

TITLE III: ADMINISTRATION

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Hobart - Administration

CHAPTER 30: BRANCHES OF GOVERNMENT

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EXECUTIVE

§ 30.01 EXECUTIVE BRANCH; MAYOR'S DUTIES; VARIOUS BOARDS ESTABLISHED.

(A) (1) The Mayor is the city executive and head of the executive branch.

(2) He or she shall faithfully perform the duties and responsibilities contained in I.C. 36-4-5-3 and other statutes of the state.

(B) There is established the Board of Public Works and Safety within the executive branch. The Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments, which are established as follows:

(1) Police Department;

(2) Fire and Ambulance Department;

(3) Utilities Department, consisting of the sewage collection and disposal system and wastewater treatments;

(4) Street and Sanitation Department;

(5) Engineering Department; and

(6) Building Department.

(C) There is established the Department of Law pursuant to I.C. 36-4-9-12.

(D) There is established the Department of Parks and Recreation to be controlled and operated by the Park and Recreation Board established pursuant to I.C. 36-10.

(E) There is established the Department of Planning and Economic Development. The Department shall consist of 2 divisions:

(1) Planning Division, organized under I.C. 36-7; and

(2) Economic Development Commission, organized under I.C. 36-7.

(F) The members of the Board of Public Works and Safety are the Mayor and 2 voters of the city who shall be chosen by the Mayor and serve at his or her pleasure. The Chiefs of the Police and Fire Departments and the heads of the Departments of Law, Sewage, Street and Sanitation Department, Engineering Department and Building Department are appointed by the Mayor and serve at his or her pleasure (I.C. 36-4-9). Pursuant to I.C. 36-4-9-2, the Mayor shall appoint the heads of the Departments of Parks and Recreation and Planning and Development with the approval of the statutory board or commission operating the Department. The appointees shall serve at the pleasure of the Mayor (I.C. 36-4-11-2).

(G) Subject to the appropriation power of the Common Council the foregoing departments shall have the ability to hire such employees and purchase or contract for such materials or services, as the Board of Public Works and Safety or other governing board or commission deems necessary to perform their public functions. (Prior Code, § 2-1) (Ord. 1704, (part))

§ 30.02 ASSISTANT CITY ATTORNEY; OFFICE CREATED.

There is established and created the Office of Assistant City Attorney in and for the city. (Prior Code, § 2-2) (Ord. 1191, § 1)

§ 30.03 BOARD OF FINANCE, BOARD OF PUBLIC WORKS AND SAFETY; MEETINGS.

Meetings of the Board of Public Works and Safety shall be held at 4:00 p.m. on the same day as regular meetings of the Common Council. If a meeting of the Common Council is rescheduled under § 30.21(B), the meeting of the Board of Public Works and Safety shall be held at 4:00 p.m. on the day of the re-scheduled meeting of the Common Council. When meetings of the Board of Finance are required by law, the Common Council shall designate the time and date of the meetings. (Prior Code, § 2-3) (Ord. 91-52, § 2; Ord. 94-10, § 1(part); Ord. 2002-58)

LEGISLATIVE

§ 30.20 LEGISLATIVE BRANCH.

(A) The legislative branch of the city is the Common Council. The Council shall have exclusive authority to adopt ordinances and appropriate tax moneys received by the city and to perform other necessary and desirable legislative functions (I.C. 36-4-6).

(B) The city’s Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by I.C. 36-4-6-9 and such others as the Council may direct. (Prior Code, § 2-4) (Ord. 1704, (part))

§ 30.21 COMMON COUNCIL; MEETINGS.

(A) Meetings of the Common Council shall be held at 6:00 p.m. on the first and third Wednesdays of each month. The meetings shall be held in the Council chambers at the City Hall or at any other location designated by the Common Council.

(B) When any day fixed for a meeting of the Common Council shall be a day designated by law as a legal holiday, the meeting shall be re-scheduled, or cancelled, as directed by the Common Council. (Prior Code, § 2-5) (Ord. 91-52, § 1; Ord. 94-58, § 1; Ord. 2002-58)

§ 30.22 MAYOR TO PRESIDE; TEMPORARY PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Common Council. In the absence of the Mayor, the president pro tempore shall preside at any meeting of the Common Council. The Mayor shall not be considered a member of the Common Council for any purpose. The Mayor shall recognize any member of the Common Council who seeks the floor to speak at a meeting of the Common Council. The Mayor may not participate in deliberations at meetings of the Common Council unless requested to do so by a member of the Common Council.

(Prior Code, § 2-6) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.23 COUNCIL MEMBERS; DUTY TO VOTE.

Every member of the Council who is present when a question is put shall give his or her vote thereon, unless the Council for good reason shall excuse him or her.

(Prior Code, § 2-7) (Ord. 4, § 1)

§ 30.24 COUNCIL MEMBERS; RECONSIDERATION OF VOTE.

When any question has been once decided, any member may have a reconsideration thereof, at the same or next subsequent regular meeting and resolutions adopted may be rescinded by subsequent resolutions and ordinances passed may be repealed by subsequent ordinances and ordinances may be suspended for a time definitely stated by subsequent resolutions and ordinances.

(Prior Code, § 2-8) (Ord. 4, § 1)

§ 30.25 COUNCIL MEETINGS; READING OF PAPERS.

Resolutions, reports and all other papers and documents properly before the Council may be committed and recommitted at the pleasure of the Council. When the reading of any paper is called for, if objection is made, it shall be decided by the Council, and no papers shall be read, if objected to, without the consent of the Council.

(Prior Code, § 2-9) (Ord. 4, § 1)

§ 30.26 COUNCIL MEETINGS; ROLL CALL VOTING.

The vote on all ordinances and resolutions shall be by calling the roll and recording the ayes and nays. The vote on all other matters shall be by voice vote, except when a roll call vote is requested by 2 or more members of the Common Council. The Mayor may not order a roll call vote. The Clerk-Treasurer shall record all votes.

(Prior Code, § 2-10) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.27 COUNCIL MEETINGS; VOTING; TIES.

(A) In all votes taken, when there shall be a tie, the Mayor shall cast the deciding vote, except on final passage of an ordinance.

(B) If, when a vote is taken, the Mayor is absent and there is a tie vote, the question shall lie on the table and may be taken up at any subsequent meeting, on motion.

(Prior Code, § 2-11) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.28 COUNCIL MEETINGS; SPECIAL; AUTHORITY TO CALL.

The Mayor shall call special meetings of the Council upon the written request of any 4 members or whenever, in his or her opinion, the public business shall require it. The special meetings shall be called by notice, in writing, signed by the Mayor, and served by reading or by copy on all members of the Council. The notice shall state the date, time, location and exact purpose of the special meeting.

(Prior Code, § 2-12) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.29 COUNCIL MEETINGS; ADJOURNMENT.

Regular meetings may be adjourned at the pleasure of the Common Council and the adjourned meeting shall have the force and effect of regular meetings.

(Prior Code, § 2-13) (Ord. 4, § 1)

§ 30.30 INTRODUCTION OF ORDINANCES, RESOLUTIONS.

All ordinances and resolutions shall be introduced by a member of the Council or the Mayor or by a committee of the Council. The city's Clerk-Treasurer shall provide each Council member and the Mayor with a copy of the ordinance or resolution prior to its introduction.

(Prior Code, § 2-14) (Ord. 4, § 1; Ord. 1482, § 1)

§ 30.31 ORDINANCE PASSAGE; PASSAGE ON DAY OF INTRODUCTION.

(A) Every ordinance shall receive 2 readings in open Council prior to its passage and each reading may be by title only.

(B) No ordinance may be passed at the same meeting at which it is introduced and approved on first reading, unless there is a suspension of rules by unanimous consent of the members present, followed by a 2/3 vote of all the elected members to pass the ordinance.

(Prior Code, § 2-15) (Ord. 4, § 1; Ord. 1482, § 2; Ord. 94-40, § 1; Ord. 94-58, § 1(part))

§ 30.32 ORDINANCE PASSAGE; FIRST AND SECOND READINGS.

Upon the first or second reading of an ordinance, it shall be in order to commit, amend, lay upon the table, postpone or pass to its second reading and, after the commitment and report and at any time before its final passage, an ordinance may be committed or recommitted.

(Prior Code, § 2-16) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.33 SEATINGS AT COUNCIL MEETINGS.

The Common Council shall have the exclusive authority to assign seating at all meetings of the Common Council. The Common Council shall assign seating from time to time by adoption of a motion specifying the seating location of the 7 Common Council members, the Common Council Attorney, the Mayor and the city's Attorney.

(Prior Code, § 2-17) (Ord. 94-58, § 1(part))

§ 30.34 RIGHT TO ADDRESS COUNCIL; VERBAL REPORTS.

No person, not a member of the Council, shall be permitted to address the same except by petition, unless by the unanimous consent of the Council; provided that, any city officer may, when called upon, make a verbal report.

(Prior Code, § 2-18) (Ord. 4, § 1)

§ 30.35 COMMITTEES; APPOINTMENT; AUTHORITY.

The Mayor shall appoint all standing and select committees of the Council, which committees shall consist of members of the Council only.

(Prior Code, § 2-19) (Ord. 4, § 1)

§ 30.36 COMMITTEES; COMPOSITION.

(A) The standing committees of the Council shall consist of the following:

- (1) Committee on Finance;
- (2) Committee on Streets and Alleys;
- (3) Committee on Lights and Water;
- (4) Committee on Ordinances; and
- (5) Committee on Health and Sanitation.

(B) The Committee on Finance shall consist of all members of the Common Council. All other standing committees shall consist of 3 members appointed from members of the Common Council. The Mayor shall appoint 1 member of each committee as its chairperson.

