assets of the fund and to meet emergency or unusual conditions which may arise;
- (4) Issue bonds, notes, or warrants under this chapter, to accomplish the purpose of this chapter, and to secure their payment as provided in this chapter;
- (5) Charge such interest and administrative fees as permitted by the RLF plan and by the grantor agencies;
- (6) Expend funds to establish an office to administer the RLF and promote its use including staff assistance on a part-time, temporary or permanent basis, as may be consistent with the rules and regulations of the grantor agencies;
- (7) Obligate, within the framework of the RLF plan, the revolving loan fund or receivables due from such funds; provided, however, that the RLF commission is without authority to commit any other funds or assets of the Town;
- (8) Establish fiscal records and procedures to insure the orderly conduct of affairs consistent with the size and degree of complexity of revolving loan fund operations; and
- (9) Accumulate the repayment of principal and interest in: a) interest-bearing bank accounts, b) certificates of deposit, c) money market accounts, or d) other non-speculative investments (as permitted under applicable state and federal statutes) in order to earn further interest on the funds when they are not in use for economic development purposes. (Ord. 86-5, S7, July 21, 1986)

1.56.080 Negotiations. The Revolving Loan Fund Commission may enter into negotiations with one (1) or more persons concerning the terms and conditions for financing of economic development. The commission shall consider whether a proposed facility may have an adverse competitive effect on similar facilities already constructed or operating in the municipality. Preliminary expenses in connection with negotiations under this section may be paid from:

- (1) Money furnished by the proposed borrower;
- (2) Money made available by the state or federal government, or by any of their departments or agencies; or
- (3) Money of the commission's administrative budget, as specified in the plan and as permitted by the grantor agencies. (Ord. 86-5, S8, July 21, 1986)

1.56.090 French Lick Economic Development Commission. The French Lick Revolving Loan Fund Commission derives three of its members from the French Lick Economic Development Commission so that a maximum of coordination and cooperation with one another in the promotion of economic development in the French Lick area may result. However, it is the intent of this chapter that each entity is entirely separate from the other. Each operates by separate enabling legislation and each maintains separate procedures. (Ord. 86-5, S9, July 21, 1986)

1.56.100 Noninterference. The procedures, reviews, and approvals of the Revolving Loan Fund Commission shall not take precedence over or interfere with local, state, or federal regulations or procedures which are otherwise imposed or enforced. (Ord. 86-5, S10, July 21, 1986)

Chapter 1.63

O.A.S.I. SOCIAL SECURITY-OLD AGE AND SURVIVOR'S INSURANCE

Sections:

1.63.005 Preamble

1.63.010 Election of coverage

1.63.020 Positions covered

1.63.030 Title II, Section 218 of the Federal Social Security Acts and amendments incorporated herein

1.63.040 Effective when

1.63.005 Preamble. Pursuant to action taken by this Governing Body a preliminary survey was made by the State Agency of the O.A.S.I. which State Agency has reported that the estimated cost of coverage in the Old Age and Survivor's Insurance Program will be as follows:

Equal to approximately 1.65% of total salary and wages to be paid for the year 1953. (Res. No. 2, Preamble, Aug. 5, 1952)

1.63.010 Election of coverage. That the Governing Body of Town of French Lick, Orange County, French Lick, Indiana, hereby elects coverage under the Old Age and Survivors Insurance, as provided by Chapter 313, Acts of 1951. (Res. No. 2, S1, Aug. 5, 1952)

1.63.020 Positions covered. The following positions are hereby designated as those which are to be covered:

All positions not covered by an existing Retirement or Pension Plan.
(Minutes, Mar. 17, 1953)

1.63.030 Title II, Section 218 of the Federal Social Security Acts and amendments incorporated herein. For the purpose of carrying out the provisions of Title II, Section 218 of the Federal Social Security Acts and Amendments thereof the agreement entered into between the State Agency with the approval of the Governor and the Social Security Administrator is made a part of this Resolution and shall be termed as an agreement between this Political Subdivision and the State Agency and shall become a part of the agreement or modification of the agreement between the State and the Social Security Administrator. (Res. No. 2, Aug. 5, 1952)

1.63.040 Effective when. This Chapter shall be in full force and effect upon passage and approval, for all intents and purposes, except that active coverage shall begin as of the 1st day of January, 1953. (Res. No. 2, Aug. 5, 1952)

