

**TITLE 1**  
**ADMINISTRATION**

## TITLE 1

### ADMINISTRATION

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## Chapter 1.00

### DISTRICT BOUNDARIES

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- 1.00.010 Town Council Members**
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**1.00.010 Town Council Members.** The Town Council shall consist of three (3) members, one of whom shall be a resident of District No. 1, one of whom shall be a resident of District No. 2, and one at-large member who shall be a resident of either District. Each prospective member shall run for office as representing District No. 1, District No. 2, or at-large, but all prospective members shall be elected by all voters in the Town voting in that election. (Ord. 2021-21, S1, Nov. 16, 2021) (Ord. 2012-07, S1, Aug. 14, 2012) (Ord. 2-13, S2, Oct. 7, 2002) (Ord. 90-5, S4, 1990) (Ord. O-82-7)

**1.00.020 Residency.** Residency shall be established ninety (90) days prior to primary day, except that newly incorporated areas shall be considered to have been a part of the Town for purposes of establishing residency. (Ord. 2021-21, S2, Nov. 16, 2021) (Ord. 2012-07, S2, Aug. 14, 2012)

**1.00.030 Division of Districts.** The Council hereby divides the Town into two districts for the purpose of conducting Town elections, with District One being the area established as Precinct One and District Two being the area established as Precinct Two. District No. 1 and District No. 2 are divided by a line commencing on the Eastern corporate boundary of the Town, at a point in the middle of Tenth Street, thence running Westerly along a line in the middle of Tenth Street to a point in the middle of Alabama Street, thence running Northerly along a line in the middle of Alabama Street to a point in the middle of Fourteenth Street, thence running Westerly along a line in the middle of Fourteenth Street to a point in the middle of Michigan Street, thence running Northerly along a line in the middle of Michigan Street to a point in the middle of Fifteenth Street, thence running Westerly along a line in the middle of Fifteenth Street to a point in the middle of Main Street, thence running Southerly along a line in the middle of Main Street to a point in the middle of Thirteenth Street, thence running Westerly along a line in the middle of Thirteenth Street to a point in the middle of Ninth Street, thence Westerly along a line in the middle of Ninth Street to the Western corporate boundary of the Town.

District No. 1 is the area North of the line described above and District No. 2 is the area South of the line described above. (Ord. 2021-21, S3, Nov. 16, 2021) (Ord. 2012-07, S3, Aug. 14, 2012) (Ord. 2-13, S3, Oct. 7, 2002) (Ord. 90-5, S1, 1990) (Ord. O-82-7)

**1.00.040 Territory not described.** If any territory in the Town is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 2021-21, S4, Nov. 16, 2021) (Ord. 2012-07, S4, Aug. 14, 2012) (Ord. 2-13, S4, Oct. 7, 2002)

**1.00.050 Territory described in more than one district.** If any territory in the Town is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is one (1) of the districts in which the territory is described in this Ordinance;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory (as "population" is defined in Indiana Code 1-1-4-5). (Ord. 2021-21, S5, Nov. 16, 2021) (Ord. 2012-07, S5, Aug. 14, 2012) (Ord. 2-13, S5, Oct. 7, 2002)

**1.00.060 Adopted Ordinance to Circuit Court Clerk.** The Clerk-Treasurer of the Town shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Dubois County not later than thirty (30) days after this Ordinance is adopted. (Ord. 2021-21, S6, Nov. 16, 2021) (Ord. 2012-07, S6, Aug. 14, 2012) (Ord. 2-13, S7, Oct. 7, 2002)

**1.00.070 Effective date and repeal of conflicting ordinances.** This Ordinance shall take effect and be in full force from and after its passage, but will not affect the legality of the presently elected Council. This Ordinance repeals all ordinances in conflict herewith and Ferdinand Code Chapter 1.01. (Ord. 2021-21, S7, Nov. 16, 2021) (Ord. 2012-07, S7, Aug. 14, 2012) (Ord. 2-13, S8, Oct. 7, 2002)

## Chapter 1.02

### PLAN COMMISSION

#### Sections:

##### **1.02.010 Established**

##### **1.02.020 Duties**

##### **1.02.030 Members**

**1.02.010 Established.** There is hereby established a Town Plan Commission for the Town of Ferdinand, Indiana, under the authority provided in Chapter 174 of the Acts of 1947 of the Indiana General Assembly, as amended. (Ord. 0-67-3)

**1.02.020 Duties.** Such Plan Commission shall serve in an advisory capacity to the present established board and official (sic). (Ord. 0-67-3)

**1.02.030 Members.** The Town Plan Commission shall consist of (Seven) members with qualifications, terms of office, and methods of appointment as provided in the said Chapter 174 of the Acts of 1947, Section 6 and 10, both inclusive, as amended. (Ord. 0-67-3)

## Chapter 1.04

### BOARD OF ZONING APPEALS

#### Sections:

- 1.04.010 Established
- 1.04.012 Members
- 1.04.014 Terms
- 1.04.016 Vacancy
- 1.04.020 Chairman, Vice-Chairman
- 1.04.030 Call of the meeting
- 1.04.040 Public meetings - minutes
- 1.04.050 Voting
- 1.04.060 Procedure of the Board
- 1.04.070 Appeals
- 1.04.080 Notice of appeal
- 1.04.090 Transmitting papers
- 1.04.100 Review powers of the Board

**1.04.010 Established.** Pursuant to the provisions of I.C. 36-7-4-901, et seq., there is hereby re-established an Advisory Board of Zoning Appeals. (Ord. 0-84-9)

**1.04.012 Members.** The Advisory Board is hereby re-established to be composed of five (5) members appointed as follows:

- (1) Three members appointed by the President of the Board of Trustees, one of whom must be a member of the Plan Commission and two of whom may not be;
- (2) One member appointed by the Board of Trustees, who may not be a member of the Plan Commission;
- (3) One member appointed by the Plan Commission who must be a member of the Plan Commission and must reside in the unincorporated area over which the town has zoning and planning jurisdiction. (Ord. 0-84-9)

**1.04.014 Terms.** Upon re-establishment of the Board, the terms of the members initially appointed shall be:

- (1) One member for a term ending the first Monday in January, 1986, or until his successor is appointed and qualified;
- (2) One member for a term ending the first Monday in January, 1987, or until his successor is appointed and qualified;
- (3) One member for a term ending the first Monday in January, 1988, or until his successor is appointed and qualified; and

- (4) Two members for a term ending the first Monday in January, 1989, or until their successor is appointed and qualified. (Ord. 0-84-9)

**1.04.016 Vacancy.** If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. Additionally, the appointing authority may appoint an alternate member to participate with the Board in any hearing or decision in which the regular member it has appointed has a disqualification due to a conflict of interest. (Ord. 0-84-9)

**1.04.020 Chairman, Vice-Chairman.** The Board of Zoning Appeals shall elect its own chairman and vice-chairman. (Ord. 0-77-3)

**1.04.030 Call of the meetings.** All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. (Ord. 0-77-3)

**1.04.040 Public meetings-minutes.** All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. (Ord. 0-77-3)

**1.04.050 Voting.** The concurring vote of three members of the Board shall be necessary to decide in favor of the applicant any matter upon which said Board is required to pass under the provisions of this Title. (Ord. 0-77-3)

**1.04.060 Procedure of the Board.** The procedure, duties and responsibilities of the Board, as well as appeals from decisions of the Board, shall be set forth in Section 78 to 88, inclusive, and Section 90, all of Chapter 174, Acts of 1947, General Assembly of Indiana, and all acts amendatory thereto. (Ord. 0-77-3)

**1.04.070 Appeals.** Appeals to the Board may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town. The cost of legal advertising and any required notice to affected property owners shall be borne by the Petitioner. (Ord. 0-77-3)

**1.04.080 Notice of Appeal.** Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the officer from which appeal is taken and with the Board of a notice of appeal specifying the grounds thereof. (Ord. 0-77-3)

**1.04.090 Transmitting Papers.** The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. (Ord. 0-77-3)

**1.04.100 Review Powers of the Board.** The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the regulations established by this title. (Ord. 0-77-3)



## Chapter 1.05

### DEPUTY CLERK-TREASURER

#### Sections:

##### **1.05.010 Powers and duties**

##### **1.05.020 Signature**

##### **1.05.030 Powers exercised when**

**1.05.010 Powers and duties.** Pursuant to I.C. 36-5-6-7, the Clerk-Treasurer is hereby authorized to appoint one (1) Deputy Clerk-Treasurer who shall have the power and authority to execute all documents required or permitted by law to be executed by the Clerk-Treasurer, and affix the seal of the Town thereto whenever required or permitted. (Ord. 92-5, S1.05.010, 1992)

**1.05.020 Signature.** Whenever the Deputy signs any document, the Deputy shall sign the name of the Clerk-Treasurer followed by the word "by" and the Deputy's own name and the words "Deputy Clerk-Treasurer". (Ord. 92-5, S1.05.020, 1992)

**1.05.030 Powers exercised when.** The powers described herein shall be exercised by such Deputy only in the absence of the Clerk-Treasurer or as determined by resolution of the Town Council that the Clerk-Treasurer is temporarily or permanently incapacitated or unable to perform the functions of the office. Such Deputy shall have such power and authority as authorized by the Council. (Ord. 92-5, S1.05.030, 1992)

## Chapter 1.06

### DEPARTMENT OF PARKS AND RECREATION

#### Sections:

- 1.06.010 Established
- 1.06.020 Board members
- 1.06.030 Terms
- 1.06.040 Election of officers
- 1.06.050 Duties
- 1.06.060 Budget
- 1.06.065 Lease guidelines
- 1.06.070 Fees
- 1.06.080 General Prohibitions

**1.06.010 Established.** Pursuant to the provisions of IC 36-10-3, there is hereby re-established a Department of Parks and Recreation. (Ord. 0-83-4)

**1.06.020 Board Members.** The Town of Ferdinand Park and Recreation Board is hereby re-established to be composed of four (4) members appointed by the Ferdinand Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party. (Ord. 2016-04, S1, Feb. 9, 2016) (Ord. 0-83-4)

**1.06.030 Terms.** Upon re-establishment of the Board, the terms of the members initially appointed shall be:

- (1) One (1) member for a term ending the first Monday in January, 1984;
- (2) One (1) member for a term ending the first Monday in January, 1985;
- (3) One (1) member for a term ending the first Monday in January, 1986.
- (4) One (1) member for a term ending the first Monday in January, 1987.

As a term expires, each new appointment shall be made for a term of four (4) years. All members shall continue in office until a successor is appointed. If an appointment is not made by the first Monday in April, the incumbent is automatically appointed to serve another term. A new member shall be appointed to serve the remainder of any unexpired term due to a vacancy. (Ord. 0-83-4)

**1.06.040 Election of Officers.** At its first meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 0-83-4)

**1.06.050 Duties.** The Board shall have the power to perform all acts necessary to acquire and develop sites and facilities to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers and duties listed in IC 36-10-3. (Ord. 0-83-4)

**1.06.060 Budget.** The Board shall prepare and submit an annual budget in the same manner as other departments of the Town government. The Board may accept gifts, donations and subsidies for park and recreation purposes. (Ord. 0-73-2)

**1.06.065 Lease guidelines.** A lease is required to reserve time for a field or shelter house. Selling anything or collecting a registration fee, requires a lease and proof of insurance. Proof of insurance must be submitted two weeks PRIOR to usage if required. Leases will only be accepted for the year usage is requested. Fees must be collected prior to usage. Payment will be defined by schedule below or modified by approval of Park Board. Scheduling will be handled by the town office or in the case of a request during a leased season, by the representative or the lease holder. Major leases-Leagues or entire Park rentals should be set at the March Park Board meeting. (Ord. 2019-12, S2, May 21, 2019) (Ord. 2017-14, S2, Oct 12, 2017)

**1.06.070 Fees.** The Board may authorize use of specific park facilities pursuant to terms, conditions and regulations as established from time to time by the Board, and for the fees as hereinafter set forth:

|     |   |                   |
|-----|---|-------------------|
| (1) | Entire 5 <sup>th</sup> Street or 18 <sup>th</sup> Street Park (includes shelter houses, volleyball courts, ball fields, horseshoe pits, etc.) | \$350.00 per day  |
| (2) | 1 Ball field (more than one ball field Required entire park rental)   | \$ 100.00 per day |
| (3) | Basketball court  | \$ 15.00 per day  |
| (4) | Volleyball Court  | \$ 15.00 per day  |
| (5) | Horseshoe pit – 18 <sup>th</sup> St or 5 <sup>th</sup> St   | \$ 15.00 per day  |
| (6) | Volleyball Court with Lights  | \$ 25.00 per day  |
| (7) | 18 <sup>th</sup> St. Shelter House-any  | \$ 50.00 per day  |
| (8) | 5 <sup>th</sup> St. Shelter House   | \$ 50.00 per day  |
| (9) | Old Town Lake Shelter House   | \$ 50.00 per day  |

The Board is authorized to enter into leases from time to time for multi-facility and multi-date use for fees the Board considers appropriate considering the length and nature of the use and which may combine fields and shelter houses or use of all park facilities on one or more dates. (Ord. 2019-12, S1, May 21, 2019) (Ord. 2017-4, S1, Oct. 12, 2017) (Ord. 2016-05, S1, Feb. 9, 2016)

**1.06.080 General Prohibitions.**

- (1) Overnight camping is prohibited in park properties.
- (2) Park hours are from 6:00 a.m. to 11:00 p.m. 11:00 p.m. is referred to as the park curfew.
- (3) The Park Board reserves the discretion to consider and allow, as appropriate and under such conditions as it deems necessary, special exceptions to these general prohibitions in situations where the entire park has been leased for an event over multiple days PROVIDED THAT any such special exception is requested at a Park Board meeting at least 30 days in advance of the event giving rise to the park lease. (Ord. 2019-19, S1.06.080, Aug. 20, 2019)

## Chapter 1.08

### DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Sections:

##### **1.08.010 Established**

##### **1.08.020 Members**

##### **1.08.030 Statutory Authority And Procedures**

**1.08.010 Established.** The Ferdinand Department of Economic Development for the Town of Ferdinand, Indiana, has been previously established, and shall operate pursuant to the provisions of Indiana Code 36-7-12-1 et seq., as amended, said Department to be under the control of an appointed Commission to be known as the Ferdinand Economic Development Commission, which Commission, shall have all powers and authority granted by the above mentioned statute. (Ord. 2014-12, S1.08.010, August 12, 2014) (Ord. 0-80-5, 1980)

**1.08.020 Members.** The membership of said Commission shall be as provided by said statute and shall consist of three (3) members to be appointed by the Town Council as follows:

One of the members so appointed shall be nominated by the President of the Town Council; One shall be nominated by the County Council of Dubois County, Indiana; One shall be selected by the Town Council of the Town of Ferdinand.

The nominations and appointments of such Commissioners shall be made in the manner prescribed by the provisions of Indiana Code 36-7-12-1 et seq., as amended. At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected, nominated and appointed in the same manner as the original appointee, and shall serve for a term of four (4) years. In the event any person appointed as Commissioner fails to qualify for such office, or if any member after qualifying shall die, resign or vacate such office, or be removed as provided in the above-mentioned statute, a new member shall be chosen and appointed to fill such vacancy in the same manner as provided for the member in respect to whom such vacancy occurs, and the member so chosen and appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified. All member seats on the Commission are currently vacant. Based on prior appointments, the existing vacancies would be filled with members' terms as follows:

Town Council nomination terms ends February 1, 2015.

Town Council President appointment term ends February 1, 2016.

Dubois County Council nomination term ends February 1, 2018. (Ord. 2014-15, S1, Sept. 9, 2014) (Ord. 2014-12, S1.08.020, Aug. 12, 2014) (Ord. O-80-5, 1980)

**1.08.030 Statutory Authority And Procedures.** The Department and Commission shall at all times operate under the authority of this Code and I.C. 36-7-12-1 et seq. and shall operate as provided therein. (Ord. 2014-12, S1.08.030, Aug. 12, 2014) (Ord. O-80-5, 1980)

## Chapter 1.10

### POLICY AND PROCEDURE FOR USE OF THE FERDINAND SENIOR CITIZENS CENTER

#### Sections:

- 1.10.010 Eligible Users**
- 1.10.020 Request for use and priority**
- 1.10.030 Compliance with Center Rules**
- 1.10.040 Appointment of a Reliable Person**
- 1.10.050 User Fee**
- 1.10.060 Monthly Report**
- 1.10.070 Contract for Use**

**1.10.010 Eligible Users.** Any financially responsible group, organization, or individual shall be permitted to use the Center, subject to the restrictions and requirements contained herein. Provided, however, use of the Center may be denied whenever the Ferdinand Clerk-Treasurer reasonably determines that any use will unduly interfere with the peace and tranquility of the senior citizen housing complexes or poses an unacceptable financial risk to the Center. (Ord. 2016-01, S1.10.010, Jan. 12, 2016) (Ord. 02-8, S1, May 8, 2002) (Ord. 0-84-17)

**1.10.020 Request for use and priority.** Any group, organization, or individual desiring use of the Center shall contact the Ferdinand Town Hall, advising of the desired date and time of use at least fourteen (14) days in advance, unless shorter notice is approved by the Ferdinand Clerk-Treasurer. Priority for use shall be given first to organizations directly related to the Ferdinand Senior Citizens organization and to the Town of Ferdinand, including all its Boards and Commissions; and second to all other users on a first come basis based on the date of their request to the Ferdinand Town Hall. (Ord. 2019-23, S1.10.020, Sept. 17, 2019) (Ord. 2016-01, S1.10.020, Jan. 12, 2016) (Ord. 02-8, S2, May 8, 2002) (Ord. 0-84-13)

**1.10.030 Compliance with Center Rules.** Groups, organizations, and individuals using the Center shall comply with this Code and all rules and regulations posted within the Center. Use of the Center is limited to the main meeting room, rest rooms and foyers. Users must return the Center to its original condition prior to vacating. (Ord. 2016-01, S1.10.030, Jan. 12, 2016) (Ord. 02-8, S3, May 8, 2002) (Ord. 0-84-13)

**1.10.040 Appointment of a Reliable Person.** The Clerk-Treasurer shall appoint a responsible person to provide the key to the group, organization, or individual using the Center and generally, if considered necessary, take such action as may be necessary to prepare the facility for use. Upon completion of use, such person shall, promptly upon return of the key, inspect and secure the facility and bring to the immediate attention of the Clerk-Treasurer any discrepancies regarding the condition of the facility as a result of its use. The Clerk-Treasurer or her designee shall immediately notify the apparent offenders and instruct the same to make immediate corrections. Upon any failure to make such corrections, the Clerk-Treasurer shall cause Center personnel or independent contractors to

make needed corrections, and shall bill the responsible offenders the costs of making the corrections or the sum of Twenty-Five Dollars (\$25.00) whichever sum is greater. Upon action by the Town Council, repeat offenders will lose the privilege of using the facility. (Ord. 2019-13, S1.10.040, Sept. 17, 2019) (Ord. 2016-01, S1.10.040, Jan. 12, 2016) (Ord. 02-8, S4, May 8, 2002) (Ord. 0-84-13)

**1.10.050 User Fee.** Any group, organization or individual desiring to use the Center shall pay to the Town at the time of the request for use a user fee of \$80.25 (\$75-rent + 5.25 tax) for that day's use. This fee shall be used for the costs of administration, incidental and other Center expenses. No fee shall be charged the Town or its Boards or Commissions or users under the auspices or directly related to the Ferdinand Senior Citizens organization, unless all or part of the fee is authorized by the Town Council. The fee may be waived in whole or in part as authorized by the Town Council President or Clerk-Treasurer. (Ord. 2019-13, S1.10.050, Sept. 17, 2019) (Ord. 2016-01, S1.10.050, Jan. 12, 2016) (Ord. 02-8, S5, May 8, 2002) (Ord. 0-84-13)

**1.10.060 Monthly Report.** The Clerk-Treasurer or her designee shall prepare and maintain records showing use of the Center showing user name, date of use, and time of use, user fees collected for every user. Such reports will be sent to the Town Council upon request. (Ord. 2019-13, S1.10.060, Sept. 17, 2019) (Ord. 2016-01, S1.10.060, Jan. 12, 2016) (Ord. 02-8, S6, May 8, 2002) (Ord. 0-84-13)

**1.10.070 Contract for Use.** No group, organization or individual shall use the Center unless an authorized representative or an individual executes a "Contract For Use", which is attached hereto and made a part of this Code. (Ord. 2016-01, S1.10.070, Jan. 12, 2016) (Ord. 02-8, S7, May 8, 2002) (Ord. 0-84-13)

Chapter 1.10

CONTRACT FOR USE

Ferdinand Senior Citizens Center

Pursuant to the provisions of Town of Ferdinand Municipal Code, the following named group, organization, or individual and all members thereof and the signatory hereto (hereinafter jointly and severally referred to as "User") does hereby agree with the Town of Ferdinand, Indiana (hereinafter referred to as "Town"), to use the facility, known as the Ferdinand Senior Citizens Center on \_\_\_\_\_ (date) from \_\_\_\_\_ to \_\_\_\_\_ (time).

