

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN COUNCIL

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§ 30.01 NUMBER OF COUNCIL MEMBERS.

The voters, by ballot in May, 1994, determined that the number of the Town Council members be increased from three to five, the Town Council does hereby adopt the recommendation of the voters and does now enlarge the Town Council to five members, each being designated as a Town Council member. (Ord. 94-4, passed 7-14-94)

§ 30.02 REPRESENTATIVES AT LARGE.

(A) The three current Town Council members shall continue to be representatives of districts and shall continue to be elected at-large.

(B) The two new members shall not be a representative of any individual district, but shall be a representative at large elected by the voters at large. (Ord. 94-4, passed 7-14-94)

§ 30.03 TERMS.

(A) I.C. 3-10-6-2.5 permits the Town Council to adopt an ordinance allowing for staggered terms of the Town Council members.

(B) The two at-large members shall be elected at the next municipal election and shall be elected for a three-year term beginning on January 1, 1996; and the successor at-large members of the Town Council and thereafter for four-year terms.

(C) The three members representing individual districts shall be elected for a term of four years beginning at noon on January 1, 1996.

(D) Pursuant to I.C. 3-13-9-4, the current sitting Town Council shall fill the two at-large seats to be effective January 1, 1995. Those two at-large members shall complete a term from January 1, 1995 until January 31, 1995.

(Ord. 94-4, passed 7-14-94; Am. Ord. 2001-3, passed 9-14-01)

§ 30.04 FINAL APPROVAL.

The Town Council reserves the right to provide the final approval of the hiring of any employee which may be deemed an employee of the town for any purpose, or which person, though employed by another entity, is permanently officed on any premises owned by the town. The necessity of this approval process is due to the liability which the town incurs as a result of the hiring of that individual or the officing of that individual on town property.

(Res. 96-27, passed 11-11-96)

§ 30.05 TWO READINGS OF ORDINANCE REQUIRED.

(A) All ordinances brought before the Town Council must have two readings which must occur at two different meetings of the Council, and no vote shall be taken on any ordinance at its first reading, except:

(1) Upon unanimous consent vote of the entire Town Council to consider an ordinance; or

(2) Upon majority vote of Town Council to consider ordinances which require urgent and immediate action to protect the health, safety and welfare of the town's citizens or property; or

(3) Upon consideration of zoning ordinances or amendments to zoning ordinances under I.C. 36-7-4.

(B) The first reading of an ordinance shall be its introduction by a Council member by motion and seconded by another Council member.

(C) Unless otherwise required by Indiana law, upon introduction of an ordinance and upon its first and second readings, a sponsor of that ordinance or, in the absence of a sponsor and if agreed to by a majority of the Council members present at the meeting, any Council member shall at his or her option read the entire ordinance or provide a summary description of it.

(D) A unanimous vote shall be defined as all members present and voting in the affirmative.

(E) Resolutions and motions by the Town Council may be passed by a simple majority vote in the affirmative at the same meeting of as such resolutions and motions are introduced.

(F) Ordinances by the Town Council require a majority vote of the entire Town Council except in the case of ordinances considered under division (A)(1).

(Ord. 2005-16, passed 7-19-05)

CHAPTER 31: PUBLIC SAFETY

Section

31.01 Approval of All Care Program

§ 31.01 APPROVAL OF ALL CARE PROGRAM.

The Town Council hereby approves the All Care Program of Hendricks County Ambulance Service, Inc. for the purposes of complying with I.C. 16-31-5-1 only.
(Ord. 26-91, passed 6-13-91)

CHAPTER 32: FINANCE

Section

Selection of Consultants on Contracts Involving Federal Participation

- 32.01 Purpose
- 32.02 Necessity for use of, authorization for, consultant
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- 32.04 Request for proposals
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Capital Asset Policy

- 32.20 General information
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- 32.47 Documentation of claims
- 32.48 Town Council review

***SELECTION OF CONSULTANTS ON CONTRACTS INVOLVING
FEDERAL PARTICIPATION***

§ 32.01 PURPOSE.

It is the purpose of this chapter to prescribe the procedures of the Town Council applicable to the retaining of consultants on contracts involving federal participation so that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation. (Res. 93-4, passed 8-12-93)

§ 32.02 NECESSITY FOR USE OF, AUTHORIZATION FOR, CONSULTANT.

(A) The services of a consultant may be requested for a project where:

- (1) The in-house capabilities of the Council are insufficient to accomplish the project within the desirable time; or
- (2) The complexity or nature of the project requires specialized expertise; or
- (3) It is more economical to engage such services; or
- (4) It is otherwise in the public interest.

(B) When determined at a regular meeting of the Council that consulting services be used, the minutes shall show that the Council has decided to use the services of a consultant. (Res. 93-4, passed 8-12-93)

§ 32.03 RECORD OF CONSULTANTS.

(A) The Secretary for the Council will maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of their firm.

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

(C) The record of listing of consultants will include the firm previously and currently satisfactorily employed by the town, and all MBE/WBE firms known to the INDOT. The tabulation should produce a listing of four to eight firms for each type of work.
(Res. 93-4, passed 8-12-93)

§ 32.04 REQUEST FOR PROPOSALS.

(A) Prior to the consultant selection, the Council will prepare a notice of projects for which consultant proposals are being requested. The listing is to provide the necessary project data for preparation of consultant proposals.

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

(C) The listing is to be posted in the Town Hall in Pittsboro, Indiana.

(D) Also by regular mail, the notice will be sent to all firms that have met the requirements outlined in § 32.03 of these procedures, and which have requested in writing that notices covering specific types of projects be sent to them with the firm's request being renewed annually.

(Res. 93-4, passed 8-12-93)

§ 32.05 SUBMITTAL OF PROPOSALS.

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

(A) Description of the proposed project; and

(B) Description of anticipated work elements; and

(C) Proposed staffing for the work including designation of project manager;

(D) Proposed schedule of work; and

(E) Information concerning current overhead rate as prepared by a C.P.A. or registered accountant or as approved by the INDOT.

(Res. 93-4, passed 8-12-93)

§ 32.06 SELECTION OF CONSULTANTS.

(A) The selection of consultants for specific projects will be made by majority decision of the Council.

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

(C) The minutes of the Council meeting will note the reasons for selection of the recommended consultant.

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

(E) In those instances where FHPM 1-7-2 requires pre-award audit evaluation on selected consultants which are expected to exceed \$50,000, said financial review will be made by the Council in conjunction with the Indiana Department of Transportation, Division of Accounting and Control.
(Res. 93-4, passed 8-12-93)

§ 32.07 NEGOTIATIONS FOR CONTRACT.

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

(B) If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the Council or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken.
(Res. 93-4, passed 8-12-93)

§ 32.08 EXCEPTIONS TO PROCEDURE.

Where a project is considered of any emergency nature, or where the scope of work is relatively small, or where consultant's fee for the work will be less than \$10,000, or when the specialized qualifications of a particular consultant appear needed for accomplishment of the work, or when non-competitive negotiations are authorized by the Federal Highway Administration, a consultant may be selected with any necessary concurrence by the Indiana Department of Transportation and the Federal Highway Administration's Division Office, and only that firm requested to immediately submit a consultant proposal for the project.
(Res. 93-4, passed 8-12-93)

§ 32.09 NOTICE TO PROCEED WITH WORK.

When federal and state approvals have been received on the contract along with “authorization to proceed,” a written notice to proceed with the work will be given to the consultant by the Council. No compensation will be made for work undertaken prior to such notice to proceed.

(Res. 93-4, passed 8-12-93)

CAPITAL ASSET POLICY**§ 32.20 GENERAL INFORMATION.**

This policy is effective _____, 2005. This policy will be referred to as the capital asset policy. This policy is instituted to establish the minimum dollar value of capital assets reported on the town’s financial statements. (See Attachment A to Res. 2005-13 which is incorporated herein by reference). The revision is related to the implementation of the new reporting model, Governmental Standards Accounting Board Statement 34. The new reporting model will require the town to depreciate certain capital assets.

(Res. 2005-13, passed 7-19-05)

§ 32.21 DEFINITIONS OF CAPITAL ASSETS.

(A) Capital assets include: land, easements, right-of-ways, land improvements, buildings, building improvements, construction in progress, machinery and equipment, vehicles, infrastructure, works of art and monuments. Land, easements, right-of-ways and land improvements will be capitalized but not depreciated. Other capital assets with a useful life of more than one year shall be capitalized and depreciated (including acquisitions by lease-purchase agreements and donated items). See Attachment A to Res. 2005-13 which is incorporated herein by reference.

(B) A capital asset meeting this criteria will be reported in the government-wide financial statements. Assets that are not capitalized are expensed in the year of acquisition. For accountability and safeguarding of assets, an inventory will be kept on all items costing less than the threshold(s) (as defined in Attachment A to Res. 2005-13) but more than \$5,000, which will be classified as non-capitalized assets.

(Res. 2005-13, passed 7-19-05)

§ 32.22 VALUATION OF CAPITAL ASSETS.

Capital assets should be recorded at actual cost. Normally the cost recorded is the purchase price or construction costs of the asset, but also included is any other reasonable and necessary costs incurred

to place the asset in its intended location and intended use that can be directly related to the asset. Donated or contributed assets should be recorded at their fair market value on the date donated or acquired.

(Res. 2005-13, passed 7-19-05)

§ 32.23 ASSET DEFINITIONS BY MAJOR CATEGORY.

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

(A) *Land, easements and right-of-ways.* Specified land, easements, right-of-ways, lots, parcels or acreage owned by the town and its various departments, boards or authorities, regardless of the method or date of acquisition.

