

# CHAPTER 2

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# CHAPTER 2

## TOWN ADMINISTRATION

### ARTICLE 1. THE TOWN CLERK-TREASURER

#### Sec. 2-1 Term of Office of Clerk-Treasurer.

a. The Town Clerk-Treasurer is an elected position whose term of office is for four (4) years, beginning at noon on January 1st after his or her election and continuing until a successor is elected and qualified. <sup>1</sup>

b. The Town Clerk-Treasurer shall be elected by the voters of the whole Town. <sup>2</sup>

#### Sec. 2-2 Powers and Duties.

a. The Town Clerk-Treasurer may administer oaths, takes depositions, and takes acknowledgments of instruments as required by law. <sup>3</sup>

b. The Town Clerk-Treasurer is the Clerk of the Town Council and whenever the Town Council has an even number of members, the Clerk-Treasurer is an ex-officio member for the purpose of casting the deciding vote to break a tie. <sup>4</sup>

c. The Town Clerk-Treasurer may perform all duties prescribed by law, which include but are not limited to the following:

1. receive and care for all Town monies, and pay them out upon order of the Town Council;

2. keep accounts of all Town monies;

3. file monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;

4. maintain records which are open for inspection by the Town Council;

5. collect fines resulting from ordinance violations;

6. issue all licenses; and

7. attend all Town Council meetings and maintain a recording of its proceedings. <sup>5</sup>

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<sup>1</sup> I.C., § 36-5-6-3, addresses the Clerk-Treasurer's term of office.

<sup>2</sup> I.C., § 36-5-6-4, addresses the election of the Clerk-Treasurer.

<sup>3</sup> I.C., § 36-5-6-5, authorizes the Clerk-Treasurer to administer oaths and related powers.

<sup>4</sup> I.C., § 36-5-2-8, set forth the Clerk-Treasurer's role to the legislative body (Town Council).

<sup>5</sup> I.C., § 36-5-6-6, sets forth the powers and duties of the Town Clerk-Treasurer.

d. The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to *Indiana Code*, § 36-5-6-2.

**Sec. 2-3 Compensation of Clerk-Treasurer.**

The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council. <sup>6</sup>

**Sec. 2-4 Deputies and Employees.**

a. The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council.

b. Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer. <sup>7</sup>

**Sec. 2-5 and Sec. 2-6 Reserved for Future Use.**

**ARTICLE 2. TOWN MARSHAL.**

**Sec. 2-7 Appointment, Compensation, Tenure of Town Marshal.**

a. The Town Council shall appoint a Town Marshal and shall fix his compensation. <sup>8</sup>

b. The Town Marshal serves at the pleasure of the Town Council and is subject to the minimum basic training requirements. <sup>9</sup>

**Sec. 2-8 Powers and Duties of The Town Marshal.**

The Town Marshal is the chief police officer and has the powers of other law enforcement officers as set forth in *Indiana Code*, § 36-5-7-4 as it may be amended from time to time.

**Sec. 2-9 Deputy Marshals.**

The Town Council may authorize the appointment of deputy marshals pursuant to *Indiana Code*, § 36-5-7-6, as it may be amended from time to time.

**Sec. 2-10 and Sec. 2-11 Reserved for Future Use.**

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<sup>6</sup> *I.C.*, § 36-5-3-2, addresses compensation for the Town Clerk-Treasurer.

<sup>7</sup> *I.C.*, § 36-5-6-7, authorizes the Clerk-Treasurer to appoint deputies and employees.

<sup>8</sup> *I.C.*, § 36-5-7-2, authorizes the Town Council to appoint a Town Marshal and *I.C.*, § 36-5-3-2, addresses his compensation.

<sup>9</sup> *I.C.*, § 36-5-7-3, addresses tenure, training and removal procedures.

### ARTICLE 3. TOWN OFFICERS AND EMPLOYEES BENEFITS.

#### Sec. 2-12 Town Appointments.

a. The Town Council may employ such persons to effectively carry out the needs and services of the Town.

b. Positions which the Town Council may appoint include but shall not be limited to the following:

1. Town Manager <sup>10</sup>
2. Town Attorney - *Indiana Code*, § 35-4-6-24
3. Town Engineer
4. Town Marshal
5. Volunteer Fire Chief
6. Water Superintendent
7. Other officers and employees deemed necessary.
8. Ordinance Enforcement Officer. (Ord. No. 90-6, § 1, 8-27-90)

c. Duties shall be set forth for each position by the Town Council and applicable State law.