User agrees that in consideration of the use of said facility that the Town and any other person, firm or organization having responsibility for said facility under the Town or in conjunction with the Town shall not be liable under any circumstances for any injury to User or any member or guest or other person using said premises under or as a result of this Contract or for any loss or damage to property brought on the facility by User, its members, guests or other persons who use the facility under or as a result of this Contract, whether such injury, loss or damage occurs by reason of negligence of the Town or the Town's boards, commissions, members, agents, employees, or of any other agent or employee of the Town, its boards and commissions, or shall occur otherwise, or by any other means or in any other manner.

User, in further consideration for the use of said premises agrees to defend, indemnify and hold harmless the Town, its successors, and assigns, and its boards and commissions and their, and each of their officers, members, agents, and employees and their, and each of their successors and assigns, of and from all claims, demands, damages, suits or actions including attorney fees and costs of defense which may be brought against them or any of them for injury to persons, including death, or damage to property, arising out of or resulting from, or in any way connected with the occupancy by or use of the facility by



User, its members, guests, and any other persons using the facility under or as a result of this Contract, for alleged acts or omissions on the part of the Town, its boards and commissions, and their and each of their officers, members, agents, and employees and their and each of their successors and assigns.

User, in further consideration for the use of said premises, agrees to vacate the premises in a timely manner, leaving the premises in a clean and orderly fashion, and without any damage to the premises. User shall be liable to the Town of Ferdinand for extra rental charges, cleaning charges, damages, and attorney fees and costs incurred for any violation of this Contract For Use.

I, the undersigned, certify that I have read this Contract; that I have read Ferdinand Municipal Code Chapter 1.10 and understand that such is incorporated herein and is part of this Contract; and that I have legal authority to bind the User and all of its members to this Contract.

\_\_\_\_\_  
(Name of User)

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Person Signing)

TOWN OF FERDINAND

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Clerk-Treasurer

## Chapter 1.12

### ORDINANCE VIOLATIONS BUREAU

#### Sections:

- 1.12.010 Established**
- 1.12.020 Acceptance of Payment of Fines**
- 1.12.030 Violations Schedule**
- 1.12.040 Payment to the Violations Clerk**
- 1.12.050 E-Notice**

**1.12.010 Established.** There is hereby established the Ferdinand Ordinance Violations Bureau, and the Town Clerk-Treasurer and her designated assistants are hereby appointed the Violations Clerk and assistant Clerks, respectively. (Ord. 2018-03, S1, Jan. 9, 2018) (Ord. 88-14)

**1.12.020 Acceptance of Payment of Fines.** The Violations Clerk or authorized assistants shall accept written appearances, waivers of trial, admissions of violations, and payment of fines and penalties which do not exceed Two Hundred Fifty Dollars (\$250.00) for each violation. (Ord. 2010-12, S1, Oct. 12, 2010) (Ord. 92-2, April 14, 1992) (Ord. 88-14)

**1.12.030 Violations Schedule.** There is hereby established a Violations Schedule, which schedule is declared to be the stated fine or penalty per violation as provided for in any chapter of the Ferdinand Code, except for the utility chapters and moving traffic violations other than Chapters 9.05 and 9.20, whenever the fine or penalty is equal to or less than Two Hundred Fifty Dollars (\$250). (Ord. 2018-03, S1, Jan. 9, 2018) (Ord. 88-14)

**1.12.040 Payment to the Violations Clerk.** All provisions of the Ferdinand Code requiring payment of a fine of an amount equal to or less than Two Hundred Fifty Dollars (\$250), except for utility chapters and moving traffic violations other than Chapter 9.05 and 9.20 may be made to the "Violations Clerk." (Ord. 2018-03, S1, Jan. 9, 2018) (Ord. 06-06, S1, July 11, 2006) (Ord. 92-2, April 14, 1992) (Ord. 88-14)

**1.12.050 E-Notice.**

- (1) In addition to use of the "Code And Ordinance Violation Notice", the Ferdinand Police Department is authorized to use its e-notice form as revised and approved from time to time be the Indiana Supreme Court Division of State Court Administration, for the purpose of issuing a fine for any Code Violation, except for utility chapters and moving traffic violations other than Chapter 9.05, for which payment may be made to the Town Violations Clerk. (Ord. 2018-04, S1, Feb. 20, 2018)
- (2) All fines issued by the Ferdinand Police Department using its e-notice form are hereby approved and ratified. (Ord. 2018-04, S2, Feb. 20, 2018)

CODE AND ORDINANCE VIOLATION NOTICE

No 000002

NO. \_\_\_\_\_

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME \_\_\_\_\_

PREMISE ADDRESS: \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE \_\_\_\_\_ STATE \_\_\_\_\_

PLEASE TAKE NOTICE THAT ON (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ YOU WERE FOUND IN VIOLATION OF:

|  |               |
|--|---------------|
| ORDINANCE(S)# _____ # _____ # _____  |               |
| SPECIFICALLY THE VIOLATION CONSISTS OF:  |               |
| <input type="checkbox"/> ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON  |               |
| <input type="checkbox"/> PROPERTY <input type="checkbox"/> STREET  | FINE \$ _____ |
| <input type="checkbox"/> ANIMAL <input type="checkbox"/> PROHIBITED <input type="checkbox"/> CRUELTY <input type="checkbox"/> RUN AT LARGE |               |
| <input type="checkbox"/> DEFECATE ON PROPERTY <input type="checkbox"/> UNLICENSED  |               |
| <input type="checkbox"/> OTHER _____   | FINE \$ _____ |
| <input type="checkbox"/> TRASH <input type="checkbox"/> IMPROPER BURNING <input type="checkbox"/> IMPROPER DISPOSAL                        | FINE \$ _____ |
| <input type="checkbox"/> HIGH GRASS OR WEEDS   | FINE \$ _____ |
| <input type="checkbox"/> LITTERING <input type="checkbox"/> LITTERING BY HANDBILLS   | FINE \$ _____ |
| <input type="checkbox"/> NOISE <input type="checkbox"/> GENERAL <input type="checkbox"/> VEHICULAR <input type="checkbox"/> ANIMAL         | FINE \$ _____ |
| <input type="checkbox"/> DISORDERLY CONDUCT  | FINE \$ _____ |
| <input type="checkbox"/> TRESPASSING <input type="checkbox"/> LOITERING  | FINE \$ _____ |
| <input type="checkbox"/> IMPROPER WATERING   | FINE \$ _____ |
| <input type="checkbox"/> OTHER _____   | FINE \$ _____ |
| ADDITIONAL DESCRIPTION OF VIOLATION _____  |               |

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN \_\_\_\_\_ DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

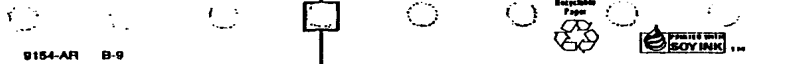
TOWN OF FERDINAND  
2065 MAIN ST.  
FERDINAND, IN 47532

ISSUING OFFICER \_\_\_\_\_ ID# \_\_\_\_\_

SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

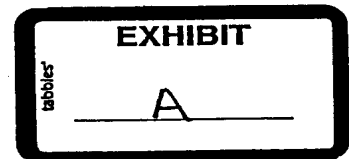
LAW ENFORCEMENT SYSTEMS, INC. P.O. BOX 1835 CORSICANA, TX 75110  
800-527-6447

FORM CO-2



9154-AR B-9

(Ord. 02-9, Code and Ordinance Violation Notice, June 26, 2002)



## Chapter 1.14

### EXPENDITURES TO PROMOTE THE TOWN

#### Sections:

**1.14.010 Authorization to pay expenses**

**1.14.020 Expenses allowed**

**1.14.030 Fund from which expenses shall be paid**

**1.14.040 Invalidity**

**1.14.010 Authorization to pay expenses.** Upon approval of the Town Council, the Town is authorized to pay the expenses of or reimburse a Town Official as the case may be for the expenses incurred in promoting the Town or in the conduct of Town business or in recognizing the contributions to the Town by employees, agents, or third parties. Expenses may include the cost of attendance by the Town Official and their spouse or guest at dinners and social events, including but not limited to the annual Chamber of Commerce dinner and the Christkindlmarkt dinner. (Ord. 2015-11, S1, Nov. 25, 2015) (Ord. 90-8 S1, 1990)

**1.14.020 Expenses allowed.** Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, flowers, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, grants to other civic organizations for these purposes, and any other expenses of a governmental nature deemed by the Council to be in the interest of the Town. (Ord. 90-8 S2, 1990)

**1.14.030 Fund from which expenses shall be paid.** Such approved expenses shall be paid from the General Fund, Other Charges - Promotion, as funds are appropriated from time to time, except in those instances when such expenses are properly chargeable to one or more of the Utility Funds. (Ord. 90-8 S3, 1990)

**1.14.040 Invalidity.** If any provision of this Chapter or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared severable. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed upon the effective date of Ordinance 90-8. This Chapter shall be in full force and effect as of January 1, 1990. (Ord. 90-8 S4, 1990)

## Chapter 1.15

### FEE SCHEDULE FOR CERTIFICATION, COPYING, FACSIMILE TRANSMISSIONS, NOTARIZATION OF DOCUMENTS AND INFORMATION PERTAINING TO ACCESS TO PUBLIC RECORDS

#### Sections:

- 1.15.010 Schedule of Fees and Charges
- 1.15.020 Actual Cost Not Exceeded
- 1.15.030 Access to Public Records
- 1.15.040 News Organizations
- 1.15.050 Waiver of Charges
- 1.15.060 Separability
- 1.15.070 Prior Ordinances
- 1.15.080 Publication
- 1.15.090 Effective Date

**1.15.010 Schedule of Fees and Charges.** The following schedule of fees and charges are hereby established:

- (1) Certification: \$1.00 per document
- (2) Copying: \$.10 per page
- (3) Facsimile Transmission: \$.75 per page
- (4) Notarization: \$1.00 per document
- (5) Inspection of Records: No charge
- (6) Computer Print-Out: No charge
- (7) Compact Disk of Accident Photos: \$5.00 per disk\*\*
- (8) Law Enforcement Recording (dash cams or body cams) released pursuant to a Public Access Request: \$150.00 per recording. \*\*

\*\*All proceeds received from supplying a copy of an accident report shall continue to be deposited into the Ferdinand law enforcement continuing education fund established by I.C. 5-2-8-2. All proceeds received from supplying a law enforcement recording pursuant to a Public Access Request shall be retained by the Town of Ferdinand from year to year and shall be used, without appropriation, to purchase cameras and other equipment for use with the law enforcement recording program; for training concerning recording; and/or to defray the expense of storing, producing, and copying law enforcement records. (Ord. 2020-07, S1, May 19, 2020) (Ord. 2016-16, S1, S2, Sept. 13, 2016) (Ord. 2015-17, S1, 2, Dec. 15, 2015) (Ord. 1999-7, S1.15.010, July 13, 1999) (Ord. 95-9, S1, 1995)

**1.15.020 Actual Cost Not Exceeded.** These fees and charges do not exceed the actual cost of certification, copying, facsimile transmission, printing or notarization. (Ord. 1999-7, S1.15.020, July 13, 1999) (Ord. 95-9, S2, 1995)

**1.15.030 Access to Public Records.** Any person requesting permission to inspect or make copies of public records shall complete a written request therefore on a form similar to the one attached hereto as “Exhibit A - Request for Access to Public Records”. Inspection of such records, if granted, shall be allowed at no cost. Copy requests, if granted, shall be accompanied by an appropriate fee for the copies based upon the foregoing schedule. (Ord. 1999-7, S1.15.030, July 13, 1999)

**1.15.040 News Organizations.** News organizations may receive ten (10) copies per month without charge. (Ord. 1999-7, S1.15.040, July 13, 1999) (Ord. 95-9, S3, 1995)

**1.15.050 Waiver of Charges.** The council may waive charges at its discretion. (Ord. 1999-7, S1.15.050, July 13, 1999) (Ord. 95-9, S4, 1995)

**1.15.060 Separability.** If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 1999-7, S1.15.060, July 13, 1999)

**1.15.070 Prior Ordinances.** All Ordinances and/or parts of Ordinances in conflict herewith are hereby repealed. (Ord. 1999-7, S1.15.070, July 13, 1999)

**1.15.080 Publication.** The Clerk-Treasurer shall cause Ordinance 1999-7 to be published as required by law. (Ord. 1999-7, S1.15.080, July 13, 1999) (Ord. 95-9, S5, 1995)

**1.15.090 Effective Date.** This Ordinance (Chapter) shall be effective upon adoption and publication as required by law. (Ord. 1999-7, S1.15.090, July 13, 1999) (Ord. 95-9, S6, 1995)

**Town of Ferdinand**  
**REQUEST FOR ACCESS TO PUBLIC RECORDS**  
**(Please Print)**

Name of person requesting access: \_\_\_\_\_ Phone: \_\_\_\_\_  
Organization person represents: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Date/time of request: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Specific description of records being requested \_\_\_\_\_  
\_\_\_\_\_

This request is a: \_\_\_\_\_ one time request  
\_\_\_\_\_ recurring request

This is for: \_\_\_\_\_ permission to inspect records as described above  
\_\_\_\_\_ a copy of records as described above

I understand I may be charged a fee for copying the records: \_\_\_\_\_  
*(Signature)*

.....  
FOR TOWN USE ONLY – DO NOT WRITE BELOW THIS LINE

Request Receipt Information

Date & Time Request received: \_\_\_\_\_ Individual receiving request \_\_\_\_\_

Disposition of Request

Request: \_\_\_\_\_ granted \_\_\_\_\_ denied; reason(s) for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Individual making decision on request: \_\_\_\_\_ Disposition date and time: \_\_\_\_\_  
Number of copies provided: \_\_\_\_\_ Photocopy \_\_\_\_\_ Computer \_\_\_\_\_ Fee charged: \$ \_\_\_\_\_

\_\_\_\_\_  
(fee received by)

## Chapter 1.16

### PROPERTY TAX ABATEMENT PROCEDURES

#### Sections:

- 1.16.010 Property Tax Abatement Available**
- 1.16.020 Applications for Designation/Abatement**
- 1.16.030 Filing Fee**
- 1.16.040 Application Procedure**
- 1.16.050 Evaluation Criteria and Abatement Schedule**
- 1.16.060 Expiration – Reapplication**
- 1.16.070 Review and Determination of Compliance**
- 1.16.075 No Re-assessment Appeals**
- 1.16.080 Tax Abatement Limited by State Law**

**1.16.010 Property Tax Abatement Available.** There shall be available within the corporate limits of the Town of Ferdinand a program of property tax abatements in accordance with Indiana Code 6-1.1-12.1, as amended from time to time, for the redevelopment and/or rehabilitation of commercial, industrial and residential property, and for the acquisition and installation of: (i) new manufacturing equipment; (ii) new research and development equipment; (iii) new logistical distribution equipment; or (iv) new information technology equipment in areas within the corporate limits of said Town which are hereafter designated by the Town Council as an "economic revitalization areas". The terms "economic revitalization areas", "new manufacturing equipment", "new research and technology equipment", "new logistical distribution equipment", "new information technology equipment", "property", "redevelopment" and "rehabilitation", as used herein, shall have the same meaning as said terms are defined by I.C. 6-1.1-12.1-1 and as provided for in I.C. 6-1.1-12.1-2. (Ord. 14-01, S2, Jan. 23, 2014) (Ord. 91-2 S1, 1991)

**1.16.020 Applications for Designation/Abatement.** The Town shall prepare printed forms and require all applicants applying for designation/abatement to complete and submit such forms. The applications shall include, but not be limited to, the following information: description of the real estate, proposed use of the real estate, proposed type and costs of redevelopment, rehabilitation, and/or new manufacturing equipment and/or research and development equipment, description of the proposed operation and number of jobs to be created, wages for jobs to be created, and projected date of completion for the proposed improvements, and infrastructure requirements. In addition, an applicant must submit an SB-1 with an application for real property abatement and an SB-1PP with an application for personal property abatement. (Ord. 14-01, S3, Jan. 23, 2014) (Ord. 91-2, S2, 1991)

**1.16.030 Filing Fee.** Upon filing its application and any other forms required by the Town of Ferdinand for real property tax abatement, the applicant shall pay a non-refundable filing fee in the sum of Seven Hundred Fifty Dollars (\$750.00), made payable to the Town of Ferdinand. Upon filing its application and any other forms required by the Town of Ferdinand for personal property tax abatement, the applicant shall pay a



non-refundable filing fee in the sum of Seven Hundred Fifty Dollars (\$750.00), made payable to the Town of Ferdinand. If applicant files for both real property and personal property abatement, applicant shall pay total non-refundable fees of One Thousand Five Hundred Dollars (\$1,500.00) (Ord. 14-01, S4, Jan. 23, 2014) (Ord. 91-2 S3, 1991)

**1.16.040 Application Procedure.** The original completed application and other forms required by the Town of Ferdinand shall be submitted to the Ferdinand Clerk-Treasurer. Said information shall be forwarded to the Town’s legal counsel for review and to make recommendations to the Town Council of the Town of Ferdinand. The Town’s legal counsel shall indicate the 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 abatement/incentives that should be allowed, in accordance with I.C. 6-1.1-12.1 and any other Indiana law. The Town Council shall consider the application and recommendation and make the determination as to whether or not to grant economic revitalization area status in accordance with Indiana Code 6-1.1-12.1 and amounts of tax abatement in accordance with the abatement schedule hereinafter set forth. The applicant or its representatives must attend all Council meetings that deal with the tax abatement application. Pursuant to I.C. 6-1.1-12.1-17, the Town Council of the Town of Ferdinand hereby adopts as a guideline the maximum abatement schedule hereinafter set forth, which considers the total amount of the applicant’s investment in real and personal property, the number of new full-time equivalent jobs created, the average wage of the new employees compared to the state minimum wage and the infrastructure requirements for the applicant’s investment. However, the Town of Ferdinand reserves the right in its discretion to use an alternative schedule or grant no or limited tax abatement. (Ord. 14-01, S5, Jan. 23, 2014) (Ord. 91-2, S4, 1991)

**1.16.050 Evaluation Criteria and Abatement Schedule.**

Project Evaluation Criteria

|   | Points |
|---|--------|
| <u>Infrastructure requirements already in place</u> |        |
| Adequate road.....                                  | 1      |
| Water.....  | 1      |
| Wastewater.....                                     | 1      |
| Electric Service.....                               | 1      |
| Gas.....  | 1      |

|  | Points |
|--|--------|
| New Investment in property and equipment (does not include land) |        |
| \$500,000 to \$749,999.....                                      | 24     |
| \$750,000 to \$999,999.....                                      | 26     |
| \$1,000,000 to \$1,999,999.....                                  | 28     |
| \$2,000,000 to \$3,999,999.....                                  | 29     |
| Over \$4,000,000.....  | 30     |

New employment: number of new full-time equivalent (FTE)\* jobs earning a minimum of \$10.15 per hour

|                          |    |
|--------------------------|----|
| 6 to 10 new FTE.....     | 16 |
| 11 to 15 new FTE.....    | 21 |
| 16 to 25 new FTE.....    | 24 |
| 26 to 50 new FTE.....    | 26 |
| 51 to 74 new FTE.....    | 28 |
| 75 to 99 new FTE.....    | 29 |
| 100 to 199 new FTE.....  | 30 |
| 200 to 299 new FTE.....  | 40 |
| 300 to 399 new FTE.....  | 50 |
| 400 or more new FTE..... | 65 |