(B) *Improvements other than buildings.* Examples of town assets which are to be inventoried but are other than buildings include walks, parking areas and drives, fences, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items. Examples of utility assets, which are to be inventoried but are other than buildings, include water supply mains, collection sewers, wells, fences, intake pipes, manholes, and fire hydrants.

(C) *Buildings.*

(1) All structures designed and erected to house equipment, services, or functions are considered buildings. This includes systems, services, and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such appurtenances, which serve a town building.

(2) Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, sprinkler systems, alarm systems, sound systems, and surveillance systems, passenger and freight elevators, escalators, built-in casework, walk-in coolers and freezers, fixed shelving, and other owned fixed equipment are included with the building. Communications antennas and/or towers are not included as buildings. These are parts of the equipment units that they serve.

(D) *Equipment.* Equipment includes all other types of physical property within the scope of the capital asset policy not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, sanitation and park department equipment, laboratory equipment, dogs, horses, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, text equipment, civil defense equipment, data processing equipment, and zoo wildlife. All supplies are excluded.

(E) *Infrastructure.*

(1) Infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital assets and are normally stationary in nature. Examples include roads, bridges, sidewalks, streetlights, traffic signals, street signs, drainage systems, and water systems. Infrastructure assets can include structures directly related to the infrastructure. Examples also include rest area facilities and road maintenance structures such as shops and garages associated with a highway system, and water-pumping buildings associated with water systems.

(2) The historical reporting requirement of GASB 34 allows the town to only include items put into use from 1980 forward. Procedures for the infrastructure reporting (prior to January 1, 2002) are detailed in Attachment B to Res. 2005-13 which is incorporated herein by reference.

(Res. 2005-13, passed 7-19-05)

§ 32.24 ASSET TRANSFERS AND DISPOSITIONS.

(A) Property should not be transferred, turned in for auction, or disposed of without prior approval of the appropriate department head. A Capital Asset Notification Form (attached to Res. 2005-13 and incorporated by reference herein) shall be sent to the Fiscal Officer (e.g. Town Clerk-Treasurer) in all cases. Invoices for new purchases will not be paid unless the Capital Asset Notification Form is attached. Deletions for any reason must be reported to the Fiscal Officer or his/her designee.

(B) Transfers are defined as any movement of an asset by virtue of change in location, either by account, department, building, floor, or room. If an asset is stolen, the department head should ensure that a police report is promptly filed and that the police report be forwarded to the Fiscal Officer along with the Capital Asset Notification Form.

(Res. 2005-13, passed 7-19-05)

§ 32.25 PERIODIC INVENTORIES.

Each department as near as practical to year-end will conduct a physical inventory of capital assets. The Fiscal Officer will provide a list of the inventory on file, which will be sent to each department before each year-end. The department heads will then compare physical observations of assets to the listing noting whether the assets exists, the location if not apparent otherwise, and other relevant factors. If the condition of an asset has deteriorated to the point its useful life has been impaired, that fact should be noted. Assets that are observed during the physical inventory which are not on the inventory list should be noted. Omission of assets included on the inventory list should also be noted, and the reasons for such omissions should be documented to the extent possible. Department heads will be accountable

for the capital asset inventory charged to their department. The physical inventory sheet and related documentation will be forwarded to the Fiscal Officer when requested. The Fiscal Officer will compare the results of the physical inventory to the capital asset records and make necessary adjustments to the capital assets.

(Res. 2005-13, passed 7-19-05)

MATERIALITY AND PROCESS FOR REPORTING MATERIAL ITEMS

§ 32.35 MATERIALITY AND REPORTING PROCESS.

(A) All erroneous or irregular variances, losses, shortages, or thefts of the Town of Pittsboro funds or property, or funds or property the Town Pittsboro holds in trust, shall be promptly reported to the Town of Pittsboro fiscal officer or his or her designee. Pursuant to I.C. 36-5-6-2, the Town of Pittsboro fiscal officer is the Clerk Treasurer.

(B) The fiscal officer shall report to the State Board of Accounts any erroneous or irregular variances, losses, shortages of cash items in excess of \$100, except for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the Town of Pittsboro.

(C) The fiscal officer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses or shortages of non-cash items in excess of and estimated market value of \$1,000, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the Town of Pittsboro, and casualty losses.

(D) The fiscal officer shall promptly report to the State Board of Accounts any incidents of fraud, theft of misuse.

(E) All elected officials, employees and agents of the Town of Pittsboro are directed to comply with this section.

(Ord. 2016-9, passed 10-18-16)

PAYMENT OF CLAIMS

§ 32.45 AUTHORITY FOR ADVANCED PAYMENT OF CLAIMS.

The Clerk-Treasurer of the town and/or his/her designee shall have the authority to make claim payments in advance of approval from the Town Council for the following types of expenses:

- (A) Property or services purchased or leased from:
 - (1) The United States government; or
 - (2) An agency or political subdivision of the United States government.
- (B) License fees or permit fees.
- (C) Insurance premiums.
- (D) Utility payments or utility connection charges.
- (E) Federal grant programs if:
 - (1) Advance funding is not prohibited; and
 - (2) The contracting party provides sufficient security for the amount advanced.
- (F) Grants of state funds authorized by statute.
- (G) Maintenance agreements or service agreements.
- (H) Lease agreements or rental agreements.
- (I) Principal and interest payments on bonds,
- (J) Payroll.
- (K) State, federal or county taxes.
- (L) Expenses that must be paid because of emergency circumstances.
- (M) Expenses described in an ordinance.
(Ord. 2018-13, passed 9-18-18)

§ 32.46 EXPENSES DESCRIBED IN ORDINANCE.

The Clerk-Treasurer of the town and/or his/her designee shall additionally have the authority to make claim payments in advance of approval from the Town Council for the following expenses:

- (A) Credit card payments.

(B) Line of credit payments.

(C) Payments to vendors for routine parts and supplies.

(D) Payments for clerical and administrative supplies.

(E) Payments for gasoline and vehicle maintenance services and supplies.

(Ord. 2018-13, passed 9-18-18)

§ 32.47 DOCUMENTATION OF CLAIMS.

The Clerk-Treasurer shall ensure that each payment of expenses paid in advance of Town Council approval shall be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer.

(Ord. 2018-13, passed 9-18-18)

§ 32.48 TOWN COUNCIL REVIEW.

The Town Council shall review and allow a claim at its next regular or special meeting following such claim's pre-approved payment.

(Ord. 2018-13, passed 9-18-18)

CHAPTER 33: FUNDS

Section

- 33.01 Cumulative Electric Utility Depreciation and Cash Reserve Fund
- 33.02 Cumulative Gas Utility Depreciation and Cash Reserve Fund
- 33.03 Cumulative Water Utility Depreciation and Cash Reserve Fund
- 33.04 Police Administration Fund
- 33.05 (Reserved)
- 33.06 Non-reverting fund for permit fees
- 33.07 Riverboat Wagering Tax Revenue Sharing Fund
- 33.08 Rainy Day Fund
- 33.09 Cumulative Street Fund
- 33.10 Police Department Gift Fund
- 33.11 Parks Department Gift Fund
- 33.12 Non-reverting operating fund for park purposes
- 33.13 Cumulative Capital Development Fund
- 33.14 LOIT Special Distribution Fund

Cross-reference:

Park and Recreational Fund, see § 154.09

Special Non-Reverting Parks Capital Fund, see § 93.16

Storm Water Revenue Fund, see § 53.56

Unsafe Building Fund, see § 92.09

§ 33.01 CUMULATIVE ELECTRIC UTILITY DEPRECIATION AND CASH RESERVE FUND.

The Cumulative Electric Utility Depreciation Fund and Electric Utility Cash Reserve Fund are hereby established upon the books and records of the town, all as provided for by law and as set forth in the resolutions establishing said cumulative funds which resolutions are now adopted and made a part hereof by reference, the same as if set out at length herein.

(Ord. passed 6-20-68)

§ 33.02 CUMULATIVE GAS UTILITY DEPRECIATION AND CASH RESERVE FUND.

The Cumulative Gas Utility Depreciation Fund and Gas Utility Cash Reserve Fund are hereby established upon the books and records of the town, all as provided for by law and as set forth in the resolutions establishing said cumulative funds which resolutions are now adopted and made a part hereof by reference, the same as if set out at length herein.

(Ord. passed 6-20-68)

§ 33.03 CUMULATIVE WATER UTILITY DEPRECIATION AND CASH RESERVE FUND.

The Cumulative Water Utility Depreciation Fund and Water Utility Cash Reserve Fund are hereby established upon the books and records of the town, all as provided for by law and as set forth in the resolutions establishing said cumulative funds which resolutions are now adopted and made a part hereof by reference, the same as if set out at length herein.

(Ord. passed 8-28-72)

§ 33.04 POLICE ADMINISTRATION FUND.

(A) *Creation; administration.* The Town Council hereby creates a Police Administration Fund to be held, administered and maintained by the Town Marshal without appropriation in accordance with the provisions, limitations, and conditions of this section. The monies deposited in the Police Administration Fund shall not be commingled with, nor shall become a part of the general fund of the town.

(B) *Source of funds.* The source of funds deposited into the fund shall be both funds from the public sale of seized property sold in accordance with Indiana law, funds derived from any cash seized, funds derived from the sale of seized property disposed of in accordance with United States statutes and agency policy, and funds and fees for accident reports, gun permits, hand gun licenses, and any other miscellaneous charges of the Town Marshal's office.

