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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.

b. The Town Clerk-Treasurer shall be elected by the voters of the whole Town.

Sec. 2 – 2 Powers and Duties.

a. The Town Clerk-Treasurer may administer oaths, takes depositions, and takes acknowledgement of instruments as required by law.

b. The Town Clerk-Treasurer is the Clerk of the Town Board and whenever the Town Board 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.

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 Board;
2. keep accounts of all Town monies;
3. file monthly reports with the Town Board showing all receipts and disbursements of the Town Treasury for the preceding month;
4. maintain records which are open for inspection by the Town Board;
5. collect fines resulting from ordinance violations;
6. issue all licenses; and
7. attend all Town Board meetings and maintain a recording of its proceedings.

d. The Clerk-Treasurer is both the Town Clerk and Town Fiscal Office pursuant to *I.C.* § 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 Board.

Sec. 2 – 4 Deputies and Employees.

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

b. Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.

ARTICLE 2. TOWN MARSHAL.

Sec. 2 – 5 Appointment, Compensation, Tenure of Town Marshal.

The Town of Hudson has contracted police services from the Town of Ashley. The police department is now formally known as the Ashley-Hudson Police Department.

Sec. 2 – 6 Powers and Duties of the Town Marshal.

a. The Town Marshal is the chief police officer and shall have all the duties and powers as are defined by I.C. § 36-5-7-4 for Town Marshals as it may be amended from time to time.

b. Town Marshals shall further be authorized to deputize individuals pursuant to the laws of the State of Indiana.

c. The Town Marshal and deputy marshals shall be designated as the Town's Ordinance Enforcement Officers.

Sec. 2 – 7 Deputy Marshals.

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

ARTICLE 3. TOWN OFFICERS AND EMPLOYEES BENEFITS.

Sec. 2 – 12 Town Appointments.

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

b. Positions which the Town Board may appoint include but shall not be limited to the

following:

1. Town Manager
2. Town Attorney - *Indiana Code* § 36-5-6-24
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 Board and applicable State law.

Sec. 2-13 Compensation and Salary.

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

Sec. 2 – 14 Official Surety Bonds.

Individual office 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 Personnel Policies.

a. *General Information*

1. The policies and provisions contained in this section and the Town employment handbook shall apply to all Town of Hudson ("Town") employees except to the extent that specific procedures or conditions of employment, benefits, and compensation for certain employees are expressly provided for by a local ordinance or department policy approved by the Town Board after the revision date shown on this handbook, preemptive state law, or preemptive federal law which shall control.

2. The handbook cannot anticipate every situation or answer every question about employment with the Town. It is not an employment contract and is not intended to create contractual obligations of any kind. In order to retain necessary flexibility in the administration of policies and procedures, the Town reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook. The policies stated in this handbook supersede any prior handbooks or written policies of the Town that are inconsistent with its provisions.

Sec. 2 – 16 through 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 Board to effectively and efficiently carry out the services and functions of the Town.

b. The following boards and commissions are permitted:

1. Economic Development Commission;
2. Board of Zoning Appeals;
3. Planning Commission;
4. Hudson Water Utility Board;
5. Park Board Commission
6. Hudson Redevelopment Commission.

Sec. 2 – 24 Departments of the Town.

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

b. The following department are established:

1. Reserved.
2. Utility Department;
3. Police Department (Town Marshal);
4. Volunteer Fire Department.
5. Street 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*”.

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.*, § 36-7-14-12, *et seq.* and 36-7-25 *et seq.* as the same is presently in force and effect, or as it may be amended.

b. No person shall be appointed as a commissioner who is not either a resident of such Town of Hudson, employed in such Town or owner of a business in such Town. If any commissioner shall cease to qualify in one of the above categories, his appointment on said Board shall thereby terminate and his office shall become vacant. Each commissioner, before entering upon his duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his appointment which shall be promptly filed with the clerk. The commission originally appointed shall meet within thirty (30) days after its appointment at a time and place designated by the Town Board Chairman of such Town for the purpose of organization, and shall meet to reorganize in February of each succeeding year. The commission shall elect one (1) of its members as president, one (1) as vice-president, and one (1) as secretary, each of which officers shall serve from the day of his election until the 31st day of January next following his election and until his successor is elected and qualified.