Chapter 1.65

INDIANA MAIN STREET PROGRAM

Sections:

1.65.010 Participation

1.65.010 Participation. The Town of French Lick pledges its full support and cooperation with the community in its participation with the Indiana Main Street Program, of the Indiana Department of Commerce. (Res. 89-4, Oct. 2, 1989)

Chapter 1.68

PROMOTION OF TOWN OF FRENCH LICK

Sections:

1.68.010 Budgeting for promotional expenses

1.68.020 Types of expenses incurred in promoting the Town

1.68.030 Authorization to enable these appropriations

1.68.010 Budgeting for promotional expenses. IC 36-7-2-7 allows cities and towns to promote economic development and tourism. Such statute replaced a prior law which authorized cities and towns to budget and appropriate funds from the General Fund to pay the expenses of, or to reimburse city or town officials as the case may be, for expenses incurred in promoting the best interest of the city or town. (Ord. 98-8, Whereas, Dec. 21, 1998)

1.68.020 Types of expenses incurred in promoting the Town. IC 36-7-2-7 states, “City and Town Councils are authorized to budget and appropriate funds from the General Fund of the City, or Town, to pay the expenses of or to reimburse city officials or town officials as the case may be for expenses incurred in promoting the best interest of the city or town. Such expenses may include, but not necessarily be limited to rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, expenses relating to gifts for retiring employees of the Town, and any other expenses of a civic or governmental nature deemed by the Mayor or the Town Council to be in the interest of the City or Town”. (Ord. 08-05, S1, June 16, 2008) (Ord. 98-8, Whereas, Dec. 21, 1998)

1.68.030 Authorization to enable these appropriations. Be it now resolved, that on the 21st day of December, 1998 the Town Council for the Town of French Lick, Indiana deems it to be in the best interest of the Town to pass this “enabling” Ordinance to help promote the best interest for the Town of French Lick. (Ord. 98-8, Dec. 21, 1998)

Chapter 1.69

DEPARTMENT OF TOURISM

Sections:

- 1.69.010 Definitions
- 1.69.020 Department of tourism; creation; transfer of property to tourism board
- 1.69.030 Department of tourism; jurisdiction
- 1.69.040 Tourism board membership
- 1.69.050 Tourism board; initial appointments; vacancy
- 1.69.060 Tourism board; removal; procedure
- 1.69.070 Tourism board; meetings, regular, special; election of officers; quorum
- 1.69.080 Tourism board; compensation
- 1.69.090 Tourism board; duties
- 1.69.100 Tourism board; powers
- 1.69.110 Tourism board; public or private sale of personal property declared to be surplus
- 1.69.120 Advisory council and special committees; composition; selection; duties; reports
- 1.69.130 Gifts, donations and subsidies; approval; disposition
- 1.69.140 Fees for particular activities; special funds; deposits; withdrawals
- 1.69.150 Construction of Clause and Headings
- 1.69.160 Repeal of Conflicting Ordinances
- 1.69.170 Severability Provision
- 1.69.180 Duration and Effective Date

1.69.010 Definitions. As used in this chapter:

- (1) “District” means the area within the jurisdiction of the department of tourism. (Ord. 02-03, S1, Feb. 7, 2002)

1.69.020 Department of tourism; creation; transfer of property to tourism board.

- (1) The Town of French Lick shall have a department of tourism. The department shall consist of a tourism board (hereinafter the “tourism board”) and other personnel that the tourism board determines. (Ord. 02-03, S2(a), Feb. 7, 2002)
- (2) All books, papers, documents, and other property of any former tourism authorities shall be transferred to and become the property of the tourism board. (Ord. 02-03, S2(b), Feb. 7, 2002)

1.69.030 Department of tourism; jurisdiction.

The jurisdiction of the department of tourism shall include all areas within the corporate boundaries of the Town of French Lick. (Ord. 02-03, S3, Feb. 7, 2002)

1.69.040 Tourism board membership.

- (1) The tourism board shall consist of five (5) members to be appointed by the French Lick Town Council. The members shall be appointed on the basis of their interest in and knowledge of tourism. Members of the tourism board must be residents of the district. (Ord. 12-02, S4, Apr. 2, 2012) (Ord. 02-03, S4(a), Feb. 7, 2002)
- (2) A member of the French Lick Town Council may not serve on the tourism board. (Ord. 02-03, S4(b), Feb. 7, 2002)

