TITLE III: ADMINISTRATION

Chapter

30. ESTABLISHMENT OF CITY GOVERNMENT ORGANIZATION
30A. COMMON COUNCIL
31. OFFICERS AND EMPLOYEES
32. DEPARTMENTS
33. BOARDS AND COMMISSIONS
34. EQUAL EMPLOYMENT OPPORTUNITY
35. FINANCE
36. PURCHASING
37. COMPENSATION DURING ACTIVE DUTY
38. CITY POLICIES
CHAPTER 30: ESTABLISHMENT OF CITY GOVERNMENT ORGANIZATION

Section

General Provisions

30.01 Three branches of government established
30.02 Additional staff and operating expenses
30.03 Intradepartmental organization authorized
30.04 Adoption of organizational chart

Executive Branch

30.10 Mayor
30.11 Executive departments established
30.12 Department of Law
30.13 Department of Finance
30.14 Department of Human Resources
30.15 Department of Engineering, Traffic and Inspection Services
30.16 Department of Aviation
30.17 Department of Parks and Recreation
30.18 Department of Public Works and Safety
30.19 Department of Economic Development
30.20 Department of Development

Legislative Branch

30.30 Common Council as legislative branch
30.31 Composition
30.32 Qualifications, selection of members
30.33 Compliance with state law
30.34 Powers
30.35 Council Attorney
30.36 City Clerk

Autonomous Boards and Commissions

30.45 Statement of policy
30.46 Various autonomous boards, commissions established
30.47 Board of Cemetery Trustees
30.48 Traffic Commission
30.49 Plan Commission
30.50 Board of Zoning Appeals
30.51 Kokomo Historic Review Board
30.52 Kokomo and Howard County Governmental Coordinating Council
30.53 Human Rights Commission
30.54 Kokomo Housing Authority
30.55 Kokomo-Howard County Civil Defense

Cross-reference:
Department of Redevelopment, see § 154.01
§ 30.01  THREE BRANCHES OF GOVERNMENT ESTABLISHED.

The government of the city shall consist of three branches, those being:

(A) Executive branch.

(B) Legislative branch.

(C) Autonomous boards and commissions.
(Ord. 5289, passed 8-29-83)

§ 30.02  ADDITIONAL STAFF AND OPERATING EXPENSES.

Subject to the appropriation power of the Common Council, all city departments and all boards and commissions where appropriate, 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.
(Ord. 5289, passed 8-29-83)

§ 30.03  INTRADEPARTMENTAL ORGANIZATION AUTHORIZED.

The heads of the various city departments shall have the prerogative of developing such intradepartmental organization plans as are necessary and conducive to providing more efficient service to the public. All such intradepartmental organization shall be approved by the Mayor.
(Ord. 5289, passed 8-29-83)

§ 30.04  ADOPTION OF ORGANIZATIONAL CHART.

An organizational chart depicting the city reorganization effected by this chapter is hereby made a part hereof by reference as if fully set forth herein. Should inconsistencies occur between the organizational chart and the chapter text, the chapter text will be controlling.
(Ord. 5289, passed 8-29-83)

EXECUTIVE BRANCH

§ 30.10  MAYOR.

(A) The Mayor is the city executive and head of the executive branch. He or she shall faithfully perform the duties and responsibilities contained in IC 36-4-5-1 et seq. and other state statutes.

(B) The Mayor shall be elected in the manner provided by state law.
(C) The Mayor shall serve for a term of four years, with the term commencing from the hour of 12:00 noon on the first Monday in January following his election and continuing until his successor is elected or qualified.

(D) The Mayor shall approve and disapprove in writing, within ten days of receiving the same, every ordinance, resolution, or order of the Common Council, and he shall transmit to the Council, within such time, a message announcing an approval or veto. In case of a veto, he shall state in writing his reason therefor. If the Mayor fails to approve or veto such legislation, such failure shall be deemed a veto.

(E) In addition to those powers and duties provided for in this code, the Mayor shall have those powers and duties provided for by state law.

§ 30.11 EXECUTIVE DEPARTMENTS ESTABLISHED.

There are hereby established within the executive branch of the city the following city executive departments:

(A) Department of Law

(B) Department of Finance

(C) Department of Human Resources

(D) Department of Development

(E) Department of Engineering, Traffic, and Inspection Services

(F) Department of Aviation

(G) Department of Public Works and Safety

(H) Department of Economic Development

§ 30.12 DEPARTMENT OF LAW.

(A) Position of Corporation Counsel established. The head of the Department of Law shall be the Corporation Counsel, who shall be appointed by the Mayor and shall serve at his pleasure.

(B) Duties. Acting under the direction of the Corporation Counsel, the Department of Law shall perform all duties set out in state law (IC 36-4-9-12) and as that state law, from time to time, may be amended. In addition, the Department of Law shall have such
other powers and duties as may be determined by the Mayor or by ordinance.
(Ord. 5289, passed 8-29-83)

2004 S-22
§ 30.13 DEPARTMENT OF FINANCE.

(A) Position of City Controller established. The head of the Department of Finance shall be the City Controller who shall be appointed by the Mayor and who shall serve at his pleasure. In addition, such deputy controllers and support staff shall be appointed as are necessary to perform the duties of the Department of Finance.

(B) Duties of the Department of Finance. The Department of Finance, acting under the authority of the City Controller as chief fiscal officer of the city and head of the Department of Finance, shall have the powers and duties provided by state law (IC 36-4-10-5) and, in addition, have such other powers and duties as may be determined by the Mayor or by ordinance.

(Ord. 5289, passed 8-29-83)

§ 30.14 DEPARTMENT OF HUMAN RESOURCES.

(A) Position of Director of Human Resources established; duties. The head of the Department of Human Resources shall be the Director of Human Resources, who shall be appointed by the Mayor and who shall serve at his pleasure. The Department of Human Resources, under the direction of the Director of Human Resources, bears primary responsibility for labor relations between the city and its employees. These duties include, but are not necessarily limited to: preparation of uniform employment application forms; accepting of employment applications and the evaluation thereof; preparation, administration, and evaluation of testing materials for prospective employees; notification of applicants of testing results or evaluations; maintenance of employee records, including periodic updating of job applicants on file; preparation and revision of job descriptions; posting of employment opportunities; representation of the city in dealings with employee unions; preparation and implementation of employee safety programs; serve as point of contact with all insurance carriers for all municipally funded employee health, accident, and workman's compensation policies of insurance; participation in labor contract negotiations with city employee unions; preparation and implementation of employee safety programs; assure compliance with all applicable state and federal labor and employment regulations; and respond to inquiries from parties outside the city government concerning past and present employees.

(B) Position of Affirmative Action Officer established. There is created in the Department of Human Resources an official position designated as the Affirmative Action Officer. The Director of Human Resources may also serve as the Affirmative Action Officer. If the Director does not so serve, the Affirmative Action Officer should preferably have training or experience in human resource management or the social and behavioral sciences. The Affirmative Action Officer should preferably have training or experience in personnel management or the social behavioral sciences. If the Affirmative Action Officer
§ 30.15 DEPARTMENT OF ENGINEERING, TRAFFIC AND INSPECTION SERVICES.

(A) Establishment of Department. There is established within the executive branch of the city the Department of Engineering, Traffic and Inspection Services.

(B) Position of Director established. The head of the Department of Engineering, Traffic and Inspection Services shall be the Director of Engineering, Traffic and Inspection Services. The Director shall be appointed by the Mayor and shall serve at his pleasure. The Director shall be responsible for the administration of the Department and shall be responsible for the efficient operation thereof.

(C) Duties of the Department. The Department of Engineering, Traffic and Inspection Services shall be responsible for the following governmental functions of the city:

(1) In conjunction with the city Board of Public Safety and the Mayor, the Department shall be responsible for the proper execution of all engineering and engineering related functions undertaken by the city as set out in local ordinance and state or federal statute.

(2) The Department shall be responsible for all oversight duties imposed by state statute or local ordinance including, but not limited to, engineering inspections, accepting construction related permit and license applications, processing the same, and assuring compliance with all applicable codes and regulations specified in state law, federal laws and regulations, and local ordinance.

(3) Issuance of all building and electrical permits and all inspections related thereto.

(4) Engineering oversight of municipal street and sewer systems.
2004 S-22 Repl.
§ 30.15  KOKOMO - CITY GOVERNMENT ORGANIZATION

(5) Engineering, survey, and design for all municipal projects.

(6) Supervision of municipal traffic systems.

(7) Infrastructure Planning and Development.

(8) The Department shall be the lead city agency in coordinating both voluntary and involuntary municipal annexations.

(9) Within the areas of responsibility herein described, the Department shall be responsible for compliance with all applicable state, federal, or local laws, rules, regulations or ordinances.

(10) The Department shall carry out all such other duties as assigned by the Mayor.

(D) City Civil Engineer.

(1) Position of City Civil Engineer Established. There is established within the Department of Engineering, Traffic, and Inspection Services the position of City Civil Engineer. The City Civil Engineer shall be appointed by the Mayor and serve at his pleasure. The City Civil Engineer shall be a qualified engineer or architect registered in accordance with state law.

(2) Power and Duties of City Civil Engineer. The City Civil Engineer may serve as Director of Engineering, Traffic and Inspection Services. If the City Civil Engineer does not serve as Director, he shall work under the administrative supervision of the Director. The City Civil Engineer shall have the powers and duties prescribed by state law and such additional powers and duties as may be delegated to him by the Director, Mayor, or by ordinance.

(E) Division of Building Standards.

(1) Establishment of Division of Building Standards. There is established within the Department of Engineering, Traffic and Inspection Services a division of Building Standards.

(2) Duties of the Division of Building Standards. The Division of Building Standards shall perform all duties imposed by state statute or local ordinance in the area of building code enforcement and supervising all demolitions performed within the city. The Division of Building Standards shall perform such other duties as prescribed by the Director, Common Council, the Mayor, or the Board of Public Works and Safety. The duties of the Division of Building Standards include, but are not limited to, primary enforcement responsibilities for all building and electrical codes prescribed by state law or local ordinance, administration and enforcement of local ordinances pertaining to building or electrical
licensing and permits, installation and maintenance of electrical equipment and service in municipally owned facilities where feasible.

2008 S-28
(3) Department heads. The Director of the Department of Engineering, Traffic, and Inspection Services shall also serve as the head of the division of Building Standards. The Director may delegate the duties of head of the Division of Building Standards to an employee, or employees, of the department if such delegation is in the interest of departmental efficiency.

