

TITLE 1

ADMINISTRATION AND PERSONNEL

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Chapter 1.01

ELECTION BOUNDARIES

Sections:

- 1.01.010 Abolishing Town Council districts
- 1.01.020 All Members Elected at Large
- 1.01.030 Clerk-Treasurer to forward Ordinance to Circuit Court Clerk of
Spencer County
- 1.01.040 Staggering Terms

1.01.010 Abolishing Town Council Districts. The Town Council districts, as first established by the Board of Commissioners of the County of Spencer when the Town was incorporated, and subsequently established by the legislative body of the Town, are abolished. (Ord. 1993-07)

1.01.020 All Members Elected at Large. All members of the Town Council are hereafter to be elected at large by the voters of the whole town. (Ord. 1993-07)

1.01.030 Clerk-Treasurer to Forward Ordinance to Circuit Court Clerk of Spencer County. The Clerk-Treasurer of the Town shall forward a signed copy of Ordinance 1993-07 to the Circuit Court Clerk of Spencer County and shall request the Clerk to include the copy of this Ordinance in the records of the Spencer County Election Board. (Ord. 1993-07)

1.01.040 Staggering Terms.

- (1) Two (2) of the five (5) Council members will be elected for terms of three years beginning at noon on January 1, 1996; and
- (2) The remaining Council members will be elected for four (4) year terms beginning at noon January 1, following the election.
- (3) The three candidates with the highest vote totals elected in November 1995 shall serve four (4) year terms and the two candidates with the lowest vote totals shall serve three (3) year terms. Any tie shall be resolved as provided by the State election laws.
- (4) If, as of October 1, 1995, the only issue before the voters of the Town of Santa Claus in the November 1995 election is the determination of which of the five (5) Town Council candidates are to serve the three (3) or four (4) year terms, and if, on or before October 15, 1995 all five (5) candidates for Santa Claus Town Council enter into a written agreement stipulating which term each candidate shall serve, then the written agreement of the candidates shall determine the length of the terms to be served by the Town Council candidates starting January 1, 1996, there shall be no need for the TOWN OF SANTA CLAUS to hold an election in November 1995 to elect its Town Council and subparagraph (3) above shall not apply. (Ord. 1995-08; Ord. 1994-03)

Chapter 1.02

PRIMARY ELECTIONS

Sections:

1.02.010	Town of Santa Claus
1.02.020	Ordinance Designating Alternative Method of Nomination
1.02.030	Primary Election Preferred Method
1.02.040	Method Adoption

1.02.010 Town of Santa Claus. The Town of Santa Claus, Indiana is a town within the meaning and application of I.C. §3-8-5-1, et seq. (Ord. 2006-09)

1.02.020 Ordinance Designating Alternative Method of Nomination. I.C. §3-8-5-2 requires that candidates for town office be nominated by means of a town convention absent the Town adopting an ordinance designating an alternative method of nomination. (Ord. 2006-09)

1.02.030 Primary Election Preferred Method. The Town Council is of the opinion and belief that the primary election is preferable to a town convention as a method for nominating candidates for town office. (Ord. 2006-09)

1.02.040 Method Adoption. The Town Council of the Town of Santa Claus, Indiana, ordains that if, and in the event that, multiple candidates from the same political party file a Declaration of Candidacy, or if nominations for any town office otherwise are required, nomination for any such office shall be made by the means and method of a primary election. (Ord. 2006-09)

Chapter 1.04

TOWN MANAGER

Sections:

1.04.010	Appointment
1.01.020	Removal
1.04.030.	Duties, Powers and Responsibilities
1.01.040	Staggering Terms

1.04.010. Appointment. The Town Council may appoint a Town Manager by majority vote of the entire Council, for such compensation as the Council shall determine.

1.04.020. Removal. The Town Manager shall serve at the pleasure of the Town Council, and may be removed at any time by a majority vote of the entire Council.

1.04.030. Duties, Powers and Responsibilities. The Town Manager shall have the following duties, powers and responsibilities:

(a) See that all statutes that are required to be administered by the Town Council or a Town officer subject to the control of the Town Council are faithfully administered.

(b) Administer and enforce all policies, directives, laws, orders, resolutions and ordinances adopted by the Town Council.

(c) Act as the Town's Chief Administrative Officer, overseeing the day-to-day operations of the Town and providing direction and guidance to all Town departments (excluding the Town Clerk-Treasurer.) All department heads will report directly to the Town Manager. All other employees will report directly to their immediate supervisor and indirectly to the Town Council by and through its Town Manager.

(d) Attend all meetings of the Town Council, unless excused, and take part in the discussions and make recommendations of all matters coming before the Town Council. Attend all meetings of the Town Committees and Boards deemed necessary by the Town Council.

(e) Act as business manager for the Town of Santa Claus, under the direction of the Town Council. This includes acting as the Town's chief purchasing agent, administering purchasing activities and supervising the bidding, quoting and other processes, developing specifications that are necessary for equipment purchases, coordinating quotes and bids and making recommendations to the Town Council; and, noting all modifications or change orders after the bids or quotes have been approved and reporting such changes to Town Council.

(f) Promote and market the Town, and work with various organizations to promote the growth of the Town. Search and apply for grants for benefit of town growth and enhancement.

(g) Perform job performance reviews with all employees on an annual basis or as needed. Document all such meetings held with employees in performance reviews and meetings. Keep

employee handbook up to date. Develop disciplinary actions for employees as needed, per the employee handbook.

(h) Develop and implement a merit system to assist the Town Council in setting annual wage increases.

(i) Administer Town personnel rules, policies and procedures. Hire Town employees according to the pay schedules and standards fixed by the Town Council. Suspend, discharge, remove, or transfer employees, if necessary for the welfare of the Town. Assist supervisors/department heads in creating work schedules, analyzing labor needs within departments, and using excess labor from one department to another as needed. Oversee the utilization, scheduling and maintenance of all town equipment.

(j) Assist department heads to ensure all departments and employees are following regulated and or established safety procedures. Address potential liability issues and implement corrective actions.

(k) Address concerns raised by Town residents. Respond to calls and ideas from residents and review with the Town Council. Initiate investigations and conduct inquiries related to citizen complaints concerning the conduct of employees and the quality of municipal services. Speak before the public and private groups to explain the functions and operations of the Town's government.

(l) Oversee the preparation of all annual operating and capital improvement budgets for all municipal departments and submit them to the Clerk-Treasurer and Town Council for review. Recommend to the Clerk-Treasurer the annual Appropriation Ordinance and be responsible for the administration and implementation after adoption, including the preparation of monthly statements analyzing and accounting for variations between budgeted and appropriate amounts and actual expenditures. Analyze variations in estimated and actual income showing reason therefor. Assist and oversee budgeted monies and expenses with department heads.

(m) Prepare a quarterly report to the Town Council describing the state of Town's business affairs, progress and accomplishments, including problems and solutions. Suggest improvements in Town's operations for a more efficient operation.

(n) Perform related work to all of the above, and such other duties as required by ordinance or resolution of the Town Council.

(Ord. 2015-11)

Chapter 1.05

JOB DESCRIPTIONS FOR EMPLOYEES

Sections:

1.05.010 Job Descriptions

1.05.010 Job Descriptions. Refer to Ordinance 1994-12 for descriptions of the following job titles:

- (1) Community Center Director
- (2) Town Hall and Community Center Janitor
- (3) Town Marshall
- (4) Deputy Marshall
- (5) Utility Clerk
- (6) Water Utility Superintendent, Sewer Department Superintendent, Utility Superintendent, and Street Department Superintendent
- (7) Water Operator
- (8) Assistant Water Plant Operator
- (9) Water and Sewer Utility Laborer
- (10) Wastewater Operator
- (11) Assistant Wastewater Operator

(Ord. 1994-12)

Chapter 1.06

PURCHASES

Sections:

- 1.06.360 Purchases
- 1.06.410. Direct Deposit

1.06.360 Purchases. The Town Council hereby adopts the following guidelines and procedures for the purchase of equipment, supplies and other necessary items by employees of the town:

- (1) As a general rule, the Clerk-Treasurer should be notified of any purchase by an employee of the town. (Ord. 1994-11)
- (2) For equipment, supplies or other necessary items under \$150, employees should inform the Clerk-Treasurer prior to purchase. (Ord. 1994-11)
- (3) For equipment, supplies or other necessary items at least \$150 but under \$500, employees must first receive approval from a council member and/or Clerk-Treasurer prior to purchase. (Ord. 1994-11)
- (4) For equipment, supplies or other necessary items at \$500 or more, employees must receive approval of the majority of council members at a public council meeting and also inform the Clerk-Treasurer prior to purchase. (Ord. 1994-11)
- (5) Designation of Purchasing Agent. The Council hereby designates the following persons to serve as "Purchasing Agents" for the Town.
 - A. The Clerk-Treasurer of the Town;
 - B. Utilities Superintendent;
 - C. Street Superintendent;
 - D. Town Marshal;
 - E. Fire Chief of the Santa Claus Volunteer Fire Department;
 - F. Parks Director;
 - G. Community Center Director; and,
 - H. Such other persons as may be designated by the Town Council, in writing. (Ord. 2007-10; Ord. 1998-10)
- (6) Small Purchase Rules.
 - A. Purchases less than \$1,500.00. Each Purchasing Agent may purchase item(s) not exceeding the cost of \$1,500.00 without Town Council or other governing body having supervisory authority over the Purchasing Agent's

approval or action, if such purchase is properly within the Purchasing Agent or Department's budgeted appropriations. Purchasing Agents shall not artificially divide purchases so as to permit purchase under this Section.

- B. Purchases less than \$50,000.00. For purchases which are expected to exceed \$1,500.00 but to be less than \$50,000.00, the Purchasing Agent shall solicit quotes for such purchase as required by I.C. §5-22-8-3 and present unopened responsive quotes to the Town Council or other governing body having supervisory authority over the Purchasing Agent in regular or special session for opening, consideration and award. All quotes or bids shall be opened in a public meeting, read aloud and recorded in the minutes of the meeting of the Town Council or other governing body. Purchasing Agents shall not artificially divide any purchase so as to permit purchase under this Section.

The Town Council may permit variance from the quote procedures for purchases which are expected not to exceed \$50,000.00 at any regular or special session on a case-by-case basis upon request by a Purchasing Agent.

- C. Purchases \$50,000.00 and greater. Purchases expected to cost \$50,000.00 or greater shall be accomplished through any one of the procedures permitted under I.C. §5-22-1-1 et seq. as determined by the Town Council.
- D. Special Purchasing Methods. With the concurrence of the Town or the Purchasing Agent's Department Executive Officer, for purchases which are expected to exceed \$1,500.00 a Purchasing Agent may utilize any of the Special Purchasing Methods as prescribed by I.C. §5-22-10 under the circumstances, conditions and terms as prescribed in such statutes. When any Special Purchasing Methods are utilized by a Purchasing Agent, the Purchasing Agent shall notify the Town Council or other governing board of the reasons for dispensing with the quote or bid procedure at the next regular meeting following such purchase and method of making such purchase.

(Ord. 2007-10; Ord. 1998-10; Ord. 2012-11)

- (7) Purchase of Services. The Town determines that each Town agency, department and office and elected Town official may purchase services in whatever manner the purchaser determines to be reasonable.