(Prior Code, § 2-20) (Ord. 4, § 2; Ord. 1971)

§ 30.37 COMMITTEES; REFERRALS; REPORTS TO COUNCIL.

(A) All references to standing committees may be made by the Council, upon motion, when no objections are made.

(B) All questions so referred shall be reported to the Council by the committee at the next regular meeting of the Council, unless, upon request, the Council shall grant the committee further time.
(Prior Code, § 2-21) (Ord. 4, § 3)

§ 30.38 RULES OF PROCEDURE.

Roberts' Rules of Order, newly revised, shall be authority on all questions of parliamentary law and procedure not specifically covered by this subchapter.
(Prior Code, § 2-22) (Ord. 94-58, § 1(part))

§ 30.39 SERGEANT AT ARMS.

The Chief of Police, or his or her designee, shall serve as sergeant at arms of the Common Council. The Mayor shall exercise initial authority to assign duties to the sergeant at arms to preserve order at Common Council meetings. By motion adopted from time to time, the Common Council shall exercise the Chief of Police, or his or her designee, is unavailable or unwilling to perform the duties, the Common Council may assign the duties to another individual.
(Prior Code, § 2-23) (Ord. 94-58, § 1(part))

JUDICIAL

§ 30.50 JUDICIAL BRANCH.

There is established, effective January 1, 1984, the City Court of Hobart to be headed and operated by a city judge elected and seated pursuant to I.C. 33-35-1-3.
(Prior Code, § 2-24) (Ord. 1704, (part))

FISCAL

§ 30.65 FISCAL BRANCH.

(A) The city's Clerk-Treasurer is the fiscal officer of the city and the head of the fiscal branch. He or she shall perform the duties assigned by I.C. 36-4-10, and such other duties as the Common Council may, by ordinance, require.

(B) The city's Clerk-Treasurer is authorized, pursuant to I.C. 36-4-11-4, to appoint the number of deputies and employees authorized by the Common Council. The employees shall work under the exclusive direction of the city's Clerk-Treasurer and serve at the pleasure of the city's Clerk-Treasurer.

(C) The city's Clerk-Treasurer shall furnish space within his or her office for the administration and records of the city's utilities. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the board having control of the utility the clerk serves. The utility clerks serve at the pleasure of the board which appointed them. The city's Clerk-Treasurer shall be compensated for services he or she renders to the city's utilities and shall have the power to supervise the utility personnel in his or her office, subject to the approval of the governing boards of the various utilities.

(Prior Code, § 2-26) (Ord. 1704, (part))

CHAPTER 31: CITY ORGANIZATIONS

Section

General Provisions

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GENERAL PROVISIONS

§ 31.001 STATUTORY BOARDS AND COMMISSIONS.

(A) There shall be the Police Pension Board of Trustees to perform certain duties prescribed by I.C. 36-8-6 (1925 Fund) and I.C. 36-8-8 (1977 Fund) concerning the statutory pensions of city police.

(B) There shall be the Firefighter's Pension Board of Trustees to perform certain duties prescribed by I.C. 36-8-7 (1937 Fund) and I.C. 36-8-8 (1977 Fund) concerning the statutory pensions of city firefighters.

(C) There shall be the Firefighter’s Merit Commission to perform certain duties prescribed by I.C. 36-8-3.5-1, which duties are more specifically set forth in §§ 31.070 *et seq.*

(D) There are established the following boards:

- (1) Civil Defense Organization, to perform certain duties prescribed by I.C. 10-4-1-10;
- (2) Cemetery Board, to perform the duties as are set forth in Chapter 92 of this code; and
- (3) Scouting Board, to perform the duties as are set forth in §§ 31.020 *et seq.*

(Prior Code, § 2-28) (Ord. 1704, (part))

§ 31.002 ORDINANCE VIOLATIONS BUREAU.

(A) There shall be created the Ordinance Violations Bureau, pursuant to I.C. 33-36-2-1, as the provisions may be amended from time to time, for the City of Hobart.

(B) The city’s Judge is appointed and shall serve as the Violations Clerk and shall administer the Bureau.

(C) The city’s Judge and his or her staff, as his or her agents, shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties, as provided below.

(D) The following schedule of ordinances and the Hobart Municipal Code provisions shall be subject to the jurisdiction of the Ordinance Violations Bureau and the first violation within a calendar year of the ordinances and code provisions shall be subject to a civil penalty of \$25; provided, the civil penalty is paid within 90 days of the date of the violation; and a second violation within a calendar year of the ordinances and code provisions shall be subject to a civil penalty of and a second civil penalty of \$50; provided, the civil penalty is paid within 90 days of the date of the violation. A civil penalty for a first violation or a second violation within a calendar year which is not paid within 90 days of the date of the violation and a third or subsequent violation within a calendar year of the ordinances and code provisions shall not be subject to the Ordinance Violations Bureau, but shall be prosecuted in the Hobart City Court and subject to the general penalty provision. Each day on which a violation occurs may be designated as a separate offense.

§ 50.002	Unlawful disposal of refuse
§ 50.005	Improper refuse disposal
§ 50.006	Failure to provide refuse containers
§ 50.007	Improper refuse containers
§ 50.008	Improper refuse container capacity
§ 50.008(B)	Improper refuse container cleanliness
§ 50.010	Failure to obtain refuse collector’s license
§ 50.015	Failure to remove noxious weeds and plants
§ 90.01	Keeping chicken or pigs within 200 feet of dwellings

§ 90.02	Keeping cows, horses, or other certain animals within 200 feet of dwellings
§ 90.03	Allowing certain animals to go within 200 feet of dwellings
§ 90.04	Trapping wild animals
§ 90.24	Allowing a dog to run at large
§ 90.25	Allowing a domestic animal to create a nuisance
§ 90.32	Poisoning an animal
§ 90.33	Abandonment of an animal
§ 90.34	Injuring or killing an animal
§ 90.35(A)	Failure to obtain a pet license
§ 90.36(C)	Failure to attach a pet license
§ 90.36(D)	Removal of license tag
§ 90.38	Failure to protect animal against rabies
§ 90.47(A)	Unlawful operation of kennel
§ 98.01	Fireworks; use, ignition or discharge of consumer fireworks other than during the restricted time periods

(Prior Code, § 2-34) (Ord. 2001-04; Ord. 2005-31; Ord. 2007-19, § 2)

§ 31.003 BOARD OF SANITARY COMMISSIONERS.

(A) I.C. 36-9-25, as amended and supplemented, is hereby adopted by the Common Council of the City of Hobart, Lake County, Indiana, so as to make the acts and all amendments and supplements to the provisions of the chapter effective and operative as to the City of Hobart, Lake County, Indiana, and that the powers granted by the chapter, except those powers exclusively reserved to the Mayor and Common Council of the City of Hobart, shall be controlled and supervised by a Department of Public Sanitation established as an executive department of the city pursuant to the provisions of this chapter.

(B) The Board of Sanitary Commissioners is hereby established consisting of 3 members; provided, however, that, not more than 2 of the Commissioners may be of the same political party.

(1) One of the 3 members shall be the city’s Engineer of the City of Hobart. The other 2 members of the Board of Sanitary Commissioners to be appointed by the Mayor of the City of Hobart.

(2) The city’s Engineer shall serve for a term of 3 years from January 1, 1993.

(3) One member of the Board of Sanitary Commissioners shall serve for a term of 2 years from January 1, 1993.

(4) One member of the Board of Sanitary Commissioners shall serve for a term of 1 year from January 1, 1993.

(5) As the initial term of each Commissioner expires, his or her successor shall be appointed for a term of 4 years.

(6) The members of the Board of Sanitary Commissioners of the City of Hobart, Lake County, Indiana, shall hold a meeting for the purpose of organization not later than 6 months after the date of the adoption of this section.

(7) The first report of the Board to the Mayor and the Common Council of the City of Hobart, Lake County, Indiana, shall cover the period from the date of organization of the Board to January 1, 1994, or sooner if deemed necessary by the Board.

(C) This section and the Sanitary District created hereby shall include:

(1) All territory within the corporate boundaries of the City of Hobart, including any territory, additions, platted subdivisions, or unplatted land which shall be hereafter annexed to the City of Hobart, but excluding any territory within the corporate boundaries of the City of Hobart which are serviced by another sanitary district, conservancy district or private sewer utility as of the date of the adoption of this section.

(2) That territory lying outside the corporate boundaries of the City of Hobart, and including all territory, unplatted land or platted subdivisions lying within the boundaries legally described as follows, to-wit: The E 1/2 of the NW 1/4, the NE 1/4, the SE 1/4, and the E 1/2 of the SW 1/4 of Section 8, Township 35 North Range 7 West of the 2nd Principal Meridian; and all of Section 9, Township 35 North Range 7 West of the 2nd Principal Meridian; and the NW 1/4, the NE 1/4, and the N 1/2 of the SW 1/4 of Section 16 of Township 35 North Range 7 West of the 2nd Principal Meridian; and the NE 1/4, the N 1/2 of the SE 1/4, the NE 1/4 of the SW 1/4, and the E 1/2 of the NW 1/4 of Section 17, Township 35 North Range 7 West of the 2nd Principal Meridian. All of which property is located in the County of Lake, State of Indiana, and all of Sections 7, 18, and 19, Township 35 North, Range 7 West. All of Sections 11, 12, 13, 14, 23 and 24, Township 35 North, Range 8 West. The west 1/2 of the west 1/2 of Section 8, 17 and 20, Township 35 North, Range 7 West, with the exception of the following: The W 1/2 of the W 1/2 of the W 1/2 of the SW 1/4 of Section 2, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, except the south 50 feet thereof.