#### Sec. 2-13 Compensation and Salary. <sup>11</sup>

The Town Council shall fix the compensation or salary of all Town employees and officers by appropriate ordinance.

#### Sec. 2-14 Official Surety Bonds.

Individual official surety bonds required by *Indiana Code*, § 5-4-1-18, as it may be amended from time to time, shall be provided by the Town. A blanket bond may be obtained to cover the faithful performance of all other employees, commission members, and persons acting on behalf of the Town, so required to be covered.

#### Sec. 2-15 Vacation Policy. <sup>12</sup>

Full-time employees of the Town shall be entitled to paid vacations as set forth by proper ordinance of the Town Council.

#### Sec. 2-16 Public Employees' Retirement Fund.

(Reserved)

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<sup>10</sup> *I.C.*, §§ 36-5-5-1 through 36-5-5-8, sets forth the duties and authorization to appoint a Town Manager.

<sup>11</sup> *I.C.*, § 36-1-4-15, addresses the setting of salaries or compensation for employees and officers.

<sup>12</sup> *I.C.*, § 36-5-4-7 sets forth payment of compensation procedures prior to a vacation leave.

**Sec. 2-17 Sick Leave Policy.**

(Reserved)

**Sec. 2-18 Holiday Pay.**

(Reserved)

**Sec. 2-19 Overtime.**

Reserved.

**Sec. 2-20 Mileage.<sup>13</sup>**

a. Town employees who use personal cars for official Town business shall be paid twenty cents (25c) per mile for business mileage which is properly documented and approved.

b. All such mileage shall be tendered in writing to the Clerk-Treasurer by listing the dates, odometer readings, and purpose of such travel.

c. Payment of such mileage shall only be made after approval by the Town Council.

**Sec. 2-21 Ordinance Enforcement Officer.<sup>14</sup>**

a. It is established the position of Ordinance Enforcement Officer for the Town of Hudson, Indiana. (Ord. No. 90-6, § 1, 8-27-90)

b. The Ordinance Enforcement Officer shall have full authority and power to enforce any ordinance passed by the Town Council of Hudson, Indiana. (Ord. No. 90-6, § 2, 8-27-90)

c. The compensation to the Ordinance Enforcement Officer shall be as set by separate ordinance by the Town Council of the Town of Hudson, Indiana. (Ord. No. 90-6, § 3, 8-27-90)

d. The Ordinance Enforcement Officer shall have no responsibility to collect any fines from any ordinance violation, but may have the responsibility of notifying or delivering notice of such fine to any violator with the collection of such fine. (Ord. No. 90-6, § 4, 8-27-90)

e. The Town Council shall be responsible for the hiring of any Ordinance Enforcement Officer and the Town Council may in its discretion, hire more than one individual as a[n] Ordinance Enforcement Officer. (Ord. No. 90-6, § 5, 8-27-90)

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<sup>13</sup> I.C., § 36-2-7-7, addresses the State established mileage reimbursement rate.

<sup>14</sup> Editor's Note: The title to Ord. No. 90-6 referred to the "Ordinance Violations Officer". Since the body of this ordinance referred to "Ordinance Enforcement Officer", that terminology was incorporated into this section.

**Sec. 2-22 Reserved for Future Use.**

#### **ARTICLE 4. BOARDS, COMMISSIONS AND DEPARTMENTS.**

##### **Sec. 2-23 Boards and Commissions.**

a. The Town of Hudson shall establish such Boards and Commissions as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the Town.

b. The following boards and commissions are established:

1. Economic Development Commission;
2. Board of Zoning Appeals;
3. Planning Commission;
4. Hudson Water Utility Board;
5. Hudson Redevelopment Commission. (Ord. No. 94-2, § 1, 6-27-94)

##### **Sec. 2-24 Departments of the Town.**

a. The Town of Hudson shall establish such departments as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the Town.

b. The following departments are established:

1. Reserved.
2. Water Department;
3. Police Department (Town Marshal);
4. Volunteer Fire Department.

c. The departments established by this Section shall perform the administrative functions assigned to them by statute and ordinance.