(4) Duties of the Electrical Inspector. Within the Division of Building Standards shall be an Electrical Inspector. It shall be the obligation of the Electrical Inspector to perform all duties imposed by state statute or local ordinance in the area of electrical code enforcement. The Electrical Inspector shall serve concurrently as a Building Standards Inspector and Electrical Inspector. The Electrical Inspector may be used as a Building Standards Inspector should the Director of the Department of Engineering, Traffic and Inspection Services, or his or her designee, deem it necessary.

(5) All inspectors performing inspections of construction, remodeling of existing buildings or inspections from the addition or modification of buildings requiring a building or electrical permit shall be certified by a sanctioning body recognized by the Indiana Department of Homeland Security, Division of Fire and Building Safety.

(Ord. 5412, passed 10-9-84; Am. Ord. 5559, passed 10-28-86; Am. Ord. 6073, passed 12-8-97; Am. Ord. 6477, passed 4-23-07)

Cross-reference:
Schedule of charges and fees for services of Department of Engineering, Traffic and Inspection Services, see § 150.04
Department of Development, see § 30.20

§ 30.16 DEPARTMENT OF AVIATION.

(A) Board of Aviation Commissioners. The Department of Aviation shall operate under the control and supervision of the
Board of Aviation Commissioners. The Board of Aviation Commissioners shall be constituted and operate as set out in §§ 32.21 through 32.29 of this code.

(B) Powers and duties. The Board of Aviation Commissioners shall, in the operation of the Department of Aviation, have all powers and duties provided by state law and local ordinance and shall comply with all applicable federal regulations concerning the operation of aviation facilities.

(Ord. 5289, passed 8-29-83)

§ 30.17 DEPARTMENT OF PARKS AND RECREATION.

(A) Board of Park Commissioners. The Department of Parks and Recreation shall operate under the control and supervision of the Board of Park Commissioners, which shall be constituted and operate under the provisions of § 96.01 of this code. It is the intent of the Common Council to confirm that the Department of Parks and Recreation established within the executive branch of the city by this section be governed in its activities by the provisions of IC 36-10-3-1 et seq. and as that statute may from time to time be amended.

(B) Position of Superintendent established. There is established within the Department of Parks and Recreation, the position of Superintendent of Parks and Recreation. The Superintendent shall be appointed by the Mayor, with the approval of the Board of Park Commissioners, and shall serve at the pleasure of the Mayor. The Superintendent shall be responsible for the day-to-day management of the Department of Parks and Recreation, subject to the general supervision and control of the Board of Park Commissioners.

(C) Powers of the Board of Park Commissioners. The Board of Park Commissioners operating pursuant to the provisions of IC 36-10-3-1 et seq., shall have all powers granted by local ordinance and applicable state law.

(D) Duties. The Department of Parks and Recreation shall be responsible for the planning, development, and maintenance of all park facilities of the city. The Department shall also be responsible for the development and administration of a year-around recreational program for the citizens of the city. To this end, the Department may enter into co-operative agreements with other entities to further such recreational programs. The Department may schedule and operate athletic leagues, and participate in long-range planning of recreational activities for youths and adults.

(Ord. 5289, passed 8-29-83; Am. Ord. 5417, passed 11-5-84)
§ 30.18 DEPARTMENT OF PUBLIC WORKS AND SAFETY.

(A) Establishment of Board of Public Works and Safety. The Department of Public Works and Safety shall be under the control and supervision of the Board of Public Works and Safety.

1985 S-3
(1) Members. The Board of Public Works and Safety shall be composed of three members who shall be appointed by the Mayor and serve at his pleasure. Members of the Board of Public Works and Safety shall have been a voter of the city for at least one year immediately preceding their appointment. The Mayor may also appoint ex officio, non-voting, advisors to the Board as are necessary to enable the Board to carry out its responsibilities.

(2) Duties. The Board of Public Works and Safety shall have all the powers and duties provided by state law and local ordinance. In addition, the following departments are established as departments under the general supervision of the Department of Public Works and Safety:

(a) Police Department
(b) Fire Department
(c) Weights and Measures Department
(d) Sanitation Department
(e) Department of Streets
(f) Senior Citizens Department
(g) Department of Community Day Care Centers

(B) Police Department.

(1) Position of Chief of Police established. The Police Department shall be under the direct control and supervision of the Chief of Police, who shall be appointed by the Mayor and who shall serve at his pleasure subject to provisions of state law. All other members of the Police Department shall be appointed by the Board of Public Works and Safety.

(2) Powers and duties of Department. All police officers, including the Chief of Police, shall, in addition to the powers and duties provided by this code, have the powers and duties provided by state law.

(C) Fire Department.

(1) Position of Fire Chief established. The Fire Department shall be under the direct control and supervision of the Fire Chief, who shall be appointed by the Mayor and who shall serve at his pleasure subject to provisions of state law. All other members of the Fire Department shall be appointed by the Board of Public Works and Safety.

(2) Powers and duties of
Department. The Fire Department shall perform those functions normally associated with fire
1985 S-3
prevention and extinguishment, with the primary objective of minimizing injury to life and property within the city. In addition, the Fire Department shall have all powers and duties specified in state law.

(3) Ambulance service authorized. As a logical adjunct to its primary mission, the Fire Department shall operate an emergency ambulance service within the city to provide emergency treatment and transportation to citizens requiring such emergency services.

(4) Establishment of Bureau of Fire Prevention. There is established within the Fire Department a Bureau of Fire Prevention which shall operate under the general supervision of the Fire Chief.

(a) Position of Chief of Fire Prevention Bureau established. There is established the position of Chief of the Fire Prevention Bureau. The Chief of the Fire Prevention Bureau shall be a member of the City Fire Department, shall be appointed to his position of Chief of the Fire Prevention Bureau by the Mayor, and shall serve at his pleasure subject to provisions of state law. The Mayor's appointment shall be based on the results of examinations determining the qualifications of the nominee for the position.

(b) Duties of the Chief of Fire Prevention Bureau. The Chief of the Fire Prevention Bureau shall, under the general supervision of the Fire Chief, be responsible for the day-to-day operation of the Fire Prevention Bureau.

(c) Duties of the Fire Prevention Bureau. It shall be the duty of the Fire Prevention Bureau to enforce the provisions of the Uniform Fire Code (1979 Edition), as that code may from time to time be amended. In addition, the Bureau shall be responsible for enforcing any other fire prevention provisions as hereinafter provided.

(d) Additional personnel. The Fire Chief may detail such members of the Fire Department to the Bureau of Fire Prevention and inspectors as shall from time to time be necessary. The Fire Chief shall recommend to the Mayor and Board of Public Works and Safety the employment of technical inspectors, who, when such authorization is made, shall be selected through examinations to determine their fitness for such positions. Successful applicants shall serve under the day-to-day supervision of the Chief of Fire Prevention Bureau.

(e) Annual report. A report of the Bureau of Fire Prevention shall be prepared annually and transmitted to the Mayor. If shall contain all proceedings under the Uniform Fire Code (1979 Edition), with such statistics as the Fire Chief and the Chief of the Fire Prevention Bureau may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the Uniform Fire Code (1979 Edition), which in his judgment shall be desirable.
(D) Weights and Measures Department.

(1) Position of Inspector of Weights and Measures established. Pursuant to IC 24-6-3-4, there is established the position of Inspector of Weights and Measures who shall be the head of the Weights and Measures Department. The Inspector of Weights and Measures shall be appointed by the Board of Public Works and Safety and shall serve during his good behavior as defined by IC 24-6-3-4. Removal of the Inspector of Weights and Measures shall be done as set out in state statute. The Inspector of Weights and Measures shall have those qualifications required by state statute.

(2) Duties of Weights and Measures Department. The Weights and Measures Department shall perform those duties prescribed by IC 24-6-3-5 and any other applicable state statutes.

(E) Sanitation Department.

(1) Function of Board of Public Works and Safety. In addition to the general supervisory function described in division (A)(2) of this section, the Board of Public Works and Safety shall make and enforce whatever bylaws, rules, and regulations it may deem necessary for the safe, economical, and efficient management of the Sanitation Department, for the construction and use of sewers and connections to the sewage system, for the regulation, collection, and refunding of the rates and charges for sewerage served, and, in general, for the implementation of the provisions of this code of ordinances and applicable state law concerning sewers and sewage disposal.

(2) Powers and duties. The Sanitation Department will be responsible for the efficient operation of the municipal sewage works; for the collection of fees imposed by the Common Council for sewer services; for the implementation of rules and regulations promulgated by the Board of Public Works and Safety for the operation of the sewer and sewage systems; and for coordination with other city departments for the maintenance of municipal sewer and sewage lines.

(3) Division of Plant Operations established. There is established within the Sanitation Department a Division of Plant Operations.

(a) Powers and duties. The Division of Plant Operations shall be responsible for the operation of the municipal sanitation plant and for the collection, treatment, and disposal of waste water and waste residues.

(b) Position of Plant Sanitation Superintendent established. The Division of Plant Operations shall be headed by the Sanitation Plant Superintendent, which position is now established. The Sanitation Plant Superintendent shall be appointed by the Board
of Public Works and Safety, shall serve at the pleasure of the Board,

1985 S-3
and shall have such qualifications as required by law or state or federal regulations. The Sanitation Plant Superintendent shall be responsible for all aspects of the operation of the municipal sanitation plant. He shall be responsible for the conduct of all necessary testing and sampling required under federal, state, or local law or ordinance. He shall be the city employee responsible for assuring compliance with all applicable rules or regulations promulgated by federal or state agencies, as well as applicable state or federal laws. He will consult with the sewer engineer, the Street Department head, and the Board of Public Works and Safety, and shall recommend to the Board measures expediting the more efficient operation of the municipal sanitation facility.

(4) Division of Financial Administration established. There is established within the Sanitation Department the Division of Financial Administration.

(a) Powers and duties. The Division of Financial Administration will act as the business office of the Sanitation Department. In this capacity, the Division will be responsible for the financial management of the Sanitation Department, subject to the supervision of the Board of Public Works and Safety. These duties shall include, but not be limited to maintenance of all customer records; customer billings; collection of delinquent charges; maintenance of all financial records of the Department, monitoring, in cooperation with the Department of Finance, all bond obligations of the Department; and auditing of operational expenses of the Department.