(C) *Authorized expenditures.* Authorized expenditures from the funds shall be utilized solely for law enforcement purposes and may include, without limiting the generality of the foregoing, such things as:

- (1) Purchase of vehicles and equipment for law enforcement functions.
- (2) Payment of unbudgeted salaries, expenses, and overtime for law enforcement personnel.
- (3) Purchase of computer hardware and software for the law enforcement functions.
- (4) Payment of training expenses for law enforcement personnel.
- (5) Use as reward money or expenses of undercover operations.
- (6) Use to make purchases in undercover investigations.
- (7) Costs associated with construction, remodeling, and furnishing operational and administration facilities for law enforcement functions.

(8) Costs associated with public education of law enforcement subjects.

(D) *Expenditure authorization.* Expenditures from the fund shall be made only by the Town Marshal with written approval of the Town Council members with oversight responsibility for the Town Marshal's office.

(E) *Non-reverting fund.* All monies held in the Police Administration Fund shall be non-reverting and there shall be no reversion of any of the monies in this fund into the general fund of the town. (Res. 88-5, passed 8-11-88; Am. Ord. 97-10, passed 10-12-97)

§ 33.05 (RESERVED)

§ 33.06 NON-REVERTING FUND FOR PERMIT FEES.

(A) The town hereby creates the Building and Development Non-Reverting Fund. The fund shall be funded through deposit of the fees charged for the below listed permits of applications collected pursuant to the Official Fee Schedule for the town as amended from time to time:

- (1) Annexation petition;
- (2) Zoning petitions;
- (3) Subdivision plats;
- (4) Planned development;
- (5) Site plans for non-subdivided developments;
- (6) Residential building permits;
- (7) Commercial/industrial permits;
- (8) Moving or changing building location;
- (9) Swimming pools; and
- (10) Tents and awning permits and other temporary structures.

(B) All sums collected or charged by the town for any of the above referenced items on or after January 1, 1997, shall be deposited into this fund. Any sums deposited in the fund shall be maintained in the fund and may be invested from time to time as allowed by law, and shall be used for the following purposes:

- (1) Building inspector fees and expenses;
- (2) Engineering fees associated with development projects;
- (3) Supervisory fees associated with any development or building projects;
- (4) Town employee costs allocated to time spent by town employees on any development or building projects;
- (5) Expenses associated with future planning, comprehensive planning, and other development planning;
- (6) Costs and expenses of the Plan Commission; and
- (7) Costs and expenses of the Board of Zoning Appeals.

(C) All funds left in this fund at year end and not used for any of the defined purposes shall be held in the fund until the fund is terminated by ordinance of the Town Council. This fund shall remain in place until terminated by specific town ordinance, and any amounts remaining in the fund upon termination shall be placed in the town's general fund.
(Ord. 97-1, passed 2-10-97)

§ 33.07 RIVERBOAT WAGERING TAX REVENUE SHARING FUND.

The Riverboat Wagering Tax Revenue Sharing Fund is established in accordance with and for the purposes set forth under I.C. 4-33-13-5(e).
(Res. 2003-8, passed 8-12-03)

§ 33.08 RAINY DAY FUND.

(A) There is hereby established a Rainy Day Fund to receive transfers of unused and unencumbered funds under I.C. 36-1-8-5.1.

(B) Not more than 10% of any fiscal year's total budget shall be transferred into the Rainy Day Fund.

(C) Pursuant to Public Law 267-2003, portions received must be deposited in a Rainy Day Fund established under I.C. 36-1-8-5.1.

(D) The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money.

(E) The Town Council hereby intends to utilize its decision-making power regarding fiscal affairs and set priorities for allocation and expenditure of the Rainy Day Fund as deemed necessary to best serve the residents of the town.

(Res. 2004-2, passed 2-10-04)

§ 33.09 CUMULATIVE STREET FUND.

The Cumulative Street Fund is established in accordance with and for the purposes set forth under I.C. 36-9-16.5 et seq.

(Res. 2003-5, passed 5-13-03)

§ 33.10 POLICE DEPARTMENT GIFT FUND.

(A) There is established a gift fund account to be designated as the Pittsboro Police Department Gift Fund.

(B) Donations may be accepted and receipted into the fund and distributed according to the procedures contained in divisions (C), (D) and (E) below.

(C) Money collected for this fund shall be deposited by the Clerk-Treasurer into a separate account to be known as the Pittsboro Police Department Gift Fund and may thereafter be expended at the discretion of the Board of Police Commissioners, or their designee, without appropriation, for any purpose reasonably related to the management and operation of the Police Department.

(D) In the event a donor makes a dedicated gift to the Police Department Gift Fund to be used for a specific purpose, the Board of Police Commissioners shall use such gift for the purpose specified by the donor.

(E) Donations into the gift fund established by this section may only be accepted from persons in their individual capacities and not from business organizations and corporations, excluding, however, not-for-profit organizations or service groups, or from any person who in any capacity during a 12-month period prior to making a gift has attempted to sell or has sold, by bid or otherwise, any commodity or service to the town or any agency thereof, including the Police Department. No person

or business entity may make a gift to the gift fund if such donor has a current uncompleted contract to provide any commodity or service to the town or any agency thereof, including the Police Department. (Ord. 2005-4, passed 1-11-05)

§ 33.11 PARKS DEPARTMENT GIFT FUND.

(A) There is established a gift fund account to be designated as the Pittsboro Parks Department Gift Fund.

(B) Donations may be accepted and receipted into the fund and distributed according to the procedures contained in divisions (C), (D) and (E) below.

(C) Money collected for this fund shall be deposited by the Clerk-Treasurer into a separate account to be known as the Pittsboro Parks Department Gift Fund and may thereafter be expended at the discretion of the Town Council, or its designee, without appropriation, for any purpose reasonably related to the management and operation of the Parks Department.

(D) In the event a donor makes a dedicated gift to the Parks Department Gift Fund to be used for a specific purpose, the Town Council shall use such gift for the purpose specified by the donor.

(E) Donations into the gift fund established by this section may be accepted from persons in their individual capacities and business organizations and corporations, excluding any person or organization which, in any capacity during a 12-month period prior to making a gift, has attempted to sell or has sold, by bid or otherwise, any commodity or service to the town or any agency thereof, including the Pittsboro Parks Department. No person or business entity may make a gift to the gift fund if such donor has a current uncompleted contract to provide any commodity or service to the town or any agency thereof, including the Parks Department.

(Ord. 2005-5, passed 1-11-05)

§ 33.12 NON-REVERTING OPERATING FUND FOR PARK PURPOSES.

(A) There is hereby established a special non-reverting operating fund for park purposes pursuant to I.C. 36-10-3-22(b)(1) for the Town of Pittsboro Board of Parks and Recreation (“the Parks Board”). The expenditures from such fund shall be authorized, by resolution, by the Board and disbursed only on approved claims by the Parks Board and signed by the President and Secretary of the Parks Board.

(1) The following expenditures may be made from said fund: management, maintenance, materials and other expenses related to self-supporting activities sponsored by the Town of Pittsboro Parks Board.

(2) The following deposits may be made into said fund:

(a) Fees collected for trips, classes, leagues and similar activities sponsored by the Parks Board and the Department of Parks and Recreation.

(b) Fees from golf courses, swimming pools, concession sales, rides, shelter and table rental, sports fields, and other major facilities managed by the Department of Parks and Recreation, other than those fees designated for deposit in the parks special non-reverting capital fund.

(B) Procedures for all expenditures from the non-reverting operating fund shall conform to all existing state and local statutes and in accordance with all current rules, policies and regulations as established by the Parks Board and Town Council. Expenditures from the non-reverting operating fund shall be made upon resolution of the Park Board.

(C) Any appropriation made to establish and maintain the non-reverting operating fund shall revert to the designated fund only, unless a statute provides otherwise.
(Ord. 2005-6, passed 2-15-05)

§ 33.13 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is established a cumulative capital development fund for all uses as set out in I.C. 36-9-15.5.

(B) The Town Council will adhere to the provisions of I.C. 36-9-15.5. The proposed fund will not exceed:

(1) \$0.0167 per \$100 of assessed valuation beginning with taxes payable in 2014;

(2) \$0.0333 per \$100 of assessed valuation beginning with taxes payable in 2015; and

(3) \$0.0500 per \$100 of assessed valuation beginning with taxes payable in 2016 and thereafter, continuing until reduced or rescinded.

(Ord. 2012-5, passed 5-15-12; Am. Ord. 2013-6, passed 6-18-13)

§ 33.14 LOIT SPECIAL DISTRIBUTION FUND.

A need now exists for the establishment of LOIT Special Distribution Fund for the purpose of maintaining local roads and streets. The sources of funding for the newly established fund may include LOIT distribution and any other funding source not specifically prohibited by law. This Fund shall be subject to the same appropriation process as other municipal funds.

(Ord. 2016-06, passed 6-21-16)

CHAPTER 34: PERSONNEL POLICIES

Section

- 34.01 Vacation leave
- 34.02 Employee sick pay
- 34.03 Employee handbook
- 34.04 Drug and alcohol testing policy
- 34.05 Police Department Rules and Regulations
- 34.06 Anti-nepotism policy

§ 34.01 VACATION LEAVE.

(A) For employees with two or more years of service, the amount of vacation which the employee becomes entitled to is determined by the employee's length of service as of his or her anniversary date. For full-time employees, vacation accrues as follows:

<i>Length of Continuous Service</i>	<i>Amount of Vacation Time</i>
Less than two years	one half day per month (max. 5 days)
More than 2 years but less than 5 years	80 hours
5 years to 15 years	120 hours
Over 15 years	160 hours

(B) As of January 1 each year, vacation leave will accrue and you will become eligible for your vacation leave. Your supervisor must approve your request for vacation leave. You should submit your written request for vacation to your supervisor at least four weeks in advance. If more than one employee request the same vacation leave, and at least one of those employees are critical to the operation of the town's business, the senior employee will be given first choice of vacation leave. An employee may will be assessed a minimum of four hours for any vacation leave. All vacation leave must be used in the calendar year it accrues and may not be carried over into the following year. There will be no payout for unused vacation leave.