c. The commission shall be authorized to adopt such by-laws, rules, and regulations as it may deem necessary for the proper conduct of its proceedings, the carrying out of its duties and the safe-guarding of the funds and property placed in its custody by this act. Regular or special meetings shall be held at such times as it may determine and upon such notice as it may fix, either by resolution or in accordance with the provisions of the by-laws, rules and regulations adopted. A majority of the commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action.

d. No commissioner shall have any pecuniary interest in any contract, employment, leases, purchase or sale made under the provisions of this act, and any such transaction made in which any commissioner has a pecuniary interest shall be void ab initio. Provided, however, that any property required for the purposes of this act in which a commissioner has a pecuniary interest may be acquired but only by gift or condemnation.

e. It shall be the duty of the commission to investigate, study and survey job opportunities, the use of pollution control equipment, industrial diversification and economic stability, development and welfare of the Town and to recommend action to improve and promote job opportunities, promote the use of pollution control equipment, industrial diversification and economic stability, development and welfare of the Town. The commission shall report in writing to the appointing bodies and Indiana Department of Commerce at least once each year.

f. In carrying out its duties the commission shall have the following powers:

1. To acquire by purchase, gift, grant, condemnation, or lease, any real estate, interests in real estate, or personal property, needed for the purposes of this act;

2. To hold, use, sell, lease, rent or otherwise dispose of any property, real or personal, on such terms and conditions as the commission shall determine to be for the best interests of the Town and its inhabitants;

3. To repair and maintain, or to contract for the repair and maintenance of such existing structures or to substantially remodel, rebuild, enlarge or make major structural improvements on existing buildings;

4. To appear either as an applicant, a petitioner, remonstrator, or objector before any other department or agency of the Town, or any other governmental agency;

5. To institute or defend in the name of the Town any actions at law or inequity, and to use any legal or equitable remedy necessary or deemed proper to protect and enforce the rights and perform the duties of said department or economic development;

6. To exercise in the name of the Town the power of eminent domain in the manner provided in Chapter 48 of the Acts of 1905, as now or hereafter amended;

7. To appoint or employ no more than one (1) clerical employee on either full-time or part-time basis and such other employees on a part-time basis, as the Board may deem desirable, to prescribe and define their duties and regulate the compensation to be paid to such person, and to discharge such appointees or employees and appoint their successors;

8. To accept the use of such quarters as may be furnished by the Town; also to purchase such equipment, records, and supplies as shall be necessary to enable the commission to perform its duties;

9. To expend for and on behalf of the department, all or any part of any funds available to it for the purposes expressed in this act;

10. To employ legal accounting counsel to assist it in carrying out its function;

11. To have any other powers granted by the laws of the State of Indiana as described in IC 1971, 18-6 and additions thereto.

g. The *Hudson Redevelopment Commission* shall annually report at the first regularly scheduled meeting in January of each year to the Hudson Town Board.

Sec. 2 – 27 Town Purchasing Agency

a. The Clerk/Treasurer's office (the "Purchasing Agency") is established as the purchasing agency for the Town of Hudson.

b. The Purchasing Agency shall have all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by ordinances adopted by the Board and policies adopted by the Purchasing Agency.

c. The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, Board, department or other establishment of the Town.

d. The Purchasing Agency may designate in writing any employee of the Town as a purchasing agent.

e. The Department of the Town of Hudson Clerk/Treasurer having been appointment purchasing agency for the Town of Hudson, Indiana, does hereby appoint the following purchasing agents:

1. Hudson Clerk/Treasurer
2. Hudson Town Marshal
3. Hudson Street Superintendent

f. The Hudson Clerk/Treasurer as head of the purchasing agency reserves the right to amend or modify this list of purchasing agents as the need shall from time to time arise.

g. All purchases should be checked with the Clerk/Treasurer to ensure fund availability.

h. Purchases greater than \$1,000.00 must get Town Board approval unless it is needed on an emergency repair basis that would deem a vehicle, building or other equipment item out of service if not repaired.