(b) Supervision of the Division of Financial Administration. Supervision of the operation of the Division of Financial Administration shall be the responsibility and duty of the City Controller. In the furtherance of such responsibility and duty, the City Controller shall assign such employees as are required to administer the daily operations and functions of the Division of Financial Administration as set forth in this division (E)(4)(b). In addition, the City Controller shall, in cooperation with the Sanitation Plant Superintendent, prepare an annual budget for the operation of the Sanitation Department established under this section as required by law. The City Controller shall keep the City Board of Public Works and Safety apprised of all matters falling within the jurisdictional responsibilities of the Division of Financial Administration, and in matters pertaining to that Division only, shall be subject to the authority granted to the City Board of Public Works and Safety under divisions(A)(2) and (E)(1) and (2) of this section to supervise the operations of the Sanitation Department.

(F) Department of Streets.

(1) Position of Street Commissioner established. The Department of Streets will be headed by the Street Commissioner who shall be appointed by the Mayor and who shall serve at his pleasure.

(2) Powers and duties of Department. The Department of Streets, under the supervision of the Street Commissioner, and in conjunction with the Department of Public Works and Safety, shall
supervise the cleaning, repair, and maintenance of all streets, alleys, rights-of-way, sanitary sewers, and storm drains. The Department of Streets shall also be responsible for the supervision of municipal trash collection within the city.

(G) Senior Citizens Department.

(1) Position of Senior Citizens Director established. The Senior Citizens Department will be headed by the Senior Citizens Director, who shall be appointed by the Mayor and who shall serve at his pleasure.

(2) Powers and duties of Department. The Senior Citizens Department, under the supervision of the Director, and in conjunction with the Department of Parks and Recreation, shall oversee programs designed to benefit the senior citizens of the community. To this end, the Department will manage such senior citizens centers as may be, from time to time, established within the city. The Department may apply for available grants from federal, state, or private sources designed primarily to benefit senior citizens. The Department shall also perform such other duties as assigned by the Mayor in the area of senior citizen programming.

(H) Department of Community Day Care Centers.

(1) Community Day Care Center Board. The Department of Community Day Care Centers shall operate under the control and supervision of the Community Day Care Center Board as hereinafter provided.

(2) Position of Day Care Center Director established. There is established within the Department of Community Day Care Centers the position of Day Care Center Director. The Director shall be appointed by the Mayor, with the approval of the Community Day Care Center Board, and shall serve at the pleasure of the Mayor. The Director shall be responsible for the day-to-day management of the Department of Community Day Care Centers, subject to the general supervision and control of the Community Day Care Center Board.

(3) Establishment of Community Day Care Center Board. There is established the Kokomo Community Day Care Center Board.

(a) Composition. The Board shall consist of seven members.

(b) Appointment. The members of the Board shall be appointed by the Mayor with the consent of the Common Council.

(c) Qualifications. The members of the Board shall be residents of the city.

(d) Terms. The initial members of the Board shall be the members of the Carver Community Day Care Center Governing Board.
appointed under former § 113.21 of this code (now repealed). Upon 
passage of this chapter, the Carver Community Day Care Center 
Governing Board shall cease to exist as hereinafter set forth. As 
the terms of the members of the former Carver Community Day Care 
Center Governing Board expire, replacement appointments to the Kokomo 
Community Day Care Center Board shall be made for a three-year 
period.

(e) Removal. The members of the Board may be removed 
by the Mayor with the consent of the Common Council.

(f) Vacancies. In the event of the death, removal, 
or resignation of any members of the Board, a successor shall be 
appointed by the Mayor with consent of the Common Council to serve 
the unexpired term of the former member.

(g) Selection of officers. The Board shall elect 
from its membership, on an annual basis, a president, vice president, 
and secretary.

(h) Compensation. The members of the Board shall 
serve without pay.

(i) Meetings. The Board shall hold meetings as 
requested by the Early Learning Center Director.

(j) Majority vote. A majority vote shall be required 
of all members of the Board for an official action by it.

(4) Function. It shall be the duty of the Kokomo 
Community Day Care Center Governing Board established herein to:

(a) Operate and maintain the Kokomo Early Learning 
Center, and have and discharge final responsibility for the 
establishment and enforcement of all policies of such center. 
However, such policies shall be in conformity with all other policies 
applicable to other city departments generally.

(b) Operate the center within the limits of any funds 
made available to the center by proper appropriation by the Common 
Council or from other sources.

(c) Accept contributions from other sources to carry 
on its work generally, or for specific purposes.

(d) Determine, subject to Common Council approval, 
charge, and collect patrons fees which shall be based on a scale 
adopted annually. This scale shall comply with all applicable state 
and federal regulations.

(e) Solicit patrons fees and grants in assistance 
from the State Department of Public Welfare as determined by the 
County Department of Public Welfare and from all other appropriate 
agencies of the United States.
(f) In cooperation with the Director, prepare a budget for the operation of the center and submit this to the City Fiscal Officer for forwarding to the Common Council on or before May 1 of each year.

(g) Determine the eligibility for admission in the center of any child and determine the continued eligibility of that child based upon the economic condition of the family of the child and the conduct and demeanor of the child while in attendance at the center. Admission standards shall comply with all applicable state and federal regulations.

(h) Establish rules of conduct required to be adhered to by all children attending the center.

(i) Investigate and develop methods of financing the center through sources other than local government.

(j) Prepare reports as requested by the Mayor and the Common Council.

(k) Act in an advisory capacity to, and otherwise cooperate with, the County Welfare Department and the Department of Public Welfare of the state. The Governing Board shall comply with the provisions of IC 12-7.4 and the minimum requirements and recommended standards for day care centers issued by the State Department of Public Welfare.

(Cross-reference:
Labor relations with non-public safety contractual employees, see § 38.01)

§ 30.19 DEPARTMENT OF ECONOMIC DEVELOPMENT.

(A) Establishment. There is established the Department of Economic Development under the control of the Kokomo Economic Development Commission.

(B) Operation. The composition and proceedings of the Kokomo Economic Development Commission shall be as set out in §§ 154.25 through 154.31 of this code.

(C) Powers and duties. The Department of Economic Development and the Kokomo Economic Development Commission shall have the powers and duties provided by state law and local ordinance.

(Ord. 5289, passed 8-29-83; Am. Ord. 5412, passed 10-9-84; Am. Ord. 5662, passed 11-14-88; Am. Ord. 6371, passed 3-14-05; Am. Ord. 6492, passed 7-30-07)
Cross-reference:
   Economic development target areas, see T.S.O. VII

2008 S-28
§ 30.20 DEPARTMENT OF DEVELOPMENT.

(A) Establishment of Department. There is established within the executive branch of the city the Department of Development with such duties and responsibilities as are hereinafter set forth.

(B) Position of Development Director established. The head of the Department of Development shall be the Development Director. The Development Director shall be appointed by the Mayor and shall serve at his pleasure. The Director shall be responsible for the administration of the Department and shall be responsible for the efficient operation thereof.

(C) Duties of the Department of Development. The Department of Development shall be responsible for the following governmental functions of the city:

   (1) Coordination, implementation, and supervision of all city programs in the area of economic and community planning and development.

      (a) Identify and pursue available state, federal, and private grants in the name of the city or other eligible entities.

      (b) With the prior consent of the Common Council, the Department may make application for such available loan funds as may be appropriate. Working in conjunction with other city departments where appropriate, the Department may act as recipient or administrator of such state, federal, or private financial assistance.

   (2) The Department is authorized to provide technical and administrative services to other eligible community groups.

      (a) Should such services be provided, the Department is authorized to charge a reasonable fee for its services, which funds shall revert to the General Fund of the city.

      (b) No such fees shall be charged without prior approval, by resolution, of the Common Council of the city.

   (3) The Department shall have primary responsibility for all public relation efforts undertaken by the city.

   (4) The Department shall be the primary city contact for all community economic development efforts requiring or requesting the participation of local government. By way of illustration and not limitation, such efforts would include community revolving loan funds; urban enterprise associations; tax abatement programs; flood mitigation programs.

   (5) The Department shall liaise with private and public economic development entities. By way of illustration and not limitation, such entities would include the Chamber of Commerce; the
Kokomo-Howard County Development Corporation; the Economic Development Commission; and the Indiana State Department of Commerce.

(6) The Department shall be the lead city agency in any municipal effort to attract or retain businesses to or in the city metropolitan area.

(7) Within the areas of responsibility herein described, the Department shall be responsible for compliance with all applicable state, federal or local laws, rules, regulations, or ordinances.

(8) The Department shall carry out all such other duties as assigned by the Mayor.
(Ord. 6073, passed 12-8-97)

Cross-reference:
Department of Engineering, Traffic, and Inspection Services, see § 30.15

LEGISLATIVE BRANCH

§ 30.30 COMMON COUNCIL AS LEGISLATIVE BRANCH.

The Common Council shall be the legislative body of the city.
(Ord. 5289, passed 8-29-83)

§ 30.31 COMPOSITION.

(A) The Common Council shall be composed of nine members, three of whom shall be elected on an at-large basis and six of whom shall represent the districts in which they reside.

(B) The six districts referred to shall be determined in accordance with the provisions of state law; however, nothing in this section shall be construed to invalidate the redistricting set out in Ordinance 5115 (§ 30A.02 of this code) of the Common Council. For the purpose of redistricting required by state law, January 1, 1982 shall be considered to constitute the base year and date of the most recent redistricting of the councilmanic districts of the city.
(Ord. 5289, passed 8-29-83)

Statutory reference:
Council election districts in second-class cities, see IC 36-4-6-3

§ 30.32 QUALIFICATIONS, SELECTION OF MEMBERS.

All members of the Common Council shall be elected in the manner provided by state law and shall meet all qualification requirements as provided by state law.
(Ord. 5289, passed 8-29-83)

Statutory reference:
Qualification, election requirements, see IC 36-4-6-2
§ 30.33 COMPLIANCE WITH STATE LAW.

In the course of its proceedings, the Common Council shall comply with all applicable provisions of state law.
(Ord. 5289, passed 8-29-83)

§ 30.34 POWERS.

The Common Council shall have all the powers provided by state law.
(Ord. 5289, passed 8-29-83)

§ 30.35 COUNCIL ATTORNEY.

(A) The position of Council Attorney is hereby established. The Council Attorney shall be appointed by the majority vote of the Common Council and shall serve at the pleasure of the Common Council.

(B) The Council Attorney shall be legal advisor to the Council on all matters of Council business and shall perform such other duties as are assigned by the Council.
(Ord. 5289, passed 8-29-83)

§ 30.36 CITY CLERK.