(C) In the event an employee leaves the employ of the town, payment of accrued but unused vacation will be made as follows:

(1) Any employee who is separated from employment due to layoffs, mutually satisfactory releases, retirements, Town Council initiated "special separations", or death, will be paid 100% of accrued vacation leave irrespective of the date of separation;

(2) Any employee who is separated from employment due to unsatisfactory employer/employee relationship shall forfeit his or her accrued vacation leave; and

(3) All other employees who is separated from employment for a reason other than as provided for in divisions (C)(1) and (2) of this section shall be paid accrued vacation leave according to the following table:

<i>Effective Date of Separation</i>		<i>% of Vacation Entitlement</i>
<i>On or After</i>	<i>But Prior To</i>	
Jan. 1	March 31	25%
March 31	June 30	50%
June 30	Sept. 30	75%
Sept. 30	Dec. 31	100%

(Ord. 20, passed 1-9-91; Am. Ord. 96-3, passed 3-25-96; Am. Ord. 2001-1, passed 6-12-01; Am. Ord. 2010-8, passed 9-21-10)

§ 34.02 EMPLOYEE SICK PAY.

(A) The town recognizes that an employee's inability to work because of illness or injury may cause economic hardship. For this reason, the town provides paid sick days to full-time employees and are provided for that employee's own illness and/or injury. Sick time is accrued as provided in division (B).

(B) Eligible employees may accrue sick days at the rate of one-half day per month during the first year of employment, to a maximum of five days per calendar year. After the first year of employment, the employee shall be entitled to five paid sick days per calendar year, without regard to the time of year the illness or injury occurs. Unused sick days may be accumulated and carried over up to a maximum of five days per calendar year. In no event shall the total sick days during any calendar year exceed ten and sick days may not be carried over beyond the following calendar year. Sick days may be used as they are earned, following the town's regular call-in policy. Any more than two consecutive days of absence due to illness must be supported by a doctor's statement. Employees are not entitled to be paid for earned, but unused sick days.

(Ord. 20, passed 1-9-91; Am. Ord. 2001-1, passed 6-12-01)

§ 34.03 EMPLOYEE HANDBOOK.

An employee handbook is approved by the town and is hereby adopted by reference, and shall be distributed to each current and new employee of the town.

(Res. 2001-3, passed 6-12-01; Am. Res. 2004-11, passed 8-10-04; Am. Res. 2008-8, passed 11-18-08; Am. Res. 2012-1, passed 7-17-12; Am. Res. 2015-11, passed 11-17-15; Am. Res. 2016-9, passed 10-18-16; Am. Res. 2018-01, passed 1-16-18)

§ 34.04 DRUG AND ALCOHOL TESTING POLICY.

The Town Council hereby approves the drug and alcohol testing policy for all town employees, which is hereby incorporated by reference.

(Res. 2003-12, passed 12-9-03)

§ 34.05 POLICE DEPARTMENT RULES AND REGULATIONS.

The Rules and Regulations of the Police Department are adopted as an addendum to the Employee Handbook. The addendum is hereby approved and adopted by reference, and shall be distributed to all law enforcement employees.

(Res. 2006-01, passed 1-17-06; Am. Res. 2006-6, passed 11-21-06; Am. Res. 2013-01, passed 2-19-13)

§ 34.06 ANTI-NEPOTISM POLICY.

(A) *Policy summary.* It shall be the policy of the Town of Pittsboro (“town”) to take all reasonable steps to identify and prevent violations of I.C. 36-1-20.2 *et seq.* (nepotism) and I.C. 36-1-21 *et seq.* (contracting with a unit). In order to carry out such policy, the town hereby adopts the following specific policy for identifying violations of I.C. 36-1-20.2 *et seq.* and 36-1-21 *et seq.*

(B) *Policy rationale.* Under I.C. 36-1-20.2 *et seq.* and 36-1-21 *et seq.*, the town is required to adopt a policy meeting the minimum requirements of such sections no later than July 1, 2012.

(C) *Identification of violations of the anti-nepotism policy.*

(1) The town shall maintain records which accurately reflect the direct line of supervision of each employee of the town and maintain record of and a description of familial relationships defined as “relatives” pursuant to I.C. 36-1-20.2 *et seq.* with respect to employees employed by the town on July 1, 2012.

(2) Effective July 1, 2012, the town shall require each new employee read, complete, and sign the Verification of Applicant for Employment of Compliance with Town of Pittsboro Anti-Nepotism Policy, attached to the ordinance codified herein, and shall require employees to immediately notify the town of any change in information recorded on such form during their employment with the town.

(3) Effective July 1, 2012, prior to the time the town enters into a contract or renewal of a contract for goods or services or a contract for public works, the individual or business entity with whom the town is contracting must certify to the town that the individual, business, or anyone with an ownership interest in the business, is not a relative of a Town Council member, as defined by this policy and I.C. 36-1-21 *et seq.*

(D) *Incorporation of I.C. 36-1-20.2 et seq. and 36-1-21 et seq.* The town hereby incorporates the minimum requirements provisions of I.C. 36-1-20.2 *et seq.* and 36-1-21 *et seq.*, including all future supplements and amendments thereto which become law from time to time, and make them a part hereof as if fully set out herein. In addition, a copy of I.C. 36-1-20.2 *et seq.* and 36-1-21 *et seq.*, as in effect on July 1, 2012, are attached hereto for convenience.

(E) *Compliance by elected and appointed officials and employees.*

(1) No single member of the Town Council may act for the body to make work assignments, provide for or adjust compensation, act on in any way grievances, advancement or performance evaluations without prior authority of a majority (as provided and defined by Indiana law) of the Town Council. Neither may a member of the Town Council without such authority be in the direct line of supervision of any employee.

(2) 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 section and shall demonstrate compliance with the same. Each elected official shall annually, by December 31 of each year, certify in writing, subject to the penalties for perjury, and on the form attached, that the officer has not violated this section, I.C. 36-1-20.2 *et seq.* or 36-1-21 *et seq.*

(3) Failure to abide by or cooperate with the implementation, compliance and certifications required by this section is a violation of I.C. 36-1-20.2 *et seq.* or 36-1-21 *et seq.* 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 the mandated certifications of this section may be subject to action allowed by law.

(F) *Implementation.*

(1) This section shall be implemented in the following manner:

(a) A copy of the ordinance codified herein in its entirety and the attachments thereto, including this policy, shall be posted at the town's offices where similar employment posters or other notices to employees are located.

(b) A copy of the ordinance codified herein in its entirety and the attachments thereto, including this policy, shall be provided to each of the town's employees and elected and appointed officials.

(c) A copy of the ordinance codified herein in its entirety and the attachments thereto, including this policy, shall be made available at the Office of the Clerk-Treasurer of the town for public inspection.

(d) Any other such action(s) that would communicate the policies established herein to the employees and elected or appointed officials of the town may be taken to implement this policy.

(2) This policy is deemed implemented by the town upon the taking of any of the above actions.

(G) *Definitions.* Terms used in this section shall have the definitions as appear in I.C. 36-1-20.2 *et seq.* or 36-1-21 *et seq.*, which are incorporated herein by reference.
(Ord. 2012-8, passed 6-19-12)

CHAPTER 35: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

Town Utility Board

35.01 Policies, rules and procedures

Fire Board

35.10 Regulations

Department of Redevelopment

35.20 Department established; purpose

35.21 Commission established; membership

35.22 Special taxing district

Board of Metropolitan Police Commissioners

35.30 Establishment of the Board of Metropolitan Police Commissioners

35.31 Membership of the Board

35.32 Powers and duties of the Board

35.33 Salary of Board Members

Department of Economic Development and Economic Development Commission

35.45 Department of Economic Development established

Cross-reference:

Impact Fee Review Board, see § 154.16

TOWN UTILITY BOARD

§ 35.01 POLICIES, RULES AND PROCEDURES.

(A) *Members.* The Town Utility Board (hereinafter referred to as the “Board”) shall be composed of five members, one of which shall be a Town Council member. Board members shall be appointed by the Town Council.

(B) *Composition.* The board shall consist of residents of the town who are at least 18 or more years of age and who are competent to serve in such capacity. The board shall, upon its initial organizational meeting, elect, by a majority of the members, the following officers:

- (1) Chair of the Board (who shall preside over the regularly scheduled meetings of the board);
- (2) Vice-Chair of the Board (who shall preside over the regularly scheduled meetings of the board in the absence of the Chair); and
- (3) Secretary of the Board (who shall have minutes of the meetings transcribed, publish notices, and keep records of matters relating to the board).

(C) *Term length.* The length of the term served by each board member shall be four years, which may coincide with the term of the Town Council. Initial terms shall be staggered so that no more than one board member's term expire in any given year. The terms of the officers shall be for one calendar year or less so that such terms shall expire on December 31 of the year in which their individual election took place. Officers may be re-elected to the same office.

(D) *Vacancy.* In the event of the resignation of a member, or if a member is removed for cause, or a member is no longer able to serve as a board member, the Town Council shall appoint a new member to serve the remainder of that board member's term.

(E) *Removal for cause.* A member can be removed by the Town Council for cause. Cause shall be defined on the following grounds:

- (1) Failure to attend scheduled meetings on a routine basis;
- (2) Being disruptive in a board meeting;
- (3) Moving outside the town limits;
- (4) Being negligent or failing to perform in a regular capacity as a board member;
- (5) Having a conflict in interest and failing to disclose such conflict as required by law; and
- (6) Failure to operate the utility in a profitable manner for the good and benefit of the residents of the town.