Sec. 2 – 28 Town Purchasing Policies

a. Publication of Notices

1. *Invitations for bids.* All notices of invitations for bids shall be published in accordance with I.C. 5-3-1 in the local newspaper and Town website. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

2. *Requests for Proposals.* All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the local newspaper and Town website. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

3. *Requests for Specifications.* All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the local newspaper and Town website. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

4. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or requests for specifications, is sent by mail, the purchasing agent may

also send the notice or the material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

b. Receiving Offers

1. *Opening of Offers.* Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids. Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

2. *Electronic Receipt of Offers.* The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications. An electronic offer may only be received if:

A. The solicitation includes the procedure for the electronic transmission of the offer; and

B. The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

3. *Correction and Withdrawal of Bids.* An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened. A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

4. *Cancellation of Solicitation.* When the purchasing agent makes a written determination that it is in the Town's best interest, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

c. Small Purchases.

1. The purchasing agent may purchase supplies/items with an estimated cost of \$300.00 or less on the open market without inviting or receiving quotes.

2. *Purchases Below \$50,000.00:* A purchase agent may make a purchase of less than \$300.00 under small purchase policies established by the purchasing agency or under rules adopted by the governmental body pursuant to I.C. §5-22-8-2.

3. *Purchases Between \$50,000.00 and \$150,000.00:* Pursuant to I.C. §5-22-8-3 purchases between \$50,000.00 and \$150,000.00 should be made as follows:

A. A purchasing agent may purchase supplies under this section by inviting quotes from at least three (3) persons known to deal in the lines or classes of supplies to be purchased.

B. The purchasing agent shall mail an invitation to quote to the persons described in subsection (A) at least seven (7) days before the time fixed for receiving quotes.

C. If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required.

D. The purchasing agent may reject all quotes.

E. If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies using methods for special purchases under I.C. §5-22-10-10.

d. Requests for Proposals

1. A purchasing agent may award a contract through a request for proposals procedure instead of competitive sealed bidding when the purchasing agent makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the governmental body.

2. The governmental body may also provide by rule or policy that (i) it is either not practicable or not advantageous to governmental body to purchase specified types of supplies by sealed competitive bidding; and (ii) receiving proposals is the preferred method for purchase of that type of supply.

3. A request for proposals must include:

A. The factors or criteria that will be used to evaluate the proposals;

B. A statement concerning the relative importance of price and the other evaluation factors;

C. A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility, which may be imposed in accordance with rules adopted by the governing body;

D. A statement concerning whether discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award.

4. A request for proposal must be published in accordance with I.C. 5-3-1, two times, at least one week apart, with the second publication occurring at least 10 days prior to the date the proposals will be received. The purchasing agent must see that notice is published.

5. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.

6. A register of proposals must be prepared and open for public inspection after a contract award.

7. The register must include:
 - A. A copy of the request for proposals;
 - B. A list of all persons to whom copies of the request for proposal were given;
 - C. A list of all proposals received, including the following information.
 - D. The names and addresses of all offerors;
 - E. The dollar amount of each offer;
 - F. The name of the successful offeror and the dollar amount of that offeror's offer;
 - G. The basis on which the award was made;
 - H. The entire contents of the contract file except for proprietary information including with an offer, such as trade secret, manufacturing processes, and financial information that was not required to be made available for public inspection under the terms of the request for proposals.

8. As provided in the request for proposals, or under the rules or policies of the governmental body, discussions may be conducted with, and best and final offers obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for an award.

9. Contract Award

A. A contract shall be awarded to the responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors set forth in the request for proposal.

B. If provided for in the request for proposals, contract may be awarded to more than one offeror whose proposals are determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors.

C. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals.

D. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

E. In conducting discussion with an offeror, information derived from proposals submitted by competing offerors may not be disclosed.

e. Special Purchasing Methods

1. Notwithstanding any other provisions of I.C. 5-22, a purchasing agent may make a purchase without soliciting bids or proposals, if the purchasing agent uses the following special purchasing methods.

2. A special purchase must be made with such competition as is practicable under the circumstances.

3. A purchasing agent may make a special purchase:

- A. When there exists, under emergency conditions, a threat to public health, welfare or safety;
- B. Where there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental body;
- C. At an auction;
- D. Of data process contracts or license agreements for software programs or supplies or services, when only one source meets the using agency's reasonable requirements;
- E. When (i) the compatibility of equipment, accessories or replacement parts is a substantial consideration in the purchase; and (ii) only one source meets the using agency's reasonable requirement;
- F. When the purchase of the required supplies or services under another purchasing method provide for in IC 5-22 would seriously impair the functioning of the using agency;
- G. When the purchasing agency has solicited for a purchase under other methods provided for in IC 5-22 and has not received a responsive offer;
- H. For the evaluation of supplies or a system containing supplies for any of the following reasons: To obtain functional information or comparative data; or for a purpose that in the judgment of the purchasing agent may advance the long term competitive position of the governmental body; or
- I. When the market structure is based on price but the governmental body is able to receive a dollar or percentage discount of the established price;
- J. From a public utility if the price is a negotiated price that considers the results of an independent appraisal obtained by the public utility and a separate independent appraisal obtained by the purchasing agent.