(A) There is established the position of City Clerk. The City Clerk shall be elected in the manner provided by state law. The City Clerk shall serve a term of office of four years, with the term commencing from the hour of 12:00 noon on the first Monday in January following his election and continuing until his successor in office is elected and qualified.

(B) The City Clerk shall have such powers and duties as may be provided by state law, and in addition, shall have such powers and duties as may be provided by local ordinance.
(Ord. 5289, passed 8-29-83)

Statutory reference:
Election, see IC 36-4-10-2
Powers and duties, see IC 36-4-10-4 through 36-4-10-6

AUTONOMOUS BOARDS AND COMMISSIONS

§ 30.45 STATEMENT OF POLICY.

(A) It is the intent of the Council to confirm the existence of existing boards and commissions as part of an overall reorganization of city government. However, this chapter is intended to be a codification and restatement of applicable or corresponding
provisions of previous ordinances repealed. If this chapter repeals and replaces an ordinance in the same form or in a restated form, the substantive effect of that ordinance continues uninterrupted.

2004 S-22
§ 30.48  
(B) This chapter does not affect any: right or liabilities accrued; penalties incurred; proceedings begun; or terms of board or commission members commenced before the effective date of this chapter. Such rights, liabilities, penalties, proceedings, and terms of office shall continue unaffected unless specifically excepted herein.
(Ord. 5289, passed 8-29-83)

§ 30.46  VARIOUS AUTONOMOUS BOARDS, COMMISSIONS ESTABLISHED.

(A) There shall be established in the city the following autonomous boards and commissions which shall constitute a separate branch of the government of the city.

(1) Board of Cemetery Trustees
(2) Traffic Commission
(3) Plan Commission
(4) Board of Zoning Appeals
(5) Kokomo Historic Review Board
(6) Kokomo and Howard County Coordinating Council
(7) Kokomo Housing Authority
(8) Kokomo-Howard County Civil Defense
(9) Kokomo Human Rights Commission

(B) Nothing in this chapter shall be construed to prohibit the addition or termination of boards and commissions as may be necessary and appropriate after passage of this chapter.
(Ord. 5289, passed 8-29-83)

§ 30.47  BOARD OF CEMETERY TRUSTEES.

There is established a Board of Cemetery Trustees. The composition, procedures, powers, and duties of the Board of Cemetery Trustees shall be those set out in § 92.01(A) through (J) of the city code, and as provided by state law.
(Ord. 5289, passed 8-29-83)

Statutory reference:
Board of Cemetery Trustees, see IC 23-14-65-1 et seq.

§ 30.48  TRAFFIC COMMISSION.

(A) Establishment. There is established a Traffic Commission.
§ 30.49  KOKOMO - CITY GOVERNMENT ORGANIZATION

(B) Composition. The Traffic Commission shall consist of the Head of the City Police Department Accident Investigation Division; the Chief of Police, or, in his absence, the Assistant Chief of Police; a member of the Common Council of the city chosen by the Council; the Corporation Counsel; the City Civil Engineer; a member appointed by the Mayor, with such member being a city resident and serving for a term of one year; and a member appointed by the Council, with such member being a city resident, and serving for a term of one year.

(C) Chairman. The members of the Traffic Commission shall annually elect one of its members to serve as the Commission's chairman.

(D) Compensation. The members of the Traffic Commission shall serve without compensation.

(E) Powers and duties. It shall be the duty of the Traffic Commission to coordinate traffic activities, carry on educational activities in traffic matters, supervise the preparation and publication of traffic reports, receive complaints having to do with traffic matters, and to recommend to the Common Council ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

(1) The Traffic Commission may determine and designate by proper signs, distances not exceeding 90 feet at places where the stopping of any vehicle would create an especially hazardous condition or would cause unusual delay to traffic.

(2) The Traffic Commission may make temporary rules regarding traffic or intersection control devices under actual conditions of traffic. No such temporary rule regulating traffic shall remain in effect for more than 30 days. (Ord. 5289, passed 8-29-83)

§ 30.49 PLAN COMMISSION.

There is established a Plan Commission. The composition, proceedings, powers, and duties of the Plan Commission shall be those set out in §§ 154.05 and 154.06 through 154.17 of the city code and state law. (Ord. 5289, passed 8-29-83)

Statutory reference:
Municipal plan commissions, see IC 36-7-4-200 et seq.

§ 30.50 BOARD OF ZONING APPEALS.
(A) Establishment. Under the provisions of applicable state law and Ordinance 5067, the Board of Zoning Appeals, as established by Ordinance 5067, is continued, and shall be maintained as to membership in accordance with such ordinance.

2004 S-22
§ 30.53  HUMAN RIGHTS COMMISSION.

There is established the Human Rights Commission, which shall report directly to the Mayor. The composition, proceedings, powers, and duties of the Human Rights Commission shall be as set out in state law and §§ 33.10; 33.11; 33.12; 33.13; 33.14; 33.15; 33.17; 33.18; 33.19; and 33.20 of the city code.
(Ord. 5289, passed 8-29-83; Am. Ord. 6252, passed 1-13-03)
§ 30.54  KOKOMO HOUSING AUTHORITY.

There is established the Kokomo Housing Authority. The composition, proceedings, powers, and duties of the Kokomo Housing Authority shall be as set out in state law (IC 36-7-18-1 et seq.) and local ordinance.
(Ord. 5289, passed 8-29-83)

§ 30.55  KOKOMO-HOWARD COUNTY CIVIL DEFENSE.

To the extent provided by law, and pursuant to mutual agreements reached between the City of Kokomo and Howard County, the city recognizes the existence of the Kokomo-Howard County Civil Defense organization and will cooperate with that organization to provide for the civil defense of the citizens of Kokomo.
(Ord. 5289, passed 8-29-83)
CHAPTER 30A: COMMON COUNCIL

Section

General Provisions

30A.01 Term of office
30A.02 Councilmanic districts
30A.03 Public meetings required
30A.04 Regular meetings
30A.05 Special meetings
30A.06 Presiding officer
30A.07 Chief of Police to attend meetings
30A.08 Minutes
30A.09 Expenditure of funds

Procedure

30A.20 Adoption of Robert's Rules
30A.21 Order of business
30A.22 Matters to be submitted to City Clerk
30A.23 Quorum
30A.24 Call to order
30A.25 Standing committees
30A.26 Select committees
30A.27 Passing ordinance on day introduced
30A.28 Number of readings required
30A.29 Passing ordinance to next reading
30A.30 Overriding veto of Mayor

Cross-reference:
Common Council as legislative branch of city, see §§ 30.30 through 30.36

GENERAL PROVISIONS

§ 30A.01 TERM OF OFFICE.

The members of the Common Council shall serve for a term of four years with the term commencing from the hour of 12:00 noon on the first Monday in January following their election and continuing until their successors are elected and qualified.

('75 Code, § 2-51)

§ 30A.02 COUNCILMANIC DISTRICTS.

(A) As used in this section: "CITY" refers to the City of Kokomo; "COUNCIL" refers to Common Council of the city; "PRECINCT" refers to the precinct as established by the Board of Commissioners of Howard County as approved by the State Election Board.

(B) The Council is composed of nine members. Six members are elected from the districts established under this section. Three members of the Council are elected at large by the voters of the whole city.
(C) The Council divides the city into the following districts for conducting elections of council members:

1. District One - that part of the city located in Precincts 11, 12, 13, 14, 15, 16 and 17 (formerly 24).

2. District Two - that part of the city located in Precincts 21, 22, 23, 24 (formerly 33), and 25.

3. District Three - that part of the city located in Precincts 31, 32, 33 (formerly 41), 34, 35, and 36 (formerly 52).

4. District Four - that part of the city located in Precincts 41 (formerly 55), 42, 43, 44 and 45.

5. District Five - that part of the city located in Precincts 51, 53, 54, 56-1, 56-2, and 57.

6. District Six - that part of the city located in Precincts 61, 62, 63, 64, 65, 66 and 67.

(D) The Council adopts a map depicting the districts established under this section and incorporates the map by reference into this section. Two copies of this map are on file in the office of the City Clerk for public inspection as required by IC 36-1-5-4. If a conflict exists between the districts as depicted on the map and described in this section, the description in this section prevails.

(E) The City Clerk shall forward a signed copy of this section to the Clerk of Howard County and shall request the Clerk to include the copy of this section in the records of the Howard County Election Board.

(Ord. 5853, passed 12-14-92; Am. Ord. 6236, passed 7-9-02)

Statutory reference:
Councilmanic districts, see IC 36-4-6-2 through 36-4-6-5

§ 30A.03 PUBLIC MEETINGS REQUIRED.

All meetings of the Common Council shall be public.

('75 Code, § 2-53)

Statutory reference:
Indiana open door law, see IC 5-14-1.5-1 et seq.
Public meetings required, see IC 36-4-6-7

§ 30A.04 REGULAR MEETINGS.

The members-elect of the Common Council shall hold their first regular meeting on the first Monday in January after their election at 7:30 p.m. in the Council chamber. Thereafter the Common Council
shall meet on the second and last Monday of each month, except that when the regular scheduled meeting occurs on a legal holiday or if the last Monday in any given month is also the last day of the month, the regular meeting shall be held on the previous Monday of that

2002 S-21
§ 30A.06

particular month or at such other time as the Council may direct. ('75 Code, § 2-54) (Ord. 4157, passed 12-11-72)

Statutory reference:
Meetings, see IC 36-4-6-7

§ 30A.05 SPECIAL MEETINGS.

(A) Special meetings of the Common Council shall be held on the call of the Mayor, or the presiding officer of the Common Council, or any six of its members-elect.

(B) All such calls shall be in writing and when issued shall be sealed with the city seal and attested to with the signature of the City Clerk and shall separately enumerate the purposes for which the meeting is being called.

(C) The City Clerk shall thereupon issue certified copies of the call to the Chief of Police who shall serve them personally on each member of the Common Council.

(D) The Chief of Police shall make a return of the service of the notice of the call to the City Clerk and such notice and service shall then be made a part of the minutes of such special meeting. ('75 Code, § 2-55)

Statutory reference:
Meetings, see IC 36-4-6-7

§ 30A.06 PRESIDING OFFICER.