(F) *Duties; responsibilities.* The board shall meet from time to time at a designated time and date to determine matters relating to utility rates, review of contracts relative to the utilities, and the determination of vendors, contractors and suppliers necessary for the town-owned utilities. The board may purchase by contract gas, electric or any other commodity or service for the purpose of furnishing the commodity or service to the patrons of any town-owned utility or to the town itself. Inasmuch as

it is the desire to operate the utility with the same degree of efficiency found in a normal private enterprise business, the utility board shall have the responsibility and authority to make and implement decisions pertinent to all business transactions necessary for the successful operation of the utilities, e.g. establish and operate within the established budget perimeters, develop plan/procedures for the operations of the utilities.

(G) *Notice.* The Town Council, by notice, shall advise the board that there are agenda items regarding the utility rates and any requests for a change or establishment of utility rates. The board will schedule a public meeting within 14 days after notice is provided. The board may continue the meeting from time to time upon a showing that an additional date is necessary to establish sufficient information for a finding.

(H) *Meetings.* Upon convening the public meeting, there shall be an agenda to be followed. Such agenda will include a reading of the minutes of a prior scheduled meeting and such minutes will be submitted for approval and a brief announcement of the agenda items to be addressed therein. As the agenda items are brought before the board, the board may consider such information as is necessary to determine the appropriate and fair utility rates for each town-owned utility. Such information may be provided from several different sources. These sources shall include:

- (1) Clerk-Treasurer;
- (2) Town Council member(s);
- (3) Town Utility Manager;
- (4) Accountant for the utility;
- (5) Utility engineer;
- (6) Utility rate payers (as designated);
- (7) Interested parties (as designated); or
- (8) Reports, documents and exhibits.

(I) *Procedure.* The board will designate an appropriate number of witnesses to determine and assist it in its specific findings regarding utility rates. After hearing evidence and reviewing the exhibits from witnesses, the board shall close the hearing portion with regard to a particular issue and then shall discuss, in an open meeting, the various factors regarding the utility rates. After due discussions are held, the Chair shall call for a motion to be made with regard to any request for a utility rate change or establishment. The board will then vote on the motion to determine the rate establishment or change.

(J) *Certification.* The board will certify any ruling and/or finding in a manner similar to the following:

The Pittsboro Utility Board, having met in a public meeting on the ___ day of _____, _____, does hereby certify that said Board recommends to the Pittsboro Town Council that:

(1) The _____ (name of utility rate to be established) shall be established at: _____ (designated rate per usage).

Dated this _____ day of _____, _____.

Attested:

Secretary, Utility Board

Chair, Utility Board

(K) *Town Council.* The Town Council shall, upon receipt of such recommendation, place the same upon the agenda for the next scheduled Town Council meeting for discussion and action, where appropriate.

(L) *Changes.* In the absence of a “clear emergency”, utility rates shall not be changed or established more than twice annually.

(M) *Rules and regulations.* The board shall, from time to time, establish such rules and regulations necessary to enable it to hold, regulate, promulgate, and administer the meetings and to make findings. Such rules and regulations are subject to approval by the Town Council.

(N) *Compensation.* Members of the board shall be paid a sum determined by ordinance for their participation at each scheduled meeting, payable quarterly.
(Ord. 97-3, passed 4-14-97; Am. Ord. 98-15, passed 10-12-98)

FIRE BOARD

§ 35.10 REGULATIONS.

(A) *Generally.* A five person Fire Board shall be appointed to serve as a board of directors to the Fire Department. Two members shall be appointed by the Middle Township Trustee, two members by the Town Council and one member by the Fire Department. Fire Board terms of office shall be for a period of three years except initial terms shall be such as to assure staggered terms of office.

(B) *Duties.* The duties of the Fire Board include, but are not limited to, the following:

- (1) Review the annual Fire Department budget and recommend its approval or disapproval.
- (2) Review and approve Fire Department recommendations for hiring salaried employees before such persons are hired.
- (3) Approve in advance any expenditures, emergency or otherwise, not previously budgeted.
- (4) Establish such accounting and auditing procedures that it deems necessary.
- (5) Engage with the Fire Department in a formal planning process to anticipate fire protection needs two to five years in the future.

(C) *Meetings.* Fire Board meetings shall be public with proper advance notice. Minutes of all Fire Board meetings shall be provided to the town, the Township and the Fire Department.

(D) *Fire Department and Fire Chief.* The Fire Department shall establish qualifications for membership and, with the concurrence of the Fire Board, shall elect a Fire Chief from its membership to be its chief executive officer. The Fire Chief shall appoint other officers as provided by the Fire Department by-laws. Salaried Fire Department employees shall report to the Fire Chief. The Fire Chief, in his capacity as chief executive officer of the Fire Department, shall report to the Fire Board. The Fire Chief or acting chief is in complete charge of operations at the scene of any emergency where the Fire Department is called. The Fire Chief shall have full responsibility and decision making authority regarding the handling of such emergency.

(E) *Equipment and building.* Certain fire apparatus and related equipment is owned respectively by the town and by the Township. The Fire Department shall have exclusive right to use and control all such apparatus and equipment and is responsible for its care, maintenance, testing and operation. The Fire Department shall have exclusive right to use the fire station owned by the town. The Fire Department shall pay for utilities, telephone and insurance as well as for routine maintenance.

(F) *Funding.* All taxing powers and authority for the establishment of the regular fire protection funds, as well as any capital and equipment funds (except those funds and amounts required to satisfy existing debt obligations of the town with respect to fire protection equipment) shall be transferred to the Middle Township Trustee, with the budget for fire protection services to be established by the Fire Board.

(G) *Future services.* All future fire protection services to be provided to the residents of the town shall be provided without contract between the town and Middle Township, and shall be provided to the residents of the town as residents also of Middle Township.

(H) *Fire Protection Agreement approved.* The Fire Protection Agreement is hereby approved. Copies are available for public inspection during normal business hours in the office of the Clerk. (Ord. 98-7, passed 4-13-98; Am. Ord. 98-11, passed 4-27-98; Am. Ord. 2002-3, passed 1-8-02)

DEPARTMENT OF REDEVELOPMENT

§ 35.20 DEPARTMENT ESTABLISHED; PURPOSE.

The Town Council now deems it to be in the best interest of the town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the town by establishing a Department of Redevelopment. The Town Council hereby establishes the Department of Redevelopment.

(Ord. 2003-3, passed 11-11-03)

§ 35.21 COMMISSION ESTABLISHED; MEMBERSHIP.

(A) The Department will be controlled by a board of five members known as the Pittsboro Redevelopment Commission.

(B) The President of the Town Council shall appoint three of the five members of the Commission. (Ord. 2003-3, passed 11-11-03)

§ 35.22 SPECIAL TAXING DISTRICT.

(A) Pursuant to I.C. 36-7-14 and 36-7-25 (the “Act”), all of the territory within the corporate boundaries of the town will be a special taxing district to be known as the Pittsboro Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in the Act.

(B) The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefitted by the redevelopment and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 2003-3, passed 11-11-03)

BOARD OF METROPOLITAN POLICE COMMISSIONERS**§ 35.30 ESTABLISHMENT OF THE BOARD OF METROPOLITAN POLICE COMMISSIONERS.**

The Town Council of the Town of Pittsboro, Hendricks County, Indiana hereby establishes a town board of metropolitan police commissioners, which shall be known as the “Pittsboro Town Board of Metropolitan Police Commissioners (the “Board”), effective immediately. (Ord. 2015-01, passed 3-17-15)

§ 35.31 MEMBERSHIP OF THE BOARD.

(A) *General provisions.*

(1) The Board established in § 35.30 shall consist of five members, each of whom shall be appointed by the Town Council.

(2) Not more than three members of the Board may be members of the same political party.

(3) Each member of the Board must be a resident of the Town of Pittsboro.

(4) Except as provided in division (B) of this section regarding the appointment and expiration of term for each initial member of the Board, the term of each Board member shall expire January 1 of the third year after the member's appointment; provided, however, that when a member of the Board is removed or resigns from the Board prior to the expiration of his or her term, the term of the member appointed to fill the resulting vacancy shall expire when the departing member's term would have expired had he or she not been removed or resigned.

(5) The Town Council may not appoint a police officer employed by the Town of Pittsboro to serve on the Board.

(6) No member of the Town Council shall serve as a member of the Board during such member's term of office on the Town Council.

(7) Before performing any function of a member of the Board, each appointee shall take and subscribe an oath or affirmation of office before the Clerk of the Hendricks County Circuit Court.

(8) Before performing any function of a member of the Board, each appointee shall take and subscribe an oath or affirmation before the Clerk of the Hendricks County Court that, in each appointment or removal made by the Board to or from the Pittsboro Police Department, the appointee will not appoint or remove a member of the Pittsboro Police Department because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person to serve as a member of the Department.

(9) Each member of the Board shall give bond in the penal sum of \$5,000 payable to the State of Indiana and conditioned upon the faithful and honest discharge of the member's duties. The Town Council must approve each Board member's bond.

(B) Initial membership of the Board.

(1) The Town Council hereby appoints:

Shellie Fetzner;

William Hueber;

Doug Joiner;

Landon Karst; and

Nathan Lien as the initial members of the Board.

(2) The term of office for each Board member shall be staggered and shall expire as follows:

<i>Board Member</i>	<i>Term Expiration Date</i>
Shellie Fetzner	January 1, 2018
Landon Karst	January 1, 2018
William Hueber	January 1, 2017
Doug Joiner	January 1, 2017
Nathan Lien	January 1, 2016

(Ord. 2015-01, passed 3-17-15)

§ 35.32 POWERS AND DUTIES OF THE BOARD.

The Police Commission shall be charged with the following powers and duties.