1.69.050 Tourism board; initial appointments; vacancy.

- (1) Initial appointments to the tourism board are as follows:
 - A. Mr. Barry Wininger for a term of two (2) years, ending January 2004.
 - B. Mr. Matt Weisensteiner for a term of three (3) years, ending January 2005.
 - C. Mr. Jeff Lane for a term of four (4) years, ending January 2006.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed. (Ord. 02-03, S5(a), Feb. 7, 2002)

- (2) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term. (Ord. 02-03, S5(b), Feb. 7, 2002)
- (3) If a vacancy on the board occurs, the French Lick Town Council shall appoint a person to serve for the remainder of the unexpired term. (Ord. 02-03, S5(c), Feb. 7, 2002)

1.69.060 Tourism board; removal; procedure.

A member of the tourism board may be removed by the French Lick Town Council without cause and without a hearing. A member may also be removed for cause, upon specific written charges filed against him by a party other than the French Lick Town Council, in which case the member shall be entitled to a hearing. The charges shall be filed with and heard by the French Lick Town Council, and the French Lick Town Council shall solely determine if removal is appropriate. The French Lick Town Council shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel. Failure of any board member to attend three (3) consecutive meetings shall constitute a prima facie case for removal. (Ord. 02-03, S6, Feb. 7, 2002)

1.69.070 Tourism board; meetings, regular, special; election of officers; quorum.

- (1) All meetings of the tourism board shall be open to the public. The tourism board shall fix the time and place of its regular meetings, but it shall meet at least quarterly. (Ord. 02-03, S7(a), Feb. 7, 2002)
- (2) Special meetings of the tourism board may be called by the president of the tourism board or by any two (2) members by written request to the secretary of the tourism board. The secretary shall send to each member, at least two (2) days before a special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice of a special meeting is not required if the time of the special meeting is fixed at a regular meeting or if all members are present at the special meeting. (Ord. 02-03, S7(b), Feb. 7, 2002)
- (3) At its first regular meeting each year the tourism board shall elect a president and a secretary. Any board member may act as president during the absence or disability of the president. The tourism board may select a secretary either from within or outside its membership. A secretary selected from outside the membership of the tourism board shall not be entitled to vote on any matters before the tourism board. (Ord. 02-03, S7(c), Feb. 7, 2002)
- (4) A majority of the members constitutes a quorum. Action of the tourism board is not official unless it is authorized by at least two (2) members present and acting. (Ord. 02-03, S7(d), Feb. 7, 2002)

1.69.080 Tourism board; compensation.

- (1) The members of the tourism board shall not receive a salary, per diem allowance, or other compensation for serving on the tourism board. (Ord. 02-03, S8(a), Feb. 7, 2002)
- (2) If the tourism board determines that members or employees should attend a state, regional, or national conference dealing with tourism issues, the tourism board may authorize the payment of the actual expenses involved in attending the conference. However, the amount must be available as part of the tourism board's appropriation. (Ord. 02-03, S8(b), Feb. 7, 2002)
- (3) The French Lick Town Council shall provide suitable quarters for holding meetings and conducting the work of the tourism board. (Ord. 02-03, S8(c), Feb. 7, 2002)

1.69.090 Tourism board; duties.

- (1) The tourism board shall:
 - A. exercise general supervision of and make rules for the department;

- B. actively promote and create tourism growth;
 - C. communicate and promote the resources and tourism attractions of the district to the public, both locally and in an appropriate market area;
 - D. appoint the necessary administrative officers of the department and fix their duties;
 - E. establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;
 - F. work with the French Lick Town Council and the local Chamber of Commerce and other relevant organizations to communicate and make suggestions for assisting tourism growth for the district and the surrounding areas;
 - G. make recommendations and an annual report to the French Lick Town Council concerning the operation of the tourism board and the status of tourism programs in the district. (Ord. 02-03, S9(a), Feb. 7, 2002)
- (2) The tourism board shall fix the compensation of officers and personnel appointed under subsections 1.69.090(1)D and 1.69.090(1)E subject to IC 36-4-7-5 and IC 36-4-7-6. (Ord. 02-03, S9(b), Feb. 7, 2002)

1.69.100 Tourism board; powers.

- (1) The tourism board, only upon final approval from the French Lick Town Council, may:
- A. enter into contracts and leases for facilities and services;
 - B. contract with persons for joint use of facilities for the operation of tourism programs and related services;
 - C. contract with another board, a unit, or a school corporation for the use of tourism facilities or services;
 - D. acquire and dispose of real and personal property, either within or outside Indiana;
 - E. exercise the power of eminent domain under statutes available to municipalities;