\*Average of at least thirty-five (35) hours per week

New employment wage level: % above state minimum wage (\$7.25)\*

|   |    |
|---|----|
| 160% of state minimum wage (\$11.60)..... | 16 |
| 180% of state minimum wage (\$13.05)..... | 21 |
| 200% of state minimum wage (\$14.50)..... | 24 |
| 225% of state minimum wage (\$16.31)..... | 26 |
| 250% of state minimum wage (\$18.25)..... | 28 |
| 300% of state minimum wage (\$21.75)..... | 30 |

\*Wage calculation based on average of all new positions

Guideline for Real and Personal Property Tax Incentives Schedule of Abatement

| Total Score  | Property Tax Phase-In  |
|--------------|--|
| 16-20 points | 100% Year 1<br>75% Year 2  |
| 21-29 points | 100% Year 1<br>75% Year 2<br>50% Year 3                              |
| 30-39 points | 100% Year 1<br>75% Year 2<br>50% Year 3<br>25% Year 4                |
| 40-49 points | 100% Year 1<br>100% Year 2<br>75% Year 3<br>50% Year 4<br>25% Year 5 |

|              |  |
|--------------|--|
| 50-59 points | 100% Year 1<br>100% Year 2<br>100% Year 3<br>75% Year 4<br>50% Year 5<br>25% Year 6  |
| 60-69 points | 100% Year 1<br>100% Year 2<br>100% Year 3<br>100% Year 4<br>75% Year 5<br>50% Year 6<br>25% Year 7   |
| 70-79 points | 100% Year 1<br>100% Year 2<br>100% Year 3<br>100% Year 4<br>100% Year 5<br>75% Year 6<br>50% Year 7<br>25% Year 8                                |
| 80-89 points | 100% Year 1<br>100% Year 2<br>100% Year 3<br>100% Year 4<br>100% Year 5<br>100% Year 6<br>75% Year 7<br>50% Year 8<br>25% Year 9                 |
| 90+ points   | 100% Year 1<br>100% Year 2<br>100% Year 3<br>100% Year 4<br>100% Year 5<br>100% Year 6<br>100% Year 7<br>75% Year 8<br>50% Year 9<br>25% Year 10 |

100+

100% Year 1  
100% Year 2  
100% Year 3  
100% Year 4  
100% Year 5  
100% Year 6  
100% Year 7  
100% Year 8  
75% Year 9  
50% Year 10  
(Ord. 14-01, S6, Jan. 23, 2014)

**1.16.060 Expiration - Reapplication.** If the improvements to real property or equipment proposed in the application for economic revitalization area status are not commenced (defined as obtaining a building permit and actual start of construction or purchase and installation of equipment) within one year of the date of designation, the economic revitalization area designation for the real estate and/or personal property may be revoked at the discretion of the Ferdinand Town Council. (Ord. 14-01, S7, Jan. 23, 2014)

**1.16.070 Review and Determination of Compliance.** Property owners receiving tax abatement must annually file all documents as required by Indiana law, including the Compliance with Statement of Benefits Form (CF-1). Said forms shall be reviewed by the Town to determine compliance, and if the property owner is not in compliance, the Council may act to rescind the remaining term of abatement and enforce penalties for paying back previously granted tax abatement as allowed by state law or by any agreement between the Town and property owner. (Ord. 14-01, S8, Jan. 23, 2014)

**1.16.075 No Re-assessment Appeals.** During the tax abatement period and as a condition to receiving or continuing to receive tax abatement relief, applicants for tax abatement must not pursue an appeal of the annual assessment report or seek to have their property (real or personal) assessed at an amount less than the amount on the annual assessment report or the projection on the abatement application, whichever is greater. (Ord. 2020-08, S1, May 19, 2020)

**1.16.080 Tax Abatement Limited by State Law.** This Ordinance/Chapter shall not give any applicant 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. 14-01, S9, Jan. 23, 2014)

## Chapter 1.17

### PURCHASING POLICIES

#### Sections:

#### **1.17.010 Designation of Purchasing Agency**

#### **1.17.015 Definitions**

#### **1.17.020 Purchase of Supplies Manufactured in the United States**

#### **1.17.030 Purchasing Policies**

#### **1.17.010 Designation of Purchasing Agency.**

- (1) The Ferdinand Town Council Purchasing Agency, (the “Purchasing Agency”), is established as the purchasing agency for the Town of Ferdinand. (Ord. 98-9, SI 1, Sept. 8, 1998)
- (2) The Purchasing Agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law or supplemented from time to time by ordinances adopted by the Town Council and policies adopted by the Purchasing Agency. (Ord. 98-9, SI 2, Sept. 8, 1998)
- (3) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the Town of Ferdinand. The Clerk-Treasurer shall be the Purchasing Agent of the Ferdinand Purchasing Agency and may designate in writing any employee of the Town of Ferdinand as a Deputy Purchasing Agent. (Ord. 98-9, SI 3, Sept. 8, 1998)

**1.17.015 Definitions.** The definitions as set forth in I.C. 5-22-2, and as may be amended from time to time are hereby adopted and incorporated into this Chapter 1.17. (Ord. 2016-09, S1, May 10, 2016.

#### **1.17.020 Purchase of Supplies Manufactured in the United States.**

- (1) Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:
  - A. the supplies are not manufactured in the United States in reasonably available quantities;
  - B. the prices of the supplies manufactured in the United States exceed by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
  - C. the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

- D. the purchase of supplies manufactured in the United States is not in the public interest. (Ord. 98-9, SII 1 A-D, Sept. 8, 1998)

**1.17.030 Purchasing Policies.**

- (1) The purchasing agent may purchase supplies as needed provided available funds have been appropriated. However, the purchasing agent must obtain Town Council approval for any purchase with an estimated cost of more than Twenty-Five Thousand Dollars (\$25,000.00) or when the supplies have not been previously budgeted, regardless of the cost. (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 1, Sept. 8, 1998)
- (2) The purchasing agent may purchase supplies with an estimated cost of less than Twenty-Five Thousand Dollars (\$25,000.00), on the open market without receiving quotes. The purchasing agent must use the quotes procedure as provided in I.C. 5-22-8-3, for purchase of supplies with an estimated cost of more than Twenty-Five Thousand Dollars (\$25,000). (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 2, Sept. 8, 1998)
- (3) Documents submitted in response to a solicitation shall be protected in the following manner:
  - A. The Clerk-Treasurer of the Town of Ferdinand, as purchasing agent under the Act, shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
  - B. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
  - C. Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized by any statute or ordinance.
  - D. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals. The register of proposals is available for public inspection and copying, however, proposals may not be disclosed. (Ord. 2016-09, S2, May 10, 2016) (Ord. 98-9, SIII 3 A-D, Sept. 8, 1998)

## Chapter 1.18

### CLAIMS WHICH COME DUE BEFORE TOWN COUNCIL MEETING

#### Sections:

**1.18.010 Allowable claims**

**1.18.020 Electronic Funds Transfer**

**1.18.030 Automatic Clearing House (ACH)**

**1.18.010 Allowable claims.** The Clerk-Treasurer of the Town of Ferdinand is authorized to pay the following claims when the due date for payment thereof is prior to the date of the next scheduled meeting of the Town Council:

- (1) Property or services purchased or leased from the U.S. Government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Local retirement plan for employees.
- (13) Expenses that must be paid because of emergency circumstances.
- (14) Expenses that must be paid to wholesale utility suppliers.
- (15) Refund of meter deposits.
- (16) Replenish petty cash fund when necessary.

- (17) Folk Fest, Heimatfest and 175<sup>th</sup> celebration expenses.
- (18) Community Movie night expenses.
- (19) Credit card charges that will incur penalties if not paid by certain date.
- (20) Investments.
- (21) Refund of fee for cancelled activity in park or Senior Center.
- (22) Enrollment fees for training, seminars, conferences, etc.

Each payment of expenses must be supported by a fully itemized claim.

The Town Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. (Ord. 2013-16, Nov. 12, 2013) (Ord. 2005-08, Nov. 16, 2005) (Ord. 95-8, August 1995) (Ord. 92-13, S1, 1992)

**1.18.020 Electronic Funds Transfer.** Pursuant to IC 5-13-5-5, IC 36-1-8-11, and IC 36-1-8-11.5, the Clerk-Treasurer of the Town of Ferdinand is hereby authorized to pay the claims of its wholesale electric supplier by electronic funds transfer. The Clerk-Treasurer shall maintain adequate documentation of all such transactions so that the Town of Ferdinand may be audited as provided by law. (Ord. 2015-15, S1, Dec. 15, 2015)

**1.18.030 Automatic Clearing House (ACH).**

- (1) ACH transactions are hereby authorized and the Clerk-Treasurer is authorized to make certain payments via ACH as herein provided. Authorized payments are payroll, bond payments, payments for approved claims and for such monthly or other bills as are authorized by the Ferdinand Municipal Code Chapter 1.18 to be paid by the Clerk-Treasurer prior to council approval when the due date for payment is prior to the date of the next scheduled meeting of the Town Council or the electronic funds transfer is otherwise authorized by Chapter 1.18. Also authorized are any funds received via ACH. (Ord. 2021-04, S1, Mar. 16, 2021)
- (2) The Town Council of the Town of Ferdinand authorizes the use of online transfers for the purpose of transfers for transferring funds to the appropriate account payable checking account from such other accounts as may be necessary or appropriate in the process of paying claims or invoices. (Ord. 2021-04, S2, Mar. 16, 2021)
- (3) The Clerk-Treasurer is required to maintain adequate documentation of the above referenced transactions for future audits, as provided by law. (Ord. 2021-04, S3, Mar. 16, 2021)



## Chapter 1.20

### FAIR HOUSING ORDINANCE

#### Sections:

- 1.20.010 Policy statement
- 1.20.020 Definitions
- 1.20.030 Unlawful practice
- 1.20.040 Discrimination in the sale or rental of housing
- 1.20.050 Discrimination in residential real estate-related transactions
- 1.20.060 Discrimination in the provision of brokerage services
- 1.20.070 Interference, coercion, or intimidation
- 1.20.080 Prevention of intimidation in Fair Housing cases
- 1.20.090 Exemptions
- 1.20.100 Administrative enforcement of ordinance
- 1.20.120 Separability of provisions

**1.20.010 Policy statement.** It shall be in the policy of the Town of Ferdinand to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq. (Ord. 96-18, S1, Sept. 4, 1996) (Ord. 93-11, S1, July 27, 1993)

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

- (1) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- (2) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this Section. Also, pursuant to 24 CFR Part 5, family includes persons regardless of the actual or perceived sexual orientation, gender identity, or marital status of the family's members. (Ord. 2012-12, S1, Nov. 13, 2012)
- (3) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title II of the United States Code, receivers, and fiduciaries.

- (4) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- (5) "Discriminatory Housing Practice" means an act that is unlawful under Section 1.20.040, 1.20.050, 1.20.060, 1.20.070 or 1.20.080 of this Chapter or I.C. 22-9.5-5.
- (6) "Handicap" means, with respect to a person:
- A. a physical or mental impairment which substantially limits one or more of such person's major life activities,
  - B. a record of having such an impairment, or
  - C. being regarded as having such an impairment,
  - D. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
  - E. Any other impairment defined under I.C. 22-9.5-2-10.
- The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)].
- (7) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):
- A. claims to have been injured by a discriminatory housing practice; or
  - B. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (8) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- A. a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (9) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.

- (10) "Complaint" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6. (Ord. 96-18, S2, Sept. 4, 1996) (Ord. 93-11, S2, July 27, 1993)

**1.20.030 Unlawful practice.** Subject to the provisions of subsection (2) of this Section, Section 1.20.090 of this Chapter and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 1.20.040 of this Chapter shall apply to:

- (1) All dwellings except as exempted by subsection (2) and Title 22-9.5-3 of Indiana Code.
- (2) Other than the provisions of subsection (3) of this Section, nothing in section 1.20.040 shall apply to:
  - A. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses an (sic) any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house an (sic) the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family house at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
    1. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
    2. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 1.20.040 (3) of this Chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
  - B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (3) For the purposes of 1.20.030 subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:
  - A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - B. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - C. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 96-18, S3, Sept. 4, 1996)

**1.20.040 Discrimination in the sale or rental of housing.** As made applicable by Section 1.20.030 and except as exempted by Sections 1.20.030 (2) and 1.20.090, it shall be unlawful:

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

- (6) A. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
1. that buyer or renter;
  2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  3. any person associated with that person.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. that person; or
  2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  3. any person associated with that person.
- C. For purposes of this subsection, discrimination includes:
1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person of such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
  3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:

- (a) the public use and common use portions of such dwellings are readily accessible to any usable by handicapped persons;
- (b) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped person in wheelchairs; and
- (c) all premises within such dwellings contain the following features of adaptive design:
  - i an accessible route into and through the dwelling;
  - ii light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - iii reinforcements in bathroom walls to allow later installation of grab bars; and
  - iv usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

D. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).

E. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 96-18, S4, Sept. 4, 1996)

**1.20.050 Discrimination in residential real estate-related transactions.**

- (1) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

- (2) As used in this section, the term "residential real estate-related transaction" means any of the following:
  - A. The making or purchasing of loans or providing other financial assistance:
    - 1. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
    - 2. secured by a residential real estate.
  - B. The selling, brokerage, or appraising of residential real property.
- (3) Nothing in this Chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (Ord. 96-18, S5, Sept. 4, 1996)

**1.20.060 Discrimination in the provision of brokerage services.** It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 96-18, S6, Sept. 4, 1996)

**1.20.070 Interference, coercion, or intimidation.** It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on the account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.20.030, 1.20.040, 1.20.050, or 1.20.060 of this Chapter. (Ord. 96-18, S7, Sept. 4, 1996)

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

- (1) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental financing or occupation of any dwelling, or applying for or participation in any service, organization or facility relating to the business of selling or renting dwellings; or
- (2) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - A. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of

the activities, services, organizations or facilities described in subsection 15(a) (sic); or

- B. affording another person or class of persons opportunity or protection so to participate; or
- (3) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations for facilities described in 1.20.080(1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate. (Ord. 96-18, S8, Sept. 4, 1996)

### **1.20.090 Exemptions.**

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



2. intended for, and solely occupied by, persons 62 years of age or older; or
3. intended and operated for occupancy by at least (sic) one person 55 years of age or older per unit. (Ord. 96-18, S9, Sept. 4, 1996)

**1.20.100 Administrative enforcement of ordinance:**

- (1) The authority and responsibility for properly administering this Chapter and referral of complaints hereunder to the Commission as set forth in subsection (2) hereof shall be vested in the Town Council of the Town of Ferdinand, Indiana.
- (2) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Ferdinand, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complaints to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Town Council of the Town of Ferdinand, Indiana, shall refer all said complaints to the Commission as provided for under subsection (1) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- (3) All executive departments and agencies of the Town of Ferdinand, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Town Council and the Commission to further such purposes.
- (4) The Town Council of the Town of Ferdinand, Indiana, or its designee, shall provide information on remedies available to any aggrieved person or complaint requesting such information. (Ord. 96-18, S10, Sept. 4, 1996)

**1.20.120 Separability of provisions.** If any provision of this Chapter or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Chapter and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ord. 96-18, S12, Sept. 4, 1996)

## Chapter 1.21

### CIVIL RIGHTS POLICY

#### Sections:

- 1.21.010 Discrimination Prohibited**
- 1.21.020 Identification and Elimination**
- 1.21.030 Public Outreach**
- 1.21.040 Federally Funded Contracts Title VI included**
- 1.21.050 Non-Discrimination Policy – Appendix A**
- 1.21.060 Title VI Coordinator**
- 1.21.070 Commitment to Comply**
- 1.21.080 Grievance Procedure – Exhibit B**
- 1.21.090 Posting of Non-Discrimination Policy**
- 1.21.100 Implementation Plan and Appendices**

**1.21.010 Discrimination Prohibited.** The Town prohibits discrimination and/or the exclusion of individual from its municipal facilities, programs, activities and services based on the individual person's race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency. (Ord. 2016-10, S1, April 12, 2016)

**1.21.020 Identification and Elimination.** The Town will continue to work to identify and eliminate discrimination on race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency. (Ord. 2016-10, S2, April 12, 2016)

**1.21.030 Public Outreach.** The Town is committed to providing the general public with information on the non-discrimination protections provided by Title VI. The Town will pursue all available opportunities to educate the public on issues relating to discrimination under Title VI. Public outreach may include, but is not limited to, posting the Town's non-discrimination policy in public locations, including the Town's non-discrimination policy in public notices as appropriate, and posting the Town's non-discrimination policy on the Town's website. (Ord. 2016-10, S3, April 12, 2016)

**1.21.040 Federally Funded Contracts Title VI included.** The Town will ensure that all federally funded contracts contain required Title VI assurances prohibiting discrimination in violation of Ferdinand's policy on non-discrimination. The Town will monitor consultants and contractors for compliance with Ferdinand's non-discrimination policy. The Town will promptly investigate any alleged claim of discrimination and will work with the consultant or contractor to obtain voluntary compliance with Ferdinand's non-discrimination policy. (Ord. 2016-10, S4, April 12, 2016)

**1.21.050 Non-Discrimination Policy – Appendix A.** The attached Appendix A which sets forth the Non-Discrimination Policy is adopted. (Ord. 2016-10, S5, April 12, 2016)

**1.21.060 Title VI Coordinator.** The Town Manger or his designee is designated as the Title VI Coordinator for the Town. (Ord. 2016-10, S6, April 12, 2016)

**1.21.070 Commitment to Comply.** The Town's Commitment to comply with Title VI, as evidenced in the attached Non-Discrimination Policy, shall be posted on the public bulletin board at the Town Hall and shall be posted on the Town's website at [www.ferdinandindiana.org](http://www.ferdinandindiana.org). (Ord. 2016-10, S7, April 12, 2016)

**1.21.080 Grievance Procedure – Exhibit B.** The Town's Grievance Procedure under Title VI, a copy of which is attached hereto as Appendix B, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of race, color, national origin, sex, age, disability, religion, gender identity, low income status, sexual orientation or limited English proficiency in the provision of services, activities, programs, or benefits by the Town. (Ord. 2018-12, Sept. 21, 2018) (Ord. 2016-10, S8, April 12, 2016)

**1.21.090 Posting of Non-Discrimination Policy.** In compliance with Federal and State laws as set forth above, the Ferdinand Town Council directs the Title VI Coordinator to accomplish the posting of the required information under Title VI, and the Town's Title VI grievance procedure on the Town's website and at such other locations as may be determined from time to time. (Ord. 2016-10, S9, April 12, 2016)



Section 1.21.100

# TITLE VI IMPLEMENTATION PLAN

(Ordinance 2018-12, S1, S2, Sept. 21, 2018)

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## INTRODUCTION

### INTRODUCTION

This Title VI Implementation Plan is a part of the Town of Ferdinand’s continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, the Town of Ferdinand seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

## TOWN OF FERDINAND TITLE VI NON-DISCRIMINATION NOTICE & POLICY

The Town of Ferdinand values each individual’s civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, the Town of Ferdinand conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the Town of Ferdinand on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. The Town of Ferdinand further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the Town of Ferdinand to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq*.; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the Town of Ferdinand hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Town of Ferdinand also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the Town of Ferdinand will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The Town of Ferdinand will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever the Town of Ferdinand distributes federal-aid funds to a second-tier subrecipient, the Town of Ferdinand will include Title VI language in all written agreements.

The following individual has been identified as the Town of Ferdinand's Title VI Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Chris James  
Ferdinand Town Manager/ Title VI Coordinator  
2065 Main Street  
Ferdinand, IN 47532  
cjames@ferdinandindiana.org

The Town of Ferdinand affirms its commitment to nondiscrimination annually by making available at Ferdinand Town Hall and on the Ferdinand Town website, its Annual Title VI Implementation Plan and reaffirming its Assurances of Nondiscrimination, incorporated herein (see next page).

## TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in Appendix A and integrated into this document. This Title VI Implementation Plan has been adopted, implemented and is being adhered to by the Town of Ferdinand. The Town of Ferdinand has implemented this plan by Resolution and it is effective for 2018-2019. This plan will be renewed on or before December 31, 2019.