4. A purchasing agent may award a contract for a supply when there is only one source for the supply and the purchasing agent determines in writing that there is only one source for the supply.

5. A purchasing agent may make a purchase from a person when the purchasing agent determines in writing that (i) supplies can be purchased from the person or the person's authorized representative at prices equal to or less than the prices stipulated in current federal supply service schedules established by the General Services Administration; and (ii) it is advantageous to the governmental body's interest in efficiency and economy.

6. A purchasing agent may purchase supplies if the purchase is from a person who has a contract with a federal agency and the person's contract with the federal agency requires the person to make the supplies available to the state or political subdivisions.

7. A purchasing agent for a political subdivision may purchase supplies if the purchase is made from a person who has a contract with a state agency and the person's contract with the state agency requires the person to make the supplies or services available to political subdivisions.

8. A purchasing agency may acquire supplies if the purchasing agent determines that the governmental body can obtain the transfer of the supplies from the federal government as federal surplus property at a cost less than would be obtained from the purchase of the supplies by soliciting for bids or proposals.

A. A governmental body may not make a purchase of federal surplus property if title to the property will be transferred to the governmental body before sufficient funds have been appropriated.

B. A governmental body may make a purchase of federal surplus property if (i) the supplies will be transferred under a conditional sale or lease, a lease with an option to purchase, or a contract for the use of the supplies; and (ii) sufficient funds are appropriated to pay the consideration for one year of the agreement.

C. A governmental body that purchases or leases surplus federal material shall give notice of the purchase or lease in accordance with IC 5-3-1, one time, no later than 30 days after the purchase.

9. A purchasing agent for a board of aviation commissioners or an airport authority may make a special purchase of petroleum products if the petroleum products are for resale to the general public.

10. A purchasing agent may acquire supplies by accepting a gift on behalf of the governmental body, with board approval.

11. A purchasing agent shall maintain the contract records for a special purchase in a separate file. The contract file for special purchases must contain a written determination of the basis for (i) the special purchase; and (ii) the selection of the contractor;

12. A governmental body shall maintain a record listing all contracts made for special purchases for a minimum of five years. The records must contain:

A. Each contractor's name;

B. The amount and type of each contract; and

C. A description of the supplies purchased under each contract.

13. The contract records for a special purchase are subject to annual audit by the state board of accounts.

f. Other Procedures Governing Purchases

1. A solicitation may provide that offers will be received and contracts will be awarded separately or for any combination of lines or classes of supplies or services contained in the solicitation. If the solicitation does not indicate how separate contracts might be awarded, the purchasing agent may award separate contracts to different offerors only if the purchasing agent makes a written determination that the award of separate contracts is in the interest of efficiency or economy. If the purchasing agent awards a contract for a line or class of supplies or services, or any combination of lines or classes, to an offeror other than

the lowest offeror, the purchasing agent must make a written determination stating the reasons for awarding a contract to that offeror.

2. A solicitation may provide that the purchasing agent will award a contract for supplies or services for an unspecified number of items at a fixed price per unit and that the contract may contain a formula or method for the escalation of the unit price.

3. A notice or other materials that are to be sent by mail may be sent by electronic means, as provided for in (i) rules adopted by the governmental body; (ii) written policies of the purchasing agent; or (iii) the solicitation; provided that the rules, policies, or solicitation provide that the electronic transmission of the information is at least as efficient and secure as sending the information by mail.

4. A governmental body may receive electronic offers if (i) the solicitation describes the procedure for transmitting the electronic offer; and (ii) the governmental body receives the transmission on a fax machine or other system with a security feature that protects the contents of the offer with the same degree of protection as the content of an offer not transmitted electronically.