The Town purchasing agent may not require any Town agency, department or office, or any Town elected official, to purchase services in any particular manner. (Ord. 1998-10)

- (8) Purchase Preferences. All purchasing preferences required by I.C. §5-22-15 shall be specified and required as stated in such statute, or any statute replacing such requirements. In connection with such statutes, the following rules shall apply:
- A. The price preference for recycled and post consumer goods is 10%, or such lesser amount as may be permitted by law.
- B. The requisite recycled materials' composition of supplies in order for the preference provided by I.C. §5-22-15-16 to apply shall be 25%.

C. For determining if a business is a "small business," the following shall apply:

1. A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed four million dollars (\$4,000,000).
2. A construction business is not a small business if its average annual receipts for the receding three (3) fiscal years exceed four million dollars (\$4,000,000).
3. A retail business or business selling services is not a small business if its annual sales and receipts exceed five hundred thousand dollars (\$500,000).
4. A manufacturing business is not a small business if it employs more than one hundred (100) persons.
5. A business in any of the following sectors is not a small business if it employs more than one hundred (100) persons or if its annual sales exceed five million dollars (\$5,000,000):
 - (a) Information technology.
 - (b) Life sciences.
 - (c) Transportation.
 - (d) Logistics.

(Ord. 2007-10; Ord. 1998-10)

(9) Safeguard of Contract and Purchasing Records. Any and all documents concerning or relating to public works projects or the purchase of equipment, supplies and/or other necessary items shall be preserved and protected as follows:

- A. The Purchasing Agent shall maintain and preserve any and all solicitations for quotes or bids for public works or purchases, including a list of any and all potential bidders or suppliers solicited for a quote or bid for such project or purchase, and the date such solicitation was mailed or sent, and deliver such solicitation and any required publication to the Town Clerk-Treasurer immediately upon transmitting the bid package or solicitation to potential bidders or suppliers.
- B. Each solicitation sent by facsimile, electronic mail or other electronic means shall be simultaneously copied to the Town Clerk-Treasurer's facsimile machine or electronic mail address, as the case may be, and the Purchasing Agent shall print and deliver to the Clerk-Treasurer the facsimile confirmation page reflecting to whom any solicitation is delivered to the Clerk-Treasurer prior to the date specified for receipt of quotes and/or bids.

- C. Each solicitation for quotes or bids shall direct those submitting written offers by mail, private carrier, or in person to deliver such items in a sealed envelope to the Town Clerk-Treasurer clearly marked as a quote or bid for the project or purchase for which the solicitation was made. Each solicitation which requests quotes by facsimile or electronic means shall direct that responsive quotes or bids be sent to the Town Clerk-Treasurer's facsimile machine or electronic mail address and not to the Purchasing Agent, and that any quote sent to the Purchasing Agent may be deemed to be non-responsive. Upon receipt of any quote by facsimile or electronic means, the Town Clerk-Treasurer immediately shall seal such quote in an envelope clearly marked as a quote for the project or purchase for which the solicitation was made, and shall not disclose the contents of the quote to any other person prior to the meeting at which the quotes are to be opened, including the Purchasing Agent.
- D. All quotes and/or bids to supply equipment, supplies and/or other necessary items shall be submitted directly by offerors to the Town Clerk-Treasurer, who shall preserve such offers received by mail or in person in an unopened state, and shall maintain the quotes and bids received by the Clerk-Treasurer and sealed as required in paragraph C, herein, and deliver such unopened quotes or bids to the Town Council or other governing body at the public meeting at which such quotes or bids are to be opened.
- E. Immediately following opening and reading of such quotes or bids, the Town Clerk-Treasurer shall provide a copy of such quotes or bids to the Purchasing Agent, if requested, and shall maintain custody and control of the original quotes or bids and all documents submitted by offerors.
- F. The Town Clerk-Treasurer shall maintain each solicitation, any quotes and/or bids received in response to a solicitation, any contracts awarded and any and all ancillary documents in a separate file for such public work or purchase, all of which shall be preserved, protected and disclosed as a public record subject to public inspection under I.C. §5-14-3.

Section 1.06.410. Direct Deposit.

The Clerk-Treasurer is authorized to make payment of any and all wages and other payments due to employees, board members and for other officers of the Town by direct deposit from the Town's banking accounts to the employee, or other official bank, and to pay the cost of such direct deposit from the Town's general funds. (Ord. 2013-07)

Chapter 1.07

POLICE DEPARTMENT

Sections:

1.07.010 Santa Claus Police Reserve Unit

1.07.010 Santa Claus Police Reserve Unit. There is hereby established, pursuant to I.C. §36-8-3-20 the Town of Santa Claus Police Reserves, which shall be known as the Santa Claus Police Reserve Unit. The maximum number of members of said reserve unit shall be ten (10). (Ord. 2000-07; Ord. 1996-06)

Chapter 1.10

FACT AND ACCURATE CREDIT TRANSACTION ACT (FACT ACT POLICY)

Sections:

1.10.001	Introduction
1.10.002	Purpose
1.10.010	Definitions
1.10.020	Periodic Identification of "Covered Accounts" (Risk Assessment)
1.10.030	Identity Theft Program
1.10.040	Administration of the Program
1.10.050	Other Applicable Legal Requirements

1.10.001 Introduction. Under the Fair and Accurate Credit Transaction Act - 15 U.S.C. §1681 et seq. ("FACT Act"), creditors that offer or maintain "covered accounts" must develop and implement a written identity theft prevention program that is appropriately tailored to the size and complexity of the institution, as well as the nature and scope of its activities. The Program requires reasonable policies and procedures, staff training, oversight of service providers, and oversight by the Town Council.

The FACT Act and Regulations thereunder also require reasonable policies and procedures; users of consumer reports who receive a notice of an address discrepancy from a Credit Reporting Agency ("CRA") must have procedures in place in order to form a reasonable belief of the consumer's identity. (Ord. 2008-08)

1.10.002 Purpose. The purpose of this policy is to set forth the guidelines for Town personnel to use in establishing and maintaining policies and procedures in order to comply with the FACT Act's guidelines on detecting, preventing and mitigating identity theft.

The policy further addresses the FACT Act's requirements for addressing address discrepancies provided by a CRA. (Ord. 2008-08)

IDENTITY THEFT RED FLAG POLICY

1.10.010 Definitions

- (1) Account. A continuing relationship established by a person with the Town to obtain a product or service for personal, family, household or business purposes.
 - A. Business Accounts. Although this definition includes business accounts, the risk-based nature of the final rules allows the Town flexibility to determine which business accounts will be covered by its Program through a risk evaluation process.
 - B. Continuing Relationship. The obligations of the final rule apply not only to existing accounts, where a relationship already has been established, but also to account openings, when a relationship has not yet been established.
- (2) Covered Account. Pursuant to the FACT Act, we must develop and implement a "written program" if we offer or maintain a "Covered Account." A "Covered Account" consists of either:

- A. Personal, Family or Household Purposes. An Account is a "Covered Account" if primarily used for personal, family, or household purposes involving or is designed to permit **multiple payments or transactions;** such as utility accounts.
 - B. "Reasonably Foreseeable Risk:" A "Covered Account" is any other account for which there is a "reasonably foreseeable risk" to members or the safety and soundness of the Town from identity theft. This risk may include financial, operational, compliance, reputation or litigation risk(s).
- (3) Identify Theft. Means a "fraud committed or attempted using the **identifying information** of another person without authority.
- A. Identifying Information: Means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:
 1. Name, Social Security Number, Date of Birth, State/Government Issued Driver's License or identification number, alien registration, EIN, passport;
 2. Unique biometric data;
 3. Unique electronic identification number, address, or routing code; or,
 4. Telecommunication identifying information or access device.
- (4) Red Flag. Means "a pattern, practice, or specific activity that indicates the possible existence of identity theft."
- (5) Service Provider. Means "a person that provides a service directly to the Town." (Ord. 2008-08)

1.10.020 Periodic Identification of "Covered Accounts" (Risk Assessment). The Town will periodically determine whether it offers or maintains any Covered Accounts. As part of this determination, the Town will conduct a risk assessment to determine whether it offers or maintains covered accounts.

- (1) Risk Assessment Factors: In performing the Risk Assessment we will take the following into consideration:
 - A. Methods the Town provides to open its accounts;
 - B. Methods the Town provides to access accounts; and,
 - C. Prior experience with Identity Theft. (Ord. 2008-08)

1.10.030 Identity Theft Program. In accordance to the Identity-Theft Regulation, the Town develops an Identity Theft Program ("Program") designed to detect, prevent, and mitigate ID

Theft in connection with the opening of a covered account or any existing covered account. The elements of the program are as follows:

Identify Relevant Red Flags;
Detect Red Flags;
Respond to detected Red Flags; and,
Update Red Flag Program.

(1) Identifying Relevant Red Flags - **Element 1:**

- A. Goal: Identify **relevant** "Red Flags" for Covered Accounts. This means we are not required to formulate Red Flags relevant for detecting "possible risk," only "Actual Risk."
- B. Risk Factors: In identifying relevant Red Flags the Town shall consider the following factors:
 - 1. The types of Covered Accounts offered or maintained;
 - 2. The methods provided to open these accounts;
 - 3. The methods provided to access Covered Accounts; and,
 - 4. Our previous experiences with ID Theft.
- C. Sources of Red Flags: The Town will consider incorporating relevant Red Flags from sources including, but not limited to:
 - 1. Our previous incidences with ID Theft;
 - 2. Changes in the methods of ID Theft that reflect changes in ID Theft Risk; and,
 - 3. Applicable supervisory guidance.
- D. Categories of Red Flags: Our Program shall include relevant Red Flags from the following categories:
 - 1. Alerts, Notifications, or Other Warnings Received From a CRA or Service Providers: The alerts, notifications, or other warnings include, but are not limited to:
 - (a) A fraud or activity duty alert is included with a consumer report;
 - (b) A CRA provides a notice of credit freeze in response to a request for a consumer report;
 - (c) A CRA provides a notice of address discrepancy;

- (d) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or account holder;
- (e) The credit report or use of the account that indicates a pattern of activity is inconsistent with the history or pattern of activity usually associated with the account holder, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or,
 - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Presentation of Suspicious Documents: This may include, but is not limited to:

- (a) Documents provided for identification appear to be forged or altered;
- (b) The photograph, description of the consumer, or other information on the identification is inconsistent with the appearance of the consumer who is presenting the identification;
- (c) Other information on the identification is not consistent with the information on the identification provided by the person when the account is opened or by the consumer presenting the identification;
- (d) Other information provided is inconsistent with information on file with the Town, such as a signature card or recent check; or,
- (e) An application appears to be altered, or destroyed and reassembled.

3. Presentation of Suspicious Personal Identifying Information, Such As a Suspicious Address Change: This may include, but is not limited to:

- (a) Personal information provided is inconsistent when compared to external information sources, such as:

- i. The address does not match any address in the credit report; or,
 - ii. The Social Security Number has not been issued, or is listed on the Social Security Administration's Death Master File.
 - (b) Personal information is internally inconsistent, such as a Social Security Number that is inconsistent with an account holder's date of birth;
 - (c) Personal information is provided that has also been provided on a fraudulent application;
 - (d) Personal information that is provided is of a type associated with fraudulent activity, such as a fictitious address (i.e., mail drop or a prison) and an invalid phone number (i.e., pager or answering service);
 - (e) The address, Social Security Number and phone numbers have been submitted by other account holders;
 - (f) The consumer fails to provide all required information on file with the Town; or,
 - (g) The account holder cannot provide authenticating information, other than what would be available from a wallet or credit report.
- 4. The Unusual Use Of, or Other Suspicious Activity Related to a Covered Account: This may include, but is not limited to:
 - (a) There is a request for additional authorized users for the account or a request for new, additional, or replacement cards shortly after a request for a change of address;
 - (b) A new, revolving credit account is used in a manner associated with fraud, such as credit used for cash advances or for merchandise that is easily converted to cash, or the account holder fails to make payments;
 - (c) An account is used in a manner inconsistent with established patterns activity, such as:
 - i. Non-payment when there is no history of late or missed payments;
 - ii. A material increase in the use of available credit;
 - iii. A material change in purchasing or spending

patterns;

- iv. A material change in electronic fund transfer patterns in connection with a deposit account; or,
- v. A material change in telephone call patterns in connection with a cellular phone account.