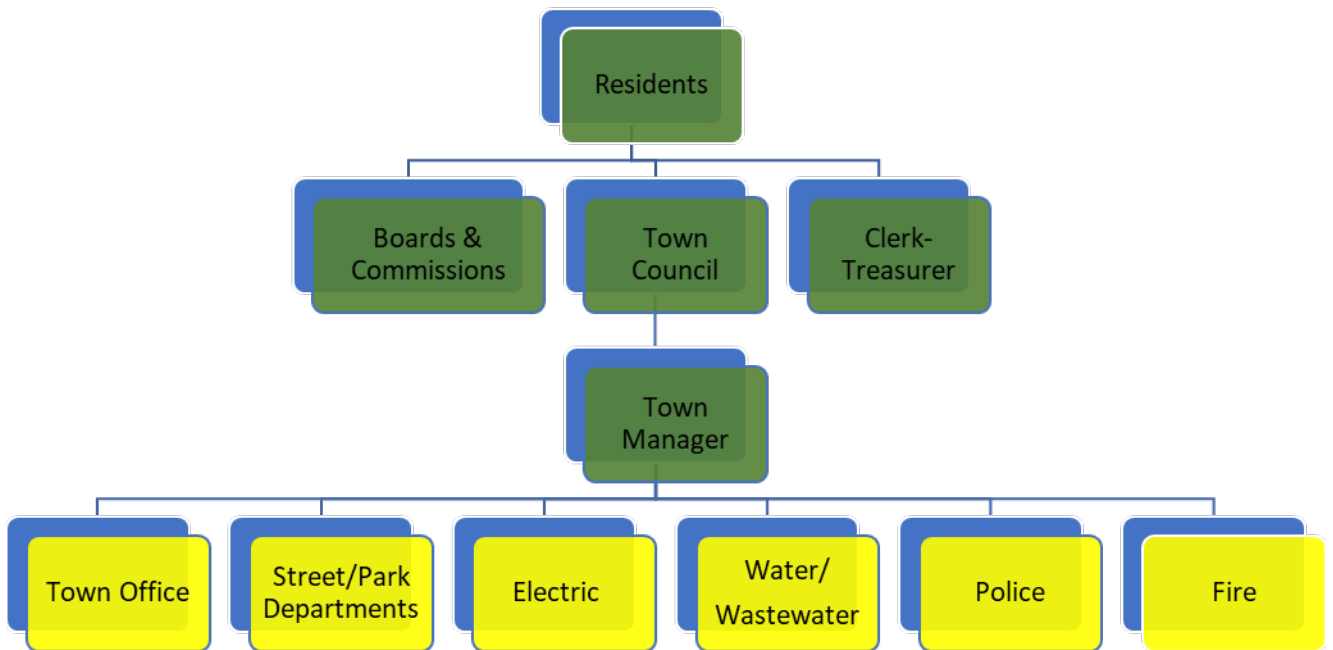
Signed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Chris James/ Title VI Coordinator

The individual above is a duly authorized representative of the Town of Ferdinand





TOWN GOVERNMENT ORGANIZATIONAL CHART



## TOWN OF FERDINAND OVERVIEW OF TITLE VI PROGRAM: DATA COLLECTION, ANALYSIS & REPORTING

The type of data collected is dependent on the program area's objective. The Town of Ferdinand collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by the Town of Ferdinand:

- Complaints received, logged, processed and investigated by the Town of Ferdinand
- Environmental Justice analysis and reports
- Limited English Proficiency reports
- Title VI Training
- Public Involvement Survey
- Records of meeting minutes and discussions related to Title VI in all program areas.
- The Town of Ferdinand collects data related to specific program areas being reviewed this year for disparate / disproportionate impacts or other evidence of potential discrimination or discriminatory outcomes.

## COMPLAINTS OF DISCRIMINATION

### HOW TO FILE A COMPLAINT?

While a Complainant may preliminarily submit his or her complaint by online form submission, mail, facsimile, or email to the Title VI Coordinator, a signed, original copy of the complaint must be mailed to the Title VI Coordinator to officially begin the complaint process. Any person with a disability may request to file his or her complaint using an alternative format. The Town of Ferdinand does not require a Complainant to use the Town of Ferdinand complaint form when submitting his or her complaint.

Direct all complaints of discrimination pursuant to Title VI to:

Chris James, Title VI Coordinator  
2065 Main Street  
Ferdinand, IN 47532  
Email: [cjames@ferdinandindiana.org](mailto:cjames@ferdinandindiana.org)  
Phone: 812-367-2282  
Facsimile: 812-367-2683

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## ELEMENTS OF A COMPLETE COMPLAINT

A complaint must be both written and signed to be complete. Verbal complaints must be reduced to writing and provided to the Complainant for confirmation, review and signature before processing. The complaint form is available for download from the Town of Ferdinand website at: [www.ferdinandindiana.org](http://www.ferdinandindiana.org).

Additionally, a complaint must include the following information:

- The full name and address of the Complainant;
- The full name and address of the Respondent, the individual, agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

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## PROCESSING COMPLAINTS

The Title VI Coordinator will process all complaints. The Title VI Coordinator is responsible for:

- The Title VI Coordinator will review the complaint upon receipt to ensure that all required information is provided, the complaint meets the filing deadline date which is 180 days from the date the alleged discriminatory act occurred, and falls within the jurisdiction of the Town.
- The Title VI Coordinator will then investigate the complaint. If the complaint is against the Town then the Town Council or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the Town Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.

- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, and the Ferdinand Town Council.
- Once the Town has investigated the report findings, the Town will adopt a final resolution.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, and the Ferdinand Town Council.
- Once the Town has investigated the report findings, the Town will adopt a final resolution.
- All parties associated with the complaint will be properly notified of the outcome of the Town’s investigative report.
- If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the Town’s decision. Appeals must be filed within 180 days after the Town’s final resolution. Unless new facts not previously considered come to light, reconsideration of the Town’s determination will not be available.
- The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled “Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes,” available online at: <http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>

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## ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, “No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The Town of Ferdinand is committed to these three environmental justice principles in all work that the Town performs.

## LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the City uses to access the LEP populations in the Town of Ferdinand.

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the Town and costs.

In addition, the Town of Ferdinand has not implemented the safe harbor provision whereby it identifies and translate all vital documents into any language where the 5% threshold is met whereby 5% or more of the population in the county both:

- Does not speak English very well AND
- Primarily speaks another specific language as identified in current census data or other publically available records.

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### SUMMARY OF THE FOUR FACTOR ANALYSIS

#### **Factor 1:**

The number and proportion of LEP persons eligible to be served or likely to be encountered by the Town can only be estimated until the actual number of persons who can speak English less than “very well” are documented as needing assistance by Town Staff. With this Title VI Plan being in early development stages and considered a document that may need regular updates, US Census Bureau information is being used at this time. The total population is provided below to shown general distribution of race and ethnicity in the community. The estimated number of persons that may not speak English “very well” is following in the US Census Bureau 2006-2010 American Community Survey.

The U.S. Census Bureau provides statistics from 2010 for the Town of Ferdinand as follows:

Total population = 2157

Population by Ethnicity: 2157

Hispanic or Latino = 34 Non-Hispanic or Latino = 2123

Population by Race: 2136

White = 2118, African American = 3, Asian = 5, American Indian or Alaska Native = 1, Native Hawaiian and Pacific Islander = 0, Other = 9, Identified by two or more = 21.

The US Census Bureau 2006-2010 American Community Survey 5-Year Estimates under SELECTED SOCIAL CHARACTERISTICS estimates the number of people in the Town of Ferdinand who speak a language other than English to be 35 with those speaking English less than “very well” estimated at *less than 1%* or approximately 11 individuals who may be considered limited in English proficiency. The margin of error is  $\pm 13\%$  so the actual number may fluctuate from 11 to 3 individuals.

According to the census numbers above there may be up to 35 individuals who live in the Town of Ferdinand that may be considered as LEP. Based on actual contact between Town Staff and the community there have been very few requests from anyone in the service area asking the Town to provide language translation services. Therefore, the LEP population is probably even less than the estimate shown above.

**Factor 2: The frequency with which LEP individuals come into contact with the program, activity or service:**

Due to the infrequent requests for translation services, there appears to be a minimal need for translation services from the Town. This may be attributed to the high percentage of younger people (87.6% for ages up to 17) who are available as family members for translation services.

**Factor 3: The nature and importance of the program, activity, or service provided by the program:**

If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the Town will provide, upon request, services to assist the LEP population including translation of vital Town documents and interpretation services.

**Factor 4: The resources available to the Town and costs:**

The Town of Ferdinand will explore available resources that could be used for providing LEP assistance, as well as identify documents that would be most valuable to be translated if needed. Local residents will likely be available to provide translation for some languages such as Spanish. Translation for other languages may require an interpreter service for which the Town of Ferdinand would pay a fee.

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## SUMMARY OF LEP ACCOMMODATION PLAN

- The Town of Ferdinand strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to City services.
- A U.S. Census Bureau I Speak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to Town Staff whereas Town Staff may then access a translation service as determined by the Town.
- The Town of Ferdinand utilizes a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their gender, ethnicity, race, age, sex, disability status, and household income. Once the survey data has been collected, it will be reviewed and then the survey will be placed in a file for future reference. In the case enough surveys are collected over time to show a significant increase in LEP populations, the Town may consider changes to their LEP policy. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.
- The Town reviews written Title VI complaints and ensures every effort is made to resolve complaints informally at the local or regional level and review and update the Town's Title VI plan and procedures as required.
- Staff for the Town will be provided training on the requirements for providing meaningful access to services for LEP persons and new employees will receive the same training.

## TITLE VI TRAINING

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### EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING

At the time of Hire (and annually to all employees if applicable): Title VI policy education and literature will be provided to all Town of Ferdinand employees. Town of Ferdinand employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at new employee orientation.

Employees will be provided with updated education and literature as the Town of Ferdinand deems necessary.

**Ongoing Training provided to current employees:** Current Town Hall employees and Department Heads will receive training within the time of the current plan . Training will consist of training materials provided via webinars presented by INDOT. Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Town of Ferdinand employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

## PUBLIC INVOLVEMENT

### DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), the Town of Ferdinand shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The Town of Ferdinand shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.



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## COMMUNITY INVOLVEMENT & OUTREACH

The Town of Ferdinand is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The Town of Ferdinand hosts meetings monthly and those meetings are open to the public. Any meetings that are open to the public are published on the Town of Ferdinand website's main page. All Town of Ferdinand public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. The Town of Ferdinand is working toward making Auxiliary aids available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Town of Ferdinand website are various meeting agenda's, meeting minutes, notices, events and news. Some departments within the Town of Ferdinand utilize signage, media and social media websites as another avenue to communicate with the community.

## REVIEW OF PROGRAM AREA

This section outlines annual goals set forth by the Town of Ferdinand to comply with Title VI requirements and statutes. This list will be monitored for updates and additions.

## ANNUAL WORK PLAN

**[Identify program areas / policies prioritized for review of potential disparate impacts and / or discriminatory outcomes here and include an explanation of why / how this program area / policy was identified for review. (See Subrecipient Technical Assistance Toolkit provided to you with this sample document for further explanation of programmatic implementation of Title VI and Goals / Accomplishment Reporting)]**

| Accomplishments   | Completion Date    |
|---|--------------------|
| Creation of Implementation Plan                                       | September 21, 2018 |
| Development of Public Dissemination File on Town of Ferdinand Website | October 31, 2018   |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |

| <b>Goals</b>   | <b>Target Completion Date</b> |
|--|-------------------------------|
| Providing auxiliary aids at public meetings                                  | December 31, 2019             |
| Host annual Title VI training for Town Office employees and Department Heads | July 31, 2019                 |
| Obtain listing of available translators/interpreters for public usage        | December 31, 2018             |
|  |                               |
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# APPENDIX

- A. Assurances
- B. Complaint Policy
- C. Complaint Log
- D. External Complaint Procedure/Form
- E. Public Involvement Survey
- F. I Speak Cards
- G. Training Materials & Records of Training Attendance

## **APPENDIX A: ASSURANCES**

## Title VI Assurances

The Town of Ferdinand (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
  
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Indiana Department of Transportation (INDOT), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from



participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and)\* (2) that the Indiana Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

### APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of-Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **APPENDIX B: COMPLAINT POLICY**

## **Complaint Policy**

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of the Town of Ferdinand to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any company supervisor or to the company EEO Officer. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found at Ferdinand Town Hall or on the Ferdinand Town website. Individuals are not required to use the company's complaint form. If necessary, the company will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

**Complaints should be directed to:  
CHRIS JAMES, TITLE VI COORDINATOR  
2065 MAIN STREET, FERDINAND, IN 47532  
812-367-2282  
812-367-2683  
cjames@ferdinandindiana.org**

Within 60 days of the receipt of the complaint the company will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The company will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
Economic Opportunity Division  
100 N. Senate, Room N750  
Indianapolis, IN 46204  
Phone: (317) 233-6511  
Fax: (317) 233-0891

Indianapolis District EEOC Office  
101 West Ohio Street, Ste 1900  
Indianapolis, IN 46204  
Phone: (800) 669-4000  
Fax: (317) 226-7953  
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
100 N. Senate Ave., Room N103  
Indianapolis, IN 46204  
Toll Free: 1 (800) 628-2909  
Phone: (317) 232-2600  
Fax: (317) 232-6560  
Hearing Impaired: 1 (800) 743-3336

## **APPENDIX C: COMPLAINT LOG**

**TITLE VI COMPLAINT LOG**

| <b>Case No.</b>               | <b>Investigator</b>              | <b>Complainant</b> | <b>Sub-recipient</b> | <b>Protected Category</b> | <b>Date Filed</b> | <b>Date of Final Report</b> | <b>Deposition</b> |
|-------------------------------|----------------------------------|--------------------|----------------------|---------------------------|-------------------|-----------------------------|-------------------|
| <b>Town of Ferdinand 2016</b> | <b>No complaints were logged</b> |                    |                      |                           |                   |                             |                   |
| <b>Town of Ferdinand 2017</b> | <b>No complaints were logged</b> |                    |                      |                           |                   |                             |                   |
|                               |                                  |                    |                      |                           |                   |                             |                   |
|                               |                                  |                    |                      |                           |                   |                             |                   |
|                               |                                  |                    |                      |                           |                   |                             |                   |
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|                               |                                  |                    |                      |                           |                   |                             |                   |

## **APPENDIX D: EXTERNAL COMPLAINT PROCEDURE**



## EXTERNAL COMPLAINT OF DISCRIMINATION

### INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with the Town of Ferdinand. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the Town of Ferdinand as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the Town of Ferdinand. Additionally, you have the right to seek private counsel.

The Town of Ferdinand is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\*Your complaint cannot be processed without your signature.**

**External Complaint Form**

| COMPLAINANT INFORMATION                               |                                   |                                       |
|---|-----------------------------------|---------------------------------------|
| Name (first, middle, and last)                        |                                   |                                       |
| Address (number and street, city, state and ZIP code) |                                   |                                       |
| Home telephone number<br>(    ) -                     | Work telephone number<br>(    ) - | Cellular telephone number<br>(    ) - |
| Name of complainant                                   |                                   | Date (month, day, year)               |

| PERSON / AGENCY YOU BELIEVE DISCRIMINATED AGAINST YOU   |                                   |                                       |
|---|-----------------------------------|---------------------------------------|
| Name (first, middle, and last)  |                                   | Title                                 |
| Name of company   |                                   |                                       |
| Address (number and street, city, state and ZIP code)   |                                   |                                       |
| Home telephone number<br>(    ) -   | Work telephone number<br>(    ) - | Cellular telephone number<br>(    ) - |
| When was the last alleged discriminatory act? (month, day, year) _____  |                                   |                                       |
| Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
| The alleged discrimination was based on:<br><input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Gender <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Retaliation |                                   |                                       |
| Describe the alleged act(s) of discrimination. (Use additional pages, if necessary.)  |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |
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|   |                                   |                                       |
|   |                                   |                                       |
|   |                                   |                                       |

|                     |                         |
|---------------------|-------------------------|
| Name of complainant | Date (month, day, year) |
|---------------------|-------------------------|

|  |                                |                                    |
|--|--------------------------------|------------------------------------|
| <b>Provide the names of any individuals with additional information regarding your complaint:</b>                            |                                |                                    |
| Name of witness 1 (first, middle, and last)  | Title                          |                                    |
| Name of company  |                                |                                    |
| Address (number and street, city, state and ZIP code)  |                                |                                    |
| Home telephone number<br>( ) -   | Work telephone number<br>( ) - | Cellular telephone number<br>( ) - |
| Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. |                                |                                    |
| -----  |                                |                                    |
| Name of witness 2 (first, middle, and last)  | Title                          |                                    |
| Name of company  |                                |                                    |
| Address (number and street, city, state and ZIP code)  |                                |                                    |
| Home telephone number<br>( ) -   | Work telephone number<br>( ) - | Cellular telephone number<br>( ) - |
| Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. |                                |                                    |
| -----  |                                |                                    |

|  |                                |                                    |
|--|--------------------------------|------------------------------------|
| Name of witness 3 (first, middle, and last)  | Title                          |                                    |
| Name of company  |                                |                                    |
| Address (number and street, city, state and ZIP code)  |                                |                                    |
| Home telephone number<br>( ) -   | Work telephone number<br>( ) - | Cellular telephone number<br>( ) - |
| Include a brief description of the relevant information the witness may provide to support your complaint of discrimination. |                                |                                    |
| -----  |                                |                                    |
| How would you like your complaint to be resolved?  |                                |                                    |
| -----  |                                |                                    |
| -----  |                                |                                    |

|                     |                         |
|---------------------|-------------------------|
| Name of complainant | Date (month, day, year) |
|---------------------|-------------------------|

|  |
|--|
| Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|

*If yes, please provide the following information for each agency:*

|                    |   |
|--------------------|---|
| Name of the agency | Date complaint filed (month, day, year) |
|--------------------|---|

|  |                                  |
|--|----------------------------------|
| Case number assigned to your complaint | Current status of your complaint |
|--|----------------------------------|

|   |
|---|
| How did you learn about your right to file a discrimination complaint with INDOT? |
|   |
|   |
|   |

|           |                                |
|-----------|--------------------------------|
| Signature | Date signed (month, day, year) |
|-----------|--------------------------------|

## **APPENDIX E: VOLUNTARY PUBLIC INVOLVEMENT SURVEY**

**VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY**

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CRF §200.9(b)(4)). The Town of Ferdinand is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the Town of Ferdinand will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the Town of Ferdinand’s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Chris James, Title VI Coordinator, 2065 Main Street, Ferdinand, IN 47532, [cjames@ferdinandindiana.org](mailto:cjames@ferdinandindiana.org).