The Common Council at its first meeting shall choose from among its members a presiding officer and a presiding officer pro tempore, both of whom shall serve until noon of the first Monday in January.
of the next succeeding year when their respective successors shall be chosen to serve for one year in a like manner.
('75 Code, § 2-56)

Statutory reference:
Presiding officer, see IC 36-4-6-8

§ 30A.07  CHIEF OF POLICE TO ATTEND MEETINGS.

The Chief of Police or an officer or patrolman chosen by him shall attend all meetings of the Common Council, and the officer or patrolman attending such Council meeting shall be the sergeant-at-arms of such meeting to preserve order and carry out all orders of the presiding officer.
('75 Code, § 2-57)

§ 30A.08  MINUTES.

The City Clerk shall mail the minutes of all meetings of the Common Council to each Councilman prior to its next regular meeting.
('75 Code, § 2-58)

§ 30A.09  EXPENDITURE OF FUNDS.

(A)  The Common Council is authorized to appropriate from the various funds of the city sums devoted to improve the operations of the various departments of the city and to promote the betterment of the municipality.

(B)  The appropriations may include, but are not necessarily limited to, the following:

(1) Expenses incurred in the promotion of economic or industrial development for the municipality including meeting room rental, decorations, preparation of displays or promotional materials, rental of booth space, meals, and travel.

(2) Commemorative plaques, certificates, or objects such as commemorative keys.

(3) Other purposes which are deemed by the Mayor or the Common Council to directly relate to the promotion or betterment of the city.

(4) Membership dues for the city and the elected and appointed officials and members of the municipality's boards, council, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(5) Tuitional fees for training sessions, seminars, or other educational programs which have as their purpose the
§ 30A.20  ADOPTION OF ROBERT'S RULES.

For the purpose of governing meetings of the Common Council and any committees thereof, there is adopted that certain publication known as Robert's Rules of Order, newly revised, to the extent the same is not in conflict with the provisions of this chapter. Two copies of this publication are on file in the office of the City Clerk for public inspection.

('75 Code, § 2-66)

Statutory reference:
Power of Common Council to prescribe its rules, see IC 36-3-4-18

§ 30A.21  ORDER OF BUSINESS.

All items of business at meetings of the Common Council shall be considered in the order of their appearance on an agenda prepared by the City Clerk and approved by the presiding officer of the Common Council in advance of the meetings.

('75 Code, § 2-67) (Ord. 3948, passed 7-8-68)

§ 30A.22  MATTERS TO BE SUBMITTED TO CITY CLERK.

All matters to be considered by the Common Council at one of its regular meetings shall be submitted to the City Clerk not later than noon on the Thursday previous to it.

('75 Code, § 2-68) (Ord. 3948, passed 7-8-68)

§ 30A.23  QUORUM.

A majority of the members-elect of the Common Council shall constitute a quorum.

('75 Code, § 2-69)

§ 30A.24  CALL TO ORDER.

The presiding officer of the Common Council shall take the chair precisely at the hour fixed for the opening of the meeting and shall immediately call the Common Council to order on the appearance of a quorum.

('75 Code, § 2-70)
§ 30A.25 STANDING COMMITTEES.

(A) Generally. Unless otherwise especially ordered by the Common Council, the presiding officer shall appoint the following standing committees:

(1) Finance.
(2) Public works and improvements.
(3) Public safety and welfare.
(4) Resolutions.

(B) Composition. Unless otherwise ordered by the Common Council, each standing committee of the Common Council shall consist of not less than three members.

(C) Appointments. All appointments to standing committees of the Common Council shall be made at the first meeting in January of any year, or as soon thereafter as possible, unless specifically ordered otherwise by the Common Council.

(D) Chairman. The first named member of each standing committee of the Common Council shall be the chairman, and in his absence or being excused by the Council, the next named member, and so on, as often as the case may happen, unless the committee by a majority of its number elect a chairman, and in case of the death of a chairman, the presiding officer shall appoint another.

(E) Meetings. It shall be the duty of a standing committee of the Common Council to meet on the call of any two of its members in case its chairman is absent or declines to appoint a time for such meetings.

('75 Code, §§ 2-71 through 2-75)

§ 30A.26 SELECT COMMITTEES.

(A) Generally. The presiding officer of the Common Council shall appoint all select committees of the Common Council which the Council may order from time to time.

(B) Longevity. A select committee when its report is disposed of and if it has no other business shall stand dissolved without the necessity of a motion, but an affirmative vote on recommitment of any matter to the committee shall have the effect of reviving the committee.

('75 Code, §§ 2-76 and 2-77)

§ 30A.27 PASSING ORDINANCE ON DAY INTRODUCED.

No ordinance shall be passed by the Common Council on the same day, or at the same meeting that it is introduced, except by unanimous
consent, and then only in case there are present and

1984 S-2
§ 30A.28 NUMBER OF READINGS REQUIRED.

Except as otherwise provided, each ordinance shall be read three times before the Common Council votes on whether or not to enact it into law.
('75 Code, § 2-79)

Statutory reference:
Ordinance enactment, see IC 36-4-6-14

§ 30A.29 PASSING ORDINANCE TO NEXT READING.

A vote of the majority of the duly elected members of the Common Council present, provided there is a quorum, shall be required to advance or pass an ordinance on any reading.
('75 Code, § 2-80)

Statutory reference:
Majority vote for passage, see IC 36-3-4-10 and 36-4-6-11

§ 30A.30 OVERRIDING VETO OF MAYOR.

No ordinance, order, or resolution of the Common Council which has been vetoed by the Mayor shall become a law unless at its next regular meeting after the time named for the Mayor's action, the Common Council shall again pass the same by a two-thirds vote of the members-elect.
('75 Code, § 2-81)

Statutory reference:
Veto by Mayor, see IC 36-3-4-16 and 36-4-6-16
CHAPTER 31: OFFICERS AND EMPLOYEES

Section

General Provisions

31.01 Qualifications
31.02 Oath
31.03 Bond
31.04 Vacancy in office
31.05 Filling vacancies
31.06 Surrender of office
31.07 Handling funds

Mayor

31.10 Head of executive branch of city

City Clerk

31.20 Establishment
31.21 Term of office
31.22 Powers and duties

City Controller

31.25 Establishment

City Civil Engineer

31.35 Establishment

Council Attorney

31.40 Establishment

Development Director

31.45 Establishment
31.46 Duties

Other Officials

31.50 Affirmative Action Director
31.51 Director of Planning, Development, and Engineering Services
31.52 Corporation Counsel
31.53 Commissioner of Buildings
31.54 Fire Chief
31.55 Inspector of Weights and Measures
31.56 Personnel Director
31.57 Police Chief
31.58 Street Commissioner
31.59 Superintendent of Parks and Recreation
31.60 City Electrician
§ 31.01 QUALIFICATIONS.  

Except as otherwise provided by state law, no person shall be eligible to any city office unless he shall have been a resident of the city or an area being annexed thereto for at least one year immediately preceding his selection.  
('75 Code, § 2-16)  

Statutory reference:  
Residency requirement, see IC 36-4-5-2 and 36-4-6-2  

§ 31.02 OATH.  

Every elected or appointed officer of the city before entering on the duties of his office, shall take and subscribe an oath, to be endorsed on his certificate of election or certificate of appointment as appropriate, before the City Clerk or some other officer authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of the State of Indiana, and that he will faithfully discharge all his official duties. The oath shall also be filed with the City Clerk.  
('75 Code, § 2-17)  

Statutory reference:  
Oath, see IC 5-4-l-l.2 and 5-4-l-4  

§ 31.03 BOND.  

Except as otherwise provided by state law, every city officer, except the Mayor and members of the Common Council shall execute a bond, to the approval of the Mayor in such penal sum as the Common Council may enact by ordinance covering such cases, conditioned for the faithful performance of the duties of his office and for the payment to the proper person of moneys received by him as such officer.  
('75 Code, § 2-18)  

Statutory reference:  
Bond, see IC 5-4-l-8 and 5-4-l-9  

§ 31.04 VACANCY IN OFFICE.  

Except as otherwise provided by state law, any city officer who shall not file the required oath of office, or oath and bond of office, as the case may be, with the proper officer within ten days after the beginning of the term for which he shall have been elected or appointed shall be deemed to have refused to serve, and the office shall be deemed to be vacant.  
('75 Code, § 2-19)
Statutory reference:
    Removal for failure to file oath or bond, see IC 5-4-1-1.2
    and 5-4-1-9

1993 S-12
§ 31.05 FILLING VACANCIES.

All vacancies in any city office shall be filed in the manner provided by law. ('75 Code, § 2-20)

Statutory reference:
Filling vacancies, see IC 3-13-8

§ 31.06 SURRENDER OF OFFICE.

Every city officer or employee, on the termination of his employment or service as such, whether by resignation or otherwise, shall surrender to his successor in office all the effects of his office or position. ('75 Code, § 2-21)

§ 31.07 HANDLING FUNDS

Except as provided otherwise, every city official shall turn over at least once each week all moneys coming into his hands which are the property of the city. ('75 Code, § 2-22)

MAYOR

§ 31.10 HEAD OF EXECUTIVE BRANCH OF CITY.

For provisions concerning the Mayor, see § 30.10.

CITY CLERK

§ 31.20 ESTABLISHMENT.

For provisions concerning the City Clerk, see § 30.36.

§ 31.21 TERM OF OFFICE.

The City Clerk shall serve for a term of office of four years with the term commencing from the hour of 12:00 noon on the first Monday in January following his election and continuing until his successor in office is elected and qualified. ('75 Code, § 2-110)

Statutory reference:
Election of City Clerk; term of office, see IC 36-4-10-2
§ 31.22 POWERS AND DUTIES.

The City Clerk shall have the powers and duties provided by state law, and in addition shall have such powers and duties as may be provided by this code.
('75 Code, § 2-111)

Statutory reference:
City Clerk as Clerk of Council, see IC 36-4-6-9
Deputies and employees, see IC 36-4-11-4
Powers and duties, see IC 36-4-10-4

CITY CONTROLLER

§ 31.25 ESTABLISHMENT.

For provisions concerning the City Controller, see § 30.13.

CITY CIVIL ENGINEER

§ 31.35 ESTABLISHMENT.

For provisions concerning the City Civil Engineer, see § 30.15(D).

COUNCIL ATTORNEY

§ 31.40 ESTABLISHMENT.

For provisions concerning the Council Attorney, see § 30.35.

DEVELOPMENT DIRECTOR

§ 31.45 ESTABLISHMENT.