W. 191.27 Ft. of N. 300 Ft. of E. 854.63 Ft. and N. 396 Ft. of W 1/2 NE NE SW, except E. 551.68 Ft. S. 2, T. 35 R. 8, 2.334 AC. The east half of the west half of the northwest quarter of Section 11, Township 35 North, Range 8 West of the 2nd P.M., except the west 330 feet of the north 600 feet, all in Lake County, Indiana. The west 330 feet of the north 660 feet of the east 1/2 of west 1/2 of the northwest 1/4 of Section 11, Township 35 North, Range 8 West of the 2nd P.M., containing 5.0 acres more or less, in Lake County, Indiana. The W 1/2 of the W 1/2 of the NW 1/4 of Sec. 11, T. 35 North, Range 8 West of the 2nd P.M., containing 40 acres more or less in Lake County, Indiana. Excepting that part of the 1/2 of the W 1/2 of the NW 1/4 of Sec. 11, T. 35 N., R. 8 West of the 2nd P.M., in Lake County, Indiana, more particularly described as follows: Beginning at the intersection of the west line of Sec. 11 and the south right-of-way line of 61st Avenue at a point 20 feet south of the center line of 61st Ave., (which center line is also the north line of Sec. 11); thence east along the south right-of-way line of 61st Ave., a distance of 250 feet to a point, thence south and parallel with the west line of

Sec. 11 a distance of 280 feet to a point; thence west and parallel with the south right-of-way line of 61st Ave., a distance of 250 feet to the west line of said Sec. 11; thence north along the west line of Sec. 11, a distance of 280 feet to the place of beginning. A part of the west half of the northwest quarter of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, described as follows: Commencing at a point on the west line of the northwest quarter 2287.90 feet south of the northwest quarter corner thereof; thence east at an angle of 90 degrees a distance of 350 feet; thence south at an angle of 90 degrees a distance of 196.90 feet to the north right-of-way line of U.S. Highway No. 30; thence west on the north right-of-way line 350.40 feet to the west line of the northwest quarter; thence north 191.20 feet to the place of beginning, containing 1.56 acre, more or less. Subject to the rights of the public over the west 30 feet of the afore described real estate, dedicated as street right-of-way for Mississippi Street. Part of the north 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of the abandoned C & O Railroad; thence north 59 degrees 57' 30" west along the northeastern railroad right-of-way, 1724.96 feet; thence south 30 degrees 02' 30" west, 100 feet; thence south 59 degrees 57' 30" east along the southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the north right-of-way line of U.S. Highway #30; thence south 88 degrees 37' 42" east, 208.44 feet to the point of beginning. Approximately 55 acres of land fronting on U.S. Route 30, lying west of Colorado Street, in Lake County, Indiana, legally described as follows: The southeast quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, and the east half of the southwest quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M. in Lake County, Indiana, except therefrom that part embraced in right-of-way of U.S. No. 30, and also except therefrom that part described as: Part of the southeast quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana; commencing at the intersection of the north right-of-way line of U.S. Highway 30 with the east line of the northeast quarter of Section 23; thence west along the north line of U.S. Highway 30 a distance of 180 feet; thence north parallel to the east line of the northeast quarter of Section 23, a distance of 150 feet; thence east parallel to the north line of U.S. Highway 30 a distance of 180 feet to the east line of the northeast quarter of said Section 23; thence south 150 feet to the point of beginning in Lake County, Indiana. Part of the north 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of U.S. Highway No. 30 and the east line of the west 1/2, west 1/2, NE 1/4 of Section 23; thence south 88 degrees 37' 48" west along the north right-of-way line of said Highway a distance of 178.62 feet more or less to the northeastern right-of-way line of the abandoned C & O railroad; thence north 62 degrees 42' west along the railroad right-of-way 1724.96 feet; thence north 27 degrees 16' east 20.00 feet; thence north 88 degrees 37' 48" east, 1661.95 feet more or less to the east line of the west 1/2, west 1/2, NE 1/4 of Section 23; thence south 02 degrees 45' 46" east 845.37 feet more or less to the point of beginning, containing 18.251 acres more or less. Part of the north 1/2, section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of U.S. Highway No. 30 and the northeastern right-of-way of the abandoned C & O Railroad; thence north 59 degrees 57' 30" west along the northeastern railroad right-of-way, 1724.96 feet; thence south 30 degrees 02' 30" west, 100 feet; thence south 59 degrees 57' 30" east along the southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the north right-of-way of U.S. Highway 30; thence south 88 degrees 37' 42" east, 208.44 feet to the point of beginning. The northernmost 10 acres of the following described real estate: The east half of the northeast quarter of Section 27, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana, except the north 60 feet thereof. and excluding any territory serviced by another sanitary district, conservancy district or private sewer utility as of the date of the adoption of this section.

(D) The powers herein granted to the Board of Sanitary Commissioners of the City of Hobart, Lake County, Indiana, shall be cumulative to the powers now granted by any other law to them, the Common Council of the City of Hobart, the Board of Public Works and Safety or any of them.

(Prior Code, § 2-35) (Ord. 92-42, §§ 1-4)

Editor's note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

§ 31.004 PURCHASING AGENCY.

(A) The Hobart Board of Public Works and Safety (the "Purchasing Agency") is hereby established as the Purchasing Agency for the city.

(B) The Purchasing Agency shall have all the powers and duties authorized under I.C. 5-22, as may be supplemented from time to time by ordinances adopted by the Common Council, 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, council, department or other establishment of the city.

(D) (1) The Clerk-Treasurer of the City of Hobart, Lake County, Indiana, shall be the Purchasing Agent (the "Purchasing Agent") of the Hobart Purchasing Agency.

(2) The Purchasing Agency may also designate, in writing, additional purchasing agents as necessary.

(E) The Purchasing Agent shall assume the duties, powers and responsibilities assigned to a purchasing agent and to a disposing agent as set out in I.C. 5-22.

(F) (1) The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(2) It is also determined that the Purchasing Agency shall approve the purchase of services in whatever manner the purchaser determines to be reasonable.

(G) The Purchasing Agency 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, per I.C. 5-22-11.

(H) The Purchasing Agency shall purchase articles produced by the state rehabilitation center for the blind and visually impaired under the same conditions as articles produced by the department of correction, unless similar articles are produced by the governmental body, per I.C. 5-22-12.

(I) Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the city determines that:

- (1) The supplies are not manufactured in the United States in reasonably available quantities;

(2) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(4) The purchase of supplies manufactured in the United States is not in the public interest.

(J) Upon declaration of an emergency, the Purchasing Agent may purchase repairs and purchase or lease materials without giving notice, receiving bids or obtaining Common Council approval, so long as the procedures outlined in I.C. 5-22 are followed.

(K) Any purchase made in violation of this section or the purchasing procedures established by the Purchasing Agency shall be null and void.

(L) The provisions of this section shall be in full force and effect July 1, 1998, following its passage by the Common Council of the City of Hobart and upon the approval of the Mayor of the City of Hobart, Lake County, Indiana.

(Ord. 98-16)

SCOUTING BOARD

§ 31.020 PURPOSE.

A board, to be known as the Scouting Board, is established for the purpose of administering and maintaining properties owned by the city for the use of the Hobart Boy Scouts of America.

(Prior Code, § 2-29) (Ord. 632, § 1)

§ 31.021 MEMBERSHIP.

(A) The Scouting Board shall be made up of 3 members, of which the current Mayor shall be President.

(B) The Mayor, as President of the Board, shall appoint the 2 remaining members to serve with him or her concurrently during the term of his or her office.

(Prior Code, § 2-30) (Ord. 632, § 2)

§ 31.022 COMPENSATION.

The members of the Scouting Board shall serve without compensation.

(Prior Code, § 2-31) (Ord. 632, § 3)

DEPARTMENT OF REDEVELOPMENT

§ 31.035 ESTABLISHED.

The Hobart Department of Redevelopment is created for the purposes and with all rights, powers, privileges and immunities now or hereafter granted to it by law, to be controlled by the Hobart Redevelopment Commission.

(Prior Code, § 2-32) (Ord. 89-12, § 1)

ECONOMIC DEVELOPMENT COMMISSION

§ 31.050 ESTABLISHED.

There is established and created in the city the Department of Development to be known as the Hobart Economic Development Commission.

(Prior Code, § 2-33) (Ord. 1290, § 1(part))

§ 31.051 MEMBERSHIP.

(A) The Commission shall be governed by a board of 5 commissioners to be appointed by the Mayor of the city as follows:

(1) Three of the Commissioners so appointed shall be selected by the Mayor;

(2) One of the Commissioners so appointed shall be nominated by the County Council of the County of Lake, State of Indiana; and

(3) One of the Commissioners so appointed shall be nominated by the Common Council of the city.

(B) The Commissioners so appointed shall take office upon their appointment and their terms shall run the following number of years from February 1, 1978:

(1) Two of the Commissioners selected by the Mayor shall serve for 3 years; the other Commissioner selected by the Mayor shall serve for 1 year;

(2) The Commissioner selected by the County Council shall serve for 1 year; and

(3) The Commissioner selected by the Common Council shall serve for 2 years.

(C) At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominees shall be appointed by the Mayor within 10 days after receiving the nomination, and each succeeding member will serve for a term of 4 years.

(D) In the event any person appointed a Commissioner shall fail to qualify, as hereinafter provided, within 10 days after the mailing to him or her of notice of his or her appointment, or if any member after qualifying shall die, resign or vacate the office, or be removed as hereinafter provided, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom the vacancy occurred, 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 have qualified. The Commissioners shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duty.

(Prior Code, § 2-33.1) (Ord. 1290, § 1(part))

§ 31.052 RESIDENCE REQUIREMENTS.

(A) Five members who shall be appointed to the Commission must be residents of Hobart, Indiana. If any Commissioner shall cease to be a resident, his or her appointment on the Board shall thereby terminate and his or her office shall become vacant. Each Commissioner, before entering upon his or her duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his or her appointment, which shall be promptly filed with the city's Clerk-Treasurer.