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

|  |  |  |
|--|--|--|
| <b>Date:</b>   |  |  |
| <b>Project Name:</b>   |  |  |
| <b>Proposed Project Location:</b>  |  |  |
| <b>Gender:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male <b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino |  |  |
| <b>Race: (Check one or more)</b>   |  |  |
| <input type="checkbox"/> American Indiana or Alaska Native   | <input type="checkbox"/> Asian             |  |
| <input type="checkbox"/> Native Hawaiian or Other Pacific Islander   | <input type="checkbox"/> White             |  |
| <input type="checkbox"/> Black or African-American   | <input type="checkbox"/> Multiracial       |  |
| <b>Age:</b>  |  | <b>Disability:</b>                         |
| <input type="checkbox"/> 1-21  | <input type="checkbox"/> 22-40             | <input type="checkbox"/> Yes               |
| <input type="checkbox"/> 41-65   | <input type="checkbox"/> 65+               | <input type="checkbox"/> No                |
| <b>Household Income:</b>   |  |  |
| <input type="checkbox"/> \$0-\$12,000  | <input type="checkbox"/> \$12,001-\$24,000 | <input type="checkbox"/> \$24,001-\$36,000 |
| <input type="checkbox"/> \$36,001-\$48,000   | <input type="checkbox"/> \$48,001-\$60,000 | <input type="checkbox"/> \$60,001+         |
| <b>Chris James, Title VI Coordinator</b><br>2065 Main Street<br>Ferdinand, IN 47532<br>812-367-2282<br><a href="mailto:cjames@ferdinandindiana.org">cjames@ferdinandindiana.org</a>        |  |  |

## **APPENDIX F: I Speak Card**

|  |                        |
|--|------------------------|
| <input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                           | 1. Arabic              |
| <input type="checkbox"/> Մարդկանք կարող են խոսել ևս լատինական, կթիկ լատինական կամ կարգավորված լատինական: | 2. Armenian            |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বক্সে দাগ দিন।                           | 3. Bengali             |
| <input type="checkbox"/> លុយមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                          | 4. Cambodian           |
| <input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.    | 5. Chamorro            |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。  | 6. Simplified Chinese  |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。  | 7. Traditional Chinese |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                 | 8. Croatian            |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                          | 9. Czech               |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                     | 10. Dutch              |
| <input type="checkbox"/> Mark this box if you read or speak English.                                     | 11. English            |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.                    | 12. Farsi              |



- |                          |  |                    |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.                                | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                       | 17. Hindi          |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.                  | 19. Hungarian      |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.                    | 20. Ilocano        |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano.                                     | 21. Italian        |
| <input type="checkbox"/> | 日本語を購んだり、話せる場合はここに印を付けてください。   | 22. Japanese       |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.   | 23. Korean         |
| <input type="checkbox"/> | ໂຕ້ມາມືເຮືອງຝັ່ງ ຕີນາທ່າວ່າມືປາກມາກວາວ.  | 24. Laotian        |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |

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U.S. CENSUS BUREAU

|                          |  |                |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português.                           | 26. Portuguese |
| <input type="checkbox"/> | Înscrisați această celulă dacă citiți sau vorbiți românește.                   | 27. Romanian   |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски.               | 28. Russian    |
| <input type="checkbox"/> | Обележите ovaj kvadratić ukoliko читате или говорите српски језик.             | 29. Serbian    |
| <input type="checkbox"/> | Označte tento št vorček, ak viete čítať alebo hovoriť po slovensky.            | 30. Slovak     |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español.                                    | 31. Spanish    |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog    |
| <input type="checkbox"/> | ใช้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.                             | 33. Thai       |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.                        | 34. Tongan     |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.         | 35. Ukranian   |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔                     | 36. Urdu       |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.               | 37. Vietnamese |
| <input type="checkbox"/> | באסייבונט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.                           | 38. Yiddish    |

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Economics and Statistics Administration  
U.S. CENSUS BUREAU

## **APPENDIX G: Training Materials and Records of Training Attendance**

This is the future location of all records of Training Materials and Webinars provided by INDOT, as well as the records of Attendance for these Training Sessions.

## Chapter 1.22

### BUILDING AND PREMISES STANDARDS DEPARTMENT

#### Sections:

##### 1.22.010 Creation

**1.22.010 Creation.** There is hereby created the Building and Premises Standards Department of the Town of Ferdinand. The Town Council is authorized to appoint one or more persons as Building and Premises Standards Officers and Deputy Officers, as needed from time to time. Such Officer(s) shall be appointed and serve at the pleasure of the Town Council upon such terms and conditions as set by the Council. (Ord. 94-2, S1, Feb. 22, 1994)

## Chapter 1.24

### DEPARTMENT OF REDEVELOPMENT

#### Sections:

- 1.24.010 Establishment
- 1.24.020 Board Membership
- 1.24.030 Territory
- 1.24.040 Appointment of Members
- 1.24.050 Conflicting Ordinances

**1.24.010 Established.** The Town Council of the Town of Ferdinand, Indiana ("Town"), now deems it to be in the best interest of the Town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the Town by establishing a department of redevelopment. (Ord. 94-4, S1, May 24, 1994)

**1.24.020 Board Membership.** 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 Ferdinand Redevelopment Commission. (Ord. 94-4, S2, May 24, 1994)

**1.24.030 Territory.** Pursuant to the Act [IC 36-7-14 and IC 36-7-25] all of the territory within the corporate boundaries of the Town will be a taxing district to be known as the Ferdinand Redevelopment District 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. 94-4, S3, May 24, 1994)

**1.24.040 Appointment of Members.** The President of the Town Council shall appoint three of the five members of the Ferdinand Redevelopment Commission. (Ord. 94-4, S4, May 24, 1994)

**1.24.050 Conflicting Ordinances.** All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this ordinances are hereby repealed. (Ord. 94-4, S5, May 24, 1994)

## Chapter 1.26

### TOWN OF FERDINAND PRIDE OF PLACE COMMISSION

#### Sections:

**1.26.010 Creation**

**1.26.020 Members**

**1.26.030 Representation**

**1.26.040 Advisory members**

**1.26.050 Expenses**

**1.26.060 Selection of Chairman, Vice-Chairman, and Secretary; Terms; Meetings**

**1.26.070 Technical, Administrative and Clerical Assistance**

**1.26.080 Purpose**

**1.26.010 Creation.** There is hereby created the Town of Ferdinand Pride of Place Commission (hereinafter "Commission"). (Ord. 94-5, S1, July 12, 1994)

**1.26.020 Members.** The Commission shall consist of not less than three (3) nor more than seven (7) acting members, as determined by the Town Council from time to time. The voting members shall be appointed by the Council President, subject to approval of the Council. Voting members shall each serve for a term of three (3) years; however, the first three (3) members appointed shall have initial terms which expire on December 31, 1996; the next two (2) members appointed shall have initial terms which expire on December 31, 1995, and the last two (2) members appointed shall have initial terms which expire on December 31, 1994. A vacancy or new appointment shall be filled for the duration of the designated member's term. (Ord. 94-5, S2, July 12, 1994)

**1.26.030 Representation.** All members shall have an interest in the work of the Commission and one (1) member shall be representative of at least one of the following groups:

- (1) Large business;
- (2) Small business;
- (3) Historical Society;
- (4) Tourism;
- (5) County government; and
- (6) Town government.

Additionally, there may be one (1) member appointed who is not representative of the above groups. (Ord. 94-5, S3, July 12, 1994)

**1.26.040 Advisory members.** The Council may appoint such additional non-voting advisory members with such terms and qualifications as it deems appropriate from time to time. (Ord. 94-5, S4, July 12, 1994)

**1.26.050 Expenses.** Members shall serve without compensation but may be paid for reasonable expense incurred in the performance of their duties, as approved by the Council. (Ord. 94-5, S5, July 12, 1994)

**1.26.060 Selection of Chairman, Vice-Chairman and Secretary; Terms; Meetings.** The Commission, at its first meeting each year, shall select from its membership a Chairman, Vice-Chairman, and Secretary, who shall initially serve until December 31, 1994, and until each December 31 of each subsequent year thereafter. Such may be re-elected. The Commission may adopt rules for the transaction of its business not inconsistent with this Ordinance. The Commission shall adopt rules for a date, time and place of regular meetings at least monthly unless there is no business to conduct. The Commission shall also adopt rules for calling special meetings. All Commission meetings must comply with the Indiana Open Door and Open Records statutes. (Ord. 94-5, S6, July 12, 1994)

**1.26.070 Technical, Administrative and Clerical Assistance.** Each official of the Town of Ferdinand who has responsibility for building inspections, building permits, planning or zoning shall provide such technical, administrative and clerical assistance as may be requested by the Commission. (Ord. 94-5, S7, July 12, 1994)

**1.26.080 Purpose.** The purpose of the Commission is to augment the Ferdinand Advisory Plan Commission for the protection of buildings, places, and districts of historic interest and to facilitate the enactment and application of ordinances for preserving the historic, esthetic and scenic qualities of our community, while promoting appropriate economic growth. The Commission is to augment the development and application of ordinances affecting the development, preservation and esthetics of Ferdinand and the area within its jurisdictional zoning area as it exists from time to time. Areas of Commission responsibility are: Signage, Design, Architecture, Historical Preservation, Property Development, Esthetics, and Scenic Preservation. In this respect, the Commission shall act in an advisory manner only to the Plan Commission, Board of Appeals, and Town Council. (Ord. 94-5, S8, July 12, 1994)

## Chapter 1.30

### PROCEDURES FOR SELECTION OF CONSULTANTS ON CONTRACTS INVOLVING FEDERAL PARTICIPATION ON TRANSPORTATION PROJECTS

#### Sections:

- 1.30.010 Purpose
- 1.30.020 Necessity for use of consultant
- 1.30.030 Authorization for employment of a consultant
- 1.30.040 Record of consultants
- 1.30.050 Selection of consultants
- 1.30.060 Request for proposals
- 1.30.070 Submittal of proposals
- 1.30.080 Selection of consultant
- 1.30.090 Negotiations for contract
- 1.30.100 Exceptions to procedure
- 1.30.110 Notice to proceed with work

**1.30.010 Purpose.** To prescribe the procedures of the Town Council of Ferdinand, (hereinafter called the "Town Council"), applicable to the retaining of consultants on contracts involving federal participation so that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation. (Ord. 93-17, S1, Dec. 28, 1993)

**1.30.020 Necessity for use of consultant.** The services of a consultant may be requested for a project where:

- (1) the in-house capabilities of the Town Council are insufficient to accomplish the project within the desirable time; or
- (2) the complexity or nature of the project requires specialized expertise; or
- (3) it is more economical to engage such services; or
- (4) it is otherwise in the public interest. (Ord. 93-17, S2, Dec. 28, 1993)

**1.30.030 Authorization for employment of a consultant.** When determined at a meeting of the Town Council that consulting services be used, the minutes shall show that the Town Council has decided to use the services of a consultant. (Ord. 93-17, S3, Dec. 28, 1993)

**1.30.040 Record of consultants.** The Clerk-Treasurer of the Town Council will maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of their firm.



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

The record of listing of consultants will include the firms previously and currently satisfactorily employed by the Town and all MBE/WBE firms known to the Indiana Department of Transportation (INDOT). (Ord. 93-17, S4, Dec. 28, 1993)

**1.30.050 Selection of consultants.** The selection of consultants for specific projects will be made by majority decision of the Town Council. (Ord. 93-17, S5, Dec. 28, 1993)

**1.30.060 Request for Proposals.** Prior to the consultant selection, the Town Council will prepare a notice of projects for which consultant proposals are being requested. The listing is to provide the necessary project data for preparation of consultant proposals.

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

The listing is to be posted in the Office of the Town Council in the Town Hall in Ferdinand, Indiana.

Also by regular mail the notice will be sent to all firms that have met the requirements outlined in Section 1.30.040 of these procedures, and which have requested in writing that notices covering specific types of projects be sent to them with the firm's request being renewed annually. (Ord. 93-17, S6, Dec. 28, 1993)

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

- (1) description of the proposed project; and
- (2) description of anticipated work elements; and
- (3) proposed staffing for the work including designation of project manager; and
- (4) proposed schedule of work; and
- (5) information concerning current overhead rate as prepared by a C.P.A. or registered accountant, or as approved by the INDOT. (Ord. 93-17, S7, Dec. 28, 1993)

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

The minutes of the Town Council meeting will note the reasons for selection of the recommended consultant.

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

In those instances where FHPM 1-7-2 requires preaward audit evaluation on selected consultants which are expected to exceed \$50,000.00, said financial review will be made by the Town Council in conjunction with the Indiana Department of Transportation Division of Accounting and Control. (Ord. 93-17, S8, Dec. 28, 1993)

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

If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the Town Council or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken. (Ord. 93-17, S9, Dec. 28, 1993)

**1.30.100 Exceptions to procedure.** Where a project is considered of any emergency nature, or where the scope of work is relatively small, or where consultant's fees for the work will be less than \$10,000.00, or when the specialized qualifications of a particular consultant appear needed for accomplishment of the work, or when non-competitive negotiations are authorized by the Federal Highway Administration, a consultant may be selected with any necessary concurrence by the Indiana Department of Highways and the Federal Highway Administration's Division Office, and only that firm requested to immediately submit a consultant proposal for the project. (Ord. 93-17, S10, Dec. 28, 1993)

**1.30.110 Notice to proceed with work.** When Federal and State approvals have been received on the contract along with "authorization to proceed", a written Notice to Proceed with the work will be given to the consultant by the Town Council. No compensation will be made for work undertaken prior to such Notice to Proceed. (Ord. 93-17, S11, Dec. 28, 1993)

## Chapter 1.32

### DISASTER RECOVERY PLAN

#### Sections:

- 1.32.010 Disaster Recovery
- 1.32.020 Town Office Location
- 1.32.030 Data Back-up
- 1.32.040 Clerk Treasurer
- 1.32.050 Water, Sewer, Electric and Street Department
- 1.32.060 Town Manager
- 1.32.070 Police Department
- 1.32.080 Purchase of Equipment
- 1.32.090 Generator
- 1.32.100 Cyber-Security
- 1.32.110 Plan Updates

**1.32.010 Disaster Recovery.** In the event the Town of Ferdinand's computer and programs are destroyed by fire, tornado, or other damage, various processing of accounting information such as payment of bills, payroll, receipting of funds, mapping, etc. will need to continue. The following is a plan of action will be utilized for this situation which will help ensure continued processing until computer resources are again available. (Ord. 2022-26, Aug. 16, 2022)

**1.32.020 Town Office Location.** The Town office is located at 2065 Main Street, Ferdinand, IN in a building previously occupied by a bank. The vault is the storage area for permanent Town documents including minutes, ordinances, personnel files, checks, and daily backups. (Ord. 2022-26, Aug. 16, 2022)

**1.32.030 Data Back-up.** Data on the server is backed-up daily and the data cartridges are rotated Monday – Friday. The most recent data cartridge is taken off site at the end of the work day and the previous four days back-ups are stored in the vault. The utility clerk does a backup of the Keystone files (Utility, Fund, Fixed Assets and Payroll) on a memory stick and this is taken off site. A second memory stick is used to backup the Keystone files and is stored in the vault. There is one memory stick for each day of the week. Once a week, on Friday, the backup of Keystone files is sent to Keystone. These backups will provide the data needed to start normal operations. (Ord. 2022-26, Aug. 16, 2022)

**1.32.040 Clerk Treasurer.** The Clerk Treasurer has a laptop that has Keystone applications. This laptop is offsite in the possession of the Clerk Treasurer. The data on the memory stick could be used to continue office operations. Data could also be restored from Keystone. (Ord. 2022-26, Aug. 16, 2022)

**1.32.050 Water, Sewer, Electric and Street Department.** Water, Sewer, Electric and Street Department heads are responsible for updating their data daily on mapping and

storing their backups at their homes. These backups will provide the data needed to start normal operations. (Ord. 2022-26, Aug. 16, 2022)

**1.32.060 Town Manager.** The Town Manager does a backup of the server located in his office on a daily basis and takes the external drive off site. (Ord. 2022-26, Aug. 16, 2022)

**1.32.070 Police Department.** The Police Department has a cloud-based backup (Dropbox) in place. The laptops in the police cars can access the cloud-based programs they currently use. In the event the cloud is disrupted, paper reports would be generated. (Ord. 2022-26, Aug. 16, 2022)

**1.32.080 Purchase of Equipment.** In the event new computers are needed, they can be purchased through Eck Mundy and printers can be purchased through Hoosier Business Machines or Hoffman Office Supply all located in Jasper, IN. (Ord. 2022-26, Aug. 16, 2022)

**1.32.090 Generator.** The Town office is in the process of purchasing a generator in the event power is unavailable for a period of time. The Town office will obtain the assistance of the Electric Superintendent in selecting the appropriate size/type of generator and will request that the electric department install it. (Ord. 2022-26, Aug. 16, 2022)

**1.32.100 Cyber-Security.** Should the Town of Ferdinand be the target/victim of a cyber-security event, the Town's Primary Reporter of Cyber Security Incidents, or their designee, shall, within forty-eight (48) hours of the incident occurring, contact the Indiana Office of Technology and file a report. The official reporting address is [https://soi.formstack.com/forms/incident\\_reporting\\_forms](https://soi.formstack.com/forms/incident_reporting_forms) and the phone contact is (317) 234-3434. (Ord. 2022-26, Aug. 16, 2022)

**1.32.110 Plan Updates.** This written disaster recovery plan shall be developed and updated periodically. (Ord. 2022-26, Aug. 16, 2022)

## Chapter 1.38

### TOWN MANAGER

#### Sections:

**1.38.010 Employment**

**1.38.020 Requirements of employment**

**1.38.030 Bonding**

**1.38.040 Powers and duties as provided by Indiana Code**

**1.38.050 Duties as set forth on Exhibit A**

**1.38.060 Organizational Chart**

**1.38.010 Employment.** The Town Council may authorize employment of a Town Manager from time to time. Said Manager, unless otherwise authorized by the Council, shall serve as an at-will employee of the Town, serving at the pleasure of the Council, with the pay and benefits as authorized by the Council from time to time. (Ord. 06-07, S1, Sept. 12, 2006)

**1.38.020 Requirements of employment.** Except as specifically modified herein, the Manager is subject to all current or future requirements of employment as required of other employees, including but not limited to pre and post employment medical, psychological, drug, and alcohol testing and work related policies and restrictions. (Ord. 06-07, S2, Sept. 12, 2006)

**1.38.030 Bonding.** The Manager shall be bondable by the Town's current or future bonding company as required by I.C. 36-5-5-5 and 5-4-1. (Ord. 06-07, S3, Sept. 12, 2006)

**1.38.040 Powers and duties as provided by Indiana Code.** The Manager shall have those powers and duties as provided for by I.C. 36-5-5-8 except for subsections (2) and (3) related to Town employees and subsection (8) regarding execution of contracts. However, the Manager shall make recommendations to the Council regarding prospective and current Town employees, may interview prospective employees and discipline current Town employees and may execute contracts for amounts not in excess of \$5,000.00, or as expressly authorized by the Council. (Ord. 09-06, S1, May 12, 2009) (Ord. 06-07, S4, Sept. 12, 2006)

**1.38.050 Duties as set forth on Exhibit A.** The Manager shall also have those duties as set forth on Exhibit A attached hereto and incorporated herein. Those duties may be modified or clarified from time to time by the Council. (Ord. 09-06, S3, May 12, 2009) (Ord. 06-07, S5, Sept. 12, 2006)

**1.38.060 Organizational Chart.** The Town Government Organizational Chart for the Town of Ferdinand, as set forth on Exhibit B, which is attached hereto and incorporated herein, shall be followed with respect to supervisory powers, until such time as modified or clarified from time to time by the Council. (Ord. 09-06, S2, May 12, 2009)

## EXHIBIT A

### Duties of the Town Manager

#### **The Town Manager shall:**

1. Serve at the pleasure of the Town Council;
2. Must execute a bond for the faithful performance of his/her duties (IC 5-4-1);
3. Shall attend meetings of the Town Council and others as specified by the Town Council.
4. Have a general understanding of the Town's ordinances, rules and procedures.

#### **Oversee all departments:**

1. The Town Manager will act as the Town's Chief Administrative Officer, overseeing the day-to-day operations of the Town of Ferdinand and providing direction and guidance to all Town departments.
2. All department heads will report directly to the Town Manager and adhere to the attached organizational chart for the Town of Ferdinand (Exhibit B). All other employees will report directly to their immediate supervisor and indirectly to the Town Council by and through its Town Manager.
3. Assist Supervisors in creating work schedules.
  - Analyze labor needs within departments for projects.
  - Use excess labor from one department to another.
4. Oversee the utilization / scheduling of equipment between departments.
5. Assist Supervisors in the development of the department budgets; and shall assist supervisors in their meeting with the Town Council when budget presentations are made.

#### **Human Resource Coordinator:**

1. Will be the Human resource person for the Town of Ferdinand.
2. Develop hiring guidelines and work with Supervisors on needs.
3. Create Job Descriptions for all employees.

4. Develop job performance guidelines for all employees and get approval of Town Council.
5. Set up job performance reviews with all employees on an annual basis or as needed.
6. Upon direction of the Town Council shall organize and conduct with the Department Supervisor all interviews for open non-supervisory positions. Recommendations are brought to the Town Council for approval.
7. Develop a merit system to assist the Town Council in setting the annual wage increases or wage increases as needed.
8. Will assist the Town Council in the interviewing of any open Supervisory positions.
9. Keep the Town of Ferdinand's Employee handbook updated. Assist with the training of all employees on handbook and personnel policy changes.
10. Take current practice and develop a New Employee Training format, along with who the trainers are and who are their back-ups.
11. Develop disciplinary actions for employees as needed, per the Employee Handbook and Personnel Policy. Actions to be taken only after approved by the Town Council.
12. Termination of employees must be done by the Town Council. Town Manager may recommend the action to the Town Council.
13. The Town Manager cannot hear disciplinary charges against any member of the police department (IC 36-5-5-9).
14. For all non-supervisory positions, begin the process necessary to fill any vacant position of employment including, but not limited to, running advertisements, interviewing applicants, scheduling pre-employment and new hire and C.D.L. testing, physicals, agility test, psychological tests or other tests as may be required by the particular position held by an employee of the Town.