(A) Appoint, subject to the qualifications for employment determined by the Police Commission and approved by the Town Council, one person to serve as the police chief and as many persons as necessary to serve in the Police Department of the Town, subject to a maximum one-year probationary employment period.

(B) To recommend, for final determination by the Town Council, the compensation to be paid to the members of the Police Department in amounts which are deemed to be just and reasonable.

(C) To assure that all persons appointed are of good moral character and serve only during good behavior, reside within the county in which the Town is located, reside within 15 miles of the corporate boundaries of the town, have adequate means of transportation into the Town, and maintain residential telephone service with the town.

(D) To act as a Safety Board for the town for purposes of suspension, demotion or dismissal of any member of the Police Department as prescribed by I.C. 36-8-3-4.

(E) To make general and special rules for the government and discipline of the Police Department.

(F) To make general and special orders to the police through the police chief.

(G) To establish such policies, rules and budgets as are necessary for the town to pay for the care of a full-time paid police officer who suffers an injury or contracts illness during the performance of the police officer's duties which are to be paid from the town's general fund.

(H) To remove an officer from the position of police chief when the Board, in its discretion, determines that such removal is in the best interest of the town of Pittsboro and the Town of Pittsboro Police Department.

(Ord. 2015-01, passed 3-17-15; Am. Ord. 2015-10, passed 11-17-15)

§ 35.33 SALARY OF BOARD MEMBERS.

Each member of the Board shall receive compensation equal to \$ 480 per year, payable monthly from the town's treasury.

(Ord. 2015-01, passed 3-17-15)

***DEPARTMENT OF ECONOMIC DEVELOPMENT
AND ECONOMIC DEVELOPMENT COMMISSION***

§ 35.45 DEPARTMENT OF ECONOMIC DEVELOPMENT ESTABLISHED.

(A) The Town Council hereby establishes a department of economic development, to be controlled by a commission known as the "Pittsboro Economic Development Commission."

(B) Any officer of the town is hereby authorized and directed, for and on behalf of the town, to execute and deliver any instrument or take any other action as such officer determines to be necessary or desirable to accomplish the purposes of this section, such determination to be conclusively evidenced by such officer's having executed such instrument or having taken such action, and any such officer's having executed and delivered any such instrument or having taken any such action is hereby ratified and approved.

(Ord. 2018-8, passed 5-15-18)

CHAPTER 36: PURCHASING

Section

- 36.01 Purpose
- 36.02 Definitions
- 36.03 Purchase requisitions
- 36.04 Purchase of supplies
- 36.05 Purchase of services
- 36.06 Public works
- 36.07 Purchase orders
- 36.08 Credit card use

§ 36.01 PURPOSE.

It is the purpose of this chapter to prescribe the procedures of the Town of Pittsboro (“the town”), its offices, departments, boards and agencies to be followed when purchasing supplies, services and public works projects using public funds.

(Ord. 2005-2, passed 1-11-05)

§ 36.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INVITATION FOR BIDS. All documents, whether attached or incorporated by reference, used for soliciting bids.

OFFER. A response to a solicitation and includes a bid, proposal, and quote.

OFFEROR. A person that submits an offer to the town or its offices, departments, boards and agencies.

PERSON. Includes an association, a business, a committee, a corporation, a fiduciary, an individual, a joint stock company, a joint venture, a limited liability company, a partnership, a sole proprietorship, a trust, or another legal entity, organization, or group of individuals.

PUBLIC FUNDS. Money:

- (1) Derived from the revenue sources of the governmental body; and
- (2) Deposited into the general or a special fund of the town.

PURCHASE. Includes buy, procure, rent, lease, or otherwise acquire. The term includes the following activities:

- (1) Description of requirements;
- (2) Solicitation or selection of sources;
- (3) Preparation and award of contract;
- (4) All phases of contract administration; and
- (5) All functions that pertain to purchasing.

PURCHASING AGENT. An individual authorized by resolution of the Town Council to act as an agent for the town in the administration of the purchasing duties.

REQUEST FOR PROPOSALS or **RFP.** All documents, whether attached or incorporated by reference, used for soliciting proposals.

SERVICES. The furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

SOLICITATION. The procedure by which a governmental body invites persons to submit an offer to enter into a contract with the governmental body for the purchase or sale of supplies by the governmental body. The term includes an invitation for bids, a request for proposals, and a request for quotes.

SPECIAL PURCHASE. Refers to a purchase authorized under I.C. 5-22-10.

SPECIFICATION. A description of the physical or functional characteristics of a supply or service or the nature of a supply or service. The term includes a description of any requirements for inspecting, testing, or preparing a supply or service for delivery.

SUPPLIES. Any property. The term includes equipment, goods, and materials. The term does not include an interest in real property.
(Ord. 2005-2, passed 1-11-05)

§ 36.03 PURCHASE REQUISITIONS.

(A) *Requisitions.* Any employee wishing to purchase any supply, service or public work shall submit a purchase requisition, in the form approved by the Town Council from time to time, to the department head for his or her office, department, board or agency.

(B) *Approvals.* The department head shall check the budget appropriation balance for the respective office, department, board or agency before approving the purchase. No item shall be purchased unless funds are available in the department's budget for such item. The department head shall sign his or her approval to a purchase requisition and submit the approved purchase requisition to the department's purchasing agent for procurement. All purchases are subject to the approval requirements set forth in division (C) below.

(C) Each purchasing agent is required to obtain prior approval from the Town Council for all purchases exceeding such dollar amount as the Town Council shall designate for such purchasing agent by resolution from time to time, or in the absence of such a resolution, the sum of \$5,000.
(Ord. 2005-2, passed 1-11-05)

§ 36.04 PURCHASE OF SUPPLIES.

(A) *Scope; artificial division.* The procedures described in this § 35.04 shall be followed for the procurement of supplies by the town and its departments, offices, boards and agencies. Purchase requirements and/or requisitions may not be artificially divided so as to constitute small purchases under divisions (B) and (C) below.

(B) *Purchases below \$25,000.* A purchasing agent may make a purchase of supplies for items costing in the aggregate less than \$25,000 without obtaining competitive bids or multiple written quotations.

(C) *Purchases between \$25,000 and \$75,000.* If a purchasing agent expects a purchase to be at least \$25,000 and not more than \$75,000, the purchasing agent must invite written quotations from at least three persons known to deal in the lines or classes of supplies being purchased. The purchasing agent shall mail an invitation to quote to such persons at least seven days before the time fixed for receiving quotes. If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract or purchase order to the lowest responsible and responsive offerer for each line or class of supplies required. The purchasing agent may reject all quotes. If the purchasing agent does not receive a quote from a responsible and responsive offerer, the purchasing agent may purchase the supplies under I. C. 5-22-10-10.

(D) *Purchases over \$75,000.* If the purchasing agent expects a purchase to be more than \$75,000, the purchasing agent must issue an invitation for bids and award a contract or purchase order in accordance with I.C. 5-22-7, as it may be amended or superseded from time to time.

(E) *Requests for proposal.* When a purchasing agent makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the town, the purchasing agent may award a contract or purchase order using the procedures provided in I.C. 5-22-9, as it may be amended or superceded from time to time.

(Ord. 2005-2, passed 1-11-05)

§ 36.05 PURCHASE OF SERVICES.

(A) *Services; artificial division.* The procedures described in this section shall be followed for the procurement of services by the town and its departments, offices, boards and agencies. Purchase requirements and/or requisitions may not be artificially divided so as to constitute small purchases under division (B) below.

(B) *Purchases below \$25,000.* A purchasing agent may make a purchase of services costing in the aggregate less than \$25,000 without obtaining competitive bids or multiple written quotations and without issuing a request for proposal.

(C) *Purchases over \$25,000.* If the purchasing agent expects a purchase of services to be more than \$25,000, the purchasing agent must issue a request for proposals in accordance with I.C. 5-22-9, as it may be amended or superceded from time to time. If the purchasing agent receives a satisfactory response, the purchasing agent shall award a contract or purchase order to the responsible offerer whose proposal is determined to be the most advantageous to the town, taking into consideration price and the other evaluation factors set forth in the request for proposals. The purchasing agent may reject all responses.

(Ord. 2005-2, passed 1-11-05)

§ 36.06 PUBLIC WORKS.

If a public work is to be procured, the purchasing agent shall comply with the provisions of I.C. 36-1-12, as it may be amended or superceded from time to time.

(Ord. 2005-2, passed 1-11-05)

§ 36.07 PURCHASE ORDERS.

(A) *Forms.* The Clerk-Treasurer shall keep a supply of pre-numbered purchase orders in the form approved by the Town Council from time to time (i.e. State Board of Accounts General Form 98). The Clerk-Treasurer shall issue to each purchasing agent, as needed, a supply of pre-numbered purchase orders.

(B) *Log.* Each purchasing agent shall keep and maintain a log of purchase order numbers issued to him or her and the status of each such purchase order.

(C) *Content.* Upon complying with the provisions of §§ 36.03 through 36.06, the purchasing agent shall complete and issue a purchase order to a successful vendor or offerer. The purchase order shall be fully completed and shall identify the following:

- (1) Name and address of vendor;
- (2) Terms of payment;
- (3) Issue date of purchase order;
- (4) Expected date of delivery;
- (5) Complete descriptions of the items being purchased and the quantity thereof;
- (6) Firm price of purchased items;
- (7) Name and address of the department making the purchase;
- (8) Budget appropriation number.

(D) *Distribution.* Purchase orders (State Board of Accounts General Form 98) shall be distributed as follows:

(1) White copy shall be completed by the town department purchasing agent and provided to the vendor with instructions for completing and returning the claim form with the vendors invoice for payment.