- F. sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the tourism board;
- G. engage in self-supporting activities as prescribed by Section 1.69.170 of this Chapter;
- H. contract for special and temporary services and for professional assistance;
- I. delegate authority to perform ministerial acts in all cases except where final action of the tourism board is necessary;
- J. prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;
- K. sue and be sued collectively by its legal name, as the “French Lick Tourism Board”, with service of process being had upon the president of the tourism board;
- L. invoke any legal, equitable, or special remedy for the enforcement of this chapter, or the tourism board’s own action.

(Ord. 02-03, S10(a), Feb. 7, 2002)

1.69.110 Tourism board; public or private sale of personal property declared to be surplus.

- (1) The tourism board may sell, or order sold through a designated representative, by public or private sale, any personal property that the tourism board has declared to be surplus at a regular or special meeting and has declared to have an aggregate appraised value of five thousand dollars (\$5,000) or less. Whenever the tourism board decides to sell at a private sale, the tourism board must employ a qualified appraiser to determine a reasonable selling price for each kind or surplus item and must publish, in the manner provided in IC 5-3-1:
 - A. the fact that a private sale will be held;
 - B. the location of the sale;
 - C. the dates of the beginning and end of the sale;
 - D. the time of day during which the sale will take place;
 - E. the kinds of items to be sold at the sale; and

- F. the price of each kind of item, which may not be less than the reasonable selling price determined by the qualified appraiser.

If the tourism board decides to sell at a public sale, the tourism board shall conduct the sale in the manner provided by law for the French Lick Town Council. (Ord. 02-03, S11, Feb. 7, 2002)

1.69.120 Advisory council and special committees; composition; selection; duties; reports.

- (1) The tourism board may create an advisory council and special committees composed of citizens interested in tourism. (Ord. 02-03, S12(a), Feb. 7, 2002)
- (2) In selecting an advisory council or special committees, the tourism board shall give consideration to the groups in the community particularly interested in tourism. In a resolution creating an advisory council or a special committee, the tourism board shall specify the terms of its members and the purposes for which it is created. (Ord. 02-03, S12(b), Feb. 7, 2002)
- (3) The advisory council or a special committee shall:
 - A. study the subjects and problems specified by the tourism board and recommend to the tourism board additional problems in need of study;
 - B. advise the tourism board concerning these subjects, particularly as they relate to different areas and groups in the community; and
 - C. upon the invitation of the tourism board, sit with and participate in the deliberations of the board, but without the right to vote. (Ord. 02-03, S12(c), Feb. 7, 2002)
- (4) The advisory council or special committee shall report only to the tourism board and shall make inquiries and reports only in those areas specified by the tourism board's resolution creating the council or committee. (Ord. 02-03, S12(d), Feb. 7, 2002)

1.69.130 Gifts, donations and subsidies; approval; disposition.

- (1) The tourism board may accept gifts, donations, and subsidies for tourism purposes. However, a gift or transfer of property to the tourism board may not be made without its approval. (Ord. 02-03, S13(a), Feb. 7, 2002)
- (2) A gift or grant of money shall be deposited in a special nonreverting fund to be available for expenditure by the tourism board for purposes specified by the grantor. The Clerk-Treasurer of the Town of French Lick may draw

warrants against the fund only upon vouchers signed by the president and secretary of the tourism board. (Ord. 02-03, S13(b), Feb. 7, 2002)

1.69.140 Fees for particular activities; special funds; deposits; withdrawals.

- (1) Tourism facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the tourism board may charge a reasonable fee. (Ord. 02-03, S14(a), Feb. 7, 2002)
- (2) Money received from fees or from the sale of surplus property shall be deposited in the Town of French Lick's general fund. (Ord. 02-03, S14(b), Feb. 7, 2002)
- (3) Money procured from fees or received from the sale of surplus property under Section 1.69.110 of this Chapter shall be deposited at least once each month with the Clerk-Treasurer of the Town of French Lick. (Ord. 02-03, S14(c), Feb. 7, 2002)

1.69.150 Construction of Clause and Headings.

The section headings appearing in this chapter have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the section to which they pertain. (Ord. 02-03, S15, Feb. 7, 2002)