**Assist Department Supervisors with purchases and contracts:**

1. Develop the specifications that are necessary for equipment purchases.
2. Coordinate quotes or bids and make recommendations to the Town Council.

3. Complete a thorough review of projects, with the assistance of the Supervisors, prior to the letting of bids.
4. Review contractor recommendations and advise the Town Council.
5. Note all modifications or change orders after the bids have been approved.
6. Oversee the projects and keep the Town Council advised.
7. At completion of project, establish a file with as built drawings and pictures.
8. Research new products and technology regarding their feasibility and longevity.

**Oversee Safety Concerns:**

1. Assist the Safety Officer in making sure all departments and employees are following regulated and or established procedures.
2. Address potential liability issues and implement corrective actions.
3. Address hazardous exposures and develop / implement corrective actions.
4. Maintain Safety programs or develop where there is a need.
5. Work with the supervisors in providing manuals and training.
6. Oversee that all safety procedures are being followed on all job sites.
7. Complete, with Safety Officer and Department Supervisors, all accident reporting for property and vehicles and workers compensation reports.
8. Complete, with Safety Officer and Department Supervisors, all workers compensation reports and injury investigations.

**Development and Growth:**

1. Provide ideas to update the Town's website.
2. Work with various organizations to promote the growth of the Town of Ferdinand.
3. Promote the Town in a positive way.
4. Work on grants and loans for projects to help the town grow.



5. Be the initial contact person on signage issues and refer to Executive Secretary of the Plan Commission.
6. Assist the Executive Secretary of the Plan Commission with and follow up on all building permits to ensure guidelines are being met.
7. Work with the Street Department Supervisor on all street related issues concerning building permits or renovations.
8. Follow up with department supervisors to make sure all street locations and storm sewer and utility tap-ins are being placed on the GIS mapping program.
9. Discuss ideas and concerns with members of the Town Council, the Town's attorney, surveyors and engineers.
10. Spend additional time maintaining contacts with other towns and cities regarding things that have worked and have not worked.
11. Continue to develop oneself in the area of Town Manager.

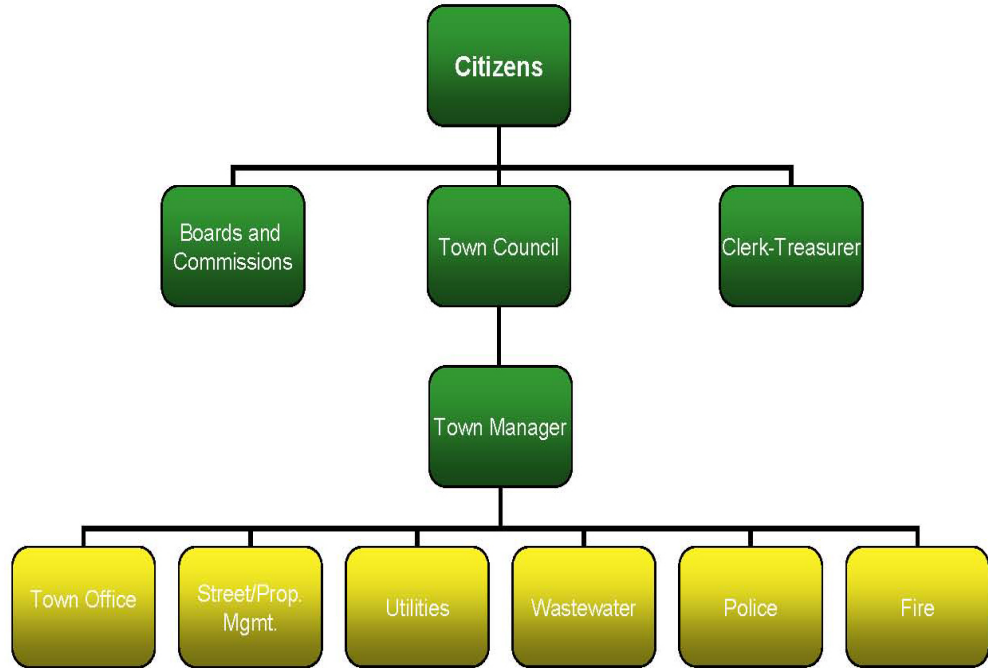
**Community Concerns:**

1. Shall address concerns raised by the Town's residents.
2. Review and educate with the residents the current ordinance that is related to the complaint.
3. Shall respond to calls and ideas for residents of Ferdinand and review with the Town Council.

**EXHIBIT B**



Town Government Organizational Chart



## Chapter 1.40

### CUMULATIVE CAPITAL DEVELOPMENT FUND

#### Sections:

- 1.40.010 Re-established**
- 1.40.020 Ad valorem property tax**
- 1.40.030 Maximum rate of levy**
- 1.40.040 Cumulative Capital Development Fund Use**
- 1.40.050 Other purposes**
- 1.40.060 Public Hearing**

**1.40.010 Re-established.** There is hereby re-established pursuant to the provisions of I.C. 6-1.1-41 and 36-9-15.5 the Ferdinand Cumulative Capital Development Fund. (Ord. 2022-11, May 17, 2022) (Ord. 2017-4, Mar. 7, 2017) (Ord. 96-4, S1, 1996)

**1.40.020 Ad valorem property tax.** An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Ferdinand Cumulative Capital Development Fund. (Ord. 96-4, S2, 1996)

**1.40.030 Maximum rate of levy.** This Council will adhere to the provisions of Indiana Code 6-1.1-41 and 36-9-15.5. The proposed fund will not exceed a tax rate of \$.05 per \$100.00 of Assessed Valuation. Said tax rate will be levied beginning with taxes for 2022, payable in 2023, continuing until reduced or rescinded. (Ord. 2022-11, May 17, 2022) (Ord. 2017-4, Mar. 7, 2017) (Ord. 96-4, S3, 1996)

**1.40.040 Cumulative Capital Development Fund Use.** That the funds accumulated in the Ferdinand Cumulative Capital Development Fund will be used for any purpose for which property taxes may be imposed under the authority of I.C. 36-8-14, 36-9-16-2 and 3, and as described therein. Use of such funds shall include the construction, renovation, or addition to buildings used by the fire department; the purchase of firefighting equipment, the construction, equipping and maintaining of municipal buildings, the construction of streets; and to retire in whole or in part any general obligation bonds of the Town that are issued for the purpose of acquiring or constructing improvements authorized by I.C. 36-8-14, I.C. 36-9-16-2 and 3. (Ord. 96-4, S4, 1996)

**1.40.050 Other purposes.** Notwithstanding Section 1.40.040, funds accumulated in the Ferdinand Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 1.40.040, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Monies from said fund may be spent under the authority of this Section only after the Town Council of Ferdinand issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of monies from said fund. (Ord. 96-4, S5, 1996)

**1.40.060 Public Hearing.** Proofs of publication of the public hearing and a certified copy of the Ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance. (Ord. 2022-11, May 17, 2022) (Ord. 2017-4, Mar. 7, 2017)

## Chapter 1.41

### REVOLVING LOAN FUND

#### Sections:

- 1.41.010 Purpose
- 1.41.020 Implementation of Plan
- 1.41.030 Reporting
- 1.41.040 Effective When

**1.41.010 Purpose.** The revolving loan program presented will provide incentives to developers to establish new residential subdivisions in the Town of Ferdinand and should be approved by the Town Council. (Ord. 2020-01, S1, Jan. 21, 2020)

**1.41.020 Implementation of Plan.** The Economic Development Commission may begin implementation of the plan after passage of this Ordinance. (Ord. 2020-01, S2, Jan. 21, 2020)

**1.41.030 Reporting.** The Economic Development Commission should report back to the Town Council on the success of the program on at least an annual basis. (Ord. 2020-01, S3, Jan. 21, 2020)

**1.41.040 Effective When.** This Ordinance shall be effective upon passage. (Ord. 2020-01, S4, Jan. 21, 2020)

## Chapter 1.42

### EDC LOAN FUND

#### Sections:

##### 1.42.010 Purpose

**1.42.010 Purpose.** The Town Council does hereby create a special fund, the EDC Loan Fund, #231, to receive such funds as may be from time to time allocated for potential future use under a proposed, but not yet duly approved, EDC Revolving Road Loan Program. Expenses will be in the form of loans made from that program to promote residential subdivision development and additional funds received will be in the form of the repayment of such loans. The fund will continue until terminated by a subsequent ordinance. (Ord. 2019-26, Dec. 17, 2019)

## Chapter 1.43

### VETERANS MEMORIAL MAINTENANCE FUND

#### Sections:

##### 1.43.010 Purpose

**1.43.010 Purpose.** The Town Council does hereby create a special fund, the Veterans Memorial Maintenance Fund, #501, to receive such funds as may be from time to time be distributed to the Town of Ferdinand from an endowment established through the Dubois County Community Foundations that receives donations to be used toward the Ferdinand Veterans Memorial. Expenses will be in the form of distributions to the American Legion for maintenance and upkeep of the memorial and, in the event that the American Legion ceases to exist, expenses will be in the form of direct payment of such expenses. The fund will continue until terminated by a subsequent ordinance. (Ord. 2019-27, Dec. 17, 2019)

## Chapter 1.46

### PETTY CASH FUND FOR THE GENERAL FUND

#### Sections:

**1.46.010 Purpose**

**1.46.020 Amount of General Petty Cash Fund**

**1.46.030 Effective date**

#### **1.46.010 Purpose.**

- (1) The Town of Ferdinand is establishing a petty cash fund for the General Fund.
- (2) The purpose of establishing the petty cash fund is for paying small or emergency items of operating expenses.
- (3) A receipt shall be taken for each and every expenditure from such fund and an accounts payable voucher shall be filed by the clerk-treasurer of the fund, to reimburse such fund for expenditures so made. No reimbursement shall be made unless there is attached to the accounts payable voucher receipts totaling the amount so claimed.
- (4) Such reimbursement shall be approved, allowed and paid in the same manner as other accounts payable vouchers. (Ord. 06-05, Whereas, July 11, 2006)

**1.46.020 Amount of General Petty Cash Fund.** The amount of the General Petty Cash fund shall be \$100.00. (Ord. 06-05, S1, July 11, 2006)

**1.46.030 Effective date.** This ordinance shall be effective July 11, 2006. (Ord. 06-05, S2, July 11, 2006)

## Chapter 1.47

### RAINY DAY FUND

#### Sections:

- 1.47.010 Use of the Fund**
- 1.47.020 Transferring into the Fund**
- 1.47.030 Appropriations process**
- 1.47.040 Transfer of Restrictive Funds**

**1.47.010 Use of the Fund.** The Ferdinand Town Council shall make a finding that the proposed use of the rainy day fund is consistent with the intent of the fund which will be for Capital Outlay and Emergencies, whenever the Council authorizes the use of the fund. (Ord. 02-10, S1, June 26, 2002)

**1.47.020 Transferring into the Fund.** In any fiscal year, the town may transfer not more than ten percent (10%) of the town's total budget for the fiscal year to the rainy day fund. (Ord. 02-10, S2, June 26, 2002)

**1.47.030 Appropriations process.** The rainy day fund will be subject to the same appropriation process as other funds that receive tax money. (Ord. 02-10, S3, June 26, 2002)

**1.47.040 Transfer of Restricted Funds.** The Town Council may authorize the transfer of monies in the MVH or LRS Funds into the Rainy Day Fund. Such transfer shall be restricted with such funds being used only for projects for which MVH or LRS Funds could be used and may be used only as matching funds for grants from INDOT's Local Road and Bridge Matching Grant Fund. Any committed unused balance remaining at the end of the grant shall be transferred back to the originating MVH or LRS Fund. (Ord. 2016-12, S1, July 12, 2016)

## Chapter 1.50

### ELECTRIC CASH RESERVE FUND

#### Sections:

- 1.50.010 Re-established**
- 1.50.020 Transfer of funds into the Depreciation Fund**
- 1.50.030 Transfer of funds into the Cash Reserve Fund**
- 1.50.040 Record keeping**
- 1.50.050 Repealing Conflicting Ordinances**

**1.50.010 Re-established.** Pursuant to I.C. 8-1.5-3-11 there is hereby re-established within the Electric Utility a Deprecation Fund and a Cash Reserve Fund. (Ord. 98-7, S1, June 30, 1998)

**1.50.020 Transfer of funds into the Depreciation Fund.** Electric Utility Funds shall be transferred into the Depreciation Fund in the amounts as periodically determined by the Town Council. In addition, there shall be transferred into the Depreciation Fund each year an amount equal to five (5) percent of the operating cash revenues of said Utility, provided the Utility, in the opinion of the Utility Clerk, has sufficient funds available for operating expenses, customer deposits, or any other priority fund requirements fixed by law. (Ord. 98-7, S2, June 30, 1998)

**1.50.030 Transfer of funds into the Cash Reserve Fund.** Electric Utility funds shall be transferred into the Cash Reserve Fund in the amounts as periodically determined by the Town Council. However, such transfers shall only be from "Surplus earnings" as defined in I.C. 8-1.5-3-11(c). (Ord. 98-7, S3, June 30, 1998)

**1.50.040 Record keeping.** The funds re-established by this Chapter (Ordinance) are for accounting and statutory purposes only and the Utility Clerk shall not be required to separate such funds from other Electric Utility Funds for deposit or investment purposes, but shall maintain proper records to account for such funds. (Ord. 98-7, S4, June 30, 1998)

**1.50.050 Repealing Conflicting Ordinances.** Ordinance No. O-64-1 and all other ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect immediately upon passage. (Ord. 98-7, S5, June 30, 1998)



## Chapter 1.53

### ARPA CORONAVIRUS LOCAL FISCAL RECOVERY FUND

#### Sections:

- 1.53.010 Receipt of Funds**
- 1.53.020 Fund 176**
- 1.53.030 Use of Funds**
- 1.53.040 Appropriation of Money**
- 1.53.050 Funds to be used by December 31, 2024**
- 1.53.060 Repealing Conflicting Ordinances**

#### **1.53.010 Receipt of Funds.**

- (1) The federal government has passed the American Rescue Plan Act (ARPA) to help mitigate the harm and cost to local governments from the Coronavirus Pandemic and the Town of Ferdinand has or will receive assistance provided through ARPA.
- (2) Assistance received through ARPA must be receipted into a separate fund created by ordinance and funds receipted must be used in accordance with State Examiner Directives, as modified.
- (3) The Town of Ferdinand will receive an allocation of Corona Virus State and Local Fiscal Recovery Funds under Section 603 of the Social Security Act. (Ord. 2021-11, July 20, 2021) (Ord. 2021-07, Apr. 20, 2021)

**1.53.020 Fund 176.** The Ferdinand Town Council has resolved that a need now exists for the establishment of a Fund for all purposes and uses as set out in the ARPA and establishes the Fund and the Clerk-Treasurer has assigned it as Fund Number 176. (Ord. 2021-11, July 20, 2021) (Ord. 2021-07, Apr. 20, 2021)

**1.53.030 Use of Funds.** The Fund will be used for the eligible purposes of the ARPA and any use of the funds will require an additional appropriation approved by the Town Council before expenditure and all expenditures shall be approved by the Town Council with any and all claims to be paid from the aforementioned Fund. The Town Council, Clerk-Treasurer and Town Attorney, or a combination thereof, will review all requested uses for ARPA compliance and detailed accounting records will be maintained by the Clerk-Treasurer for future audits. A detailed plan will be developed and finalized which will govern the utilization of the monies from the ARPA. The Town Council will encourage public input in order to create and finalize the plan, conditions, and rules upon which the monies are to be requested and used. Any unused monies of the Fund shall be paid back to the U.S. Treasury, as may be required. Under the plan, the Ferdinand Town Council will consider the following actions and will use such monies in accordance with Section 603(c) of the ARPA and the U.S. Treasury Guidance, as amended:

- (1) Making necessary improvements in water, sewer or broadband infrastructure as approved by the U.S. Treasury.
- (2) Responding to workers performing essential work during the public health emergency by providing premium pay or providing grants to eligible employers that have eligible workers who perform essential work.
- (3) Responding to the public health emergency with respect to Covid-19 or its negative economic impacts by providing assistance to households, small businesses, and nonprofits, or to aid the impacted industries such as tourism, travel and hospitality.
- (4) Recovering lost government revenue due to the public health emergency.

The plan, when finalized may be amended as deemed necessary. (Ord. 2021-11, July 20, 2021) (Ord. 2021-07, Apr. 20, 2021)

**1.53.040 Appropriation of Money.** Before money in the Fund is disbursed, the Town Council must appropriate the money in the fund for a use consistent with Section 603(c) and U.S. Treasury guidelines. Allowed Uses of Funds Under Section 603 are:

- (1) Respond to the public health emergency caused by Covid-19 or the negative economic effects from Covid-19 including aid to households, small businesses, and nonprofits and aid to affected industries such as tourism, travel and hospitality.
- (2) Provide premium pay to eligible workers who perform essential work or provide grants to eligible employers of eligible workers.
- (3) Cover the loss of revenue (compared with the most recent full fiscal year) due to Covid-19.
- (4) Invest in water, sewer, or broadband infrastructure as approved by the U.S. Treasury. (Ord. 2021-11, July 20, 2021)

**1.53.050 Funds to be used by December 31, 2024.** The legislation also requires that funds are to be used for costs incurred by December 31, 2024 and funds may not be used for a deposit into a pension fund. The money from the ARPA fund may not be transferred to another fund of the Town. (Ord. 2021-11, July 20, 2021)

**1.53.060 Repealing Conflicting Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. If any section, subsection, paragraph, sentence, clause or phrase of the ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts. (Ord. 2021-11, July 20, 2021)

## Chapter 1.54

### OPIOID SETTLEMENT FUND

#### Sections:

##### **1.54.010 Funds Received**

##### **1.54.020 Purpose of Fund**

##### **1.54.030 Creation of Fund**

**1.54.010 Funds Received.** The Town of Ferdinand will be receiving funds allocated to it as a result of the settlement of certain opioid litigation commenced by the Attorney General of the State of Indiana. (Ord. 2022-36, Oct. 18, 2022)

**1.54.020 Purpose of Fund.** The Town Council wants to create a fund for the restricted money and a fund for the unrestricted money. (Ord. 2022-36, Oct. 18, 2022)

**1.54.030 Creation of Fund.** The Town Council does hereby create a special fund, the Opioid Settlement Unrestricted Fund (#2256) and a special fund, the Opioid Restricted Fund (#2257) to receive funds as may from time to time be distributed to the Town of Ferdinand as a result of the opioid lawsuit settlement. Fund #2256 can be used as the Town chooses and Fund #2257 must be used for treatment, education, and prevention programs as directed by the Town of Ferdinand. (Ord. 2022-36, Oct. 18, 2022)

## Chapter 1.62

### USE OF CREDIT CARDS

#### Sections:

##### **1.62.010 Use of Credit Cards**

##### **1.62.020 Private purchases not allowed**

**1.62.010 Use of Credit Cards.** Use of credit cards be authorized when necessary. If any interest or penalty is incurred due to late filing or the furnishing of documentation by an employee, the employee shall be held responsible for paying the interest or penalty charges. All costs incurred and charged with the credit cards must be business related and not personal in nature. Such items as cleaning, pressing, laundry, personal telephone calls, etc., are personal and should not be paid from public funds. Specific uses are gas, food and housing while at training, to make business purchases over the internet, office supplies at Wal-Mart. (Ord. 06-10, S1, Nov. 14, 2006) (Ord. 2000-8, Aug. 9, 2000)

**1.62.020 Private purchases not allowed.** No credit card issued to the Town shall be used by any person for private purchases. In the event that an improper purchase is made using Town credit card, the employee responsible for the improper purchase shall immediately reimburse the Town for all said charges and said employee may be subject to disciplinary action. The credit card privilege of that employee of the town may be terminated upon agreement by the Council President and the Clerk-Treasurer. (Ord. 06-10, S2, Nov. 14, 2006)