(2) Pink copy shall be provided to the department making purchases. The pink copy shall be the purchasing departments permanent record of the purchase.

(3) The yellow copy after approval by the department purchasing agent and vendor's invoice, shall be submitted to the Clerk-Treasurer for payment. Yellow copy shall be utilized by the Clerk-Treasurer for recording in the purchase order log and encumbrance of funds.

(E) *Blanket purchase orders.* To simplify frequent small purchases from vendors, including gasoline purchases and supplies costing under \$25 per single item, a purchasing agent may issue a blanket purchase order to the vendor at the beginning of each month. All receipts for purchases under such blanket purchase order shall be fully signed by the employee making the purchase and turned in

at the end of each day to the purchasing agent. At the end of each month, the receipts, the yellow copy of the purchase order and the signed claim form, along with any monthly billing statement shall be submitted to the Clerk-Treasurer for payment. For gasoline purchases, the vehicle number shall also be written on the receipt, along with the number of gallons purchased, the price per gallon, and any federal or state taxes paid.

(F) *Change orders.* Any change to a purchase order in the items, description, quantity or price of the purchased may only be made through a written change order signed and approved by the purchasing agent and the department head. The change order shall on the form approved by the Town Council from time to time, shall clearly identify the original purchase order number and shall be distributed in the same manner as the original purchase order.

(Ord. 2005-2, passed 1-11-05; Am. Ord. 2014-2, passed 4-15-14)

§ 36.08 CREDIT CARD USE.

The Town Clerk-Treasurer is authorized to obtain a credit card in the name of the Town of Pittsboro for use in making purchases only as specifically authorized by this § 36.08.

(A) *Designated official.* The Town Clerk-Treasurer shall:

(1) Be the designated official for the issuance and use of a town credit card;

(2) Maintain possession of the town credit; and,

(3) Institute and implement procedures in accordance this § 36.08 for the use of the credit card by town officials or employees.

(B) *Use.* The purchasing procedures described in Chapter 36 of the Town of Pittsboro Code of Ordinances, must be complied with when using the town credit card. The town credit card may be used only by an official or employee of the town in accordance with this § 36.08.

(c) *Log.*

(1) The Town Clerk-Treasurer shall maintain a log including:

(a) The name of the town official or employee requesting usage of the town credit card;

(b) The position of the town official or employee;

(c) The estimated amount to be charged;

(d) The town fund and account numbers to be charged; and

(e) The date the credit card was issued to the town official or employee and returned.

(2) The log should be maintained in addition to, and not in place of, any purchase requisition, purchase order, or other documentation required by Chapter 36 of the Town of Pittsboro Code of Ordinances. Credit cards should not be used to bypass the town's accounting system, as purchase orders are issued to provide the Town Clerk-Treasurer with the means to encumber and track appropriations to provide the Town Council and other officials with timely and accurate accounting information and monitoring of the accounting system.

(D) *Return of credit card.* When the purpose for which the town credit card has been issued has been accomplished, the card should be immediately returned to the custody of the Town Clerk-Treasurer.

(E) *Payment of credit card statement.* Payment of the town credit card statement shall not be made on the basis of the credit card statement or slip only. Payment of the town credit card statement shall be processed and paid in the same manner as any other claim, and invoices, receipts, or other appropriate supporting documents must be available prior to processing and paying the town credit card statement. Any interest or penalty incurred due to the late filing or furnishing of documentation by an officer or employee using the town credit card must be paid by that officer or employee.
(Ord. 2014-2, passed 4-15-14)

CHAPTER 37: FEES

Section

- 37.01 Accident reports and other specified public records
- 37.02 Certification, copying or transmission of public records

§ 37.01 ACCIDENT REPORTS AND OTHER SPECIFIED PUBLIC RECORDS.

(A) The Town of Pittsboro hereby sets the fee for reproduction of accident reports from the Police Department at \$8 per accident report.

(B) The fee for accident reports shall be deposited in the Law Enforcement Continuing Education Fund.

(C) The town hereby sets the cost for reproduction of other public records from the Police Department at the actual cost as certified by I.C. 5-14-3-8(d). The actual cost of reproductions is as follows:

Color 4 x 6 photograph	\$5 each
Black and white 4 x 6 photograph	\$5 each
Case reports	\$8 each
Accident reports	\$8 each
Audio cassettes	\$8 each
VHS videotape/DVD	\$20 each
Photo CD	\$20 each
All other documents	\$10 per side

(Ord. 2007-2, passed 7-17-07)

§ 37.02 CERTIFICATION, COPYING OR TRANSMISSION OF PUBLIC RECORDS.

(A) Access to public records shall be pursuant to I.C. 5-14 et seq.

(B) Each department of the town shall charge the following fees, which fees shall not exceed the fees allowed by Indiana state law.

Copying of police reports	\$5
All other copies	\$.15 (or such other amount representative of the actual cost per page). Fee shall not exceed the average cost of copying records of \$.10 per page, whichever is greater
Fascimile transmission (local dialing only)	No charge
Photo (4 x 6 or 3 x 5 color)	\$1 per photo or actual copying cost
Video cassette copies	\$10 or actual cost
Cassette tape copies	\$5 or actual cost
Computer tapes, computer disks, microfilm, etc.	Reasonable fee per I.C. 5-14-3-8(g)
Enhanced access	Reasonable fee per I.C. 5-14-3-8(j)
Electronic maps	Reasonable fee per I.C. 5-14-3-8(j)

(C) When applicable, the actual cost of postage shall be added to the fees detailed above in accordance with current postage rates.

(D) The Clerk-Treasurer is hereby directed to notify departments of the actual average cost from time to time.

(E) All funds received by a department for any of the fees detailed above shall be delivered to the Clerk-Treasurer's office for deposit and credit to the appropriate department account, except that funds collected by the Police Department pursuant to this section shall be deposited into the Law Enforcement Continuing Education Fund.

(Ord. 2005-7, passed 2-15-05)

CHAPTER 38: IDENTITY THEFT

Section

- 38.01 Policy summary
- 38.02 Definitions
- 38.03 Policy rationale
- 38.04 Identification of accounts subject to red flag policy
- 38.05 Identification of potential red flags
- 38.06 Detecting red flags
- 38.07 Preventing and mitigating identity theft
- 38.08 Updating and administering the policy

§ 38.01 POLICY SUMMARY.

It shall be the policy of the Town of Pittsboro (“the town”) to take all reasonable steps to identify, detect, and prevent the theft of its customers personal information - commonly known as identity theft. In order to carry out that policy, the town hereby adopts the following policy for identifying, detecting red flags that should raise concerns that a customer’s information is potentially being misused or stolen. (Res. 2008-7, passed 10-21-08)

§ 38.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IDENTIFYING INFORMATION. Any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, social security number, date of birth, official state or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number or address.

IDENTITY THEFT. A fraud committed or attempted using the identifying information of another person without authority.

RED FLAG. A pattern, practice or specific activity that indicates the possible existence of identity theft.

(Res. 2008-7, passed 10-21-08)

§ 38.03 POLICY RATIONALE.

Under federal law and regulations, the town is required to implement an identity theft red flag prevention policy no later than the compliance deadline of November 1, 2008. This is required under the Federal Trade Commission (“FTC”) regulations at 16 CFR 681.2 et seq. (Res. 2008-7, passed 10-21-08)

§ 38.04 IDENTIFICATION OF ACCOUNTS SUBJECT TO RED FLAG POLICY.

The town maintains accounts for its customers that allows the customers to pay for service after it has been rendered. Bills are sent and payments are due on a monthly basis. These accounts are covered by this red flag policy. (Res. 2008-7, passed 10-21-08)

§ 38.05 IDENTIFICATION OF POTENTIAL RED FLAGS.

(A) *Risk factors.* In identifying potential red flags associated with the accounts by the town, the Town Council and the Clerk-Treasurer have considered the following identity theft risk factors:

(1) *Types of covered accounts.* The town is a municipality with an electric utility, a gas utility, a water utility, and a sewer utility serving a specified area of Indiana, providing its customers with said utility services. The town serves approximately 900 customers. The town’s turnover in customers is low, as is the number of address change requests received from customers. The town provides utility service for which it bills subsequent to providing the service. Payments from customers for services rendered are due within 17 days of billing. The town does not provide credit to its customers beyond this revolving, monthly account for utility service. Such service is rendered at a fixed physical location known to the town.

(2) *Methods for opening accounts.*

(a) The town requires that prospective customers who wish to receive utility service submit a customer application with the following information:

1. Name of applicant;
2. Address of service for applicant;
3. Mailing address for applicant;
4. Employer of applicant;

5. Employer address for the applicant;
6. Social security number;
7. Drivers license number;
8. Phone number;
9. Employer phone number;
10. All of the previous information also required for a co-applicant;
11. Whether anyone living in the household has ever had service with the town and, if so, who and, if no, what was the name of the previous utility company for electric gas, water or sewer; and
12. Persons living in the household.

(b) The town further requires that the application be signed by the applicant and any co-applicant.

(3) *Methods for accessing accounts.* The town allows customers to access information related to their accounts using the following methods, or plans to allow such access in the near future:

(a) In person at Town Hall with a picture identification; or

(b) Over the telephone after providing the Clerk-Treasurer, Deputy Clerk-Treasurer or an Accounts Clerk with certain identifying information, such as the caller's date of birth and/or the address and telephone number of the service location and the last four digits of the member's social security number or tax identification number.

(3) *Previous experience with identity theft.* The town is not aware of any security breach of or unauthorized access to its systems that are used to store customers' personal identifying information. Given the limited amount and types of services and credit provided to its customers, the small size of the population it serves, and the relatively low rate of change in customers, coupled with the town's policies for securing customers' personal information, the town believes the risk of its customers being the subject of identity theft through the information collected by the town to be low.