##### **Sec. 2-25 Department of Redevelopment.**

A department of redevelopment is established to be known as the "*Hudson Redevelopment Commission*". (Ord. No. 94-2, 6-27-94)

##### **Sec. 2-26 Powers and Duties of the Hudson Redevelopment Commission.**

a. The *Hudson Redevelopment Commission* shall operate with all the powers, obligations and privileges authorized under *I.C.*, § 36-7-14-1, *et seq.* and 36-7-25 *et seq.* as the same is presently in force and effect, or as it may be amended.

b. The Town of Hudson accepts all the obligations and responsibilities set forth according to said Statute.

c. The *Hudson Redevelopment Commission* shall annually report at the first regularly scheduled meeting in January of each year to the Hudson Town Council. (Ord. No. 94-2, 6-27-94)

**Sec. 2-27 through 2-45 Reserved for Future Use.**

### ARTICLE 5. FUNDS ESTABLISHED<sup>15</sup>.

**Sec. 2-46 Cumulative Capital Improvement Fund.**

(Reserved)

**Sec. 2-47 Motor Vehicle Highway (MVH) Fund.**

(Reserved)

**Sec. 2-48 Accident Report Account.<sup>16</sup>**

a. There is created an Accident Report Account for the Hudson Police Department.

b. The source of funds which are to be deposited into said fund are the fees received for accident reports and information under *Indiana Code*, § 9-3-1-3.

c. This fund may be expended at the discretion [of the Chief or Town Marshal] into said fund are the fees received for accident reports and information under *Indiana Code*, § 9-3-1-3.

d. The rules for proper accounting and expenditure of monies collected and deposited into said fund shall be those established by the State Board of Accounts.

**Sec. 2-49 Firearms Training Fund.**

a. A Firearms Training Fund is established for the Hudson Police Department.

<sup>15</sup> Editor's Note: Effective July 1, 1993, *I.C.*, §§ 9-29-4-2, 9-29-11-1, 35-47-2-3, 33-19-8-4 and 33-6-3-4 were amended requiring deposits formerly made for Vehicle Inspections, Accident Reports, Handgun Licenses and transfers of proceeds from confiscated weapons into a "*Law Enforcement Education Fund*".

<sup>16</sup> *I.C.*, § 9-3-1-3, as amended on March 5, 1984, authorizes a Police Department to charge a fee fixed by ordinance in an amount of not less than three (\$3.00) dollars for each written report.

b. The source of funds which are to be deposited into this fund are the application fees collected for licenses to carry handguns under *Indiana Code*, § 35-47-2-3.

c. This fund is to be used by the Hudson Police Department and used exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

d. The rules for proper accounting and expenditure of monies collected and deposited into said fund shall be those established by the State Board of Accounts.

**Sec. 2-50 through 2-55 Reserved for Future Use**

## **ARTICLE 6. TOWN MEMBERSHIPS AND INTERLOCAL COOPERATION.**

### **Sec. 2-56 Payment of Dues for Town Memberships.**

a. The Town Council is authorized to budget and appropriate funds to provide memberships for the Town of Hudson, its elected and appointed officials, and its boards, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal operations.

b. The Town Council is authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the Town belongs.

### **Sec. 2-57 Interlocal Cooperation.**

The Town is authorized pursuant to *Indiana Code*, §§ 36-1-7-1 through 36-1-7-12, as it may be amended from time to time to enter into joint agreements for the purchase or exchange of property and service with other communities.

**Sec. 2-58 through 2-59 Reserved For Future Use.**

## ARTICLE 7. HUDSON TIF DISTRICT.

### Sec. 2-60 Establishment of Hudson TIF District.<sup>17</sup>

a. The Commission has considered the evidence presented and now finds and determines that it will be of public utility and benefit to proceed with the establishment of the Area and the Projects in the Area.

b. The Declaratory Resolution and Economic Development Plan approved by the Commission on December 12, 1994, both as amended and restated, copies of which are attached hereto and incorporated herein, are confirmed and incorporated by reference and are available for public inspection in the Office of the Clerk-Treasurer during regular business hours.

c. The Secretary is instructed to submit this Resolution to the Town Council for approval of the establishment of the Area.

d. The Declaratory Resolution, as confirmed, shall be attached to and incorporated in this Resolution. The Secretary is directed to record this Resolution with the Steuben County Recorder, immediately to notify the State Board of Tax Commissioners of the designation of the Allocation Area within the Area and to file this resolution with the Steuben County Auditor. (Hudson Redevelopment Commission, Res. No. 4-1-95, § 1-4, 4-5-95)

**Sec. 2-61 through Sec. 2-69 Reserved for Future Use.**

## ARTICLE 8. PUBLIC PURCHASING POLICIES.

### Division I. Purchasing Agency.

#### Sec. 2-70 Purchasing Agency Established.

The Town of Hudson Council (the "Purchasing Agency") is established as the purchasing agency for the Town of Hudson.

a. The Purchasing Agency shall have all the power and duties authorized under *I.C.*, § 5-22 as may be supplemented from time to time by ordinances adopted by the Council and policies adopted by the Purchasing Agency.