- (d) An account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors);
- (e) Mail sent to the account holder is returned repeatedly as undeliverable even though transactions on the account continue to be conducted;
- (f) The Town is notified of unauthorized charges or transaction in connection with the account;
- (g) The Town has been notified that it has opened a fraudulent account for a person engaged in identity theft.

5. Notice from Account Holders, ID Theft Victims, Law Enforcement, or Other Persons Regarding Possible ID Theft: The Town is notified by a(n):

- (a) Account Holder;
- (b) Victim of ID Theft;
- (c) Law Enforcement Authority; or,
- (d) Any other person that it has opened a fraudulent account for a person **engaged** in ID Theft.

(2) Detecting Red Flags - **Element 2:** The Town shall apply procedures and processed in detecting Red Flags in connection with the opening of Covered Accounts and existing Covered Accounts, such as:

- A. Opening of Covered Account: The Town shall cross reference other operating policies and procedures for obtaining identifying information about, and verifying the identity of a person opening a covered account.
- B. Existing Covered Accounts: The Town shall cross reference the detection of Red Flags in connection with existing covered accounts.

(3) Respond to Detected Red Flags - **Element 3:** The Town shall respond appropriately upon the detection of Red Flags. Appropriate responses may include the following:

- A. Monitoring a "covered account" for evidence of Identity Theft;
 - B. Contacting the account holder;
 - C. Changing any password, security codes, or other security devices;
 - D. Reopening a covered account with a new account number;
 - E. Closing an existing covered account;
 - F. Not attempting to collect on a covered account or not selling a covered account to a debt collector;
 - G. Notifying law enforcement; or,
 - H. Determining that no response is warranted under the particular circumstance(s).
- (4) Updating the Program - **Element 4:** The Town shall periodically update the program to reflect changes in risk to account holders or safety/soundness of the Town, based on factors such as:
- A. Experience with Identity Theft;
 - B. Changes in methods of Identity Theft;
 - C. Changes in methods to detect, prevent and mitigate Identity Theft; D.Changes in types of acc
 - E. Changes in business arrangements of the Town including mergers, acquisitions, alliances and service provider arrangements. (Ord. 2008-08)

1.10.040 Administration of the Program: Administration of the Program shall consist of the following components:

- (1) Town Council/ Clerk-Treasurer Involvement: The Town Council shall approve the initial written Program. Thereafter, at the discretion of the Town Council, the Clerk-Treasurer may update the Program. Oversight will include the following:
- A. Assigning specific responsibility for the program's implementation;
 - B. Reviewing reports prepared by the Clerk-Treasurer regarding compliance with the Red Flags rules. The report will address the following matters related to the Program:
 1. The effectiveness of the policies and procedures that address the risk of identity theft in connection with the opening of covered accounts or existing covered accounts;
 2. Service provider arrangements;
 3. Significant incidents of identity theft and management's response to

these incidents; and,

4. Recommendations for material changes to the Program; and,
 - C. Approving material changes to the Program, as necessary, to address changing identity theft risks.
- (2) Oversight of service provider(s): Whenever the Town engages a service provider to perform an activity in connection with one or more covered accounts the Town shall take steps to ensure the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.
 - (3) Training: "Relevant Staff" shall receive training to effectively implement and administer the Program. "Relevant Staff" is not defined in the regulation nor comments thereto. However, we consider the following as "relevant" in complying with the ID Theft regulation:
 - A. Clerk-Treasurer;
 - B. Deputy Clerk;
 - C. Utility Clerk; and,
 - D. Utility Superintendent.
(Ord. 2008-08)

1.10.050 Other Applicable Legal Requirements. In complying with the Identity Theft Regulations, the Town shall be mindful of other related legal requirements including:

- (1) Implementing requirements under the FACT Act regarding the circumstances under which credit may be extended when fraud or an active duty alert is detected;
- (2) Implementing requirements under the FACT Act of furnishers of information to CRAs to correct or update inaccurate or incomplete information and not to report information that the furnisher reasonably believes is inaccurate; and,
- (3) Complying with FACT Act prohibitions against the sale, transfer, and placement for collection of certain debts resulting from identity theft. (Ord. 2008-08)

Chapter 1.11

TOWN CREDIT CARDS AND CHARGE ACCOUNTS

Sections:

1.11.010 Credit Card Issuance

1.11.120 Card and Account use and Procedures

Chapter 1.11.010. Credit Card Issuance.

(1) The Clerk-Treasurer of the Town is hereby authorized to make application for business credit, charge accounts and/or charge cards for use by Town Department Heads and other employees (hereinafter “accounts”), and no other employee of the Town shall make application for or otherwise obtain any credit card, charge account or charge card in the name of the Town.

(2) Business credit cards issued to the Town shall have a maximum credit limit of not more than One thousand five hundred dollars (\$1,500.00).

Chapter 1.11.020. Card and Account Use and Procedures.

(1) When not in use, credit cards not issued and maintained to a Department Head shall be secured by and in the Office of the Clerk-Treasurer.

(2) Upon request by a Department Head or employee authorized by a Department Head, the Clerk-Treasurer shall issue an appropriate credit card to such Department Head or employee for use.

(3) For all credit cards maintained by the Clerk-Treasurer, the Clerk-Treasurer shall maintain an accounting system or log recording the name of each individual to which a credit card is issued, the estimated amount to be charged by such person, Town fund and account numbers to be charged for each such expenditure(s), date the credit card is issued by the Clerk-Treasurer, and date the credit card is returned to the Clerk-Treasurer.

(4) For any and all credit cards delivered by the Clerk-Treasurer to a Department Head who retains possession of the credit card, the Department Head shall maintain the accounting system or log as required by paragraph (3) herein.

(5) Charges made on any account shall be only for items which are authorized (and/or within the Department Head’s de minimus spending limitation) and budgeted in the Town’s then-current budget.

(6) Within seventy-two (72) hours following any use of an account, the person using such account shall provide the original receipt to the Clerk-Treasurer or Department Head maintaining custody of the credit card.

(7) No credit card or account issued in the name of the Town shall be used for private purchases. Any employee who fails to provide a receipt for a purchase shall be personally liable to the Town for the full amount of such charge and shall be subject to discipline by the Town.

(8) Credit cards and accounts shall not be used to bypass or avoid the accounting system of the Town, and charges to the credit cards and accounts shall be paid by the Clerk-Treasurer only on the basis of original receipts and from appropriate budgeted funds, accounts and line items pursuant to the claims procedures of the Town.

(9) The Clerk-Treasurer shall pay the accounts promptly such that no interest-carrying charges or penalties shall be incurred due to late payments.

(10) No credit card or account shall be used to obtain cash advances by an employee.

(11) Any and all interest or late charges incurred on any accounts by the Town due to late submission of documentation by an employee of the Town shall be paid by the employee failing to provide information as required by this section, and any and all over-limit or other fees caused by an employee's charges in excess of the available account limits shall be paid by the employee causing such fees or charges, upon demand by the Town.

(Ord. 2015-06)

Chapter 1.12

ECONOMIC REVITALIZATION AREAS

Sections:

1.12.010	Applications Received By Board Of Trustees
1.12.020	Application Form
1.12.030	Fees
1.12.040	Proceeds Of Application Fees
1.12.050	Submit Application - Investigation - Public Hearings - Written Recommendations
1.12.060	Considerations
1.12.070	Additional Considerations
1.12.080	Date of Designation - Start Date of Improvements
1.12.090	Value Of Manufacturing Equipment
1.12.100	Rejection Or Designation
1.12.110	Period Of Time And Amount Limits
1.12.120	Eligible Areas
1.12.130	Expiration

1.12.010 Applications Received by Board of Trustees. THE BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall receive all applications from persons, firms, organizations, or corporations requesting that certain real estate be designated as an Economic Revitalization Area. (Ord. 1989-01)

1.12.020 Application Form. The TOWN OF SANTA CLAUS, INDIANA shall prepare printed forms and require all applicants applying for designation of real estate as an Economic Revitalization Area to use such forms in making application. The TOWN shall include, but not be limited to, the request for the following information: description of the real estate, proposed use of the real estate, proposed type and cost of redevelopment, rehabilitation, and/or new manufacturing equipment, description of the proposed operation and number of jobs to be created, projected ate of completion for the proposed improvements, and the projected increase in use of public utilities and town services resulting from the improvements. (Ord. 1989-01)

1.12.030 Fees. The fees to be paid by the applicants on the real estate to be designated as an Economic Revitalization Area, shall be paid to the Clerk-Treasurer of the Town of Santa Claus, Indiana at the time of application, and shall thereafter remain the property of the TOWN, and are as follows:

- (1) \$150.00 if the value of the proposed improvements is \$150,000.00 or less.
- (2) \$1.00 per \$1,000.00 of the proposed improvements if the proposed improvements are more than \$150,000.00, but the fee shall not exceed\$1,000.00. (Ord. 1989-01)

1.12.040 Proceeds of Application Fees. The proceeds of the application fee or fees shall be added to the funds budgeted and allocated to the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA to be spent:

- (1) to defray the cost of processing applications and
- (2) to meet general TOWN expenses. (Ord. 1989-01)

1.12.050 Submit Application - Investigation - Public Hearings - Written Recommendations. An applicant for the designation of real estate as an Economic Revitalization Area shall submit a completed application form to the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA. The Board of Trustees shall investigate the applicant and the proposed improvements to determine the best interest of the TOWN, shall hold public hearings thereon if necessary or advisable, and shall thereafter make written recommendations as to the desirability or non-desirability of designating the area described in the application as an Economic Revitalization Area and may recommend the period of time during which the area shall be so designated and the type of deductions that shall be allowed. The BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the application and recommendation and make the determination as to whether or not to grant Economic Revitalization Area status in accordance with I.C. 6-1.1-12.1-2.5. (Ord. 1989-01)

1.12.060 Considerations. In considering the advisability of designating real estate as an Economic Revitalization Area, under the provisions of I.C. 6-1.1-12.1-3, the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the following issues:

- (1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (5) Whether the totality of benefits is sufficient to justify the deduction. (Ord. 1989-01)

1.12.070 Additional Considerations. In considering the advisability of designating real estate as an Economic Revitalization Area under the provisions of I.C. §6-1.1-12.1-4.5, the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA shall consider the following:

- (1) Whether the estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment.
- (3) Whether the estimate of the annual salaries of those individuals who will be

employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment.

- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment.
- (5) Whether the totality of benefits is sufficient to justify the deduction. (Ord. 1989-01)

1.12.080 Date of Designation - Start Date of Improvements. If the improvements proposed in the application for Economic Revitalization Area status are not started within one (1) year of the date of designation, the Economic Revitalization Area designation for the real estate shall expire; however, the applicant may reapply, and the application fee therefore shall be 50% of the original fee. Such reapplication shall be made within ninety (90) days of the date of the expiration of the one (1) year period. In addition, the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA, upon the applicant's request, in writing, may extend such designation for a period not to exceed six (6) months. (Ord. 1989-01)

1.12.090 Value of Manufacturing Equipment. No tax abatement application shall be considered under this ordinance for items of manufacturing equipment which have a total value of less than \$1,500.00 or for structural improvements valued at less than \$10,000.00. (Ord. 1989-01)

1.12.100 Rejection or Designation. Each application shall be reviewed by the BOARD OF TRUSTEES OF THE TOWN OF SANTA CLAUS, INDIANA. The Town of Santa Claus shall in the next ensuing thirty (30) days decide upon the designation:

- (1) by rejecting the request and recording such action in the minutes of a regular or special meeting, or
- (2) by passing a resolution designating the area an Economic Revitalization Area eligible for tax abatement under the terms of this ordinance and the state enabling statute. (Ord. 1989-01)

1.12.110 Period of Time and Amount Limits. This Ordinance shall not give any person, firm, organization, or corporation any rights to tax abatement for a longer period of time, or greater amount, than as provided by the laws of the State of Indiana. (Ord. 1989-01)

1.12.120 Eligible Areas. This Ordinance shall apply to redevelopment, rehabilitation, and/or new manufacturing equipment:

- (1) located in Santa Claus, Indiana, which is located in the Santa Claus Industrial Park as shown on the attached Map 1 which is made a part of this chapter, or
- (2) at a site which is or will be used for manufacturing or processing as defined in the Standard Industrial Classification Code (SIC Code) currently used by the United States Bureau of the Census. (Ord. 1989-01)

1.12.130 Expiration. Where an area has been designated as an Economic Revitalization Area, such status shall expire two (2) years after the date of designation unless otherwise stated in the resolution establishing the area; such expiration shall not limit the length of time any persons, firms, organizations, or corporations are entitled to receive an abatement of taxes to less than that permitted by I.C. 6-1.1-12.1. Further, the economic revitalization area designation will be

conditioned in such manner that it will be effective only relative to the project which is described in the final resolution as supplemented by the information in the application. (Ord. 1989-01)

Chapter 1.25

VENDING MACHINE REVENUES

Sections:

- 1.25.010 Vending Machine at Town Hall**
- 1.25.020 Vending Machine at the Community Center**
- 1.25.030 Written Agreement for Services**

1.25.010 Vending Machine at Town Hall. The vending machine at the Town Hall is designated for employee use and shall be maintained by the employees. The revenue shall be restricted for the use and benefit of those employees who use the machine. (Ord. 1996-12)

1.25.020 Vending Machine at the Community Center. The vending machine at the Community Center is designated for public use and shall be maintained by public funds. The revenue shall be placed in the general operating fund. (Ord. 1996-12)

1.25.030 Written Agreement for Services. In the event personnel other than the Town's personnel maintain, stock, and clean up around the vending machines, a written agreement shall be entered into listing the services to be rendered, the amount to be paid for such services, timing of payments, and any other areas deemed necessary by the contracting parties or the Town of Santa Claus. (Ord. 1996-12)

Chapter 1.26

FEES AND CHARGES FOR PHOTOCOPIES

Sections:

1.26.010	Photocopies of Town Documents
1.26.020	Fees Charged

1.26.010 Photocopies of Town Documents. From time to time the Clerk-Treasurer is or may be requested to make photocopies of Town documents, to provide certified copies of Town documents. (Ord. 2007-08)

1.26.020 Fees Charged. I.C. §5-14-3-8 permits the Town to charge fees for providing the services of making photocopies and certifying documents. (Ord. 2007-8)

- (1) The Clerk-Treasurer shall charge a fee in the sum of Five dollars (\$5.00) for the certification of any document which is a part of the public records of the Town.
- (2) The Clerk-Treasurer shall charge a fee of the greater of ten cents (\$0.10) per page, or the actual cost of reproduction, for photocopies of standard black and white documents which measure 8 1/2 x 14 inches or smaller.
- (3) The Clerk-Treasurer shall charge a fee of the greater of twenty-five cents (\$0.25), or the actual cost of reproduction, of color and/or documents which measure larger than 8 1/2 x 14 inches.
- (4) The Clerk-Treasurer may require that payment for any copies shall be made in advance.
- (5) The fees established under this Ordinance shall be uniform to all purchasers, but shall be inapplicable to the necessary copying of documents by the Clerk-Treasurer for Town officers, employees, agents, contractors or others requiring copies in furtherance of the Town's business or affairs.
- (6) The fees chargeable by this Ordinance shall be altered and amended to conform with the requirements and maximum permitted fee provided by I.C. §5-14-3-8, if such statute later may amended, or such other statute which may permit and/or govern the fees which may be charged by the Town for these purposes, at any time or from time to time. (Ord. 2007-08)

Chapter 1.30

REPORTING OF IRREGULAR VARIANCES, LOSSES, SHORTAGES AND THEFTS OF TOWN FUNDS; ACCOUNTING AND INTERNAL CONTROL PROCEDURES.

Sections:

1.30.01. Materiality Threshold

1.30.02. Reconciliation of Discrepancies

1.30.03. Cash/Cash Fund Control Procedures

1.30.04. Internal Control Procedures

1.30.01. **Materiality Threshold.** For purposes of I.C. §5-11-1-27(j) and Indiana State Board of Accounts State Examiner Directive 2015-6, the Town hereby establishes a materiality threshold for reporting in the amount of One hundred dollars (\$100.00). For purposes of this Ordinance, any discrepancy shall be considered material and shall be reported if the cumulative discrepancy from a series of regular cash deposits totals more than such threshold in any calendar month.

1.30.02. **Reconciliation of Discrepancies.** Notwithstanding the materiality threshold established in Section 1 of this Chapter, no variance or discrepancy with regard to cash and other fund receipts shall be considered until the following procedures have failed to determine the source of the discrepancy:

(a) The employee discovering the discrepancy shall recompute the entries, deposits, monies, accounts or other items giving rise to the discrepancy to determine if the discrepancy is the result of a mathematical or data entry error.

(b) If the employee discovering the discrepancy cannot reconcile the discrepancy within two (2) business days following discovery, the employee shall report the discrepancy to the Clerk-Treasurer, and shall provide any and all documents, monies or other items necessary for the Clerk-Treasurer to attempt to reconcile the discrepancy.

(c) If the Clerk-Treasurer or the Clerk-Treasurer's designee shall fail to determine the source of the discrepancy within two (2) business days following referral to the Clerk-Treasurer, and the discrepancy is "Material" pursuant to Section 1 of this Chapter, the Clerk-Treasurer shall report such discrepancy to the Town Marshal, Town Council, and Indiana State Board of Accounts.

(d) Notwithstanding any provision in this Ordinance to the contrary, if an employee has a reasonable suspicion that a discrepancy has been caused by theft or other illegal conduct on the part of any Town employee or officer, the employee immediately shall report such suspicion and provide the information concerning such matter to the Town Marshal, or other appropriate law enforcement personnel as directed by the Town Marshal.

1.30.03. **Cash/Cash Fund Control Procedures.** The following procedures shall apply to any and all separate cash change funds necessary for the operation of the Town's departments, pursuant to I.C. §36-1-8-2.

(a) The amount of any beginning cash draw for a cash change fund shall be established by separate ordinance of the Town. In the absence of an ordinance establishing an ordinary and/or recurring cash change fund, upon approval of the Town Council the Clerk-Treasurer may permit the establishment of a temporary cash change fund and make withdrawal of Town monies from

appropriate funds to establish such cash change fund in the amount of One hundred dollars (\$100.00).

(b) Any and all cash change funds shall be established and shall continue only for so long as necessary to accomplish the purposes of the cash change fund.

(c) Upon receipt of a cash draw to establish a new cash change fund, the officer or employee of the Town charged with the establishment, operation and custody of the cash change fund shall execute a receipt acknowledging the amount and purpose of the cash draw.

(d) Only officers or employees of the Town who are bonded or who are covered under the Town's crime insurance coverage in lieu of a bond shall have access to a cash change fund.

(e) Upon any employee surrendering control of a cash change fund to another employee, the employees jointly shall count the balance of the cash change fund.

(f) Any officer or employee operating a cash change fund shall remit the balance of cash, checks or other funds to the Clerk Treasurer, with register or other receipts, or other documentation reflecting the source of receipts into and disbursements from such fund, within one (1) calendar day when the balance on hand in such fund exceeds three hundred dollars (\$300.00).

(g) Any officer or employee operating a cash change fund shall return the cash change fund balance to the Clerk Treasurer immediately upon the fund no longer being necessary for the Town's purposes, or upon the officer or employee's termination of the officer or employee's position with the Town.

1.30.04. **Internal Control Procedures.** The following internal control procedures are hereby adopted for use by the Town:

Payroll Activities

Salaries and wage rates are established by Town Ordinance duly adopted by the Town Council. The responsibilities for hiring, terminating, and approving wage changes are segregated from those preparing payroll transactions or inputting payroll data.

Employees' time and attendance records are approved by the employee's supervisor.

Corrections to recorded time and attendance records or other adjustments to pay are approved by the employee and employee's supervisor.

Payroll disbursements are reviewed and approved by the Clerk-Treasurer prior to payment.

Access to payroll applications is appropriately controlled by user logins and passwords.

Disbursement Activities

The responsibility for approving claims is segregated from those preparing the claims.

Checks are written by an individual other than the one approving the claim.

Checks are generally signed by an individual other than the one preparing them, or are reviewed regularly by the Clerk-Treasurer

Claims for payment are reviewed and approved by the governing body prior to payment, except for payments pre-approved by the Town Council as permitted by law.

A monthly or more frequent reconciliation is completed between the claims for payment approved and the actual disbursements posted to the ledger.

The responsibility for acknowledging the receipt of goods or services is segregated from those preparing claims and writing checks.

Vendor checks are accounted for in numerical order and reconciled to the disbursement ledger.

Invoices or other receipts are attached to each claim to support the disbursement.

A review is completed by an individual outside the disbursement process in which the claim amount is compared to the supporting documentation attached to the claim and the amount of the check.

Receipting Activities

The responsibility for collecting money and issuing receipts is segregated from those preparing the bank deposit.

The responsibility for making bank deposits is segregated from those preparing the monthly bank reconciliation.

Checks received should immediately be restrictively endorsed "For Deposit Only."

Deposits shall be made as required by Indiana law.

Pre-numbered receipts are issued for all money collected and the receipt is retained with any supporting documentation.

Receipts are reconciled to the cash receipts ledger by the Clerk-Treasurer at least monthly.

Receipts should indicate the type of payment received (cash, check, etc.) and this is reconciled to the bank deposit.

Accounts receivable records are maintained by an individual other than the one(s) involved in the billing process.

Adjustments to customer accounts are approved by the Clerk-Treasurer or Utility Superintendent.

Cash Activities

A reconciliation between the recorded cash balance and the bank balance should be completed monthly.

A reconciliation between the receipts ledger and the credits to the bank account is completed monthly by the Clerk-Treasurer.

A reconciliation between the disbursement ledger and the debits to the bank account is completed monthly by the Clerk-Treasurer.

The monthly reconciliation between the cash balance and the bank balance is reviewed and approved by the Clerk-Treasurer.

Disbursements from and receipts to cash change funds or petty cash funds are periodically reviewed by an individual other than the one responsible for maintaining the cash change fund.