For provisions concerning the Development Director, see § 30.20(B).
(Ord. 6073, passed 12-8-97)

Cross-reference:
Planning and development, see Ch. 154

§ 31.46 DUTIES.

It shall be the duty of the Development Director to coordinate capital improvements in an advisory capacity to the Mayor and to advise the Mayor on such other matters as the Mayor deems proper. ('75 Code, § 2-181) (Ord. 4225, passed 8-13-73)

OTHER OFFICIALS

§ 31.50 AFFIRMATIVE ACTION DIRECTOR.

Provisions regarding the Affirmative Action Director are contained in § 30.14.
§ 31.51 DIRECTOR OF ENGINEERING, TRAFFIC AND INSPECTION SERVICES.

Provisions regarding the Director of Engineering, Traffic and Inspection Services are contained in § 30.15(B).

§ 31.52 CORPORATION COUNSEL.

Provisions regarding the Corporation Counsel are contained in § 30.12.

§ 31.53 COMMISSIONER OF BUILDINGS.

Provisions regarding the Commissioner of Buildings are contained in § 30.15(E)(3).

§ 31.54 FIRE CHIEF.

Provisions regarding the Fire Chief are contained in § 30.18(C).

§ 31.55 INSPECTOR OF WEIGHTS AND MEASURES.

Provisions regarding the Inspector of Weights and Measures are contained in § 30.18(D).

§ 31.56 PERSONNEL DIRECTOR.

Provisions regarding the Personnel Director are contained in § 30.14.

§ 31.57 POLICE CHIEF.

Provisions regarding the Police Chief are contained in § 30.18(B).

§ 31.58 STREET COMMISSIONER.

Provisions regarding the Street Commissioner are contained in § 30.18(F).

§ 31.59 SUPERINTENDENT OF PARKS AND RECREATION.

Provisions regarding the Superintendent of Parks and Recreation are contained in § 30.17.

§ 31.60 CITY ELECTRICIAN.

Provisions regarding the City Electrician are contained in § 30.15(F)(3).
CHAPTER 32: DEPARTMENTS

Section

Fire Department

32.01 Established
32.02 Establishment of position of Fire Chief
32.03 Membership
32.04 Pension Fund and Trustees
32.05 Labor relations

Police Department

32.10 Establishment
32.11 Labor relations

Department of Aviation

32.20 Established
32.21 Board of Aviation Commissioners
32.22 Eligibility
32.23 Appointments and terms
32.24 Oath
32.25 Removal of members
32.26 Filling vacancies
32.27 Meetings
32.28 Quorum; voting
32.29 Officers
32.30 Fuel and Lubricants Rotary Fund

Department of Law

32.40 Established

Department of Parks and Recreation

32.50 Established; composition
32.51 Board of Parks and Recreation
32.52 Advisory Council; special committees
32.53 Budget; gifts

Additional Departments

32.60 Department of Community Day Care Centers
32.61 Department of Planning, Development, and Engineering Services
32.62 Department of Public Works and Safety
32.63 Department of Economic Development
32.64 Department of Finance
32.65 Department of Personnel
32.66 Department of Streets
32.67 Department of Weights and Measures
§ 32.01    KOKOMO - DEPARTMENTS

32.68  Sanitation Department
32.69  Senior Citizens Department

Cross-reference:
Department of Redevelopment, see § 154.01

FIRE DEPARTMENT

§ 32.01  ESTABLISHED.

There is established a Fire Department, as set forth in § 30.18(C).
('75 Code, § 10-29)

Cross-reference:
Fire prevention, see Ch. 94

Statutory reference:
Authority to establish firefighting unit, see IC 36-8-2-3

§ 32.02  ESTABLISHMENT OF POSITION OF FIRE CHIEF.

For provisions concerning the position of Fire Chief, see § 30.18(C).

§ 32.03  MEMBERSHIP.

(A) Any person desiring a position in the Fire Department shall file a written application, approved in form by the Fire Chief, stating his residence, the names of his dependents, his physical condition, and such other information as may be required by the Board of Public Works and Safety or the Fire Chief. ('75 Code, § 10-33)

(B) The Board of Public Works and Safety and the Fire Chief shall investigate every applicant to be a fireman, and shall have the applicant take a physical examination, and shall inquire into and determine his fitness to be a fireman. ('75 Code, § 10-34)

(C) No person under the age of 21 years or over the age of 35 years, shall become a fireman or assistant fireman in the Fire Department. ('75 Code, § 10-35)

(D) No person shall be appointed to be a member of the Fire Department who is not of good character. ('75 Code, § 10-36)

Statutory reference:
Residence requirement, see IC 36-8-4-2

§ 32.04  PENSION FUND AND TRUSTEES.

A Firemen's Pension Fund and a Board of Trustees of the Firemen's Pension Fund are established under the provisions of IC 36-
8-7-1 et seg.
('75 Code, § 10-37)

2007 S-25
§ 32.05 LABOR RELATIONS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BARGAINING AGENT." The labor organization selected by the majority of the fire fighters. However, the "BARGAINING AGENT" shall be selected by majority vote of the fire fighters entitled to vote in any duly called and convened election. ('75 Code, § 10-44)

"CITY." The Board of Public Works and Safety of the city when such collective bargaining concerns all factors of employment except wages and monetary fringe benefits; the Common Council of the city when collective bargaining concerns wages and monetary fringe benefits. (Ord. 4594, passed 12-20-76)

"FACTORS." Wages, hours of employment, fringe benefits, and working conditions. ('75 Code, § 10-44)

"FIRE FIGHTERS." The permanent uniformed members of the Fire Department. ('75 Code, § 10-44)

"MANAGEMENT GROUP." The management group of the Kokomo Fire Department is defined as including the following positions and ranks: Fire Chief, Assistant Fire Chief, Battalion Chief, District Chief, Fire Inspector, Assistant Fire Inspector, Fire Investigator, Assistant Fire Investigator, Mechanic/Maintenance, Maintenance/Mechanic. (Am. Ord. 5164, passed 3-29-82; Am. Ord. 5856, passed 12-15-92)

(B) Right to collective bargaining and representation. The fire fighters shall have the right to bargain collectively with the city and to be represented by a labor organization in respect to all firemen's factors. Provided that, such labor organization will not bargain collectively for those individuals who are defined as being members of the management group. ('75 Code, §10-45) (Am. Ord. 5164, passed 3-29-82)

(C) Recognition of Bargaining Agent. The Bargaining Agent shall be recognized as the sole and exclusive agent for all of the members of the Fire Department, excluding those individuals heretofore defined as being members of the management group, unless and until recognition of such labor organization is withdrawn by vote of a majority of the fire fighters. ('75 Code, § 10-46) (Am. Ord. 5164, passed 3-29-82)

(D) Duty of city to bargain. It shall be the obligation of the Board and the Council to meet and bargain in good faith with the representatives of the Bargaining Agent within 20 days after receipt of written notice from said Bargaining Agent of the request for a meeting for collective bargaining purposes. Said notices for collective bargaining shall be given to the Board by service on the Controller of the city and to the Council by service on the presiding officer thereof. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such
§ 32.05      KOKOMO - DEPARTMENTS

negotiations, to be reduced to writing. However, the term of any such contract in writing shall not exceed three years. (Ord. 4594, passed 12-20-76)

(E) Right to attend negotiations. The Mayor and two representatives of the Common Council, appointed by a vote of the membership of the Council and approved by the presiding officer thereof, shall, in all negotiations conducted pursuant to this section, be ex officio members of the city, and shall attend all meetings in connection with the negotiations, but without a vote. ('75 Code, § 10-48)

(F) Notice of negotiations requiring appropriations. Whenever the factors or other matters requiring appropriation of money by the Council are included as matters of collective bargaining conducted under the provisions of this section, it shall be the obligation of the Bargaining Agent to serve written notice or request for collective bargaining in respect to said factors on the Council no sooner than 180 days nor later than 120 days before the last day on which money can be appropriated by the Council to cover the contract period which is the subject of the collective bargaining procedure. (Ord. 4593, passed 12-20-76)

(G) It shall be the obligation by the Board and the Council to meet and bargain in good faith with the representative or representatives of the bargaining agent within 20 days after receipt of written notice from said bargaining agent of the request for a meeting for collective bargaining purposes. Said notices for collective bargaining shall be given to the Board by service upon the Controller of the city, and to the Council by service upon the presiding officer thereof. The obligation to bargain in good faith shall include the duty to cause and agreement, resulting from such negotiations, to be reduced to writing. Provided, however, that the term of any such contract in writing shall not exceed three years. (Ord. 4593, passed 12-20-76)

(H) Arbitration. In the event that the Bargaining Agent and the city are unable, within 45 days from and after the date of their first meetings, to reach an agreement on a contract, any and all unresolved issues shall be submitted to arbitration. ('75 Code, § 10-50; Am. Ord. 4593, passed 12-20-76)

(I) Selection of arbitrators. Within ten days from the expiration of the 45-day period referred to in division (H) above, the Bargaining Agent shall select one arbitrator, and the city Board and Council shall, jointly select one arbitrator, and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two arbitrators so selected and named shall, within 20 days from and after the expiration of the ten-day period above mentioned, endeavor to agree on and select and name the third arbitrator. If, on the expiration of the period allowed therefor, the arbitrators are unable to agree on the selection of a third arbitrator, the Board and Council and the Bargaining Agent, or either of them,
shall in writing request that the Federal Mediation and Conciliation Service furnish, without delay, a third arbitrator. Said third arbitrator shall act as chairman of the Arbitration Board and shall call meetings thereof.  
(Ord. 4593, passed 12-20-76)

(J) Arbitration hearing.

(1) The Arbitration Board established pursuant to this section shall, acting through its chairman, call a hearing to be held within 20 days after the date of the appointment of the chairman, and shall, acting through its chairman, give at least ten days notice in writing to each of the other two arbitrators of the time and place of such hearing.

(2) The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination.

(3) The arbitration hearing conducted shall be concluded within 30 days of the time of commencement, and within 15 days after the conclusion of the hearings, the Board shall make written findings and conclusions on the issues presented, a copy of which shall be mailed or otherwise delivered to the Bargaining Agent and the city. A majority decision of the Board on all matters, except wages and monetary fringe benefits to be paid to firemen, shall be conclusive and binding on both the Bargaining Agent and the city. Any decision of the Board with respect to such wages and monetary fringe benefits shall not be binding on the city unless the same is approved and ratified by the Common Council no later than the last day on which said Common Council may appropriate money to be paid during the period covered by the decision of the Board.  
(‘75 Code, § 10-52; Am. Ord. 4593, passed 12-20-76)

(K) Factors in rendering arbitration decision. The Arbitration Board established pursuant to this section shall conduct the hearings and render their decision on the basis of a prompt, peaceful, and just settlement of all disputes and issues between the fire fighters and the city in respect to those factors. The matters, among others, to be given weight by the Board in arriving at a decision shall include:
(1) Comparison of factors in respect to the Fire Department with similar and like factors prevailing in not only the local area, but prevailing in other second class cities.