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<sup>17</sup> Economic Development areas are addressed in *I.C.*, § 36-7-14 and *I.C.*, § 36-7-25.

b. 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 Hudson.

c. The Purchasing Agency may designate in writing any employee or elected official of the Town of Hudson as a purchasing agent.

d. The Purchasing Agency is hereby authorized to prepare and/or direct the preparation of any such specification. The Purchasing Agency shall be responsible for the maintenance of any and all records relating to such specifications. A Town Purchase Order shall be issued for every purchase and shall contain the specifications for each such purchase, the agency making the purchase and the solicitation type. This purchase order shall serve as an Index of Specifications. Alternatively, the Purchasing Agency may use specifications prepared by others as specifications to be utilized by the Town. Specifications prepared by others shall include, but shall not be limited to, descriptions of property contained in catalog or other publications. A specification shall be appropriate and acceptable as long as the item can be readily identified from a review of the description or any material or document referenced in such description.

e. Additional considerations for purchasing supplies shall be:

1. Purchasing at a fair market value
2. Furnished in a timely manner
3. Minimum standards of quality
4. Reasonably available quantities

(Ord. No. 98-2, § 1, 6-22-98)

#### **Sec. 2-71 Mandatory Purchasing Rules.**

The following are the required purchasing rules for the Town of Hudson, Indiana. (Ord. No. 98-2, § 2, 6-22-98)

#### **Sec. 2-72 Purchase of Supplies Manufactured in the United States.**

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 reasonable 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. No. 98-2, § 2[A], 6-22-98)

### **Sec. 2-73 Protection of Offers and Status of Documents as Public Records.**

a. Protection of Offers Prior to Opening. The purchasing agent 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. Unobstructed Evaluation of Offers. 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. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed. (Ord. No. 98-2, § 2[B], 6-22-98)

### **Sec. 2-74 Discussions With Offerors Responding to a Request for Proposals.**

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award. (Ord. No. 98-2, § 2[C], 6-22-98)

### **Sec. 2-75 Delay of Opening of Offers.**

When the Purchasing Agency makes a written determination that it is in the Town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening. (Ord. No. 98-2, § 2[D], 6-22-98)

**Sec. 2-76 Evidence of Financial Responsibility.**

a. Purchases Less Than (\$25,000.00). The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than twenty-five thousand dollars (\$25,000.00).

b. Purchases Between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

c. Purchases Over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase. (Ord. No. 98-2, § 2[E], 6-22-98)

**Sec. 2-77 Modification and Termination of Contracts.**

a. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

1. Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

2. Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

3. Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustments of profit or fee, all as specified in the contract or subsequently agreed upon;

4. Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon, or

5. In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

b. Adjustments in Time of Performance. The purchasing agent may include provisions in purchase contract concerning adjustments for time of performance under the contract.

c. Unilateral Right of Purchasing Agency. The purchasing agent may include a purchase contract provisions dealing with the unilateral right it of the Purchasing Agency to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

d. Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in the contract and the actual quantity delivered. (Ord. No. 98-2, § 2[F], 6-22-98)

**Sec. 2-78 Purchase of Services.**

The Common Council determines that the Purchasing Agency may purchase services in whatever manner the Purchasing Agency determines to be reasonable. (Ord. No. 98-2, § 2[G], 6-22-98)

**Sec. 2-79 through Sec. 2-81 Reserved for Future Use.**

**Division II. Purchasing Policies.**

**Sec. 2-82 Claim Forms Required.**

The payments for all purchases by the Town of Hudson shall be based on claim forms and that said claim forms shall be acted upon by the Town Council of the Town of Hudson at the regularly scheduled meeting following receipt of the claim form. (Ord. No. 98-2, 8-24-98)

**Sec. 2-83 Purchases Below \$100.00.**

Each department head of the departments of the Town of Hudson may purchase items for the Town of less than one hundred dollars (\$100.00) value without prior Town Council approval, however payment for said items shall be based on claim forms as set forth above. (Ord. No. 98-2, 8-24-98)

**Sec. 2-84 Purchases Above \$100.00.**

The purchase of items in excess of one hundred dollars (\$100.00) shall be based on a purchase order of the Town of Hudson and that payment for said items shall be pursuant to claim forms as set forth above. (Ord. No. 98-2, 8-24-98)

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