Credit Card Transactions

A designated official or employee oversees the issuance and use of the credit cards.

An ordinance or resolution specifically states the purposes for which the credit card may be used.

The Clerk-Treasurer reviews transactions listed on the credit card statements for sufficient documentation and inclusion in claim to the Town Council.

Information Technology.

Access to computer applications is appropriately controlled by user logins and passwords.

Employees shall maintain confidentiality of user names and passwords, and shall not share usernames and/or passwords with other employees.

Access to computer applications shall be removed promptly for employees without need for access or who are terminated from employment.

Oversight and Monitoring.

The Town Council shall oversee the Town's internal control procedures.

All employees immediately shall report any deficiencies in the internal control procedures to his or her Supervisor and/or the Town Council.

The Town Council shall monitor the effectiveness of the Town's internal control procedures and remediate any deficiencies on a timely basis.

(Ord. 2016-06)

Chapter 1.50

PARKS AND RECREATION DEPARTMENT

Sections:

1.50.010	Created
1.50.020	Board Appointment
1.50.030	Membership
1.50.040	Term
1.50.050	Consideration in Appointment
1.50.060	Vacancy
1.50.070	Governing Power

1.50.010 Created. Pursuant to authority granted by I.C. §36-10-3-1, as amended there is hereby created the Santa Claus Department of Parks and Recreation which shall be in addition to existing executive departments of the town. The prior Santa Claus Department of Parks and Recreation, Ordinance No. 1975-1 is hereby repealed. (Ord. 1992-19)

1.50.020 Board Appointment. Said Department of Parks and Recreation shall be governed by a Board which consists of five members to be appointed by the executive of the Town Council. The members shall be appointed on the basis their interest in and knowledge of parks and recreation, but no more than two members may be affiliated with the same political party. (Ord. 2013-06)

1.50.030 Membership. No member of the Santa Claus Town Council may serve on said Parks and Recreation Board. (Ord. 1992-19)

1.50.040 Term. Each appointment shall be for a four (4) year term.

All terms shall expire the first Monday in January, but a member continues in office until a successor is appointed. (Ord. 2013-06)

1.50.050 Consideration in Appointment. In making initial appointments, the Town Council, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from the previous Parks and Recreation Board. (Ord. 1992-19)

1.50.060 Vacancy. If a vacancy on the Board occurs, the Santa Claus Town Council shall appoint a person to serve for the remainder of the unexpired term. (Ord. 1992-19)

1.50.070 Governing Power. Said Parks and Recreation Board shall be governed by the terms of the Indiana Code §36-10-3-1 *et seq.* (Ord. 1992-19)

Chapter 1.51

FEES AND CHARGES FOR COMMUNITY CENTER AND PARKS AND RECREATION DEPARTMENT

Sections:

1.51.010 Fees and Charges

(1) The following fees for the community center are hereby established and shall be charged by the Community Center Director:

a. Room/Community Center Use:

- i. Large Room Rental, \$25.00 per hour; or, \$150.00 per day; or, upon such terms as determined by the Parks & Recreation Board following solicitation of proposals or other competitive process for recurring activities and pursuant to an Independent Contractor Agreement for activities to be conducted for the public;
- ii. Small Room Rental, \$10.00 per hour; or, upon such terms as determined by the Parks & Recreation Board following solicitation of proposals or other competitive process for recurring activities and pursuant to an Independent Contractor Agreement for activities to be conducted for the public;
- iii. Small Office Rental, \$150.00 per month; or, upon such terms as determined by the Parks & Recreation Board following solicitation of proposals or other competitive process for recurring activities and pursuant to an Independent Contractor Agreement for activities to be conducted for the public;
- iv. Clean-Up Fee, \$100.00;
- v. Kitchen Facility Use, \$75.00; and,
- vi. Seniors' Meeting with Dinner, \$50.00 per month.

b. Gym/Exercise Facility use:

- i. Daily individual admittance, \$3.00;
- ii. Monthly individual membership, \$20.00;
- iii. Six-month individual membership, \$110.00;
- iv. Annual individual membership; \$200.00;
- v. Family monthly membership, \$40.00;
- vi. Town Personnel annual membership, \$1;
- vii. Town Personnel monthly family membership, \$10;

- vii. Senior Citizen's daily individual admittance, \$1.00;
- viii. Senior Citizen's monthly individual membership, \$12.00; and,
- ix. Group Memberships shall be charged as follows:

<u>Number of Group Members</u>	<u>Monthly Charge per Member</u>
10-50	\$15.00
51 and over	\$13.00

For the purposes of this paragraph, "Town Personnel" shall include all employees and Board members (Town Council, Waterworks Board, Parks & Recreation Board, Advisory Plan Commission, Board of Zoning Appeals and Redevelopment Commission), and members of the Santa Claus Volunteer Fire Department, Inc.. "Family" shall mean the Personnel, his or her spouse, and children residing in the same household. "Senior Citizen" shall mean any person who is sixty-two (62) years of age or older.

All members issued key fobs for entry into the exercise facilities during unsupervised periods shall be charged a fee of \$12.00 per key fob issued to such member.

All use and memberships shall be a license to use the Town facilities subject to rules as established by the Department of Parks and Recreation.

All receipts for rental of the community center shall be deposited into the Town's Community Center Fund 101950."

(2) The following fees for the use of Yellig Park are hereby established and shall be charged by the Parks and Recreation Board:

- A. Use of Lights for use other than for organized sports or tournaments authorized to use Yellig Park by the Parks and Recreation Department (2 hour limit), \$25.00;
- B. No User Fees shall be charged for organized sports leagues authorized to use Yellig Park by the Parks and Recreation Board;
- C. Tournament Fees for tournaments authorized to use Yellig Park by the Parks and Recreation Board pursuant to a License Agreement with the Board:
 - 1. License Fee for Tournament Use:
\$25.00 per game, per field, based upon games actually played.
 - 2. Field dragging and/or field preparation: \$20.00 per hour, with a one-hour minimum accrual per person;
 - 3. Park cleanup: \$20.00 per hour per person;
 - 4. Quick-Dry and other field supplies used for tournaments: Must be reimbursed to Town at actual cost to Town;

5. A security deposit in the amount of \$250.00 per tournament.
6. A parking fee of \$120.00 per team participating in any Softball Tournament;
7. A parking fee of \$140.00 per team participating in any Baseball Tournament.”

D. All fees and charges for concessions sold on properties under the governance of the Parks and Recreation Board may be established and altered by the Parks and Recreation Board at their discretion. The Parks and Recreation Board shall provide an annual report to the Town Council for all such charges and fees.

All receipts for use of Yellig Park shall be deposited into the Town's Parks and Recreation Fund 204002.

(Ord. 2013-05.)

Chapter 1.52

NONREVERTING OPERATING FUND FOR PARK PURPOSES

Sections:

1.52.010	Established
1.52.020	Use of Funds

1.52.010 Established. That there is hereby established a Santa Claus Special Nonreverting Operating Fund for Park Purposes. (Ord. 1991-06.)

1.52.020 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for park purposes. (Ord. 1991-06.)

Chapter 1.53

SPECIAL NONREVERTING DONATION FUND FOR THE PARKS AND RECREATION DEPARTMENT

Sections:

1.53.010	Established
1.53.020	Contributions
1.53.030	Use of funds
1.53.040	Termination

1.53.010 Established. That there is hereby established a Special Nonreverting Donations Fund for Santa Claus Parks and Recreation Department Purposes, which shall be known as the "Santa Claus Parks and Recreation Department Donation Fund". (Ord. 1992-16)

1.53.020 Contributions. That contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-16)

1.53.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the Santa Claus Parks and Recreation Department Purposes. (Ord. 1992-16)

1.53.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on Santa Claus Parks and Recreation Department purposes. (Ord. 1992-16)

Chapter 1.54

NONREVERTING PARKS AND RECREATION SPECIAL FUND

Sections:

1.54.010	Established
1.54.020	Contributions
1.54.030	Expenditures
1.54.040	Perpetual Fund

1.54.010 Established. That there is hereby established a nonreverting special fund for the Santa Claus Parks and Recreation Department purposes, which shall be known as the "Santa Claus Parks and Recreation Special Fund". (Ord. 2007-03)

1.54.020 Contributions. That contributions to the fund shall be from user fees and concession stand receipts. (Ord. 2007-03)

1.54.030 Expenditures. That expenditures may be made from the fund by the appropriation of the Santa Claus Town Council for the Santa Claus Parks and Recreation Department purposes. (Ord. 2007-03)

1.54.040 Perpetual Fund. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use of the Santa Claus Parks and Recreation Department purposes. (Ord. 2007-03)

Chapter 1.55

NONREVERTING FUND FOR TRAILS MAINTENANCE

Sections:

1.55.010	Established
1.55.020	Contributions
1.55.030	Use of Funds
1.55.040	Termination

1.55.010 Established. That there is hereby established a special nonreverting fund for trail maintenance purposes, which shall be known as the "Santa Claus Trails Maintenance Fund."

1.55.020 Contributions. That contributions to the fund shall be from donations made by various individuals, businesses and other sources and appropriations, grants and other monies designated or received which are designated to be for the purpose of trail maintenance and upkeep.

1.55.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the purpose of trail maintenance and upkeep.

1.5.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on Santa Claus Parks and Recreation Department purposes.

(Ord.2016-07)

Chapter 1.58

FIXED ASSET CAPITALIZATION POLICY

Sections:

1.58.010	Definitions
1.58.020	Lower Limit
1.58.030	Recording and Accounting
1.58.040	Safeguarding of Assets

The Common Council of the Town of Santa Claus so desires to establish a capitalization policy for the Town and its various Departments and Utilities (Enterprise Funds).

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

- (1) Tangible Assets - Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.
- (2) Fixed Assets - Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment, or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).
- (3) Capital Outlays - Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.
 - A. Land - The cost of land and rights-of-way owned by the Town.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers [salary and benefits]), such as demolishing buildings, excavation, clean up, and/or inspection.

A department will record donated land at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- B. Buildings - The acquisition cost of permanent structures owned or held by the Town and improvements thereon.

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

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

A department will record donated buildings at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- C. Improvements Other Than Buildings - Acquisition value of permanent improvements other than buildings which add value to the land and is attached or not easily removed.

Examples are: fences, retaining walls, sidewalks, parking pavements, gutters, outside fountains, planters, underground sprinkler systems, and other similar items.

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

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

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- D. Machinery and Equipment - Costs of tangible property of a more or less permanent nature, other than land or building and improvements thereon.

Machinery combined with other machinery to form one unit will be capitalized as one unit. Shipping charges, consultant fees, and any other costs directly associated with the purchase, delivery, or set up (including contractors and/or Town workers [salary and benefits]), which make such equipment operable for its intended purpose will be capitalized.

Examples include:

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

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

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

A department will record donated machinery and equipment at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

- (4) Enterprise Funds - Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

The enterprise funds of the Town of Santa Claus shall include the municipally owned water and wastewater utilities. Operation of these utilities shall require enterprise fund accounting and reporting. (Ord. 1995-09)

1.58.020 Lower Limit. Judgments must be exercised in making decisions as to whether a given expenditure is a capital expenditure. To avoid excessive costs of accounting for relatively small dollar value items, the Common Council so desires to set \$5,000.00 as a lower limit to the definition of capital expenditure. Thus any expenditure under the established limit shall always be expenses currently even though future benefits are expected from the expenditure.