(B) The Commission originally appointed shall meet within 30 days after its appointment at a time and place designated by the Mayor of the city, for the purpose of organization, and shall meet to reorganize in the month of February of the succeeding year. The Commission shall elect 1 of its members as president, 1 as vice president and 1 as secretary, each of which officers shall serve from the day of his or her election until January 31 next following his or her election and until his or her successor is elected and qualified.

(Prior Code, § 2-33.2) (Ord. 1290, § 1(part))

§ 31.053 AUTHORITY.

(A) The Commission is authorized to adopt such bylaws, rules and regulations as it may deem necessary for the proper conduct of its proceedings, the carrying out of its duties and the safeguarding of the funds and property placed in its custody.

(B) Regular or special meetings shall be held at such time as the Commission may determine and upon the notice as it may fix, either by resolution or in accordance with the provisions of the bylaws, 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.

(Prior Code, § 2-33.3) (Ord. 1290, § 1(part))

§ 31.054 ENABLING ACT.

The Commission shall have all powers, privileges and duties as provided in I.C. 36-7-12-18.5 and I.C. 36-7-2-18.5 and all laws amendatory thereof or supplemental thereto.

(Prior Code, § 2-33.4) (Ord. 1290, § 1(part))

§ 31.055 PAYMENT OF MONTHLY ALLOWANCE.

A Commissioner shall receive a regular monthly allowance for attendance at Commission meetings. Reimbursement of expenses incurred in the performance of duties is subject to Board of Public Works and Safety approval. The monthly allowance shall be paid by the Clerk-Treasurer subject to authorization by city budget appropriation.

(Ord. 97-04, § 1)

CHAPTER 32: FUNDS AND OTHER FINANCES

Section

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GENERAL PROVISIONS

§ 32.01 CLAIM PAYMENTS.

(A) The Board of Public Works and Safety approves and authorizes claim payments to be made by the Clerk-Treasurer in advance of formal Board of Public Works and Safety allowance for the following types of expenses:

- (1) Property or services purchased or leased from the United States government, its agencies or its political subdivisions;
- (2) License fees 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 agreements or service agreements;
- (8) Leases or rental agreements;
- (9) Bond or coupon payments;
- (10) Payroll;
- (11) State, federal or county taxes;
- (12) Expenses that must be paid because of emergency circumstances; and
- (13) Expenses, the payment of which, in the opinion of the Clerk-Treasurer, constitute good business practice; providing that:
 - (a) There is a fully itemized invoice or bill for the claim;

(b) The invoice or bill is approved by the officer or person receiving the goods and services;

(c) The invoice or bill is filed with the Clerk-Treasurer; and

(d) The Clerk-Treasurer audits and certifies before payment that the invoice or bill is true and correct, and that sufficient funds are available for payment.

(B) Each payment of expenses outlined in division (A) above must be supported by a fully itemized claim.

(C) With the prior written approval of the board having jurisdiction over allowance of the claim, the Clerk-Treasurer may make claim payments in advance of formal allowance for those expenses outlined in division (A) above.

(D) The Board of Public Works and Safety, having jurisdiction over allowance of claims, shall review and allow the claim at the Board’s next regular meeting or special meeting following the pre-approved payment of the expense.

(E) This section shall become and remain effective upon its passage and approval.
(Ord. 2000-08, § 1)

§ 32.02 TAX ABATEMENT POLICIES; ADOPTED BY REFERENCE.

The tax abatement policies of the city enacted in resolution form are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 98-28; Ord. 2000-23; Ord. 2001-49; Ord. 2003-22; Ord. 2006-43 (as amended); Ord. 2007-05; Ord. 2007-06)

Editor’s note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

FUNDS

§ 32.20 SPECIAL PARK AND RECREATION FUND.

(A) A special non-reverting fund, designated as “Special Park and Recreation Fund”, is hereby established pursuant to Acts of 1955, Chapter 311, § 221, Page 943.

(B) Moneys procured from such activities or programs shall be deposited at least once each month with the city’s Clerk-Treasurer who shall, in turn, deposit the moneys in the special non-reverting fund. Moneys from the Fund shall be disbursed only on a warrant (purchase order) of the Park and Recreation Board signed by the President and Secretary.

(Prior Code, § 2-36) (Ord. 820, §§ 1, 2)

§ 32.21 GENERAL IMPROVEMENT FUND.

(A) There is reaffirmed the creation of a fund known as the General Improvement Fund of the city, pursuant to I.C. 36-9-17.

(B) The use, composition and administration of this Fund shall be according to the provisions of the above cited statute as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-37) (Ord. 90-34, § 1(part))

§ 32.22 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) There is reaffirmed the creation of a fund known as the Cumulative Capital Improvement Fund of the city, pursuant to I.C. 36-9-16.

(B) The use, composition and administration of this Fund shall be according to the provisions of the above cited statute as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-38) (Ord. 90-34, § 1(part))

§ 32.23 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby continued a City of Hobart 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 City of Hobart Cumulative Capital Development Fund.

(C) The maximum rate of levy under division (B) above will not exceed \$0.12 per \$100 of assessed valuation.

(D) The Common Council of the City of Hobart, Lake County, Indiana, shall annually adopt a property tax levy under the rules specified in I.C. 6-1.1-41 or succeeding statutes.

(E) The funds accumulated in the City of Hobart Cumulative Capital Development Fund may be used for any purpose permitted under I.C. 36-9-15.5.
(Prior Code, § 2-39) (Ord. 90-34, § 1(part); Ord. 95-03; Ord. 2000-12)

§ 32.24 VEHICLE INSPECTION FUND.

(A) *Created.* A special vehicle inspection fund is created for the purpose of depositing inspection fees.
(Prior Code, § 2-40) (Ord. 2007, § 2)

(B) *Fee established.* Pursuant to I.C. 9-29, there is established a fee as set out in the Fee Schedule of this code for the inspection of motor vehicles, semi-trailers and recreational vehicles or any other vehicle.
(Prior Code, § 2-40.1) (Ord. 2007, § 1)

(C) *Disposition of revenue.* Pursuant to I.C. 9-29, the revenue generated from this inspection fee shall be deposited in the special Vehicle Inspection Fund.
(Prior Code, § 2-40.2) (Ord. 2007, § 3)

(D) *Authority to appropriate moneys.* Pursuant to I.C. 9-29, the Common Council of the city must appropriate moneys collected from the inspection only for law enforcement purposes.
(Prior Code, § 2-40.3) (Ord. 2007, § 4)

§ 32.25 UNSAFE BUILDING FUND.

(A) *Established.* Under the provisions of I.C. 36-7-9-14 entitled “Unsafe Building Fund; Deposits and Expenditures”, there is established a non-reverting Unsafe Building Fund to be initially funded from the funds available from within the current operating budget and to then be sustained from fees charged pursuant to law.
(Prior Code, § 2-41) (Ord. 1984, § 1)

(B) *Revenues.* Pursuant to subsection (b) of I.C. 36-7-9-14, money for the Unsafe Building Fund may be received from the sources indicated therein.
(Prior Code, § 2-41.1) (Ord. 1984, § 2)

(C) *Use of funds.* Pursuant to subsection (c) of I.C. 36-7-9-14, money in the Unsafe Building Fund may be used for the expenses incurred in carrying out the purposes of enforcing the building standards of the city, including, but not necessarily limited to, the purposes stated in I.C. 36-7-9-25(c).
(Prior Code, § 2-41.2) (Ord. 1984, § 3)

(D) *Deposit of revenues.* Any fees charged or funds collected as a result of the enforcement of building standards within the city shall be deposited with the city’s Clerk-Treasurer.
(Prior Code, § 2-41.3) (Ord. 1984, § 4)

(E) *Expenditures.* Any expenditures made from the Unsafe Building Fund may be made upon claims made to and approved by the Board of Public Works and Safety.
(Prior Code, § 2-41.4) (Ord. 1984, § 5)

§ 32.26 MUNICIPAL PROPERTY SEIZURE FUND.

(A) A non-reverting fund known as the Hobart Municipal Property Seizure Fund is now established in the municipality’s Treasury.

(B) Money and property deposited pursuant to state law shall be deposited in the Hobart Municipal Property Seizure Fund, a non-reverting fund within the municipality’s Treasury.

(C) All money and property deposited in the Hobart Municipal Property Seizure Fund shall be subject to appropriation by the Common Council pursuant to I.C. 36-4-7-7 and state law.

(D) Appropriation shall include, but shall not be limited to, money to provided for and defray expenses of the Hobart Police Department associated with the cost of the action in seizing the property.
(Prior Code, § 2-42) (Ord. 92-22, §§ 1-4)

§ 32.27 RICO FUND.

(A) A non-reverting fund known as the Racketeer Influenced and Corrupt Organizations Fund is hereby established in the Hobart Municipal Treasury.

(B) The Fund is not subject to appropriation per I.C. 36-4-7-7.

(C) Property forfeited to the Hobart Police Department pursuant to state law shall be deposited in the Fund as determined by court order.

(D) The Hobart Police Department may make claims against this Fund to defray cost and expenses incurred as an aggrieved person as determined by court order.

(E) An accurate accounting shall be maintained as determined by court order for credits and approved claims as debits.

(Prior Code, § 2-42.1) (Ord. 92-23, §§ 1-5)

§ 32.28 ADULT PROBATION FUND.

(A) There is hereby created for the city the Adult Probation Fund, to be designated on the books of the city's Treasurer.

(B) There is hereby appropriated from the Fund such amounts, not to exceed the current balance of the fund, as the judge of the Hobart City Court shall request, in writing, for the purposes permitted by law.

(Prior Code, § 2-42.2) (Ord. 93-38; Ord. 2006-34)

§ 32.29 EMERGENCY SERVICES BUILDING FUND.