5. Whenever public notice of a purchase is required, it must be done in accordance with IC 5-3-1. The purchasing agent may notice in addition to notice given under IC 5-3-1 if the purchasing agent determines it will increase competition. The purchasing agent shall schedule all notice to provide a reasonable amount of time for preparation and submission of responses after notification. The period between the last publication, mailing or posting of notices and the final date for submitting offers must be at least seven days. Note that, with respect to receiving bids, IC 5-3-1 requires at least ten days between the last publication and the final date for submitting bids.

6. The purchasing agent may (i) cancel a solicitation; or (ii) reject all offers, in whole or in part, as specified in the solicitation, if the purchasing agent determines it is in the best interests of the governmental body. The reasons for a cancellation of a solicitation or a rejection of all offers must be made part of the contract file.

7. An offer may be opened after the time stated in the solicitation if (i) the governmental body makes a written determination that it is in the best interest of the governmental body to delay the opening; and (ii) the date, time and place of the rescheduled opening is announced at the date, time and place of the originally scheduled opening.

8. Generally speaking, contract and purchasing records are public records subject to public inspection and copying in accordance with the Public Records Statute.

9. However, a governmental body may establish policies or adopt rules for the protection of documents submitted to the governmental body in response to a solicitation. Such rules or policies may provide procedures for:

A. Protection of offers before opening to prevent disclosure of the contents.

- B. Affording unobstructed evaluation of offers and the contract awards by the purchasing agent after opening; and
- C. Protection of offers from tampering before and after opening.

g. Restriction of Purchases

1. *Purchases from the Department of Correction.* A governmental body shall purchase supplies and services produced or manufactured by the Department of Correction as listed in the department's printed catalog unless the supplies and services cannot be furnished in a timely manner. Supplies and services purchased from the department of correction must (i) meet the specifications and needs of the purchasing governmental body; and (ii) be purchased at a fair market price. If these requirements are not met, the governmental body is not required to purchase supplies from the department of correction. The department of correction shall furnish each governmental body a catalog containing (i) supplies and services available for sale; and (ii) prices of supplies and services available for sale.

2. *Purchases of Rehabilitation Center Products.* A governmental body shall purchase articles produced by the state rehabilitation center for the blind and visually impaired under the same conditions as articles produces by the department of correction, unless similar articles are produced by the governmental body. The state rehabilitation services bureau shall publish a catalog for the use of the governmental bodies, show the products and services available through the rehabilitation center. Whenever a governmental body needs an article listed in the catalog, the governmental body:

- A. Shall give the bureau a reasonable time to produce or supply the article; and
- B. Except for an article produced by the department of correction, may not elsewhere:

- Contract for;
- Purchase; or
- Pay a bill for;
- An article described in the catalog unless the article cannot be furnished by the bureau.

A governmental body may contract elsewhere for the purchase of an article described in the catalog if the bureau provides a written statement that the bureau cannot furnish the article. Supplies purchased from the bureau must: (i) meet the specifications and needs of the purchasing governmental body; and (ii) be purchased at a fair market price. If these requirements are not met, the governmental body is not required to purchase supplies from the bureau.

3. *Purchases from Qualified Nonprofit Agencies for Person with Severe Disabilities.* A governmental body that is a political subdivision may purchase supplies and services from a qualified nonprofit agency for persons with severe disabilities under the same conditions as supplies produced by the department of correction are purchased. A governmental body may apportion purchases of supplies and services from qualified agencies on an equitable basis among the interested qualified agencies. Supplies purchased from a qualified agency must:

(i) meet the specifications and needs of the purchasing governmental body; and (ii) be purchased at a fair market price.

Sec. 2 – 29 Town Purchasing Rules

a. Protection of Offer; Status of Documents as Public Records.

1. *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.

2. *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.

3. *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.

4. *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 for public inspection and copying. Proposals may not be disclosed.

b. *Discussions With Offerors Responding to a Request for Proposals.* The purchasing agent may conduct discussion 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.

c. *Delay of Opening of Offers.* When the Town Board 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.

d. Evidence of Financial Responsibility

1. *Purchases less than \$25,000.00.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of purchase is less than \$25,000.00.

2. *Purchases between \$25,000.00 and \$100,000.00.* 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.

3. *Purchases over \$100,000.00.* 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.