Capital expenditures made by the Town, its various departments and utilities for the acquisition of fixed assets shall have a useful life of more than one year. (Ord.1995-09; 2014-03)

1.58.030 Recording and Accounting

- (1) The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the State Board of Accounts Cities and Town Accounting Manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on fair market value plus associated costs, or where the original fair market value and associated costs are undeterminable, by estimation for those assets previously purchased and in existence.
- (2) The Town's departments and municipally owned utilities shall record acquisition of Fixed Assets and determine the rate of straight-line depreciation in accordance with Generally Accepted Accounting Principles. Assets may be acquired under a number of other arrangements including:
 - A. Assets acquired for a lump-sum purchase price
 - B. Purchase on deferred payment contract
 - C. Acquisition under capital lease
 - D. Acquisition by exchange of non-monetary assets
 - E. Acquisition by issuance of securities
 - F. Acquisition by self-construction
 - G. Acquisition by donation or discovery
- (3) In addition, an asset register approved by the State Board of Accounts shall be maintained to provide a detailed record of capital assets of the governmental unit. (Ord. 1995-09)

1.58.040 Safeguarding of Assets. BE IT FURTHER ORDAINED THAT ACCOUNTING CONTROLS be designed and implemented to provide reasonable assurances that;

- (1) Capital expenditures made by the Town, its various departments and utilities be in accordance with management's authorization as documented in the minutes.
- (2) Transactions of the utilities be recorded as necessary to permit preparation of financial statements in conformity with Generally Accepted Accounting Principles.

- (3) Adequate detailed records be maintained to assure accountability for Town and Utility owned assets.
- (4) Access to assets be permitted in accordance with management's authorization.
- (5) The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.
(Ord. 1995-09)

Chapter 1.60

CUMULATIVE BUILDING "MAINTENANCE" FUND

Sections:

1.60.010	Established
1.60.020	Property Tax Levy
1.60.030	Maximum Rate of Levy
1.60.035	Term
1.60.040	Re-Established

1.60.010 Established. That there is hereby established a Santa Claus Cumulative Building Maintenance Fund to maintain the Santa Claus Town Hall and the North Spencer Community Center building owned by the Town of Santa Claus. (Ord. 1990-05; Ord. 1985-01;)

1.60.020 Property Tax Levy. That an ad valorem property tax levy will be imposed and revenues from the levy will be retained in the Santa Claus Cumulative Building Maintenance Fund. (Ord. 1990-05; Ord. 1985-01;)

1.60.030 Maximum Rate of Levy. The maximum rate of the levy under Section 1.060.020 will not exceed \$.03 per \$100.00 of assessed value. (Ord. 2014-07)

1.60.035 Term. The tax imposed by Section 1.60.020 shall be imposed annually for a term of 10 years. (Ord. 2014-07)

1.60.040 Re-Established. The Santa Claus Cumulative Capital Development Fund is re-established and shall be in effect until further Ordinance of the Town of Santa Claus. (Ord. 2014-07)

Chapter 1.63

Santa Claus Trails Fund

Sections:

1.63.010	Established
1.63.020	Additions
1.63.030	Use of Funds
1.63.040	Termination

1.63.010 Established. There is hereby established a Santa Claus Trails Fund to construct Trail and Street projects in and around the Town of Santa Claus.

1.63.020 Additions. Additions to the Fund shall be from grants, loans, private and/or public contribution, and other sources.

1.63.030 Use of Funds. Expenditures may be made from the Fund without appropriation by the Santa Claus Town Council for the construction of streets and trail projects in and around the Town of Santa Claus.

1.63.040 Termination. This Fund shall be perpetual until terminated by Ordinance.

(Ord. 2014-07)

Chapter 1.62

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.62.010	Re-established
1.62.020	Property Tax Levy
1.62.030	Maximum Rate of Levy
1.62.040	Years Re-established
1.62.050	Use of Funds
1.62.060	Emergency Situation
1.62.070	Effectiveness

1.62.010 Re-established. There is hereby re-established the Santa Claus Cumulative Capital Development Fund.

1.62.020 Property Tax Levy. An *ad valorem* property tax levy will be imposed and the revenues from the levy will be retained in the Santa Claus Cumulative Capital Development Fund.

1.62.030 Maximum Rate of Levy. The rate of levy under 1.62.020 shall be \$0.05 per \$100.00 of Assessed Valuation.

1.62.040 Years Re-established. The Santa Claus Cumulative Capital Development Fund is re-established for the years 2018, 2019 and 2020.

1.62.050 Use of Funds. The funds accumulated in the Santa Claus Cumulative Capital Development Fund will be used for public ways and sidewalks as described in I.C. § 36-9-16.5-2, for general improvements as described in I.C. §36-9-17-3 and for purchase or lease of motor vehicles for the fire department, including firefighting vehicles with necessary equipment, ladders and hoses as described in I.C. §36-9-16-3(8) and any other purposes permitted by law.

1.62.060 Emergency Situation. Notwithstanding Section 1.62.050, funds accumulated in the Santa Claus Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.62.050, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town Council President issues declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

1.62.070 Effectiveness. This Ordinance shall be effective upon submission to the Indiana Department of Local Government Finance and the period for objection to such Ordinance passing as required by law.

(Ord. 2017-07)

Chapter 1.64

INDUSTRIAL PARK FUND

Sections:

1.64.010	Established
1.64.020	Use of Funds
1.64.030	Proceeds From The Sale of Industrial Park Real Property
1.64.040	Excess funds
1.64.050	Termination

1.64.010 Established. That there is hereby established a Santa Claus Industrial Park Fund, which shall be a part fo the General Fund of the Town.

1.64.020 Use of Funds. That the funds accumulated in the Santa Claus Industrial Park Fund shall be used (1) to construct, reconstruct or repair public ways, sidewalks, sewers, drains, fences or buildings and to do other things that would enhance the value of real property and make it suitable for industrial use, (2) to purchase and improve real estate for the industrial park; and, (3) for any other purpose determined by the Town Council by resolution.

1.64.030 Proceeds From The Sale Of Industrial Park Real Property. That all proceeds from the sale of Industrial Park real property shall be deposited in the Santa Claus Industrial Park Fund.

1.64.040 Excess funds. Unless otherwise altered by the Town Council by resolution, when the amount in this Fund exceeds the sum of Two hundred and fifty thousand dollars(\$250,000.00), all excess funds deposited into this Fund shall be transferred to the Rainy Day Fund of the Town.

Chapter 1.65

RAINY DAY FUND

Sections:

1.65.005	Indiana Code
1.65.010	Established
1.65.020	Contributions
1.65.030	Use of Funds

1.65.005 Indiana Code. The Town Council of the Town of Santa Claus finds that it is necessary and prudent for the financial well being of the Town to establish a rainy day fund that will be funded pursuant to I.C. 6-3.5-6-17.3), with supplemental COIT distributions and I.C. 6-3.5-7-17.3), supplemental CEDIT distributions. The fund, at the Council's discretion, may include unused and unencumbered funds, or any other sources of funding not prohibited by law. The amount of transfer will not exceed the allowable 10% of the town's total annual budget in any fiscal year and can only be made on or after January 1 and before March 1 of the following subsequent year. (Ord. 2007-02)

1.65.010 Established. That there is hereby established a Rainy Day Fund. (Ord. 2007-02)

1.65.020 Contributions. That contributions to the fund shall be from the supplemental distributions of COIT and CEDIT, at the council's discretion unused and unencumbered funds, and any other source not prohibited by law. (Ord. 2007-02)

1.65.030 Use of Funds. That this is an appropriated fund that, at the Council's discretion, may be used for any lawful purpose. (Ord. 2007-02)

Chapter 1.66

CUMULATIVE FIREFIGHTING EQUIPMENT FUND

Sections:

1.66.010	Established
1.66.020	Property Tax Levy
1.66.030	Maximum Rate of Levy
1.66.040	Use of Fund
1.66.050	No Exceptions

1.66.010 Established. That there is hereby established a Santa Claus Cumulative Firefighting Equipment Fund. (Ord. 1988-02)

1.66.020 Property Tax Levy. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Santa Claus Cumulative Firefighting Equipment Fund. (Ord. 1988-02)

1.66.030 Maximum Rate of Levy. The maximum rate or levy under Section 1.66.020 will not exceed \$.05 per \$100 assessed valuation. (Ord. 2014-07)

1.66.040 Use of Fund. That the funds accumulated in the Santa Claus Cumulative Firefighting Equipment Fund will be used for the purchase of firefighting equipment, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment, if that method of purchase is deemed appropriated by the Board. (Ord. 1988-02)

1.66.050 No Exceptions. Funds accumulated in the Santa Claus Firefighting Equipment Fund may not be spent for purposes other than the purposes stated in Section 1.66.040 above. (Ord. 1988-02)

Chapter 1.67

SPECIAL NONREVERTING DONATION FUND FOR THE FIRE DEPARTMENT

Sections:

1.67.010	Established
1.67.020	Contributions
1.67.030	Use of Funds
1.67.040	Termination

1.67.010 Established. That there is hereby established a Special Nonreverting Donations Fund for Fire Department Purposes, which shall be known as the "Santa Claus Fire Department Donation Fund". (Ord. 1992-18)

1.67.020 Contributions. That Contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-18)

1.67.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the Santa Claus Fire Department Purposes. (Ord. 1992-18)

1.67.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on Santa Claus Fire Department purposes. (Ord. 1992-18)

Chapter 1.68

ECONOMIC DEVELOPMENT INCOME TAX FUND (EDIT)

Sections:

1.68.010	Established
1.68.020	Revenue Received

1.68.010 Established. That there is hereby established a Santa Claus Economic Development Income Tax Fund. (Ord. 1991-03)

1.68.020 Revenue Received. That all revenue received by the Town of Santa Claus from Spencer County from the county economic development income tax shall be deposited in the Santa Claus Economic Development Income Tax Fund. (Ord. 1991-03)

Chapter 1.69

TAX REVENUE FUND

Sections:

1.69.010	Establishment
1.69.020	Contributions and Additions
1.69.030	Use of funds
1.69.040	Termination

1.69.010 Establishment. That there is hereby established a fund which shall be known as the "Santa Claus Riverboat Tax Revenue Fund". (Ord. 2003-01)

1.69.020 Contributions and Additions. That contributions and additions to the fund shall be from revenues and receipts from the revenue sharing payments to the Town of Santa Claus, Indiana for the Riverboat Gambling Wagering Taxes collected pursuant to I.C. §4-33--13-1, et seq, grants, loans, private and/or public contributions designated for such fund, and other sources. (Ord. 2003-01)

1.69.030 Use of Funds. That expenditures may be made from the fund by appropriation for any governmental purpose. (Ord. 2003-01)

1.69.040 Termination. This fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at such time shall revert or be transferred to the general fund of the Town. (Ord. 2003-01)

Chapter 1.70

DEPARTMENT OF REDEVELOPMENT

Sections:

1.70.010	Department of Redevelopment Re-established
1.70.020	Originally Established
1.70.030	Redevelopment Commission Board Members
1.70.040	Appointments-Terms
1.70.050	Taxing District

1.70.010 Department of Redevelopment Re-established. The Town Council hereby re-establishes and renews Ordinance No. 1992-10 effective the date of passage of the Ordinance and re-establishes the Department of Redevelopment and the Redevelopment Commission as originally provided in Ordinance No. 1992-10 with the exception that the new initial commission members shall be as follows: (Ord. 1995-01)

1.70.020 Originally Established. The Town Council of Santa Claus, Indiana ("Town") deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a Department of Redevelopment. (Ord. 1992-10)

1.70.030 Redevelopment Commission Board Members. The Town Council hereby establishes the Department of Redevelopment of the Town. The Department will be controlled by a board of five members known as the Santa Claus Redevelopment Commission. (Ord. 1992-10)

1.70.040 Appointments-Terms.

- (1) The President of the Town Council shall appoint three of the five members of the Santa Claus Redevelopment Commission.
- (2) The Town Council hereby appoints Alfred Hemmer and Ron Etienne as members of the Santa Claus Redevelopment Commission.
- (3) The initial term of office of the members of the Santa Claus Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 1997. (Ord. 1995-01; Ord. 1992-10)

1.70.050 Taxing District. Pursuant to the Act all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Redevelopment District of Santa Claus for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. 1992-10)

Chapter 1.83

EXCEPTING PUBLIC RECORDS FROM DISCLOSURE

Sections:

1.83.010 Exceptions

1.83.010 Exceptions. Unless access or disclosure is specifically required by a state or federal statute or is ordered by a court under the rules of discovery, all records of the Town of Santa Claus, Indiana within the classes enumerated in I.C. §5-14-3-4(b) shall be excepted from access or disclosure pursuant to I.C. §5-14-3-3. (Ord. 2004-03)

Chapter 1.84

COMPENSATORY TIME OFF FOR NON-LAW ENFORCEMENT PERSONNEL

Sections:

- 1.84.010 **Compensatory Time-off Policy**
- 1.84.020 **Guidelines Applicable to Compensatory Time Use**
- 1.84.030 **Guidelines Applicable to Accrual of Compensatory Time**

1.84.010 Compensatory Time-off Policy. The following policy shall be in full force and effect upon enactment of this Ordinance as required by law.