(A) A non-reverting separate fund known as the "Emergency Service Building Fund" is hereby established in the city's Treasury.

(B) The donation fund is not subject to appropriation pursuant to I.C. 36-4-7-7.

(C) Funds received by the City of Hobart for the purpose of construction furnishing, opening and operating the U.S. 30 emergency services building shall be deposited in the Fund.

(D) The Board of Public Works and Safety of the City of Hobart may accept and approve claims against the funds to defray cost and pay expenses incurred with the construction, acquisition, furnishing, opening, maintenance and operation of the emergency services building and for the purpose specified by the donor of the specific gifts related to the emergency services building.

(E) An accurate accounting shall be maintained for credits and approved claims as debits and maintained by the Clerk-Treasurer as an official of the City of Hobart. The monies shall not be commingled with any other monies of the city.

(Prior Code, § 2-42.3) (Ord. 94-47, §§ 1-5)

§ 32.30 AMBULANCE FUND.

(A) *Ambulance service.*

(1) The Hobart ambulance service, under the direction and control of the Board of Public Works and Safety, shall provide patients with emergency service only, primarily within the city limits of Hobart, and shall not be used for the transportation of non-emergency patients or deceased persons.

(2) An additional non-resident fee as set out in the Fee Schedule of this code shall be collected for each incident, regardless of the type of service provided, when the patient is not a resident at the time of the incident of the corporate boundaries of the City of Hobart, Indiana.

(B) *Fee.*

(1) The Fire Chief shall collect a fee as set out in the Fee Schedule of this code for each incident of basic ambulance service and for each incident of life support ambulance service.

(2) A medical services fee as set out in the Fee Schedule of this code shall be collected for each incident where:

- (a) Ambulance service is requested by, or on behalf of, a patient;
- (b) Medical services are provided the patient by emergency medical personnel;
- (c) The patient refuses ambulance transport; and

(d) The Fire Chief determines such services are beyond the scope of non-transport assistance normally provided without charge.

(3) The fees established herein shall be increased by 3% effective January 1, 2003, and each January 1, thereafter.

(4) The fees established herein shall be binding upon all persons receiving such services as well as their successors in interest, assigns, estates and heirs. Revenue generated by such ambulance and medical services fees shall be deposited into the General Fund of the City of Hobart.

(5) As the need arises, but not less than annually, the Clerk-Treasurer shall submit to the Board of Public Works and Safety for its determination, a list of ambulance fees charged under this section which he or she deems uncollectible. Such list shall detail the reason for each fee being uncollectible; reasons may include but not be limited to compliance with Medicare and Medicaid regulations, agreements with insurance providers,

death of the debtor, or other good and practical business reasons. Ambulance fees determined to be uncollectible by the Board of Public Works and Safety shall be posted as “uncollectible ambulance fees” and deleted from the city’s Accounts Receivable books.

(C) *Medicare assignment.* The city will accept medicare assignments from those persons receiving medicare assistance and will recover any additional amount owed for service only in the event that the persons have supplemental insurance coverage.

(D) *Litigation.* The city may enforce the provisions of this section by civil actions in court, for the collection of amounts due or other appropriate relief. Additional costs incurred by the city in collecting fees charged under this section shall be born by the person responsible for payment of such fees. Such additional costs shall include, but not be limited to, collection agency fees, attorney fees and court costs.

(E) *Service not be refused in the event of non-payment.* Nothing contained in this section shall authorize any city department or personnel to refuse or delay any service to any person, firm or corporation that has not paid for service or that owes for previous services or owes any money.
(Prior Code, § 2-42.5) (Ord. 92-10; Ord. 94-77, (part); Ord. 2001-48, § 2; Ord. 2002-35, § 1; Ord. 2006-07, § 1)

§ 32.31 ENTRANCE WAY AND IMPROVEMENTS AND BEAUTIFICATION FUND.

(A) There is hereby created a special non-reverting account for the use of the City of Hobart for the purpose of city entrance way improvements and beautification as a separate non-reverting fund known as the “City Entrance Way Improvements and Beautification Fund”.

(B) The Entrance Way Improvements and Beautification Fund is a donation fund and shall be a non-reverting fund not subject to appropriations pursuant to I.C. 36-4-7-7.

(C) Funds received by the City of Hobart for “Welcome to Hobart” improvements and beautification projects for city entrance ways, historic sites and other property of similar use and significance; for signage; for maintenance and upkeep; landscaping; property acquisition and all similar improvement and beautification project be deposited into the fund.

(D) The Board of Public Works and Safety of the City of Hobart may accept and approve claims against the funds to defray costs and pay expenses incurred with the “Welcome to Hobart” improvements and beautification projects for city entrance ways, historic sites and other property of similar use and significance; including, but not limited to, signage, maintenance and upkeep, landscaping, appurtenances, equipping, constructing, enhancing and acquiring property for similar projects and the purposes specified hereby or by the donor of the specific gifts related to this fund.

(E) An accurate accounting shall be maintained for credits and approved claims as debits and maintained by the Clerk-Treasurer as an official record of the City of Hobart. The money shall not be commingled with other monies of the city.

(F) This Fund establishment and “appropriation” shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and as otherwise provided for by law.
(Ord. 95-59)

§ 32.32 MAJOR MOVES FUND.

The “Major Moves Fund”, a non-reverting fund for the City of Hobart, be and hereby is created for the specific purposes stated in the ordinance codified in this section.
(Ord. 2006-30)

§ 32.33 CABLE TELEVISION ESCROW FUND.

The Cable Television Escrow Fund is hereby created showing the security deposit of \$100,000 in the form of a certificate of deposit in the name of the City of Hobart and provided by the cable television franchise holder, in accordance with the 1983 franchise agreement entered into between the City of Hobart and the cable television provider and remaining in effect as of the date of this section.
(Ord. 2004-26)

§ 32.34 PENNSY DEPOT FUND.

(A) The Pennsy Depot Fund is hereby created and established as a special non-reverting fund for the future maintenance and preservation of the Pennsy Depot.

(B) The City of Hobart Clerk-Treasurer’s Office shall place donations or any other monies specifically earmarked for the future maintenance and preservation of the Pennsy Depot into the Fund.

(C) Monies placed in the Pennsy Depot Fund shall not be withdrawn and expended except for the purposes for which the Fund is created unless authorized by an amendment to this section in accordance with all state and local laws.
(Ord. 2004-06)

§ 32.35 EMS EDUCATION FUND.

(A) The Hobart Emergency Action Training (H.E.A.T.) Fund is hereby created and it shall be a special non-reverting fund for use by the Hobart Fire Department for educational programs as outlined in the EMS Education Fund program guide.

(B) Course fees, including text and supply fees, which are collected from participants shall be deposited into this Fund.

(C) Monies placed in the Hobart Emergency Action Training (H.E.A.T) Fund shall not be withdrawn and expended except for the purposes for which the Fund is created, namely educational materials, expenses and instructor’s fees directly related to Hobart Fire Department educational programs.

(D) The City of Hobart, upon Common Council approval, is authorized to place into the Hobart Emergency Action Training (H.E.A.T) Fund any grants received from other governmental agencies as well as any gifts received for the purpose of Hobart Fire Department educational programs.

(E) Any monies in the Hobart Emergency Action Training (H.E.A.T) Fund shall be obligated or extended upon approval by the Common Council.
(Ord. 2003-38)

§ 32.36 ECONOMIC DEVELOPMENT FUND.

(A) A non-reverting fund known as the “City of Hobart Economic Development Fund” is now established in the city’s Treasury.

(B) Money collected by the city from applications and petitions for tax abatement shall be deposited in the Hobart Economic Development Fund, a non-reverting fund within the city’s Treasury.

(C) All money deposited into the Hobart Economic Development Fund shall be subject to appropriation by the City of Hobart Common Council pursuant to I.C. 36-4-7-7.

(D) Appropriation shall include, but shall not be limited to, money to provide for and defray expenses of the Hobart Economic Development Department, the Economic Development Commission, downtown revitalization programs, city-wide economic development promotions, economic development seminar attendance and staff training, interns and staff and for commercial and industrial development attraction, promotion and development.

(E) This appropriation shall be in full force and effect from and after passage, signed by the presiding office of the Common Council, approval by the Mayor, and approval by the state’s Board of Tax Commissioners.
(Ord. 95-46)

§ 32.37 PARK IMPROVEMENT AND LAND ACQUISITION FUND.

(A) There is hereby created a special non-reverting account for the use of the City of Hobart for the purpose of park improvements and park land acquisition.

(B) Monies collected as a condition of approval of tax abatement and issuance of a certificate of occupancy from the City of Hobart pursuant to the terms of § 9 of Res. 94-52, as amended (a resolution of the Common Council of the City of Hobart, Indiana, establishing policies for the tax abatement programs of the City of Hobart) shall be placed in this Fund.

(C) Monies placed in this Park Improvement and Land Acquisition Fund shall not be withdrawn therefrom except for the purpose for which the Fund is created; namely, for park improvements and park land acquisition; and, the monies deposited in this non-reverting account shall not be used to support staff salaries or operation expenses.

(D) The Department of Parks and Recreation is authorized to place in the Fund any grants received from other governmental units as well as any gifts received for the purpose of acquisition of land and other capital improvement and park land acquisition of the City of Hobart.

(E) Any monies in the Fund shall not be obligated or expended therefrom, except upon appropriation duly made and approved by the state’s Board of Commissioners pursuant to law.
(Prior Code, § 2-42.5) (Ord. 94-50, § 1-5; Ord. 98-08)

§ 32.38 ENHANCEMENT AND IMPROVEMENT FUND.

(A) The city’s Enhancement and Improvement Fund is hereby created and it shall be a special non-reverting fund for use of the City of Hobart for the purposes of city enhancement and improvement.