## Chapter 1.68

### CAPITAL ASSET POLICY

#### Sections:

- 1.68.010 Purpose
- 1.68.020 Classification of Assets
- 1.68.030 Capitalization Thresholds
- 1.68.040 Historical Costs or Estimated Historical Costs
- 1.68.050 Estimated Useful Lives of Depreciable Assets
- 1.68.060 Depreciation Method/Convention
- 1.68.070 Retirements
- 1.68.080 Responsibility for Property Record Maintenance
- 1.68.090 Property Control
- 1.68.100 Fixed Assets Depreciation List

**1.68.010 Purpose.** This capital asset policy will become effective on January 1, 2019. The purpose of this policy is to facilitate the preparation of financial statements. (Ord. 2019-28, S1, Dec. 17, 2019)

#### **1.68.020 Classification of Assets.**

- (1) Capital assets are personal and real property used in the operations of the government that have an expected estimated useful life beyond one year. Capital assets are to include any item that falls into one of the following categories:
  - A. Land
  - B. Infrastructure
  - C. Buildings
  - D. Improvements other than Buildings
  - E. Machinery, Equipment & Vehicles
  - F. Construction in Progress

(Ord. 2019-28, S2(1), Dec. 17, 2019)

#### **1.68.030 Capitalization Thresholds.**

- (1) To be considered a capital asset for financial reporting purposes, an item must be at or above the capitalization threshold and have a **unit** historical cost of \$5,000. Assets will remain as part of the property record until they

are retired or are disposed of, sold, traded in, etc. regardless of net book value amount. (Ord. 2019-28, S3(1), Dec. 17, 2019)

- (2) The capitalization threshold for all classes of assets shall be \$5,000. (Ord. 2019-28, S3(2), Dec. 17, 2019)
- (3) With regard to improvements to buildings and general infrastructure, a capital outlay must be significant and increase capacity, increase efficiency, or extend the asset's estimated useful life beyond the original expectation. (Ord. 2019-28, S3(3), Dec. 17, 2019)
- (4) A change in capacity increases the level of service provided by the asset. A change in efficiency increases the level of service but without increasing the size of the asset or the change maintains the same level of service at a lower cost. For example, an addition to a building provides increased square footage, hence, the capacity is increased and the capital outlay is capitalized. Widening a road with additional lanes increases capacity and, hence, the capital outlay is capitalized. An extended estimated useful life involves a significant alteration, structural change or improvement. (Ord. 2019-28, S3(4), Dec. 17, 2019)
- (5) While substantial repairs and renovations will be reviewed for potential capitalization, it is anticipated that most will be expensed in the current year. These expenses often merely restore the asset to the original service potential but do not necessarily improve the asset. (Ord. 2019-28, S3(5), Dec. 17, 2019)
- (6) All land, including right of ways, is capitalized at the time of acquisition regardless of historical costs or fair value if donated. (Ord. 2019-28, S3(6), Dec. 17, 2019)

#### **1.68.040 Historical Costs or Estimated Historical Costs.**

- (1) ANNUAL UPDATING and REPORTING – Capital assets are recorded at historical cost which includes any ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include, for example, freight and transportation charges, site preparation costs, and professional fees. Engineering costs include related preliminary project and environmental studies; project estimating, design, and planning; and construction engineering, management, inspection and project payment. Donated capital assets are recorded at their estimated fair value at the time of acquisition. (Ord. 2019-28, S4(1), Dec. 17, 2019)
- (2) RETROACTIVE REPORTING AT TRANSITION OF GASB STATEMENT No. 34 – When actual historical cost source data is unavailable, estimated historical cost will be developed utilizing a normal costing approach. With this method of estimating historical cost, a current replacement cost is ascertained. An appropriate cost index (including the

Consumer Price Index) corresponding to an estimated date of acquisition/construction is then applied to ‘deflate’ the replacement cost to an estimated historical cost. (Ord. 2019-28, S4(2), Dec. 17, 2019)

**1.68.050 Estimated Useful Lives of Depreciable Assets.** Capital assets have estimated useful lives extending beyond one year and are depreciated using the straight-line method with no allowance for salvage value. The estimated useful lives currently used were developed with the input of knowledgeable staff and reflect our government’s experience with these assets. See Section 1.68.100. (Ord. 2019-28, S5, Dec. 17, 2019)

**1.68.060 Depreciation Method/Convention.** Depreciation will be calculated using the straight-line method and full-year convention. No salvage value or residual value will be recognized. (Ord. 2019-28, S6, Dec. 17, 2019)

**1.68.070 Retirements.** Retirements apply to all capital assets. When an asset is disposed of, scrapped, or sold it is to be removed from the property record and the appropriate reduction will be made to historical cost, accumulated depreciation, and net book value amounts. (Ord. 2019-28, S7, Dec. 17, 2019)

**1.68.080 Responsibility for Property Record Maintenance.**

- (1) The Town will ensure that reporting for capital assets is being exercised by establishing and maintaining a capital asset ledger. The Town will further ensure that the capital asset ledger will be updated annually to reflect improvements, additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes, current year depreciation, accumulated depreciation, and net book value amounts. (Ord. 2019-28, S8(1), Dec. 17, 2019)
- (2) Day-to-day stewardship of personal property above the capitalization threshold of \$5,000 is the expressed responsibility of the department utilizing the property. (Ord. 2019-28, S8(2), Dec. 17, 2019)
- (3) For annual updating of the capital asset report, the departments have the responsibility to provide information needed to report improvements, additions, retirements, and transfers in detail to the Town in a timely manner, as the capital asset record must be updated annually. (Ord. 2019-28, S8(3), Dec. 17, 2019)
- (4) To restate, additions of assets at or above the unit capitalization threshold of \$5,000 are to be reported to the Town by the departments upon purchase or receipt of the asset through the claims process. The department shall provide any additional information as requested by the Town office. Transfers and retirements of assets at or above the \$5,000 unit threshold are to be reported as such by the departments to the Town at the time of the transaction. (Ord. 2019-28, S8(4), Dec. 17, 2019)

**1.68.090 Property Control.**

- (1) Capital assets below the capitalization threshold of \$5,000 on a unit basis but warranting ‘control’ shall be inventoried at the department level and an appropriate list will be maintained. Data elements are to include asset description, location, and other information that assists control or deemed relevant (i.e. make, model, serial number, etc.). (Ord. 2019-28, S9(1), Dec. 17, 2019)
- (2) Assets below the capitalization threshold but considered *sensitive* may include, for example, weapons, radios, personal computers, laptop computers, printers, fax machines, and small power tools. These minor but sensitive items shall be inventoried and controlled at the department level. Stewardship of these minor but sensitive items is the express responsibility of the departments utilizing these properties. An updated inventory report should be given to the Clerk-Treasurer at each year end. (Ord. 2019-28, S9(2), Dec. 17, 2019)
- (3) In addition, the Town shall have the right to request copies of the inventory and/or updated inventory of controllable items so as to periodically review the information and adherence to policy. (Ord. 2019-28, S9(3), Dec. 17, 2019)

**1.68.100 Fixed Assets Depreciation List.**

|  | <b>Life</b> |
|--|-------------|
| (1) <b>Buildings:</b>  | 50 years    |
| A. <b>Improvements other than Buildings:</b>                               |             |
| Buildings and Land Improvements  | 20 years    |
| Sewer – Lift station, treatment plant                                      | 50 years    |
| Water Tower  | 100 years   |
| B. <b>Machinery, Equipment &amp; Vehicles:</b>                             |             |
| Computers/Office Equipment/Printers  | 10 years    |
| Grounds Equipment  | 10 years    |
| Heavy Equipment  | 10 years    |
| Electric – Equipment related to electric utility                           | 10 years    |
| Sewer – Treatment plant equipment, pumping equipment, lab equipment, pumps | 10 years    |
| Water – Shop and lab equipment   | 10 years    |
| Trucks – Fire  | 15 years    |
| Trucks – Electric  | 15 years    |
| Trucks   | 10 years    |
| Automobiles  | 5 years     |



|    |   |          |
|----|---|----------|
| C. | <b>General Infrastructure:</b>                          |          |
|    | Electric – Substation, transformers, capacitors         | 30 years |
|    | Sewer – Main, force mains                               | 50 years |
|    | Water – Transmission and distribution mains, reservoirs | 30 years |
|    | Roads – Asphalt   | 15 years |
|    | Roads – Concrete  | 20 years |

***Inventory: Maintained by department heads, updated annually.***

*Computers, Office Equipment, Inventory, Police Equipment*

*Note: No dollar amounts needed, only for securing sensitive assets.*

(Ord. 2019-28, S10, Dec. 17, 2019)

## Chapter 1.69

### INCOME TAX CAPITAL IMPROVEMENT PLAN

#### Sections:

#### 1.69.010 Purpose

#### 1.69.020 Town's Share

#### 1.69.030 Effective Date

**1.69.010 Purpose.** Pursuant to the authority granted by I.C. 6-3.6-6-9.5, the Ferdinand Town Council adopts the following Capital Improvement Plan for the Town of Ferdinand, which plan sets forth the uses of the revenues which the Town shall receive as provided for by I.C. 6-3.6-6-3 and I.C. 6-3.6-6-4. This plan shall be effective as of January 1, 2023 and shall expire December 31, 2024. The projects comprising the Capital Improvement Plan are as follows:

- (1) Identification and General Description
  - A. Street Projects and Construction
  - B. ADA Compliances
  - C. Vehicles  
(Ord. 2022-45, S1, Dec. 20, 2022)
- (2) Estimated Total Project Costs
  - A. The estimated project cost for the above street and construction projects is the sum of \$250,000.
  - B. The estimated project cost for the implementation of ADA compliance is \$60,000.
  - C. Vehicles \$120,000  
(Ord. 2022-45, S2, Dec. 20, 2022)
- (3) Identification of All Sources of Funds for the Projects
  - A. The Town's project costs will be paid from Economic Development Income Tax revenue and Town tax revenues. The Town will also seek a contribution from an INDOT Community Crossing Grant for the Street Projects. (Ord. 2022-45, S3, Dec. 20, 2022)
- (4) Planning, Development and Construction Schedule of the Street Projects
  - A. Design and engineering completed by March 15<sup>th</sup> of each year.

- B. Construction completed by December 31<sup>st</sup> of each year. (Ord. 2022-45, S4, Dec. 20, 2022)
- (5) Planning, Development and Construction Schedule for ADA Compliance
- A. Inventory and assessment of Town assets in need of remediation by February 15<sup>th</sup> of each year.
  - B. Costs estimates and construction priority list by March 15<sup>th</sup> of each year.
  - C. Design and engineering completed by April 15<sup>th</sup> of each year.
  - D. Construction completed by December 31<sup>st</sup> of each year. (Ord. 2022-45, S5, Dec. 20, 2022) (Ord. 2020-19, S1, Dec. 31, 2020)

**1.69.020 Town's Share.** The Town's anticipated share of Economic Development Income Tax revenue is estimated to be \$235,000 in 2023 and \$235,000 in 2024. (Ord. 2022-45, S5, Dec. 20, 2022) (Ord. 2020-19, S2, Dec. 31, 2020)

**1.69.030 Effective Date.** This Economic Development Income Tax Capital Improvement Plan shall be effective as of January 1, 2023 and shall be in effect until December 31, 2024. (Ord. 2022-45, S5, Dec. 20, 2022) (Ord. 2020-19, S3, Dec. 31, 2020)

## Chapter 1.70

### MATERIALITY POLICY AND MATERIALITY THRESHOLD

#### Sections:

#### 1.70.005 Purpose

#### 1.70.010 Adoption of Appendix I

#### 1.70.020 Enforcement

#### 1.70.030 Monitoring, Compliance, Reporting

#### 1.70.040 Changes

#### 1.70.005 Purpose.

- (1) IC 5-11-1-27 (j) requires erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property be reported immediately to the State Board of Accounts; and
- (2) State Examiner Directive 2015-6 allows a political subdivision to determine its own policy on materiality and further allows a political subdivision to determine appropriate thresholds for materiality of both funds and non-cash property, after taking into account the qualitative and quantitative factors unique to that political subdivision; and
- (3) The Town Council of the Town of Ferdinand is mindful that if materiality thresholds are not established, the State Board of Accounts will consider the threshold to be \$0.00; and
- (4) while the Town of Ferdinand does not condone nor encourage or intend not to deter the immediate reporting of erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or other property, it recognizes that relatively small items may not justify the time and cost of the involvement of the State Board of Accounts; and
- (5) the Town Council of the Town of Ferdinand has carefully considered what the appropriate thresholds should be and developed a policy thereon stating the Town of Ferdinand's policy on materiality and a process for reporting material items; (Ord. 2016-08, Whereas, April 12, 2016)

**1.70.010 Adoption of Appendix I.** The Town of Ferdinand's policy, in the form attached as Appendix I to this Ordinance, regarding materiality thresholds and the process for reporting material items is adopted and approved in all respects.

**1.70.020 Enforcement.** The Town Council members, the Clerk-Treasurer, the Town Manager and all Town officials, employees, and agents are hereby directed to enforce and comply with the attached policy on materiality and report material items to the Clerk-Treasurer or a member of the Town Council.

**1.70.030 Monitoring, Compliance, Reporting.** The Town Council directs its Clerk-Treasurer to monitor, as she deems necessary, compliance with the policy on materiality so that material items are timely and appropriately reported to the Indiana State Board of Accounts and the Town Council.

**1.70.040 Changes.** The Town Council reserves the right to make any necessary changes in the policy on materiality and process for reporting material items.

**APPENDIX I**  
**TOWN OF FERDINAND**  
**POLICY ON MATERIALITY**

in compliance with the Indiana State  
Examiner Directive 2015-6

Effective Date: January 1, 2016

## INTENT

This policy on materiality is intended to assist the Town of Ferdinand public officials, employees and agents in complying with Indiana's requirement to develop policies for materiality and establish variance thresholds.

## REPORTING

There is a notification link on the Indiana State Board of Accounts website which allows public officials to report via e-mail material irregular variances, losses, shortages, or thefts. Telephone and in-person reporting is also permitted. Reports will be followed up with a return e-mail or call to gather additional information as necessary. All reports of irregular variances, losses, shortages, or thefts are maintained by the State Board of Accounts.

When a report is received, the State Board of Accounts will use a qualitative and quantitative analysis to determine materiality for investigative and reporting purposes, as well as written internal control recommendations as required by Ind. Code § 5-11-1-27(j)." State Examiner Directive 2015-6

## MATERIALITY THRESHOLDS

Pursuant to State Examiner Directive 2015-6, the Town of Ferdinand may, by ordinance, establish its own thresholds of materiality. The Town of Ferdinand must promptly report to the State Board of Accounts any erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property in excess of the thresholds determined herein.

## DETERMINATION OF THE MATERIALITY THRESHOLD OF THE TOWN OF FERDINAND

The Town of Ferdinand, after considering the qualitative and quantitative factors unique to the Town of Ferdinand, has determined that any erroneous or irregular variances, losses, shortages, or thefts of Town of Ferdinand funds or property in excess of the dollar amounts or fair market values listed below, must be reported to the State Board of Accounts. Effective January 1, 2016, those thresholds are as follows:

Town of Ferdinand Funds:

|                       |    |               |   |
|-----------------------|----|---------------|---|
| • erroneous variances | \$ | <u>100.00</u> | * |
| • irregular variances | \$ | <u>100.00</u> | * |
| • losses              | \$ | <u>100.00</u> | * |
| • shortages           | \$ | <u>100.00</u> | * |
| • thefts              | \$ | <u>100.00</u> | * |

\*except for those resulting from inadvertent clerical errors that are timely identified and promptly corrected with no loss to the Town of Ferdinand.

Town of Ferdinand (Non-cash) Property

|                       |    |        |   |
|-----------------------|----|--------|---|
| • erroneous variances | \$ | 250.00 | * |
| • irregular variances | \$ | 250.00 | * |
| • losses              | \$ | 250.00 | * |
| • shortages           | \$ | 250.00 | * |
| • thefts              | \$ | 250.00 | * |

\*except for those resulting from inadvertent clerical errors that are timely identified and promptly corrected with no loss to the Town of Ferdinand.

**PROCESS FOR REPORTING MATERIAL ITEMS**

The following should be done as promptly as possible after an incident.

When an irregular variance, loss, shortage, or theft is determined material according to the foregoing policy on materiality, a Town official must promptly report the incident to the State Board of Accounts. This reporting may take place through a reporting link on the Board of Accounts website, by email, telephone, or in person.

Town of Ferdinand officials, employees and agents shall report all erroneous or irregular variances, losses, shortages, or thefts of Town of Ferdinand funds or property, or funds or property the Town of Ferdinand holds in trust exceeding the thresholds for materiality to the Clerk-Treasurer, or Town Council member, who will report to the State Board of Accounts.

In compliance with IC 5-11-1-27(j), all erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the state board of accounts. For all material variances, losses, shortages, or thefts, the state board of accounts shall:

- (1) determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- (2) determine the internal control weakness that contributed to or caused the condition; and
- (3) make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:
  - (A) the method of correcting the condition; and
  - (B) the necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition.



Notwithstanding the foregoing thresholds, whenever a variance, loss, shortage or theft of funds or property occurs, no matter the amount or value, or the requirement to report such to the Indiana State Board of Accounts, the Clerk-Treasurer or a Town Council member may investigate the variances, losses, shortages, or thefts of funds or assets. The investigation and the resolution of the investigation must be documented by the party who conducts the investigation. Such documentation should be maintained in the public records of the Town of Ferdinand. Any public officer who has actual knowledge of, or reasonable cause to believe, a misappropriation of Town of Ferdinand funds has occurred must immediately report such misappropriation to the Indiana State Board of Accounts and the county prosecuting attorney.

Compliance with the foregoing policy is mandatory.

This policy shall be kept as a public record for the auditors to examine. (Ord. 2016-08, Appendix I, April 12, 2016)

## Chapter 1.72

### INTERNAL CONTROL STANDARDS

#### Sections:

- 1.72.005 Purpose
- 1.72.010 Mission
- 1.72.020 Objectives
- 1.72.030 Minimum Level
- 1.72.040 Principles
- 1.72.050 Effective Internal Control System
- 1.72.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards
- 1.72.070 Periodic Review
- 1.72.080 Personnel Compliance
- 1.72.090 Personnel Training
- 1.72.100 Mandatory Training Requirement
- 1.72.110 Delegates Authority and Duties for Implementation to Fiscal Committee
- 1.72.120 Full Cooperation
- 1.72.130 Violation by Employee
- 1.72.140 Failure to Abide by Non-employee Personnel of the Town
- 1.72.150 Implementation Actions

#### 1.72.005 Purpose.

- (1) Ind. Code § 5-11-1-27 requires all Indiana political subdivisions to adopt minimum levels of internal control standards consistent with those developed by the State Board of Accounts and published in the Uniform Internal Controls Standards for Indiana Political Subdivisions; train appropriate personnel; and implement policies and procedures consistent with the State Board of Accounts; and
- (2) The minimum level of internal control standards and procedures of the Town must include the following: (1) Control Environment (2) Risk Assessment (3) Control Activities (4) Information and Communication and (5) Monitoring; and
- (3) Control Environment refers to the demonstration of a commitment of the Town to:
  - A. integrity and ethical values,
  - B. oversight of the internal control system,
  - C. establishment of an organization structure that oversees the

operations, reporting and compliance of the objectives of the internal controls system,

- D. attracting developing and retaining competent individuals and
  - E. evaluating performance and holding individuals responsible for internal control duties and responsibilities; and
- (4) Risk Assessment refers to the process that identifies and assesses internal and external risks and establishes tolerances of the Town sufficient to:
- A. enable the identification of risks and the amount of risks tolerated,
  - B. identify, analyze and respond to risks,
  - C. consider the potential for fraud in the risk assessment process and
  - D. identify, analyze and respond to significant changes impacting the internal control system; and
- (5) Control Activities refers to the Town actions and tools established through policies and procedures that go towards the detection, prevention or the reduction of identified risks of loss while still providing government operations by:
- A. designing control activities,
  - B. designing information systems and
  - C. implementing policies; and
- (6) Information and Communication refers to the internal and external communication needed to support an internal controls system that is valued and used by:
- A. receiving quality information,
  - B. internally communicating quality information and
  - C. externally communicating quality information; and
- (7) Monitoring Activities refers to the activities of the Town officials to see that all of the components of the internal control system that meet or exceed the standards herein are functioning properly by:
- A. establishing and operating monitoring activities and then

evaluating them on an ongoing or periodic basis and

B. the timely remediation of deficiencies; and

- (8) To ensure that these minimum standards and procedures are met or exceeded, the Town Council needs to adopt a policy that at least includes the requirements set forth in IC 5-11-1-27 and also the approved compliance guidelines of the State Board of Accounts dated September 2015 and any revisions thereafter, to the extent that it is reasonable for a town of its size and the size of its government; and
- (9) The standards listed are considered in light of the operations objectives, the reporting objectives and the compliance objectives of the Town in performing certainly its financial activities of governance but also the other governmental activities; and
- (10) Because governments vary in size and complexity, there is no single method or set of internal control policies and procedures that is universally applicable; and
- (11) The Clerk-Treasurer has reviewed and recommends adoption of the proposed internal control standards; and
- (12) After thoughtful consideration and in order to comply with IC 5-11- 1-27 and the guidelines, the Town believes it is in the best interests of its citizens to adopt as its policy, the minimum requirements of IC 5-11-1-27, and implement its policy in the manner stated below. (Ord. 2016-22, Whereas, Nov. 8, 2016)

**1.72.010 Mission.** The Town finds that its mission as related to an internal control system is as follows:

- (1) Provision of a democratic governmental structure at the grassroots level;
- (2) Provision of services as determined through the political process including but not limited to, police, fire, streets, roads, economic development, and parks;
- (3) Promotion of government efficiency, accountability, reliability and transparency; and
- (4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors. (Ord. 2016-22, S1, Nov. 8, 2016)

**1.72.020 Objectives.** The Town finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:

- (1) Operations Objectives which involve the ways governmental services are

performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.