- (1) It shall be the policy of the Town Council of the Town of Santa Claus, Indiana that employees of the Town of Santa Claus should attempt to complete all work within scheduled work hours.
- (2) For those situations where work cannot be completed during the normal scheduled work hours, or through the use of flex time used during a work period, the Town of Santa Claus may agree to provide a non-law enforcement employee with compensatory time off equal to one and one half times the number of hours that the employee works over forty (40) hours in any work week. In order for this provision to apply, the employee desiring such compensatory time off in lieu of overtime pay must agree with the applications of this Chapter prior to performing overtime work.
- (3) The Town Council, in its discretion, may alter, amend or abrogate this Ordinance and the policies stated hereunder at any time and from time to time, and the terms and conditions of this Ordinance shall not constitute any right of any employee to any wages or other compensation except as stated herein, or to any guarantee of continued employment with the Town.

1.84.020 Guidelines Applicable to Compensatory Time Use.

- (1) The use of compensatory time must be approved in advance by the employee's supervisor. If the employee is a department head, the use of compensatory time off must be approved by the employee's supervising body.
- (2) Employees will be allowed to "bank" a maximum of two hundred and forty (240) compensatory hours of time to be used at their discretion, so long as, in the judgment of the employee's supervisor or supervising body, use of such compensatory time off shall not create a undue disruption of services or adversely affect the Town's citizens.
- (3) If an employee has "banked" two hundred and forty hours of compensatory time off, any hours worked in excess of forty (40) hours in a work week shall be approved by the employee's supervisor or supervising body, and the

Town Council shall be notified of the employee reaching his or her maximum accrual of compensatory time.

- (4) All compensatory time earned must be taken in one-half hour increments.
- (5) Upon termination of employment, and if the employee is in good standing with the Town, or if the employee is terminated because of layoff, the Town Council shall pay any compensatory time off banked by the employee, on the employee's last pay check at the employee's "regular rate" as defined per 29 CFR §553.21.
- (6) All compensatory time off earned and used during a pay period must be documented on an employee's time sheet and turned in to the Clerk-Treasurer per Section 4.03 of the Town's Personnel Policy Manual.
- (7) The Clerk-Treasurer shall maintain and preserve records of the number of compensatory time hours earned and/or used in each work period by each employee, the number of hours of compensatory time compensated in cash, the total amount paid and date of such payment.

1.84.030 Guidelines Applicable to Accrual of Compensatory Time.

- (1) Employees shall use flex time during a work period pursuant to the Personnel Manual to the greatest extent possible to prevent the accrual of compensatory time off, and Department Heads shall attempt to modify duty schedules to minimize the accrual of compensatory time off.
- (2) Sick days, holidays, compensatory time off taken, personal days, bereavement leave or other days when an employee does not work shall not be considered compensable hours for the accrual of compensatory time off.

(Ord. 2016-15)

Chapter 1.85

COMPENSATORY TIME-OFF FOR OVERTIME WORKED BY POLICE OFFICERS

Sections:

1.85.010	Compensatory Time-off Policy
1.85.020	Guidelines Applicable to Compensatory Time
1.85.030	Guidelines Applicable to Accrual of Compensatory Time

1.85.010 Compensatory Time-off Policy. The following policy shall be in full force and effect upon enactment of this Ordinance as required by law. (Ord. 2016-01)

- (1) It shall be the policy of the Town Council of the Town of Santa Claus, Indiana that police officers for the Town of Santa Claus should attempt to complete all work within scheduled work hours. (Ord. 2016-01)
- (2) For those situations where work cannot be completed during the normal scheduled work hours, or through the use of flex time used during a work period, the Town of Santa Claus will give salaried officers compensatory time off equal to one and one half times the number of hours that officer works over one hundred and seventy (171) hours in any "work period." A "work period" for the purposes of this Ordinance, shall be each period of twenty-eight (28) consecutive days, with the first such periods beginning at midnight on March 26, 2016, and ending at 11:59 p.m. on April 22, 2016. (Ord. 2016-01)
- (3) The Town Council, in its discretion, may alter, amend or abrogate this Ordinance and the policies stated hereunder at any time and from time to time, and the terms and conditions of this Ordinance shall not constitute any right of any officer to any wages or other compensation except as stated herein, or to any guarantee of continued employment with the Town. (Ord. 2016-01)

1.85.020 Guidelines Applicable to Compensatory Time Use.

- (1) Compensatory time must be approved in advance by the Town Marshal or, if the Town Marshal is not available, by the Clerk-Treasurer. (Ord. 2016-01)
- (2) Officers will be allowed to "bank" a maximum of twenty-eight (28) compensatory hours of time to be used at their discretion, so long as, in the judgment of the Town Marshal, use of such compensatory time off shall not create a undue disruption of services or adversely affect the Town's citizens. (Ord. 2016-01)
- (3) All compensatory time earned that is not placed in an officer's compensatory time bank due to such officer having accumulated twenty-eight (28) hours of accrued compensatory time off during the calendar year must be used by the end of the pay period following the pay period in which the compensatory time was earned. In the event that it is

- impractical for an officer to use the officer's accrued compensatory time off by the end of the following pay period, because to do so would create a disruption in services or adversely affect the Town's citizens, in the judgment of the Town Marshal, the affected officer will be required to make a written request to the Town Marshal requesting the use of compensatory time during the following pay period. If the Town Marshal cannot use his accrued compensatory time off by the end of the following pay period, because to do so would create a disruption in services or adversely affect the Town's citizens, the Marshal is required to make a written request to the Town Council President to use the compensatory time during the following pay period. (Ord. 2016-01)
- (4) All compensatory time earned must be taken in one-half hour increments. (Ord. 2016-01)
 - (5) All compensatory time off earned during a calendar year generally should be used during that calendar year. If it is not possible for an officer to take the compensatory time off during the calendar year it is earned, the Town Council may elect, in the Town Council's sole and absolute discretion, to pay any banked hours up to twenty-eight (28) hours to the officer at the officer's regular hourly rate of pay during the first pay period of the year following accrual of such compensatory time. (Ord. 2016-01)
 - (6) Upon termination of employment, and if the officer is in good standing with the Town, or if the officer is terminated because of layoff, the Town Council shall pay any compensatory time off banked by the officer, on the officer's last pay check at the officer's "regular rate" as defined per 29 CFR §553.233. (Ord. 2016-01)
 - (7) All compensatory time off earned and used during a pay period must be documented on an officer's time sheet and turned in to the Clerk-Treasurer per Section 4.03 of the Town's Personnel Policy Manual. (Ord. 2016-01)
 - (8) The Clerk-Treasurer and Town Marshal shall maintain and preserve records of the number of compensatory time hours earned and/or used in each work period by each officer, the number of hours of compensatory time compensated in cash, the total amount paid and date of such payment. (Ord. 2016-01)

1.85.030 Guidelines Applicable to Accrual of Compensatory Time.

- (1) Officers shall not be "charged" with a meal time during which they remain on call for duty. (Ord. 2016-01)
- (2) Officers shall use flex time during a work period pursuant to the Personnel Manual to the greatest extent possible to prevent the accrual of compensatory time off, and the Town Marshal shall attempt to modify duty schedules to minimize the accrual of compensatory time off. (Ord. 2016-01)
- (3) Time spent by officers in training approved by the Town Council shall constitute compensable hours of work for the officer. (Ord. 2016-01)
- (4) An officer's tour of duty shall commence at the time he reports for duty within the

Town, and ends at the time the officer leaves the Town limits at the end of the officer's scheduled tour of duty, irrespective of commuting time. (Ord. 2016-01)

- (5) Hours spent on special detail performing work at an officer's option, such as traffic or crowd control for a separate and independent employer, shall not count as compensable hours for the accrual of compensatory time off. (Ord. 2016-01)
- (6) Sick days, holidays, compensatory time off taken, personal days, bereavement leave or other days when an officer does not work shall not be considered compensable hours for the accrual of compensatory time off. (Ord. 2016-01)

Chapter 1.86

LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM FUND

Sections:

1.86.010	Established
1.86.020	Revenue Received
1.86.030	Deposit of Funds

1.86.010 Established. That there is hereby established a Town of Santa Claus Law Enforcement Continuing Education Program Fund as authorized by I.C. §5-2-8-2, which shall be funded with Law Enforcement Continuing Education Program fees collected by a clerk as listed in said statute and appropriated pursuant to I.C. §33-19-8-4. (Ord. 1992-15)

1.86.020 Revenue Received. All of said fees so appropriated shall be placed in the Santa Claus Law Enforcement Continuing Education Fund and shall be distributed to the Santa Claus Law Enforcement Agency for its continuing education program without further appropriation. (Ord. 1992-15)

[Deletion of 1.86.030 by Ord. 2017-11]

Chapter 1.87

SPECIAL NONREVERTING TOWN MARSHAL FUND

Sections:

1.87.010	Established
1.87.020	Revenue received
1.87.030	Use of Funds

1.87.010 Established. That there is hereby established a special nonreverting fund for the Santa Claus Town Marshal, which shall be known as the "Town Marshal Special Fund". (Ord. 2005-07)

1.87.020 Revenue Received.

- (1) Contributions to this fund shall be from North Spencer School Corporation/Heritage Hills High School for the provision of traffic direction and enforcement and vehicle "unlocking fees" all of which receipts the Town Council hereby appropriates to such Fund. (Ord. 2005-07)
- (2) In addition, Operation Pullover grant monies received from the Indiana Criminal Justice Institute are allowed to be added to the Town Marshal Fund. These monies are to be receipted separately from all other monies receipted into the fund and only expended out for off-duty hours worked during Operation Pullover. (Ord. 2005-10)

1.87.030 Use of Funds. That expenditures may be made from the Town Marshal Special Fund at the discretion of the Santa Claus Town Marshal, while following purchase policies established by the Santa Claus Town Council, and with accumulated purchases during a year not to exceed \$1,000.00. Any accumulated purchases over \$1,000.00 must be approved in advance by the Santa Claus Town Council. (Ord. 2005-07)

Chapter 1.88

FEES AND CHARGES FOR FIRE DEPARTMENT

Sections:

1.88.1	Response Charge
1.88.2	False Alarm Service Charge
1.88.3	Hazardous Materials Emergency Action Reimbursement
1.88.4	Service Charges Billed to Responsible Party
1.88.5	Use of Fees Collected

1.88.1 Response Charge

- (A) There is hereby imposed a charge for initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or other emergency.
- (B) There is hereby imposed a charge for each hour or fraction thereof as on-scene assistance at a fire or other emergency.