(2) The interest and welfare of the public.
§ 32.10 ESTABLISHMENT.

For provisions concerning the Police Department, see § 30.18(B).

§ 32.11 LABOR RELATIONS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BARGAINING AGENT." The Fraternal Order of Police or such labor organization as selected by the majority of policemen. ('75 Code, § 19-31)

"CITY." The Board of Public Works and Safety of the city when such collective bargaining concerns all factors of employment except wages and monetary fringe benefits; the Common Council of the city when collective bargaining concerns wages and monetary fringe benefits. (Ord. 4594, passed 12-20-76)

"FACTORS." Wages, hours of employment, fringe benefits, and working conditions. ('75 Code, § 19-31)
"MANAGEMENT GROUP." The management group of the Kokomo Police Department is defined as meaning all supervising officers holding the rank of Captain or above. (Am. Ord. 5165, passed 3-29-82)

"POLICEMEN." The permanent members of the Police Department. (’75 Code, § 19-31)
(B) Right to collective bargaining and labor representation. The policemen shall have the right to bargain collectively with the city and to be represented by the Fraternal Order of Police or such labor organization as selected by the majority of policemen in respect to police factors. Provided that, the Fraternal Order of Police or such other labor organization will not bargain collectively for those individuals who are defined as being members of the management group. ('75 Code, § 19-32) (Am. Ord. 5165, passed 3-29-82)

(C) Recognition of Bargaining Agent. The Bargaining Agent shall be recognized as the sole and exclusive agent for all of the members of the Police Department, excluding those individuals heretofore defined as being members of the management group unless and until recognition of the Fraternal Order of Police or such labor organization as selected by the majority of policemen is withdrawn by vote of a majority of the policemen. ('75 Code, § 19-33) (Am. Ord. 5165, passed 3-29-82)

(D) Duty of city to bargain. It shall be the obligation of the Board and the Council to meet and bargain in good faith with the representatives of the Bargaining Agent within 20 days after receipt of written notice from said Bargaining Agent of the request for a meeting for collective bargaining purposes. Said notices for collective bargaining shall be given to the Board by service on the Controller of the city, and to the Council by service on the presiding officer thereof. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. However, the term of any such contract in writing shall not exceed three years. (Ord. 4594, passed 12-20-76)

(E) Notice of negotiations requiring appropriations. Whenever the factors, as herein defined, or other matters requiring appropriation of money by the Council are included as matters of collective bargaining conducted under the provisions of this section, it shall be the obligation of the Bargaining Agent to serve written notice or request for collective bargaining in respect to those factors on the Council no sooner than 180 days nor later than 120 days before the last day on which money can be appropriated by the Council to cover the contract period which is the subject of the collective bargaining procedure. (Ord. 4594, passed 12-20-76)

(F) Negotiated contract; maximum length. Any agreements negotiated between the Bargaining Agent and the Board and Council, either before, or within 30 days after arbitration, shall constitute the collective bargaining contract in respect to the policemen and the city for the period stated therein. However, such period shall not exceed three years. (Ord. 4594, passed 12-20-76)

(G) Arbitration. In the event that the Bargaining Agent and the Board and the Council are unable, within 45 days from and after the date of their first meetings to reach an agreement on a
§ 32.11  

contract, any and all unresolved issues shall be submitted to arbitration. (Ord. 4594, passed 12-20-76)

(H) Selection of arbitrators. Within 10 days from the expiration of the 45-day period referred to in division (G) hereof, the Bargaining Agent shall select one arbitrator, and the City Board and Council shall, jointly select one arbitrator, and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two arbitrators so selected and named shall, within 20 days from and after the expiration of the ten-day period above mentioned, endeavor to agree on and select and name the third arbitrator. If, on the expiration of the period allowed therefor, the arbitrators are unable to agree on the selection of a third arbitrator, the Board and Council and the Bargaining Agent, or either of them, shall in writing request that the Federal Mediation and Conciliation Service furnish, without delay, a third arbitrator. Said third arbitrator shall act as chairman of the Arbitration Board and shall call meetings thereof. (Ord. 4594, passed 12-20-76)

(I) Arbitration hearing.

(1) The Arbitration Board established pursuant to this section, shall, acting through its chairman, call a hearing to be held within ten days after the date of the appointment of the chairman, and shall, acting through its chairman, give at least seven days notice in writing to each of the other two arbitrators of the time and place of such hearing.

(2) The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination.

(3) The hearing conducted by the Arbitration Board shall be concluded within 20 days of the time of commencement, and within ten days after the conclusion of the hearings, the Board shall make written findings and conclusions on the issues presented, a copy of which shall be mailed or otherwise delivered to the Bargaining Agent and the city. A majority decision of the Board on all matters, except wages and monetary fringe benefits to be paid to policemen, shall be conclusive and binding upon both the Bargaining Agent and the city. Any decision of the Board with respect to such wages and monetary fringe benefits shall not be binding on the city unless the same is approved and ratified by the Common Council no later than the last day on which the Common Council may appropriate money to be paid during the period covered by the decision of the Board. ('75 Code, § 19-39) (Ord. 4594, passed 12-20-76)
(J) Factors in rendering arbitration decision. The Arbitration Board established pursuant to this section shall conduct the hearings and render their decision on the basis of a prompt, peaceful, and just settlement of all disputes and issues between the policemen and the city in respect to those factors. The matters, among others, to be given weight by the Board in arriving at a decision shall include:

(1) Comparison of factors in respect to the Police Department with similar and like factors prevailing in not only the local area, but prevailing in other second class cities.

(2) The interest and welfare of the public.

(3) Comparison of peculiarities of employment in regard to other trades or professions, in particular:

(a) Hazards of employment.
(b) Physical qualifications.
(c) Educational qualifications.
(d) Mental qualifications.
(e) Job training and skills.

(4) Such other matters as the Board may deem pertinent or relevant. ('75 Code, § 19-40)

(K) Payment of arbitration expenses. All reasonable fees and necessary expenses of arbitration shall be borne equally by the Bargaining Agent and the city. ('75 Code, § 19-41) (Ord. 4287, passed 4-8-74; Am. Ord. 5165, passed 3-29-82)

DEPARTMENT OF AVIATION

§ 32.20 ESTABLISHED.

For provisions concerning the Department of Aviation, see § 30.16.

§ 32.21 BOARD OF AVIATION COMMISSIONERS.

(A) There is established a Board of Aviation Commissioners. ('75 Code, § 2-214)

(B) The Board of Aviation Commissioners shall consist of four members. ('75 Code, § 2-215)

(C) Political affiliation. No more than two members of the Board of Aviation Commissioners shall be of the same political party. ('75 Code, § 2-216)

Statutory reference:
Composition, see IC 8-22-2-1

1984 S-2
§ 32.22 ELIGIBILITY.

To be eligible to be a member of the Board of Aviation Commissioners, a person must:

(A) Be at least 18 years of age;

(B) Be a resident of Howard County;

(C) Not be actively engaged or employed in commercial aeronautics;

(D) Not hold any other governmental office (by appointment or election) that has statutory fiscal or management review of the Board's actions;

(E) Not serve as a member of any other agency, board, commission, department, or other governmental entity that:
   
   (1) Is located within the jurisdiction of the department of aviation; and
   
   (2) Has statutory fiscal or management review of the Board's actions.

(IC 8-22-2-2)

§ 32.23 APPOINTMENTS AND TERMS.

(A) The members of the Board of Aviation Commissioners shall be appointed by the Mayor. ('75 Code, § 2-218)

(B) The terms of the members of the Board of Aviation Commissioners shall be for four years and until their respective successors in office are appointed and qualified. ('75 Code, § 2-219)

Statutory reference:
Appointments and terms, see IC 8-22-2-1 and 8-22-2-3

§ 32.24 OATH.

(A) Each member of the Board of Aviation Commissioners before entering on his duties shall take and subscribe the usual oath of office, to be indorsed on the certificate of his appointment, and shall cause the same to be filed with the City Clerk.

(B) Any person who shall not file such oath with the City Clerk within 30 days after the beginning of the term for which he has been appointed, or at the date of his appointment, if appointed after the
beginning of such term, shall be deemed to have refused to serve and the office shall become vacant.
('75 Code, § 2-220)

Statutory reference:
   Oath of office, see IC 8-22-2-1

1988 S-6
§ 32.25 REMOVAL OF MEMBERS.

The Mayor may, at any time, remove any Aviation Commissioners from office, but only on his filing in writing with the City Clerk his reasons for such removal. ('75 Code, § 2-221)

Statutory reference:
Removal of members, see IC 8-22-2-3

§ 32.26 FILLING VACANCIES.

If any vacancy should occur in the membership of the Board of Aviation Commissioners by resignation or otherwise, the Mayor shall appoint a person to fill the residue of the vacant term. ('75 Code, § 2-222)

Statutory reference:
Filling vacancies, see IC 8-22-2-3

§ 32.27 MEETINGS.

(A) The Board of Aviation Commissioners shall fix a time for holding its regular meetings. ('75 Code, § 2-223)

(B) Special meetings of the Board of Aviation Commissioners may be called at any time by its president, or by any two of its members, on a written request to the secretary. Whenever in the opinion of its president, or of any two members, a special meeting is necessary or advisable, he or they shall cause the secretary to notify the members by mailing written notice of the time of such meeting, at least one day before such meeting. Any member may waive such notice in writing and the presence of any member at a special meeting shall be deemed a waiver of such notice. ('75 Code, § 2-224)

(C) All meetings of the Board of Aviation Commissioners shall be open to the public. ('75 Code, § 2-225)

Statutory reference:
Meetings, see IC 8-22-2-4

§ 32.28 QUORUM; VOTING.