- (2) Reporting Objectives which involve the filing of financial and non-financial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.
- (3) Compliance Objectives involve the adherence to law and regulations, including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as the Indiana Association of Cities and Towns (IACT) and the Indiana League of Municipal Clerks and Treasurers, among other, as appropriate for the Town. (Ord. 2016-22, S2, Nov. 8, 2016)

**1.72.030 Minimum Level.** The Town adopts and directs the minimum level of internal control standards and internal control procedures for an internal control system that includes the following five (5) standards to promote government accountability and transparency as described in the Uniform Internal Control Standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

- (1) Control Environment.
- (2) Risk Assessment.
- (3) Control Activities.
- (4) Information and Communication.
- (5) Monitoring (Ord. 2016-22, S3, Nov. 8, 2016)

**1.72.040 Principles.** The Town adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the Town government:

- (1) Control Environment:
  - A. The oversight body and management demonstrate a commitment to integrity and ethical values.
  - B. The oversight body oversees the Town's internal control system.

- C. Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the Town's objectives.
- D. Management demonstrates a commitment to attract, develop and retain competent individuals.
- E. Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) Risk Assessment:

- A. Management defines objectives clearly to enable the identification of risks and defines risk tolerances.
- B. Management identifies, analyzes and responds to risk related to achieving the defined objectives.
- C. Management considers the potential for fraud when identifying, analyzing and responding to risks.
- D. Management identifies, analyzes and responds to significant changes that could impact the internal control system.

(3) Control Activities:

- A. Management designs control activities to achieve objectives and respond to risks.
- B. Management designs the Town's information system and related control activities to achieve objectives and respond to risks.
- C. Management implements control activities through policies.

(4) Information and communication:

- A. Management uses quality information to achieve the Town's objectives.
- B. Management internally communicates the necessary quality information to achieve the Town's objectives.
- C. Management externally communicates the necessary quality information to achieve the Town's objectives.

- (5) Monitoring:
  - A. Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
  - B. Management remediates identified internal control deficiencies on a timely basis. (Ord. 2016-22, S4, Nov. 8, 2016)

**1.72.050 Effective Internal Control System.** The Town adopts the internal control standards above so as to establish an effective internal control system for the Town through its design, implementation and operation. (Ord. 2016-22, S5, Nov. 8, 2016)

**1.72.060 Design, Implement, Operate, Modify, Reporting and Compliance Objectives and Standards.** The Town directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the Town, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the Town. (Ord. 2016-22, S6, Nov. 8, 2016)

**1.72.070 Periodic Review.** The Town authorizes the Clerk-Treasurer and the three (3) Town Council Members (collectively, referred to as the "Fiscal Committee") together with the advice of the Town attorney to review the current procedures and thereafter periodically review the internal control system of the Town and when deems necessary or appropriate, adopt any policy or make necessary modifications of existing policy for the future internal control systems, subject to the approval of the Town Council and perform an annual review, or more if determined necessary for compliance with this Ordinance. (Ord. 2016-22, S7, Nov. 8, 2016)

**1.72.080 Personnel Compliance.** The personnel of the Town, both elected and appointed, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity (the "personnel of the Town") shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the Town now and as modified in the future. For the purpose of implementing this Ordinance, personnel shall also include, but not limited to legal counsel, independent contractors for stormwater compliance, the executive secretary of the Plan Commission and Board of Zoning Appeals and all members of the Police and Fire Departments. (Ord. 2016-22, S8, Nov. 8, 2016)

**1.72.090 Personnel Training.** The personnel of the Town, both elected and appointed, full time and part time, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other

standards and procedures determined necessary by the Town and shall cooperate with the Clerk-Treasurer or designee so that the Clerk-Treasurer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law. The Certification form, attached hereto as Exhibit A, shall be used for that purpose. The training is to include watching a training webinar which the State Board of Accounts has made available. A mass training session is scheduled for November 15, 2016 at 9:00 a.m. at Town Hall and anyone absent shall immediately make necessary arrangements with the Clerk-Treasurer to watch the video at a later date and time. (Ord. 2016-22, S9, Nov. 8, 2016)

**1.72.100 Mandatory Training Requirement.** The Town authorizes the Clerk-Treasurer to notify all personnel as defined in paragraphs 1.72.080 and 1.72.090 above of the mandatory training requirement. It is anticipated that most personnel will watch the training webinar at the above mentioned date, place and time. However, the Fire Department will have the webinar available to be watched at one of its regular meetings prior to year end. New employees will be required to receive the training, as they are hired and must likewise certify that they have received such training. All certifications are to be immediately provided to the Clerk-Treasurer. (Ord. 2016-22, S10, Nov. 8, 2016)

**1.72.110 Delegates Authority and Duties for Implementation to Fiscal Committee.** The Town Council delegates to the Fiscal Committee, subject to Town Council approval, all authority and/or duties necessary to adopt these new standards, train personnel and implement Town internal control systems policies and procedures. (Ord. 2016-22, S11, Nov. 8, 2016)

**1.72.120 Full Cooperation.** All personnel of the Town (as defined herein) are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the Town. (Ord. 2016-22, S12, Nov. 8, 2016)

**1.72.130 Violation by Employee.** An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the internal control system commits a violation of this policy and may result in the discipline, including termination, of the employee. (Ord. 2016-22, S13, Nov. 8, 2016)

**1.72.140 Failure to Abide by Non-employee Personnel of the Town.** Any non-employee personnel of the Town who fails to abide by or cooperate with the implementation and the mandated certifications of the internal control system may be subject to any action allowed by law. (Ord. 2016-22, S14, Nov. 8, 2016)

**1.72.150 Implementation Actions.** This Ordinance may be implemented by any and all of the following actions or such others as authorized by the Town Council: a) posting a copy of this Ordinance in its entirety in at least one of the locations in the Town where it posts employer posters or other notices to its employees; b) providing a copy of this Ordinance to its employees and elected and appointed officials and anyone else whose job duties meet the definition of personnel, as defined herein; c) providing or posting a notice of the adoption of this Ordinance; or d) any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials and other personnel. (Ord. 2016-22, S15, Nov. 8, 2016)



**EXHIBIT A**

**INTERNAL CONTROL TRAINING CERTIFICATION FOR  
ELECTED OFFICIALS, APPOINTEES, AND EMPLOYEES**

I, \_\_\_\_\_, the duly elected, appointed, or  
employed  
(print name)

\_\_\_\_\_ for \_\_\_\_\_ certify that  
I  
(position or title) (political subdivision)

received the following training concerning internal controls standards and procedures as  
required by Ind. Code § 5-11-1-27(g)(2):

| Title of Training | Time Spent |
|-------------------|------------|
| _____             | _____      |
| _____             | _____      |
| _____             | _____      |

Date: \_\_\_\_\_  
Signature \_\_\_\_\_

\*This certification may be printed, signed, and retained in paper form or electronically. If signed electronically, the elected official, appointee, or employee must designate his or her signature by typing the last four (4) digits of their Social Security number in the signature line.

## Chapter 1.80

### TOWN EQUIPMENT USAGE

#### Sections:

#### 1.80.010 Fees and Charges

#### 1.80.010 Fees and Charges.

|                                       |                   |                    |
|---------------------------------------|-------------------|--------------------|
| (1) Large Equipment                   |                   |                    |
|                                       | <u>Daily Rate</u> | <u>Hourly Rate</u> |
| Dump Truck 2-ton                      | \$ 510.00         | \$ 65.00           |
| Bucket Truck                          | 1,300.00          | 165.00             |
| 6" Chipper                            | 425.00            | 55.00              |
| Police Car                            | 400.00            | 50.00              |
| Digger Derrick                        | 1,300.00          | 165.00             |
| Garbage Truck (plus landfill charges) | 510.00            | 65.00              |
| Snorkel Fire Truck                    | 2,780.00          | 350.00             |
| Ladder Fire Truck                     | 2,780.00          | 350.00             |
| Pumper Fire Truck                     | 2,780.00          | 350.00             |
| Sweeper Truck                         | 680.00            | 90.00              |
| Pickup Truck                          | 175.00            | 25.00              |
| Snow Blade                            | 48.00             | 10.00              |
| Spreader                              | 48.00             | 10.00              |
| Mini Excavator E50                    | 300.00            | 40.00              |
| Skid-Steer Loader                     | 365.00            | 50.00              |
| Trencher Attachment                   | 200.00            | 25.00              |
| Auger Attachment                      | 63.00             | 10.00              |
| Pallet Fork Attachment                | 58.00             | 10.00              |
| 72" Finish Mower Attachment           | 200.00            | 25.00              |
| V Blade Attachment                    | 200.00            | 25.00              |
| 68" Angle Broom Attachment            | 200.00            | 25.00              |
| 82" Root Grapple Attachment           | 200.00            | 25.00              |
| 60" Dozer Blade Attachment            | 95.00             | 15.00              |
| Sewer Jetter                          | 1,000.00          | 125.00             |
| Backhoe                               | 435.00            | 55.00              |
| Sewer 1-ton with Crane and Compressor | 200.00            | 25.00              |
| Sewer Large Sludge Truck              | 600.00            | 75.00              |

|   |          |        |
|---|----------|--------|
| Compact Tractor                           | 265.00   | 35.00  |
| Straw Blower Attachment                   | 180.00   | 25.00  |
| Grader Blade 5' with Ripper Attachment    | 75.00    | 10.00  |
| Mower Deck Attachment                     | 85.00    | 15.00  |
| Tiller Attachment                         | 105.00   | 15.00  |
| Grasshopper                               | 145.00   | 20.00  |
| Kubota ATV Truck                          | 155.00   | 20.00  |
| 20,000gvw Trailer with Pennel Hook        | 74.00    | 10.00  |
| Core Drill 6.5"                           | 97.00    | 15.00  |
| OR 12"                                    | 155.00   | 20.00  |
| OR 4.5"                                   | 45.00    | 10.00  |
| Core Drill for Pee Gravel or Creek Gravel | 210.00   | 30.00  |
| Steel Roadway Plate 7' x 10'              | 52.00    | 10.00  |
| Confined Space Safety Equipment           | 30.00    | 10.00  |
| Trench Shoring Equipment                  | 110.00   | 15.00  |
| Generator 5,000 watt                      | 61.00    | 10.00  |
| Cherne System (Chemicals Extra)           | 20.00    | 10.00  |
| Cut-Off Saw 14"                           | 57.00    | 10.00  |
| Hi-Pressure, Hi-Heat Sprayer              | 150.00   | 20.00  |
| Jumping Jack                              | 70.00    | 10.00  |
| Vibrating Compactor                       | 105.00   | 15.00  |
| Chain Saw                                 | 79.00    | 10.00  |
| Metal Detector                            | 23.00    | 10.00  |
| Line Locator                              | 94.00    | 15.00  |
| Color Camera                              | 600.00   | 75.00  |
| Bobcat Tool Cat                           | 305.00   | 40.00  |
| Versa Handler V517                        | 275.00   | 35.00  |
| Tandem Utility Trailers                   | 75.00    | 10.00  |
| Heavy Duty Trailer (20,000 lbs)           | 150.00   | 20.00  |
| Dump Truck 1-ton                          | 300.00   | 40.00  |
| Water Truck 3,600 Gallon                  | 1,215.00 | 155.00 |

\*These pieces of equipment must be operated by a Town employee, and therefore, labor costs must be added.

(Ord. 2020-06, S1, May 19, 2020) (Ord. 2020-03, S1, Feb. 18, 2020)

## Chapter 1.86

### RIVERBOAT FUND

#### Sections:

**1.86.010 Creation of Riverboat Fund**

**1.86.020 Purposes of the Fund**

**1.86.030 Transfer to the Fund**

**1.86.040 Appropriations**

**1.86.050 Unexpended Balance**

**1.86.010 Creation of Riverboat Fund.** There is hereby established a special fund which shall be known as the "Riverboat Fund" which shall receive the Town's portion of the distribution of wagering taxes that Dubois County receives from the State of Indiana. (Ord. 2003-10, S2, Aug. 14, 2003)

**1.86.020 Purposes of the Fund.** The funds on deposit in the Riverboat Fund may be used for any governmental purpose for which the money is appropriated by the Town Council. (Ord. 2003-10, S3, Aug. 14, 2003)

**1.86.030 Transfer to the Fund.** The Town's portion of the distribution of wagering taxes from the State of Indiana, through Dubois County, shall be deposited in the Riverboat Fund. (Ord. 2003-10, S4, Aug. 14, 2003)

**1.86.040 Appropriations.** The Town Council of the Town of Ferdinand may authorize the expenditure of funds from the Riverboat Fund by appropriation, made in the same manner as other funds are appropriated that receive tax moneys. (Ord. 2003-10, S5, Aug. 14, 2003)

**1.86.050 Unexpended Balance.** At end of any year the balance shall revert to the general fund of the Town. (Ord. 2003-10, S6, Aug. 14, 2003)

## Chapter 1.90

### PERMIT CONFLICT OF INTEREST

#### Sections:

- 1.90.010 Purpose**
- 1.90.020 Conflict of Interest**
- 1.90.030 Permit Defined**
- 1.90.040 Prohibition**
- 1.90.050 Reporting**
- 1.90.060 Procedure**

**1.90.010 Purpose.** The purpose for this chapter is to satisfy the requirements of Indiana Code 36-1-27-4. (Ord. 2019-18, S1.90.010, July 16, 2019)

**1.90.020 Conflict of Interest.** As used in this chapter, “conflict of interest” means a direct or indirect financial interest in the issuance of a permit, pursuant to Indiana Code 36-1-27-1. (Ord. 2019-18, S1.90.020, July 16, 2019)

**1.90.030 Permit Defined.** As used in this chapter, “permit” has the meaning set forth in Indiana Code 36-7-4-1109(b). (Ord. 2019-18, S1.90.030, July 16, 2019)

**1.90.040 Prohibition.** A zoning administrator of the Town may not issue a permit or oversee the issuance of permit through a subordinate if the zoning administrator has a conflict of interest. (Ord. 2019-18, S1.90.040, July 16, 2019)

**1.90.050 Reporting.** A zoning administrator or other employee of the Town shall report a conflict of interest to the Town Manager and the Town Attorney. (Ord. 2019-18, S1.90.050, July 16, 2019)

**1.90.060 Procedure.** Promptly upon receipt of a conflict of interest report made under this section of this chapter, the Town Manager, in consultation with the Town Attorney, shall appoint a qualified temporary replacement zoning administrator to oversee the issuance of that particular permit.” (Ord. 2019-18, S1.90.060, July 16, 2019)

## Chapter 1.100

### GENERAL PROHIBITIONS CONCERNING TOWN DECORATIVE LIGHTING POLES

#### Sections:

#### **1.100.010 General Prohibitions**

#### **1.100.010 General Prohibitions.**

- (1) The Town's decorative lighting is not available to advertise for profit or non-profit businesses or festivals or events which are not Town sponsored events.
- (2) The Town reserves the right to affix U.S. Flags and such advertisements of Town sponsored events as it deems appropriate on the decorative lighting poles. (Ord. 2021-10, S1.100.010, July 20, 2021)

## Chapter 1.110

### HISTORIC PRESERVATION COMMISSION

#### Sections:

- 1.110.010 Establishment
- 1.110.020 Membership
- 1.110.030 Terms of Members
- 1.110.040 Vacancies
- 1.110.050 Conflict of Interest
- 1.110.060 Quorum
- 1.110.070 Separability
- 1.110.080 Effective

**1.110.010 Establishment.** There is hereby established a Ferdinand Historic Preservation Commission pursuant to Indiana Code 36-7-11-1 et. seq. which shall hereafter be referred to as the Ferdinand Historic Preservation Commission. (Ord. 2022-27, S1(a), Aug. 16, 2022)

#### **1.110.020 Membership.**

- (1) Members. The Ferdinand Historic Preservation Commission shall consist of three (3) voting members and the membership shall consist of whomever are the then members of the Ferdinand Economic Development Commission (hereinafter "EDC"). Members shall be appointed to the Economic Development Commission in accordance with the statutes relative to the EDC and the members of the EDC shall, by virtue of their membership on the EDC, also be members of the Ferdinand Historic Preservation Commission, subject only to approval by the Town Council after appointment.
- (2) Qualifications:
  - A. Members must be residents of the Town of Ferdinand, Indiana and members of the Town of Ferdinand EDC.
  - B. Each member shall be appointed because of the member's knowledge, experience, awareness of or interest in the architectural, history, planning, and other disciplines related to historic preservation. (Ord. 2022-27, S1(b), Aug. 16, 2022)

#### **1.110.030 Terms of Members.**

- (1) Appointed Members.
  - A. Initial Terms.

1. Appointments. The term of office of each member shall be co-existent with the member's term of office on the EDC.

B. Subsequent Terms. A member shall serve until his or her successor is appointed and qualified. A member shall be eligible for reappointment. (Ord. 2022-27, S1(c), Aug. 16, 2022)

**1.110.040 Vacancies.** If a vacancy occurs among the Ferdinand Historic Preservation Commission membership, then the entity or person responsible for appointing a member to fill the vacancy on the EDC shall appoint a member for the unexpired term of the vacating member, and that member shall then also serve on the Ferdinand Historic Preservation Commission, subject to approval by the Town Council. (Ord. 2022-27, S1(d), Aug. 16, 2022)

**1.110.050 Conflict of Interest.** A member of the Ferdinand Historic Preservation Commission may not participate as a member in a decision of the Ferdinand Historic Preservation Commission concerning a matter in which the member has a direct or indirect financial interest. The Ferdinand Historic Preservation Commission shall enter in its records the fact that its member has such a disqualification. A member of the Ferdinand Historic Preservation Commission may not directly or personally represent another person in a hearing before the Ferdinand Historic Preservation Commission concerning a Ferdinand Historic Preservation Commission matter. (Ord. 2022-27, S1(e), Aug. 16, 2022)

**1.110.060 Quorum.** Action of the Ferdinand Historic Preservation Commission shall not be official unless it is authorized, at a regular or special meeting, by a majority of the entire voting membership of the Ferdinand Historic Preservation Commission. (Ord. 2022-27, S1(f), Aug. 16, 2022)

**1.110.070 Separability.** If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. (Ord. 2022-27, S2, Aug. 16, 2022)

**1.110.080 Effective.** This Chapter shall be in full force and effect from and after its adoption and signing. (Ord. 2022-27, S3, Aug. 16, 2022)