4. *Small Business Set-Asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

e. Use of RFP for Purchases of Designated Types of Supplies. The Town determines that:

1. It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and

2. Receiving proposals is the preferred method for purchasing the following types of supplies:

- A. Office supplies;
- B. Routine supplies; and
- C. Gasoline and oils.

f. Modification and Termination of Contracts

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

A. Price adjustment 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;

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

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

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

E. 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.

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

3. *Unilateral Rights of Town.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

4. *Quantity Variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

g. Purchases of Services

1. The Town determines that each Town agency and department may purchase services except for the services of attorneys in whatever manner the purchaser determines to be reasonable.

2. The Town purchasing agency may not require any Town agency, department or office to purchase service in any particular manner.

h. Supplies Manufactured in the United States

1. Supplies manufactured in the United States shall be specified for all Town purchases.

2. Supplies manufactured in the United States shall be purchased unless the Town determines that:

A. The supplies are not manufactured in the United States is reasonably available quantities;

B. The prices of the supplies manufactured in the United States exceeds 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 or comparably priced available supplies manufactured elsewhere; or

D. The purchase of supplies manufactured in the United States is not in the public interest.

Sec. 2 – 30 through 2-45 Reserved for Future Use.

ARTICLE 5. FUNDS ESTABLISHED

Sec. 2 – 46 Cumulative Capital Development Fund.

a. There is hereby established a Hudson Cumulative Capital Development Fund.

b. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Hudson Cumulative Development Fund.

c. The maximum rate of levy under Section 2 will not exceed:

1. \$.04 per \$100 Assessed Valuation for 1985
2. \$.08 per \$100 Assessed Valuation for 1986
3. \$.12 per \$100 Assessed Valuation for 1987
4. \$.15 per \$100 Assessed Valuation for 1988, 1989, & 1990
5. \$.15 per \$100 Assessed Valuation for 1994, 1995, and 1996

d. The funds accumulated in the Hudson Cumulative Capital Development Fund will be used for capital improvements as described in IC 36-9-16-2, IC 36-9-16-3, IC 36-9-15.5-2, IC 36-9-26-2, or IC 36-10-4-36.

e. Notwithstanding Section 4, funds accumulated in the Hudson Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Section 4, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town Board President issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditures of money in the fund.

Sec. 2 – 47 Cumulative Capital Improvement Fund.

a. In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of Hudson into which the cigarette taxes allotted to Hudson by reason of subsection C(1) (C) of Section 27C and section 27D of the Indiana Cigarette Tax Law and being Chapter 222 of the Acts of 1947 as amended of the Indiana General Assembly shall be deposited. Said fund shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements.

b. The term "capital improvements" means the construction or improvement of any property owned by the Town of Hudson including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the town of Hudson issued, and the proceeds used for the improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

Sec. 2 – 48 L. E. C. E. Account.

a. The Town Marshal of the Town of Hudson, Indiana, is hereby designated to make said accident investigations, prepare and maintain written reports of his investigations, and provide copies of said reports upon request.

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, and also application fees collected for licenses to carry handguns under *Indiana Code*, § 35-47-2-3.

c. The Town Marshal shall provide copies of said accident reports only upon a verified written authorization signed by any person who has sustained any loss or damage, by reason of the injury or death of any person or damage to property caused or resulting from the operation, maintenance or use of any vehicle upon any public street or highway of this state, or his duly authorized agent or attorney.

d. The Town Marshal shall be entitled to charge a fee in an amount of Twelve Dollars (\$12.00) for each copy of any such report, and such fee shall be deposited in a separate account to be known as the "L. E. C. E. Account."

e. The Town Marshal shall issue a receipt for each fee collected and remit the receipts to the Clerk-Treasurer of the Town of Hudson at least once each week, who shall issue to the Town Marshal an official receipt for the remittance specified on such receipts and the number of general receipts accounted for. Further, the Clerk-Treasurer shall receipt the fees to a separate fund known as the L. E. C. E. Account and deposit the receipts in the municipality's general bank account.

f. All monies collected pursuant to this Ordinance shall be authorized by the Town Marshall and expended for any department purpose reasonably related to the keeping of said accident reports and records or the prevention of street and highway accidents as provided by law, and shall be paid without appropriation on the basis of a claim filed, allowed and paid by the Board of Trustees of the Town of Hudson.

g. 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.

h. 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 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 Board 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 Board 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*, §§ 36-1-7-12 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.

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 Board 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.