(B) Monies collected as a condition of commercial and industrial real property tax abatement approval and personal property tax abatement approval shall be deposited into this Fund.

(C) Monies placed in the city’s Enhancement and Improvement Fund shall not be withdrawn and expended except for the purposes for which the Fund is created, namely, city enhancement and improvement; and the monies shall not be used to support staff salaries or operation expenses.

(D) The City of Hobart is authorized to place in the city’s Enhancement and Improvement Fund any grants received from other governmental agencies as well as any gifts received for the purpose of land acquisition, capital improvements, equipment purchases and other enhancements and improvements to the City of Hobart.

(E) Any monies in the city’s Enhancement and Improvement Fund shall be obligated or expended upon approval by the Common Council, but the obligation or expenditure of the funds shall not require approval by the state’s Board of Tax Commissioners.
(Ord. 98-39)

CAPITAL ASSET POLICY

§ 32.50 GENERAL INFORMATION.

(A) The fixed asset policy for the City of Hobart is being issued effective on the date duly adopted and published herein. The new policy will be referred to as the “Capital Asset Policy”. This policy is being issued to document the minimum value of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. Statement 34 will require the city to depreciate capital assets. The capital asset threshold will be \$5,000. An asset with a value under \$5,000 will be expensed in the year of purchase. The infrastructure portion of this policy is also effective on the date duly adopted and published.

(B) City utilities will follow this same definition of capital assets. Any item with a unit cost of \$5,000 or more shall be capitalized. Assets that are not capitalized (items less than \$5,000) are expensed in the year of acquisition.

(C) The City of Hobart has established a capital asset policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies and regulators. All public information pertaining to capital assets will be made available in the Annual City & Town Financial Report (CTAR).

(D) The purpose of establishing a capital policy is fivefold:

- (1) To safeguard the investments of the citizens of Hobart;
- (2) To fix responsibility for the custody of equipment;
- (3) To provide a basis for formulating capital asset acquisition, maintenance and retirement policies;
- (4) To provide date for financial reporting; and
- (5) To demonstrate appropriate stewardship responsibility for public assets.

(E) This policy will only serve to classify capital assets, including fixed and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include date processing, programming requirements or computer operations procedures.
(Ord. 2004-38; Ord. 2006-39, § 1)

§ 32.51 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL ASSETS.

(1) Include: land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All land will be capitalized, but not depreciated. All items with a useful life of more than 1 year, and having a unit cost of \$5,000 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria will be reported and depreciated in the government wide financial statements.

(2) Assets that are not capitalized (items less than \$5,000) are expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of less than \$5,000.

(3) Exceptions are:

(a) Items costing less than the above limits which are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit;

(b) Modular equipment added subsequent to original equipment construction of a larger building or equipment unit which may be put together to form larger units costing more than the prescribed limits will be charged to capital assets though the cost of individual items is less than such units; and

(c) Cabinets, shelving, bookcases and similar items, added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized.

(4) Purchases made using grant funds must comply with grant requirements of the above procedures, whichever are the most restrictive.

(5) Threshold levels for capital assets: The following schedule will be followed for the different types of capital assets other than infrastructure assets:

	<i>Capitalize/Depreciate</i>
<i>Land</i>	<i>All/Capitalize Only</i>
Land improvements	\$5,000
Building	\$5,000
Building improvements	\$5,000
Construction in progress	All/capitalize only
Machinery and equipment	\$5,000
Vehicle	\$5,000
Utility assets	\$5,000

(6) Infrastructure:

(a) At the network level, the asset will be classified as major if the cost of the network item is at least 10% of the cost of all capital assets in fiscal year 1999. A **NETWORK** will be defined as a group of similar assets that serve a particular function or purpose for the City of Hobart.

(b) At the subsystem level, the asset will be classified as major if the cost of the subsystem item is at least 5% of the cost of all capital assets in fiscal year 1999. A **SUBSYSTEM** will be defined as a segment of a network of assets that serve a similar function for the City of Hobart.

(Ord. 2004-38)

§ 32.52 VALUATION.

(A) Capital assets must be recorded at actual cost. Normally, the cost recorded is the purchase price or construction costs of the asset, but also included is any other reasonable and necessary costs incurred to place the asset in its intended location and intended use. The costs could include the following:

- (1) Legal and title fees, closing costs;
- (2) Appraisal and negotiation fees, surveying fees;
- (3) Damage payments;
- (4) Land preparation costs, demolition costs;
- (5) Architect, engineering and accounting fees;
- (6) Insurance premiums during construction;
- (7) Transportation charges; and
- (8) Interest costs during construction.

(B) Donated or contributed assets should be recorded at their fair market value on the date donated. (Ord. 2004-38)

§ 32.53 ASSET DEFINITIONS BY MAJOR CATEGORY.

(A) It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance be fully aware of the categorization system.

(B) This section further clarifies the asset definitions by major category.

(1) *Land. LAND* is defined as specified land, lots, parcels or acreage including rights-of-way and easements, owned by the City of Hobart, its various departments, boards or authorizes, regardless of the method or date of acquisition. Easements will not be included as the city does not own them, but as an interest in land owned by another (i.e. property owner) that entitles its holder to a specified limited use.

(2) *Improvements other than buildings.* Examples of city assets in this category are walks, parking areas and drives, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems and other similar items.

(3) *Buildings.*

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

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

(4) *Equipment.* Equipment includes all other types of physical property within the scope of the fixed asset management system not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, Police, Fire, Sanitation and Park Department, laboratory equipment, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, text equipment, civil defense equipment and data processing equipment. All supplies are excluded.

(5) *Infrastructure.*

(a) Infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital assets and that are normally stationary in nature. Examples include roads, streetlights, traffic signals, sewer lines and drainage systems. Infrastructure assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property above.

(b) Additions and improvements to infrastructure, which increase the capacity or efficiency of the asset, will be capitalized. Maintenance/repairs will be considered as necessary to maintain the existing asset, and therefore not capitalized. For example, patching, resurfacing, snow removal and the like, are considered maintenance activities and will be expensed. Also, normal department operating activities such as feasibility studies, and preliminary engineering and design, will be expensed and not capitalized as an element of the infrastructure asset.

(c) Alleys will not be included as part of infrastructure for the following reasons.

1. Existing improved alleys will be maintained, and the city is responsible only for the maintenance, such as patching and repairing. Any investments to upgrade the alleys will be done by homeowner participation. Therefore, the city will not track and value alleys, and the patching/repairs will be expensed as they occur.

2. The retroactive reporting requirements for infrastructure of GASB 34 requires the city to report items put into service from 1980 forward, and gives the city the option to report items put into service prior to 1980. The city will report only on items put into service after 1980. Retroactive reporting is not mandated until fiscal years beginning after January 1, 2007, which the city will comply with. (Ord. 2004-38)

§ 32.54 DEPRECIATION METHODS.

(A) *Generally.* The city will be depreciating capital assets by using either composite/group method depreciation or the straight-line method. Salvage value will be determined on an asset-by-asset basis. Depreciation will be calculated at year-end. Land is not depreciated according to general accepted accounting principles.

(B) *Composite/group network.*

(1) Composite depreciation refers to calculating depreciation for a collection of similar assets. A single composite rate is applied annually to the acquisition cost of the collection as a whole. At year-end, an adjustment will be made to the total cost to account for any additions/disposals throughout the year. The accumulated depreciation associated with it will also be adjusted. A gain or loss will never be reported on the asset when using the composite method. A full year's depreciation will be taken when the asset is placed in service and no depreciation recorded in the year it is sold or disposed of. To determine the appropriate depreciation rate for the composite group, divide 1 by the number of years the assets are depreciated. For instance, a group of assets with a 25-year life will be depreciated at 4% each year (1/25).

(2) Following is the list of groups the city will use for depreciation:

(a) *Composite/group depreciation.*

1. Street lights: 35 years;
2. Traffic signals: 25 years;
3. Flood walls/gates: 50 years; and
4. Roads:
 - a. Cement: 10 years;
 - b. Gravel: 15 years;
 - c. Concrete: 30 years;
 - d. Asphaltic concrete: 20 years; and
 - e. Brick or stone: 50 years.

(b) *Straight-line depreciation.*

1. All assets accounted for under the capital asset policy will be depreciated using the straight-line method of depreciation. A gain or loss on disposal will be recorded. Following is a list of the most common useful lives:

- a. Vehicles: 5 years;
- b. Office equipment: 5 years;
- c. Office furniture: 20 years;
- d. Heavy equipment: 10 years;

- e. Fire trucks: 15 years;
 - f. Buildings: 50 years;
 - g. Building components (HVAC systems, roofing): 20 years;
 - h. Leasehold improvements: useful life of asset or lease term (whichever is shorter);
 - i. Land improvements:
 - i. Structure (parking lots, athletic courts): 20 years; and
 - ii. Ground work (athletic fields, landscaping, fencing): 20 years.
 - j. Outdoor equipment, (playground equipment, radio towers): 15 years;
 - k. Grounds equipment, (mowers, tractors, attachments): 15 years;
 - l. Computer hardware: 3 years; and
 - m. Computer software: 5 years.
2. City sewer utilities useful lives are as follows:
- a. Buildings and improvements: 50 years;
 - b. Sewer lines: 50 years;
 - c. Lift station: 50 years;
 - d. Treatment plant/equipment: 10 years;
 - e. Office equipment: 5 years;
 - f. Miscellaneous operating equipment: 5 years; and
 - g. Vehicles: 5 years.

(Ord. 2004-38)

§ 32.55 CAPITAL ASSET ACQUISITIONS.