1.88.2 False Alarm Service Charge. There is hereby imposed a service charge if the Fire Department dispatches fire fighting apparatus or personnel to a building or premises in the township in response to:

- (A) an alarm caused by improper installation or improper maintenance; or,
- (B) a drill or test, if the fire department is not previously notified that the alarm is a drill or test.

1.88.3 Hazardous Materials Emergency Action Reimbursement

- (A) Definitions.

The terms “facility,” “hazardous materials emergency,” “mode of transportation” and “responsible party” shall have the same meaning as set forth in I.C. §36-8-12.2 and as it may be amended from time to time. “Fire Department” means the Santa Claus Fire Department.

- (B) Authority.

This chapter is adopted under authority of and shall be construed consistent with I.C. §36-8-12.2.

- (C) Imposition of service charge.
There is hereby imposed a charge on a person or entity that is a responsible party

with respect to a hazardous materials emergency that:

- (1) the Fire Department responded;
- (2) members of the Fire Department assisted in containing, controlling, or cleaning up;
- (3) with respect to the release or imminent release of hazardous materials at a facility, involves a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-5; and,
- (4) with respect to the release or imminent release of hazardous materials from a mode of transportation, involves a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-6.

1.88.4 Service Charges Billed To Responsible Party

- (1) The Fire Department may bill the responsible party or entity for the total value of the assistance provided, as determined from the State Fire Marshal's schedule of service charges issued under authority of Indiana Statute. The most current schedule of charges as provided by the State Fire Marshal, and as it may be amended from time to time, is hereby adopted for the Fire Department.
- (2) The Fire Department may not bill for services if duplicate services are provided by another governmental entity.
- (3) The responsible party billed for services under this chapter may elect to reimburse the Fire Department by providing replacement materials that are of equal or greater value than those expended by the Fire Department in responding to the emergency.
- (4) In an action for reimbursement of costs, the Fire Department may recover all costs of the action and attorney's fees.
- (5) A responsible party is subject to a penalty for failure to pay the full amount of a charge made under this chapter within sixty (60) days after the issuance of the bill for payment by the Fire Department. The amount of the penalty is ten percent (10%) of the amount of the charge that remains unpaid on the due date.
- (6) Payment to persons or companies with which the Fire Department has had to call for assistance with the clean-up shall be the responsibility of the responsible party. Billing shall be to the responsible party. The responsible party may call for their own clean-up contractor so long as the contractor can respond in a reasonably prudent time and manner.

1.88.5. Use Of Fees Collected. Money collected under this chapter shall be deposited into the Town's General Fund and may be used only for the following:

- (1) Purchase of supplies and equipment used in providing hazardous materials emergency assistance under this chapter;
- (2) Training for members of the Fire Department in skills necessary for providing hazardous materials emergency assistance under this chapter; or
- (3) Payment to persons with which the Fire Department contracts to provide services related to the hazardous materials emergency assistance provided by the Fire Department under this chapter.

(Ord. 2012-03)

Chapter 1.89

LOCAL USER FEE FUND

Sections:

- 1.89.010** **Established**
- 1.89.020** **Receipts**
- 1.89.030** **Expenditures**

1.89.010. Fund Established. There is hereby established the Local User Fee Fund for the Town of Santa Claus, Indiana.

1.89.020. Receipts. Any and all deferral program fees or other fees received by the Town from The Clerk of the Spencer Circuit Court pursuant to I.C. §33-37-8-3 and any and all other user fees required by law shall be deposited into the Fund.

1.89.030. Expenditures. The Town shall disburse monies from the Fund pursuant to and for the purposes stated in I.C. §33-37-8-4.

(Ord 2015-05)

Chapter 1.90

SPECIAL NONREVERTING DONATION FUND FOR THE NORTH SPENCER COMMUNITY CENTER

Sections:

1.90.010	Established
1.90.020	Contributions
1.90.030	Use of Funds
1.90.040	Termination

1.90.010 Established. That there is hereby established a Special Nonreverting Donations Fund for North Spencer Community Center Purposes, which shall be known as the "North Spencer Community Center Donation Fund". (Ord. 1992-17)

1.90.020 Contributions. That contributions to the fund shall be from donations made by various individuals, businesses and other sources. (Ord. 1992-17)

1.90.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the North Spencer Community Center Purposes. (Ord. 1992-17)

1.90.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be applied for use on North Spencer Community Center purposes. (Ord. 1992-17)

Chapter 1.92

WASTEWATER CONSTRUCTION PROJECT FUND

Sections:

1.92.010	Established
1.92.020	Contributions
1.92.030	Use of Funds
1.92.040	Termination

1.92.010 Established. That there is hereby established a construction fund which shall be known as the "Santa Claus Wastewater Construction Project Fund".

1.92.020 Contributions. That contributions to the fund shall be from grants, loans, private and/or public contributions, wastewater operating funds, and other sources

1.92.030 Use of Funds. That expenditures may be made from the fund without appropriation by the Santa Claus Town Council for the Wastewater Utility's capital construction projects

1.92.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at the time of termination shall be applied to the Wastewater Operating Fund for Wastewater Utility purposes.

(Ord. 1996-01)

Chapter 1.93

WATER CONSTRUCTION PROJECT FUND

Sections:

1.93.010	Established
1.93.020	Contributions
1.93.030	Use of Funds
1.93.040	Termination

1.93.010 Established. That there is hereby established a construction fund which shall be known as the "Santa Claus Water Construction Project Fund".

1.93.020 Contributions. That contributions to the fund shall be from grants, loans, private and/or public contributions, water operating funds, and other sources.

1.93.030 Use of Funds. That expenditures may be made from the fund without appropriation by the Santa Claus Town Council for the Water Utility's capital construction projects.

1.93.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at the time of termination shall be applied to the Water Operating Fund for Water Utility purposes.

(Ord. 1996-02)

Chapter 1.94

WATER CONSTRUCTION RETAINAGE FUND

Sections:

1.94.010	Established
1.94.020	Deposits
1.94.030	Accounts
1.94.040	Use of Funds
1.94.050	Termination

1.94.010 Established. There is hereby established a fund of the Town of Santa Claus which shall be known as the "Water Construction Retainage Fund".

1.94.020 Deposits. Any and all retainage amounts on invoices payable for the Water Project shall be deposited into the Fund by the Clerk-Treasurer upon receipt of payment or reimbursement of such retainage amount from the Indiana Finance Authority, Indiana State Revolving Loan Program and/or United States Department of Commerce.

1.94.030 Accounts. The Clerk-Treasurer shall establish such non-interest bearing checking or other accounts, in her discretion, for the Fund.

1.94.040 Use of Funds. Expenditures may be made from the fund upon approval of release of such retainage by the Town's Waterworks Board.

1.94.050 Termination. This Fund shall automatically terminate upon the completion of the Water Project and release of all retainage amounts in this Fund.

(Ord. 2009-02)

Chapter 1.95
RAINY DAY RESTRICTED FUND FOR LRS MATCHING FUNDS - FUND 261

Sections:

1.95.010	Established
1.95.020	Transfers
1.95.030	Use of Funds
1.95.040	Termination

1.95.010 Established. That there is hereby established a special fund known as the "Rainy Day Restricted Fund for LRS Matching Funds - Fund 261."

1.95.020 Transfers. That transfers to the fund shall be from the Town's appropriated Local Road and Streets funds which are determined by the Town Council to be necessary to meet and satisfy the local match requirements of the Local Road and Bridge Matching Grant Fund or other grant programs which require a local match.

1.95.030 Use of Funds. That transfers may be made from the fund as determined by the Santa Claus Town Council for the purpose of meeting and satisfying the local match requirements of the Local Road and Bridge Matching Grant Fund or other grant programs which require a local match by the Town. No monies in this Fund may be used for any purpose other than those permitted by I.C. §8-14-2-5 or other applicable statutes.

1.95.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination shall be returned to the Local Road and Streets Fund of the Town.

(Ord. 2016-14)

Chapter 1.96

RAINY DAY RESTRICTED FUND FOR MVH MATCHING FUNDS - FUND 263

Sections:

1.96.010	Established
1.96.020	Transfers
1.96.030	Use of Funds
1.96.040	Termination

1.96.010 Established. That there is hereby established a special fund known as the "Rainy Day Restricted Fund for LRS Matching Funds - Fund 261."

1.96.020 Transfers. That transfers to the fund shall be from the Town's appropriated Motor Vehicle Highway funds which are determined by the Town Council to be necessary to meet and satisfy the local match requirements of the Local Road and Bridge Matching Grant Fund or other grant programs which require a local match.

1.96.030 Use of Funds. That transfers may be made from the fund as determined by the Santa Claus Town Council for the purpose of meeting and satisfying the local match requirements of the Local Road and Bridge Matching Grant Fund or other grant programs which require a local match by the Town. No monies in this Fund may be used for any purpose other than those permitted by I.C. §8-14-1-5 or other applicable statutes, and the amounts appropriated must be identified and directly committed within the Town's Transportation Asset Management Plan.

1.96.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination or at the end of any grant for which MVH funding is transferred to the Fund shall be returned to the Motor Vehicle Highway Fund of the Town.

(Ord. 2016-14)

Chapter 1.97

LOCAL ROAD AND BRIDGE MATCHING GRANT FUND - FUND 476

Sections:

1.97.010	Established
1.97.020	Contributions
1.97.030	Use of Funds
1.97.040	Termination

1.97.010 Established. That there is hereby established a special fund known as the "Local Road and Bridge Matching Grant Fund - Fund 476."

1.97.020 Contributions. That contributions to the fund shall be from Local Road and Bridge Matching Grant Funds received by the Town from the State of Indiana, and qualifying matching funds from the Town's other funds appropriated for the purpose of meeting match requirements for such program; including, but not limited to, the Rainy Day Restricted Fund for LRS Matching Funds - Fund 261; Rainy Day Restricted Fund for LRS Matching Funds - Fund 261; and, Special LOIT Distribution Fund - Fund 257.

1.97.030 Use of Funds. That expenditures may be made from the fund by appropriation by the Santa Claus Town Council for the purpose of completing the projects for which Local Road and Bridge Matching Grant Funds were awarded. 1.97.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination, or upon completion of all projects for which monies are transferred into such fund pursuant to a Grant Agreement, shall be returned to the source of such funding, as provided in the applicable Local Road and Bridge Matching Fund Grant Agreement and the Town's Municipal Code.

1.97.040 Termination. That this fund shall be a perpetual fund until terminated by future ordinance, and any funds remaining at time of termination, or upon completion of all projects for which monies are transferred into such fund pursuant to a Grant Agreement, shall be returned to the source of such funding, as provided in the applicable Local Road and Bridge Matching Fund Grant Agreement and the Town's Municipal Code

(Ord. 2016-14)