1.69.160 Repeal of Conflicting Ordinances.

The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed. (Ord. 02-03, S16, Feb. 7, 2002)

1.69.170 Severability Provision.

If any part of this chapter shall be held invalid, such part be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (Ord. 02-03, S17, Feb. 7, 2002)

1.69.180 Duration and Effective Date.

The provisions set forth in this chapter shall become and remain in full force and effect and until its repeal by ordinance on the date of its passage and adoption upon its signature in the manner prescribed by I.C. § 36-5-2-10(a). (Ord. 02-03, S18, Feb. 7, 2002)

Chapter 1.72

CASINO FUND

Sections:

- 1.72.010 Establishment**
- 1.72.020 Distribution of funds**
- 1.72.030 Creation of bank account**
- 1.72.040 Duration and Effective Date**

1.72.010 Establishment. A fund will be established to accept all incoming revenues associated with the Blue Sky Casino. These revenues are to include all revenues from Adjusted Gross Revenues as set forth in the Local Development Agreement, and all revenues from the Gaming and Admissions tax from the State of Indiana which come statutorily to the Town of French Lick. (Ord. 06-06, S1, Nov. 20, 2006)

1.72.020 Distribution of funds. This fund will also serve as the vehicle to disburse said revenues. These revenues will be distributed by action of the French Lick Town council. (Ord. 06-06, S2, Nov. 20, 2006)

1.72.030 Creation of bank account. A bank account will be established, named the Town of French Lick Casino Fund, and will be held separately from all other funds and monies of the Town of French Lick. (Ord. 06-06, S3, Nov. 20, 2006)

1.72.040 Duration and Effective Date. The provisions set forth in this chapter shall become and remain in force and effect and until it is repealed by ordinance on the date of its passage and adoption upon its signature in the manner prescribed by I.C. 36-5-2-10a. (Ord. 06-06, S4, Nov. 20, 2006)

Chapter 1.73

THE CASINO EXPENSE FUND

Sections:

- 1.73.010 Establishment**
- 1.73.020 Source of funds**
- 1.73.030 Purpose**
- 1.73.040 Construction of Clause and Headings**
- 1.73.050 Repeal of Conflicting Ordinances**
- 1.73.060 Severability Provision**
- 1.73.070 Duration and Effective Date**

1.73.010 Establishment. The Town hereby establishes the “Casino Expense Fund”, the “Fund”. (Ord. 04-05, S1, Feb. 16, 2004)

1.73.020 Source of funds. The Fund shall only receive money advanced by applicants for the Orange County casino license for the purpose of paying the aforementioned expenses. (Ord. 04-05, S2, Feb. 16, 2004)

1.73.030 Purpose. Money from the Fund may be expended solely for the purpose of paying legal fees and related expenses that are billed through the Town’s law firms. (Ord. 04-05, S3, Feb. 16, 2004)

1.73.040 Construction of Clause and Headings. The section headings appearing in this chapter have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the section to which they pertain. (Ord. 04-05, S4, Feb. 16, 2004)

1.73.050 Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed. (Ord. 04-05, S5, Feb. 16, 2004)

1.73.060 Severability Provision. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (Ord. 04-05, S6, Feb. 16, 2004)

1.73.070 Duration and Effective Date. The provisions set forth in this chapter shall become and remain in full force and effect and until its repeal by ordinance on the date of its passage and adoption upon its signature in the manner prescribed by I.C. § 36-5-2-10(a).

Introduced and Filed on the 16th day of February 2004. Consideration on the First Reading Sustained a vote of 3 in favor and 0 opposed, pursuant to I.C. § 36-5-2-9.8.

Duly Passed this 16th day of February 2004, by the Town Council of the Town French Lick, Orange County, Indiana, having passed by a vote of 3 in favor and 0 opposed. (Ord. 04-05, S7, Feb. 16, 2004)

Chapter 1.76

DEPARTMENT OF REDEVELOPMENT

Sections:

1.76.010 Created

1.76.020 Board

1.76.030 Board Appointments; Terms; Oath; Bond

1.76.040 Qualifications of Board Members

1.76.050 Clerk-Treasurer to keep fund and account records

1.76.010 Created. There is hereby created the Department of Redevelopment of the Town of French Lick, Indiana (“Town”), which shall be entitled to exercise all the rights, powers, privileges and immunities accorded to such department by I.C. § 36-7-14, as amended (“Redevelopment Act”). (Ord. 03-10, S1, Dec. 30, 2003)