(A) The method of acquisition is not a determining factor. Each department should report items acquired by:

- (1) Regular purchases;

- (2) Lease purchase, see below;
- (3) Construction by city personnel;
- (4) Construction by an outside contractor;
- (5) Resolution/condemnation;
- (6) Donation/contribution;
- (7) Addition to an existing asset;
- (8) Transfer from another department;
- (9) Trade or barter; and
- (10) Annexation.

(B) Leased equipment should be capitalized if the lease agreement meets any 1 of the following criteria:

- (1) The lease transfers ownership of the property to the lessee by the end of the lease term;
- (2) The lease contains a bargain purchase option;
- (3) The lease term is equal to 75% of the estimated economic life of the leased property; and
- (4) The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased property.

(C) Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements.
(Ord. 2004-38)

§ 32.56 ASSET TRANSFERS AND DISPOSITIONS.

(A) Property should not be transferred, turned-in for auction or disposed of without prior approval of the department head. A capital asset notification form should be sent to the Clerk-Treasurer's Office in all cases. This form is a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department, building, floor or room) or retirement (disposal) of property.

(B) The main points to be remembered when using this form are:

- (1) Always provide sufficient detail to properly identify the asset, most importantly the asset's tag number of city ID;
- (2) Be accurate and do not overlook any of the needed entries;

- (3) Write legibly;
- (4) Complete each column for every asset listed on the form;
- (5) Enter information in correct row, depending on whether you are transferring or deleting an asset;
- (6) Have Department Head sign at the bottom of the form; and
- (7) Return the form to the Clerk-Treasurer’s Office.

(C) If an asset is stolen, the department head should file a report with the Police Department in addition to notifying the Clerk-Treasurer’s Office.
(Ord. 2004-38)

§ 32.57 PERIODIC INVENTORIES.

A physical inventory of all capital assets (any item over \$5,000) will be conducted in each department on or about December 31 of every year. The Clerk-Treasurer’s Office will conduct spot checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year end.
(Ord. 2004-38)

§ 32.58 RESPONSIBILITIES OF CLERK-TREASURER’S OFFICE.

The Fiscal Officer will ensure that accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Fiscal Officer will further ensure that the capital asset report will be updated annually to reflect additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculation.
(Ord. 2004-38)

§ 32.59 RESPONSIBILITIES OF DEPARTMENT HEADS.

(A) It is the responsibility of the department heads to act as or designate a steward for each piece of property. The steward will become the focal point for questions regarding the availability, condition and usage of the asset, as well as the contact during the physical inventory process.

(B) Someone should be designated to record the receipt of the asset, to examine the asset to make sure that no damage was incurred during shipment and to make sure that the asset was received in working order.

(C) The steward is also responsible for arranging for the necessary preventative maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory or when someone wants to borrow the asset. The steward ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the steward should report any property damage or theft.
(Ord. 2004-38)

§ 32.60 EFFECTIVE DATE.

The provisions of this subchapter shall take effect immediately upon adoption by the Common Council of the City of Hobart, Lake County, Indiana.
(Ord. 2004-38)

CHAPTER 33: CITY POLICIES

Section

Acquisition and Disposition of Interests in Real Property

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ACQUISITION AND DISPOSITION OF INTERESTS IN REAL PROPERTY

§ 33.001 PURCHASE OF LAND OR STRUCTURES.

The purchase of land or structures by the city shall be according to I.C. 36-1-10.5 as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-45) (Ord. 90-34, § 2(part))

§ 33.002 SALE, EXCHANGE OF PROPERTY.

The sale, exchange, transfer or lease of property by the city shall be according to the provisions of I.C. 36-1-11 as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-46) (Ord. 90-34, § 2(part))

§ 33.003 LEASING AND LEASE-PURCHASING.

The leasing and/or lease-purchasing of any interest in real property shall be according to the provisions of I.C. 36-1-10 as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-47) (Ord. 90-34, § 2(part))

§ 33.004 ACQUISITION BY DONATION.

The acquisition of property by donation shall be according to the provisions of I.C. 36-1-4-10 as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-48) (Ord. 90-34, § 2(part))

§ 33.005 CUSTODY AND MAINTENANCE OF CITY PROPERTY.

The Board of Public Works and Safety has custody of and may maintain all real property of the city according to the provisions of I.C. 36-9-6-3 as it may be supplemented and/or amended from time to time.
(Prior Code, § 2-49) (Ord. 90-34, § 2(part))

*AMBULANCE SERVICE***§ 33.020 ESTABLISHED.**

There is hereby established a city ambulance service to operate within the city limits of the City of Hobart, Lake County, Indiana, beginning January 1, 1981.
(Prior Code, § 2-50) (Ord. 1528, (part))

§ 33.021 DIRECTION AND CONTROL.

The Board of Public Works and Safety of the City of Hobart shall supervise, direct and control the ambulance service and shall enter into any and all contracts necessary and incidental to the operation and maintenance of the ambulance service.
(Prior Code, § 2-51) (Ord. 1528, (part))

§ 33.022 RATES.

Patients receiving ambulance service shall be charged as set forth in the Fee Schedule of the code.
(Prior Code, § 2-52) (Ord. 1528, (part))

§ 33.023 AREA.

The Hobart ambulance service shall operate primarily within the city limits of Hobart, and shall deliver patients, whenever feasible, to the St. Mary Medical Center located at 1500 South Lake Park Avenue, Hobart, Indiana.
(Prior Code, § 2-53) (Ord. 1528, (part))

§ 33.024 EMERGENCY SERVICE ONLY.

The Hobart ambulance service shall provide patients with emergency service only and shall not be used for the transportation of non-emergency patients or deceased persons.
(Prior Code, § 2-54) (Ord. 1528, (part))

§ 33.025 COLLECTION.

All monies collected pursuant to the provisions of this subchapter shall be deposited with the city's Clerk-Treasurer and added to the General Fund.
(Prior Code, § 2-55) (Ord. 1528, (part))

ETHICS POLICY

§ 33.040 PURPOSE.

It is the policy of the City of Hobart (the “city”) that, in all cases, its elected and appointed officials shall perform their duties for the benefit of the citizens of the city. They shall conduct the government of the city with loyalty, integrity and impartiality and without prejudice or favoritism and without the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest. The purpose of this policy is to establish legal and ethical standards of conduct for all elected and appointed officials of the city and to require disclosures by all elected and appointed officials of private, financial or other interests in matters that may affect the city.

(Ord. 2003-41)

§ 33.041 APPLICATION.

(A) This policy shall apply to the following: all elected officials of the city; members of all commissions, committees and boards established by state statute or local ordinance, resolution or motion; individuals appointed by the President of the Common Council or the Common Council; and the city’s Attorney (collectively “officials”) and all department heads.

(B) The written acceptance of this policy shall be a condition for initial and continuing service with the city by an appointed official.

(Ord. 2003-41)

§ 33.042 NON-PARTIALITY AND NON-DISCRIMINATION.

(A) While performing official duties, no official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the city policy to grant or make available to the public at large, without prior Common Council approval.

(B) No official shall discriminate against any person in violation of federal law, state law or the ordinances of the city.

(Ord. 2003-41)

§ 33.043 REPRESENTATION.

(A) No city elected official except an attorney shall represent any individual petitioner other than the city or himself or herself before the Common Council, a commission, board or committee of the city.

(B) An elected official may represent a corporation, partnership or other entity before the Common Council, or a board, commission or committee if he or she is an owner of at least 50% of that entity, or represents at least 50% of the property or business which is the subject of the petition.

(Ord. 2003-41)

§ 33.044 FINANCIAL OR PERSONAL INTEREST DISCLOSURE.

(A) No official, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with the Common Council, board, commission, committee or public body of the city unless that official makes any full public disclosure of the nature and extent of such interest, and if required, disqualifies himself or herself from participating in and acting upon the resolution of the business or transaction; provided, however, at any such hearing the presiding officer of the Common Council, board, commission, committee or other public body of the city, unless otherwise prohibited by law, may direct questions to the official who has an interest in the matter to clarify the evidence upon which the public body will make its decision. In the event the conflict of interest of the individual is ethical and not a violation of state law and the Common Council, board, commission, committee or other public body requires the individual to cast a vote in order to carry out required official business of the city, the individual shall fully disclose the matter of conflict before casting a vote.

(B) If an official has a potential conflict of interest, a written conflict of interest public disclosure form shall be filed by that person with the Clerk-Treasurer prior to the occurrence of the business or transaction and/or prior to consideration by the Common Council, a board, commission or committee of the issue. The conflict of interest public disclosure form shall then be scheduled for review at the next public meeting of the Common Council, board, commission or committee of which that individual is a member. The official making the disclosure shall swear or affirm to the written disclosures with an appropriate statement that the disclosure is a true, accurate and complete statement of his or her interests.

(C) If a potential conflict of interest that otherwise was not anticipated, involving an elected official, or a board, commission or committee member arises while a meeting is underway, that member shall declare that a conflict may or does exist and shall immediately disqualify himself or herself from participating and acting on that matter; provided, however, at any such hearing or meeting the presiding officer of the Common Council, a board, commission or committee, unless otherwise prohibited by law, may direct questions to the official who has an interest in the matter to clarify the evidence upon which the public body will make its decision.

(D) If an individual covered by this policy is unsure as to the existence or non-existence of a conflict of interest, that individual may seek an advisory opinion. Requests originating from members of the Common Council or appointed boards, commissions or committees shall be forwarded through the presiding officer of that body to the city's Attorney. Requests from the Clerk-Treasurer shall be submitted to the city's Attorney. Requests from the city's Attorney shall be submitted to the President of the Common Council. Requests for such advisory opinions shall be initiated on a timely basis. The opinions rendered shall be advisory only, and shall not serve to exempt or excuse any official from fully conforming to this policy, or applicable penal or civil statutes, ordinances and regulations. The city's Attorney shall give prompt notice of his or her receipt of any such request to the President of the Common Council.