(B) *Sources of red flags.* In identifying potential red flags associated with the accounts the town maintains, the Town Council and the Clerk-Treasurer have considered the following sources of red flags for identity theft:

(1) *Past incidents of identity theft.* The town is not aware of any security breach of or unauthorized access to its systems that are used to store customers' personal identifying information collected by the town. In the event of incidents of identity theft in the future, such incidents shall be used to identify additional red flags and will be added to this policy.

(2) *Identified changes in identity theft risk.* As provided in § 38.08, the town will at least annually review this policy, its operations and experience with identity theft for changes in identity theft risk.

(3) *Applicable supervisory guidance.* In addition to considering the guidelines initially published with the FTC red flag regulations, as a part of its annual review, the town will review additional regulatory guidance from the FTC and other consumer protection authorities.

(C) *Categories of red flags.* In identifying potential red flags associated with the accounts the town maintains, the Town Council and the Clerk-Treasurer have considered the following categories of red flags for identity theft:

(1) *Alerts, notifications, and warnings.*

(a) Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services can be red flags for identity theft. Such alerts, notifications and warnings include:

1. A fraud or active duty alert is included in a consumer report;
2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report;
3. A consumer reporting agency provides a notice of address discrepancy; or
4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;

c. A material change in the use of credit, especially with respect to recently established credit relationships; or

5. An account that was closed for cause or identified for abuse of account privileges.

(b) The town does not generally apply for or receive consumer reports related to its customers. For this reason, the town does not anticipate receiving any consumer reports that might alert it to potential identity theft related to a customer. However, if the town does receive such a report with information similar to that described above, it will be considered to be a red flag.

(c) In the event a consumer report indicates an information discrepancy, it shall be the policy of the town to report any such information to Clerk-Treasurer for further review and verification of the potential customer information, including verifying identification in person at the Town Hall. It shall further be the policy of the town to train its Clerk-Treasurer, Deputy Clerk-Treasurer, and its Accounts Clerks, to look for unusual activity when reviewing customer accounts for service. Should there be unusually high inquiries on a particular account, such activity shall be reported to the Clerk-Treasurer for further review and inquiry.

(2) *Suspicious documents.*

(a) The presentation of suspicious documents can be a red flag for identity theft. Suspicious documents include:

1. Documents provided for identification that appear to have been altered or forged;
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification;
3. Other information concerning identification is not consistent with information provided by the person opening a new account or customer presenting the identification;
4. Other information concerning identification is not consistent with readily accessible information that is on file with the town, such as a customer application card; or
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

(b) Deputy Clerk, Accounts Clerks, and other personnel of the town shall report to the Clerk-Treasurer when it appears that account documents have been altered or forged when compared to other documents in a customer file. It shall also be brought to the Clerk-Treasurer's attention immediately if any customer presents an invalid identification, or identification that appears forged for the purpose of obtaining access to account information.

(3) *Suspicious personal identifying information.*

(a) The presentation of suspicious personal identifying information, such as a suspicious address change, can be a red flag for identity theft. Presentation of suspicious information occurs when:

1. Personal identifying information provided is inconsistent when compared against external information sources used by the town. For example:

a. The address does not match any address in the consumer report; or

b. The social security number has not been issued, or is listed on the Social Security Administration's Death Master File.

2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the social security number range and date of birth.

3. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the town. For example:

a. The address on an application is the same as the address provided on a fraudulent application; or

b. The phone number on an application is the same as the number provided on a fraudulent application.

4. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the town. For example:

a. The address on an application is fictitious, a mail drop, or a prison; or

b. The phone number is invalid, or is associated with a pager or answering service.

5. The social security number provided is the same as that submitted by other persons opening an account or other customers.

6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.

7. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

8. Personal identifying information provided is not consistent with personal identifying information that is on file with the town.

9. If the town uses challenge questions, the person opening the account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(b) The town shall provide customers access to their account information in person at the Town Hall only after verifying the customer's identity through photo identification. Access to customer account information shall require the customer to verify his or her identity using information that would only be known to the customer as reflected in the customer's account. The Clerk-Treasurer, Deputy Clerk-Treasurer and Accounts Clerks shall be trained to make note in a customer file when there is a lack of correlation between information provided by a customer and information contained in a file for the purposes of gaining access to account information. The town is not to provide account information without first clearing any discrepancies in the information provided.

(4) *Suspicious activity.*

(a) The unusual use of, or other suspicious activity related to, a customer account is also a red flag for potential identity theft. Suspicious activities include:

1. Shortly following the notice of a change of address for a member account, the town receives a request for the addition of authorized users on the account;

2. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account;

3. The town is notified that the customer is not receiving paper account statements;

4. The town is notified of unauthorized charges or transactions in connection with the customer's account.

(b) Clerk-Treasurer, Deputy Clerk-Treasurer and Accounts Clerks shall be trained to note unusual use of accounts, or suspicious activities related to accounts. It shall further be the policy of the town to never provide social security numbers or tax identification numbers to customers, either verbally or in writing, even where a customer is asking for their own information. When a customer requests such information, the Clerk-Treasurer shall immediately be notified, who will conduct further

reasonable inquiry. It shall be the policy of the town to train its Clerk-Treasurer, Deputy Clerk-Treasurer, and Accounts Clerks to look for unusual activity when reviewing customer accounts for service. The Clerk-Treasurer shall be notified when there are an unusually high number of inquiries on an account, coupled with a lack of correlation in the information provided by the customer.

(5) *Notices.*

(a) Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with customer accounts can also be a red flag for identity theft.

(b) Upon notice from a customer, law enforcement authority, or other persons that one of its customers may be a victim of identity theft, the town shall contact the customer directly in order to determine what steps may be necessary to protect any customer information in the possession of the town. Such steps may include, but not be limited to, setting up a new account for the customer with additional identifying information that may be identified only by the customer, in order to protect the integrity of the customer account.

(Res. 2008-7, passed 10-21-08)

§ 38.06 DETECTING RED FLAGS.

(A) It shall be the policy of the town to obtain identifying information about, and verify the identity of, a person opening an account. The town will obtain the customer's name, date of birth, address for service location, and social security number or tax identification number to open a new account. It shall be the policy of the town to never provide social security numbers or tax identification numbers to customers, either verbally or in writing, even where a customer is asking for their own information.

(B) It shall be the policy of the town to authenticate customers, monitor transactions and verify the validity of change of address requests, in the case of existing accounts.

(Res. 2008-7, passed 10-21-08)

§ 38.07 PREVENTING AND MITIGATING IDENTIFY THEFT.

(A) If the town discovers that any of its customers have become a victim of identity theft through personal information used by the utility in opening or maintaining a customer account, management shall take appropriate steps that it deems necessary to mitigate the impacts of such identity theft. These steps may include, but are not limited to:

- (1) Monitoring an account for evidence of identity theft;

- (2) Contacting the customer;
- (3) Changing any passwords, security codes, or other security devices that permit access to an account;
- (4) Reopening an account with a new account number;
- (5) Closing an existing account;
- (6) Not attempting to collect on an account;
- (7) Notifying the customer;
- (8) Notifying law enforcement; or
- (9) Determining that no response is warranted under the particular circumstances.

(B) The town has a business relationship with a third party contractor for collection on accounts. Under this business relationship, the third party contractor has access to customer information covered under this policy. The Clerk-Treasurer shall ensure that the third party contractor’s work for the town is consistent with this policy by:

- (1) Amending the contract to incorporate these requirements; or

(2) By determining that the third party contractor has reasonable alternative safeguards that provide the same or a greater level of protection for member information as provided by the town. (Res. 208-7, passed 10-21-08)

§ 38.08 UPDATING AND ADMINISTERING THE POLICY.

(A) The town shall consider updates at least annually to determine whether it has experienced any identity theft of its customers’ accounts, whether changes in the methods of identity theft require updating to this policy, or whether changes are necessary to detect, prevent, and mitigate identity theft. The Clerk-Treasurer will continue to monitor changes in methods of identity theft, and re-evaluate this policy in light of those changes. The town believes that review of such changes on no more than an annual basis is necessary.

(B) Administration of the policy shall be as follows:

(1) The Town Council has adopted this policy and will have ultimate oversight of this policy, but the policy shall be managed by the Clerk-Treasurer of the town. The Clerk-Treasurer shall have

authority to delegate oversight and compliance to the Deputy Clerk-Treasurer or and Accounts Clerk. The Clerk-Treasurer shall be responsible for reviewing reports regarding compliance with the town's policy.

(2) Potential changes to the policy shall be reviewed at least annually at a meeting of the Town Council. Material changes to the policy that may be needed prior to the meeting described herein shall be brought to the Clerk-Treasurer's attention, and reviewed by the Town Council if deemed necessary by the Clerk-Treasurer.

(3) *Reports.*

(a) Town personnel assigned responsibility under this policy or by delegation from the Clerk-Treasurer shall prepare a report, at least annually, regarding the implementation and progress of the town's policy for review by the Town Council. The Clerk-Treasurer may, at his or her discretion, bring any issues related to the policy to the attention of the Town Council for review.

(b) The above-described report prepared by town personnel designated with supervising the policy shall include a discussion of:

1. The progress of implementing and the effectiveness of the policy; ongoing risk level of identity theft of customer information;
2. Potential changes to the policy and other operation practices of the town to further the goal of protecting customer's personal information; and
3. Identification and discussion of instances of identity theft of the town customers.

(c) The Clerk-Treasurer shall keep records of meeting regarding this policy showing the dates and topics discussed. The Clerk-Treasurer shall also cause to be maintained a file with copies of the five most recent annual reports prepared under the policy.

(Res. 2008-7, passed 10-21-08)