1.76.020 Board. Such Department of Redevelopment of the Town shall be under the control of a board of five (5) members to be known as the French Lick Redevelopment Commission. (Ord. 03-10, S2, Dec. 30, 2003)

1.76.030 Board Appointments; Terms; Oath; Bond.

- (1) There is hereby created a board to be known as the French Lick Redevelopment Commission (“Commission”). Three (3) of said Commissioners shall be appointed by the President of the Town Council (“Council President”) and two (2) shall be appointed by the Town Council of the Town. The nominations made by the Town Council shall be transmitted to the Council President in writing within ten (10) days after the final passage of this Chapter. Each Redevelopment Commissioner shall serve for one (1) year from the first day of January after his appointment and until his or her successor is appointed and has qualified, except that the original Commissioners shall serve from the from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original Commissioner and the successor shall serve for the remainder of the vacated term.
- (2) Each Redevelopment Commissioner, before beginning his or her duties, shall take and subscribe an oath of office in the form prescribed by law, to be endorsed on the certificate of his or her appointment, which shall be promptly filed with the Clerk-Treasurer of the Town.
- (3) Each Redevelopment Commissioner, before beginning his or her duties, shall execute a bond payable to the State of Indiana (“State”), with surety to be approved by the Council President. The bond must be in a penal sum of Fifteen Thousand Dollars (\$15,000.00) and must be conditioned on the faithful performance of the duties of his or her office and the accounting for

all monies and property that may come into his or her hands or under his or her control. The cost of the bond shall be paid by the special taxing district. (Ord. 03-10, S3, Dec. 30, 2003)

1.76.040 Qualifications of Board Members. Such Commissioners shall have the qualifications prescribed by the laws of the State as from time to time amended and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by Redevelopment Act, including but not limited to the following qualifications:

- (1) A Redevelopment Commissioner must be at least eighteen (18) years of age and must be a resident of the Town. If a Commissioner ceases to be qualified under this Section, he or she forfeits his or her office.
- (2) No Redevelopment Commissioner of the Town shall receive a salary; but such Redevelopment Commissioners are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.
- (3) A Redevelopment Commissioner may not have a pecuniary interest in any contract, employment, purchase or sale made under the provisions of this Chapter and the underlying statutes. However, any property required for redevelopment purposes in which a Commissioner has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this Section of this Chapter is void. (Ord. 03-10, S4, Dec. 30, 2003)

1.76.050 Clerk-Treasurer to keep fund and account records. The Clerk-Treasurer of the Town charged by law for the performance of duties in respect to the funds and accounts of the Town, shall perform the same duties with respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in the Redevelopment Act. (Ord. 03-10, S5, Dec. 30, 2003)

Chapter 1.77

REDEVELOPMENT AUTHORITY

Sections:

1.77.010 Creation

1.77.020 Redevelopment Authority

1.77.030 Severability

1.77.010 Creation. There is hereby created the French Lick Redevelopment Authority (the “**Authority**”) as a separate body corporate and politic and as an instrumentality of the Town, for the purposes and with all powers and duties now or hereafter granted to it by the Act. (Ord. 06-03, S1, Feb. 6, 2006)

1.77.020 Redevelopment Authority.

- (1) The Authority shall be under the control of a board consisting of three (3) members, who must be residents of the Town, appointed by the President of the Town Council.
- (2) A member is entitled to serve a three (3) year term. A member may be reappointed to subsequent terms.
- (3) If a vacancy occurs on the board, the President of the Town Council shall fill the vacancy by appointing a new member for the remainder of the vacated term.
- (4) A board member may be removed for cause by the President of the Town Council.
- (5) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Board.
- (6) A member may not receive a salary, and no profit or money of the Authority inures to the benefit of a member. (Ord. 06-03, S2, Feb. 6, 2006)

1.77.030 Severability. If any part of this Chapter shall be adjudged to be invalid by a Court of proper jurisdiction, it shall be conclusively presumed that the Town Council would have passed the remainder of the Ordinance without such invalid part. (Ord. 06-03, S3, Feb. 6, 2006)

Chapter 1.80

LANDFILL FUND

Sections:

1.80.040 Non-reverting

1.80.040 Non-reverting. The Town's Landfill Fund shall hereafter be a non-reverting fund.
(Ord. 06-01, Jan. 23, 2006)