(Ord. 2003-41)

§ 33.045 GIFTS.

(A) No official shall directly or indirectly solicit, accept or receive any gift or consideration whether in the form of money, services, loan, travel, entertainment or thing of promise which is intended to influence himself

or herself to act other than impartially in the performance of his or her official duties or which is intended as a reward for any such action on his or her part.

(B) The following shall not constitute gifts or consideration for purposes of this section:

(1) A gift of nominal value, so long as such gift has not been solicited or does not present any conflict of interest in fact or appearance. For purposes of this section, **NOMINAL VALUE** shall mean having a value not exceeding \$50, from 1 person or entity in the aggregate during a 12-month calendar period. Any person covered by this policy who has been offered and is considering the acceptance of a gift having a value exceeding \$50 shall make written disclosure of the offer on a conflict of interest public disclosure form. The disclosure should be made before acceptance of the gift when possible. For elected officials, the disclosure shall be made to the Clerk-Treasurer. For persons appointed to boards, commissions or committees, the disclosure shall be made to the President of the Common Council with a copy to other Common Council members and the Clerk-Treasurer. For the city's Attorney, disclosure shall be made to the President of the Common Council, with a copy to other Common Council members and the Clerk-Treasurer;

(2) Trade discounts offered to all city employees rather than being limited to membership in 1 or more city departments;

(3) Trade discounts offered to the general public or to private groups such as professional, religious or service organizations that are not limited to membership in 1 or more city departments;

(4) Food consumed in public, professional or community reception;

(5) Acceptance of a professional or public award, reflecting positive performance or community service; and

(6) Campaign contributions reported in full compliance with federal, state and local statutes and ordinances as they may apply.

(C) (1) In order to avoid the appearance of a gift or a consideration which is prohibited by this policy, an official attending functions or taking trips as a representative of the city shall pay the usual and customary costs to attend the function and/or take the trip.

(2) In order to obtain reimbursement from the city, a conflict of interest public disclosure form shall be completed and filed for approval with the Clerk-Treasurer. In the event the Clerk-Treasurer denies reimbursement, the official shall pay the usual and customary costs to attend and may appeal from the denial to the Ethics Committee and request that it decide the matter.

(3) The decision of the Ethics Committee shall be final and binding on the parties.

(4) Copies of the applications for reimbursement, and the approval or denial and appeal decision shall be filed with the members of the Common Council each month.

(Ord. 2003-41)

§ 33.046 CONFIDENTIAL INFORMATION.

No person to whom this policy applies shall use or permit the use of any confidential information regarding municipal affairs to advance the financial or personal interest of the person or any other person. (Ord. 2003-41)

§ 33.047 ELECTORAL ACTIVITIES.

All persons to whom this policy applies and who are engaged in any activities to gain public office or to assist another person or group to gain public office shall comply with any and all local, state and federal laws. (Ord. 2003-41)

§ 33.048 NOTICE OF ALLEGED ETHICS NON-COMPLIANCE.

(A) If any person has reason to believe that there has been non-compliance with this policy, he or she shall file a written claim with the Clerk-Treasurer, and the Clerk-Treasurer shall provide a copy of the claim to the member of the Common Council and the Ethics Officer who shall refer the matter to the Ethics Committee for hearing and determination.

(B) Time shall be of the essence for the Ethics Committee to complete its hearing and make its determination on the alleged non-compliance. (Ord. 2003-41)

§ 33.049 ETHICS COMMITTEE AND HEARING PROCEDURE.

(A) The Ethics Committee shall consist of the following 3 members:

(1) The Ethics Officer who shall be a resident of the City of Hobart appointed by majority vote of the Common Council and who shall be subject to removal by majority vote of the Common Council. The duties of the Ethics Officer may be determined by resolution of the Common Council and the Ethics Officer shall serve with or without compensation as determined by the Common Council;

(2) The Common Council President; and

(3) The Chair or President of the board, commission or committee of the alleged non-compliant person or other member of the board, commission or committee if the alleged non-compliant person is the chair or president.

(B) The Ethics Committee shall conduct the hearing using the following procedure.

(1) The Ethics Officer shall forward to the official a copy of the claim made and afford the official an opportunity to respond in writing concerning the alleged non-compliance.

(2) The claim made and the response of the official shall then be brought to the Ethics Committee for review and hearing.

(3) The Ethics Committee may make such further investigation as may be warranted under the circumstances and shall determine whether the official has violated this policy.

(4) If the Ethics Committee determines that the official has not complied with this policy, it shall consider the matter for appropriate corrective action.

(5) If the Ethics Committee determines that the official has complied with this policy, it shall report its determination to the official.

(6) The Ethics Committee shall report all final determinations to the members of the Common Council.

(Ord. 2003-41)

§ 33.050 REVIEW OF POLICY.

(A) The Common Council shall review this policy and make any recommended changes at least once every 4 years and may do so more frequently if needed.

(B) The Common Council shall make changes in this policy as it deems reasonable and necessary for the public interest.

(Ord. 2003-41)

§ 33.051 NOTIFICATION TO MEMBERS OF COMMON COUNCIL.

Except as limited by federal or state law concerning issues of confidentiality, the members of the Common Council and the Clerk-Treasurer, in due course, shall be provided copies of each conflict of interest public disclosure form, each advisory opinion concerning the existence or lack of a conflict of interest, each claim of non-compliance with this policy and each determination on a claim of non-compliance.

(Ord. 2003-41)

BUSINESS AND CONTINUITY PLAN

§ 33.065 DECLARING A DISASTER.

(A) Types of disasters:

(1) ***PARTIAL DISASTER.*** A disastrous event has occurred which rendered the computer inoperable for up to a week, but access to the office is not affected.

(2) **COMPLETE DISASTER.** A disastrous event has occurred which has affected the office to the extent that the office will be inaccessible for an extended period of time or the computer must be replaced.

(B) The Mayor, Clerk-Treasurer or city's Judge may declare a partial disaster or a complete disaster for the pertinent office affected.

(C) If a complete disaster is declared, a replacement computer will be placed at 1 of the following locations, including any of their satellite sites: Hobart City Hall; Hobart Police Department; Hobart Fire Department; or Hobart Park Department. Information processing would occur at the alternate location until the office affected is restored.

(D) The elected official declaring the disaster shall determine the vendor to be employed for replacement or repair of the affected computer system and may act to obtain whatever emergency funding is necessary to ensure business continuity.

(Ord. 2005-48)

§ 33.066 DISASTER RECOVERY TEAM AND CONTACT LIST.

Once a disaster has been declared by the specified elected official, the following contact must be made immediately:

(A) The vendor as determined in § 33.065;

(B) All department head(s) and staff affected directly or indirectly by the disaster as determined by the elected official;

(C) The Common Council President; and

(D) The Board of Public Works and Safety members.

(Ord. 2005-48)

§ 33.067 RECOVERY RESPONSIBILITIES.

(A) The disaster recovery team shall consist of the specified elected official and their designated deputy clerks.

(B) The specified elected official who declared the disaster shall be responsible for the following:

(1) Contact: department heads and staff directly affected.

(2) Contact: vendor for hardware and/or software.

(3) Retrieve: latest complete backup of data.

(4) Contact: Common Council President and Board of Public Works and Safety members.

(5) Arrange: emergency funding for new computer system.

(6) Restore: work with software vendors to restore all software and backups when new computer system is installed.

(Ord. 2005-48)

§ 33.068 BACKUP PROCESSING.

(A) Each night the data is automatically backed up. Each morning, the backup is checked for completeness. If the backup was performed successfully, the Clerk or Deputy Clerk or their designee, moves the prior night's backup to the off-site location for safekeeping. The off-site location is another building under the control of the City of Hobart.

(B) Monthly, a complete system backup (data and software) is performed and is taken to the off-site location for safekeeping.

(Ord. 2005-48)

§ 33.069 OPERATION OF THE OFFICE DURING THE INTERIM PERIOD.

Accounting and financial data is the only critical application residing on the computer. There are no critical forms. Data entry of that system will be suspended until the computer is repaired or replaced. The input documents would be stored in the office during a partial disaster. In case of a complete disaster, input documents would be stored at a secure off-site location in another building under the control of the City of Hobart. No special procedures are needed to receipt money since receipts would continue to be written by hand. The other applications would be restored at the same time the accounting and financial data is restored. Data entry to the other non-critical systems would be postponed until the accounting and financial data is up-to-date.

(Ord. 2005-48)

§ 33.070 TRAINING, TESTING AND MAINTAINING THE PLAN.

(A) Members of the disaster recovery team will have a copy of this document in each of their homes. Also, a copy will be stored at each off-site location under the control of the City of Hobart. Training will consist of review of this business continuity plan followed by a meeting discussing the plan with deputy clerks.

(B) The plan is to be tested in stages beginning in January, 2006 as follows:

(1) A restore will be done with the latest backup from the off-site location. The latest data backup will be added to the restored information;

(2) The contacts and phone numbers in the plan will be reviewed for correctness; and

(3) The specified elected officials and their designated deputy clerks, will review the procedures to continue business functions using interim procedures and temporarily maintain records on a manual basis.

(C) (1) Every 6 months, the specified elected officials and their designated deputy clerks will review the plan and again test to determine if it is up-to-date.

(2) Any additions or corrections will cause a new plan to be distributed to each member of the team.

(Ord. 2005-48)

§ 33.071 CURRENT CONTACTS, HARDWARE CONFIGURATION AND LIST OF SOFTWARE.

The specified elected official and their designated deputy clerks shall be responsible for attaching to this plan:

(A) A list of contacts and responsible parties, including phone numbers for contact information;

(B) Current hardware and operating system configuration; and

(C) Current software list with vendor name and phone number.

(Ord. 2005-48)

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