(A) A majority of the members of the Board of Aviation Commissioners shall constitute a quorum, but no action of the Board shall be binding unless authorized by a majority of its members at a regular or duly called special meeting thereof. ('75 Code, § 2-226)

(B) In the case of a tie vote of the members of the Board of Aviation Commissioners on any question, the Mayor shall decide the issue. ('75 Code, § 2-227)

Statutory reference:
Quorum; voting, see IC 8-22-2-4
§ 32.29 OFFICERS.

The Board of Aviation Commissioners shall choose, annually, at its first regular meeting in January, one of its members president and another of its members vice-president, who shall perform the duties of the president during the absence or disability of the president.

('75 Code, § 2-228)

Statutory reference:
Officers, see IC 8-22-2-4

§ 32.30 FUEL AND LUBRICANTS ROTARY FUND.

(A) Establishment of Rotary Fund. Pursuant to the provisions of IC 8-22-2-7(c) there is created within the Department of Aviation a Fuel and Lubricants Rotary Fund to be used exclusively for the purchase of fuels and lubricants to be sold to the general public in the operation of the airport.

(B) Funding. The Rotary Fund established in division (A) hereof shall be funded by separate appropriations or transfers as maybe authorized from time to time by the Common Council as a fiscal body.

(C) Accounting procedures for monies received. All funds received from the sale of fuels and lubricants purchased with Rotary Fund monies shall be turned over to the Office of the City Controller at least once a month for deposit into the Fuel and Lubricants Rotary Fund. Such funds shall be disbursed by the Board of Aviation Commissioners solely for the purpose of purchasing fuels and lubricants for sale to the public in the operation of the airport.

(D) Annual reconciliation. At the end of each fiscal year, the Board of Aviation Commissioners shall make a detailed report to the Common Council, as fiscal body, showing the amount of money received and paid over to the Controller to the credit of the Fuel and Lubricants Rotary Fund, and also showing the amount and value of fuels and lubricants on hand.

(E) Treatment of excess funds. If at the end of the fiscal year the accumulated Fuel and Lubricants Rotary Fund balance, plus the value of inventory of fuels and lubricants on hand, exceeds the total previous appropriation to the fund by 25%, the excess shall be transferred to the General Aviation Fund.

(Ord. 6415, passed 3-13-06)

DEPARTMENT OF LAW

§ 32.40 ESTABLISHED.

For provisions concerning the Department of Law, see § 30.12.
§ 32.50  ESTABLISHED; COMPOSITION.

There is established a Department of Parks and Recreation (as described more particularly in § 30.17) composed of the Board of Parks and Recreation, a Superintendent, and such other personnel as the Board shall determine.
(Ord. 4483, passed 3-8-76)

Cross reference:
   Parks and Recreation, see Ch. 96

Statutory reference:
   Park and Recreation Law, see IC 36-10-3-1 et seq.

§ 32.51  BOARD OF PARKS AND RECREATION.

(A) The Board shall be composed of four members, and a member of the Board of School Trustees, and the Library Board ex officio. The Mayor shall select the regular members on the basis of their interest in and knowledge of parks and recreation but not more than two members shall be of the same political party. The ex officio members shall be selected by their respective boards.

(B) On the establishment of a Board, the terms of the members initially appointed shall be one, two, three, and four years. Thereafter as a term expires, each new appointment shall be for a four-year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until his successor is appointed.

(C) At its first regular meeting in each year, the Board shall elect a president and a vice-president shall have authority to act as the president of the Board during the absence or disability of the president.

(D) The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities to conduct such programs as are generally understood to be park and recreation functions, including powers and duties listed in IC 36-10-3-10 through 36-10-3-12.
(Ord. 4483, passed 3-8-76)

§ 32.52  ADVISORY COUNCIL; SPECIAL COMMITTEES.

The Board may create an Advisory Council and special committees composed of citizens interested in the problems of parks and recreation in accordance with IC 36-10-3-17.
(Ord. 4483, passed 3-8-76)
§ 32.53 BUDGET; GIFTS.

The Board shall prepare and submit an annual budget in the same manner as other departments of the city government. The Board may accept gifts, donations, and subsidies for park and recreation purposes.
(Ord. 4483, passed 3-8-76)

ADDITIONAL DEPARTMENTS

§ 32.60 DEPARTMENT OF COMMUNITY DAY CARE CENTERS.

For provisions concerning the Department of Community Day Care Centers, see § 30.18(H).

§ 32.61 DEPARTMENT OF ENGINEERING, TRAFFIC, AND INSPECTION SERVICES.

For provisions concerning the Department of Engineering, Traffic, and Inspection Services, see § 30.15.
(Am. Ord. 5559, passed 10-28-86; Am. Ord. 6073, passed 12-8-97)

§ 32.62 DEPARTMENT OF PUBLIC WORKS AND SAFETY.

For provisions concerning the Department of Public Works and Safety, see § 30.18.

§ 32.63 DEPARTMENT OF ECONOMIC DEVELOPMENT.

For provisions concerning the Department of Economic Development, see § 30.19.

§ 32.64 DEPARTMENT OF FINANCE.

For provisions concerning the Department of Finance, see § 30.13.

§ 32.65 DEPARTMENT OF PERSONNEL.

For provisions concerning the Department of Personnel, see § 30.14.

§ 32.66 DEPARTMENT OF STREETS.

For provisions concerning the Department of Streets, see § 30.18(F).

§ 32.67 DEPARTMENT OF WEIGHTS AND MEASURES.

For provisions concerning the Department of Weights and Measures, see § 30.18(D).

§ 32.68 SANITATION DEPARTMENT.
For provisions concerning the Sanitation Department, see §
30.18(E).

2007 S-25
§ 32.69 SENIOR CITIZENS DEPARTMENT.

For provisions concerning the Senior Citizens Department, see § 30.18(G).
CHAPTER 33: BOARDS AND COMMISSIONS

Board of Public Works and Safety

33.01 Establishment
33.02 Claims against city
33.03 Claim payments in advance

Human Rights Commission

33.10 Definitions
33.11 Establishment
33.12 Members
33.13 Filling vacancies
33.14 Meetings
33.15 Majority vote required
33.16 Officers
33.17 Principal office; expense of Commission
33.18 Unlawful discriminatory practices
33.19 Powers and duties
33.20 Procedure; enforcement
33.21 Exceptions under handicapped/disabled provisions
33.22 Penalties
33.23 Judicial review
33.24 City employment and city contracts; contractors
33.25 Pending actions
33.26 Referral
33.27 Relations with city departments

Kokomo City Hall Citizen's Review Commission

33.30 Establishment; members
33.31 Meetings; compensation
33.32 Duties and responsibilities
33.33 Board of Public Works and Safety approval required
33.34 Relationship of Kokomo City Hall Building Corporation
33.35 Emergency repairs

Kokomo and Howard County Governmental Coordinating Council

33.40 Purpose
33.41 Organization
33.42 Composition and nature
33.43 Functions of the Policy Board
33.44 Powers of the Policy Board
33.45 Manner of financing
33.46 Budget
33.47 Duration; termination

Additional Boards and Commissions

33.50 Board of Cemetery Trustees
33.51 Board of Zoning Appeals
33.52 Board of Parks and Recreation
Additional Boards and Commissions (Cont'd)

33.53 Board of Aviation Commissioners
33.54 Bureau of Fire Prevention
33.55 Economic Development Commission
33.56 Historic Review Board
33.57 Junked Vehicle Appraisal Board
33.58 Kokomo Housing Authority
33.59 Kokomo-Howard County Civil Defense Organization
33.60 Plan Commission
33.61 Traffic Commission

Kokomo Community Arts Commission

33.75 Establishment
33.76 Purpose
33.77 Composition; term
33.78 Organization
33.79 Grants to the arts administered by Board of Public Works and Safety
33.80 Duties

Job Training Program Review Committee

33.90 Establishment
33.91 Purpose
33.92 Composition of Job Training Program Review Committee
33.93 Terms of appointments
33.94 Organization
33.95 Kokomo Board of Public Works and Safety
33.96 Duties of Job Training Review Committee

Cross-reference:
Affirmative Action Director, see § 34.03
Building Inspector, see § 150.16
City Electrician, see § 150.17
City Traffic Supervisor, see § 70.17
Department of Development, see § 154.20
Department of Redevelopment, see § 154.01
Street Commissioner, see § 97.01
Sewer Engineer, see § 50.02

BOARD OF PUBLIC WORKS AND SAFETY

§ 33.01 ESTABLISHMENT.

For provisions concerning the Board of Public Works and Safety, see § 30.18.
§ 33.02 CLAIMS AGAINST CITY.

(A) The Common Council delegates to the Board of Public Works and Safety the authority to review and approve or disapprove claims made against the city and in the case of approval, to authorize issuance of warrants for the payment of the claims.

(B) Nothing in this section shall be construed to delegate to the Board the authority to approve or disapprove claims which by law are required to be approved or disapproved by another entity or governing board.

(C) The Board shall consider and act upon claims as part of its regular agenda, or at special meetings, provided that all the special meetings are in compliance with applicable state statutes concerning the meetings.

(Ord. 5274, passed 4-25-83)

§ 33.03 CLAIM PAYMENTS IN ADVANCE.

(A) With the prior written approval of the municipal board having jurisdiction over the allowance of claims, the City Controller may make claim payments in advance of board allowance for the following kinds of expenses:

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental payments.

(9) Bond or coupon payments.

(10) Payroll.

(11) State, federal, or county taxes.
(B) Each payment of expenses authorized by this section must be supported by a fully itemized claim.

1999 S-18
(C) The municipal board having jurisdiction over the allowance of claims shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

(D) By way of example, and not of limitation, the following are municipal boards having jurisdiction over the allowance of claims: Board of Public Works and Safety; Board of Aviation Commissioners; Board of Park Commissioners; Plan Commission; and Board of Cemetery Trustees.

(E) For the purposes of this section, the "prior written approval" of the various boards having jurisdiction over the allowance of claims shall be deemed to have been given by passage of a resolution by the respective board, granting approval for the prepayment of claims by the Controller as provided at IC 36-4-8-14. The resolution shall be recorded in the minutes of the respective board. The City Controller shall keep all such resolutions on file. The resolutions shall remain in full force and effect until revoked by the respective boards.

(Ord. 5863, passed 3-8-93)

Statutory reference:
Claim payments in advance of board allowance, see IC 36-4-8-14
HUMAN RIGHTS COMMISSION

§ 33.10 DEFINITIONS.

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

"AFFIRMATIVE ACTION." Those acts that the Commission and the city determines necessary to assure compliance with the Kokomo Human Rights Ordinance.


"COMMISSION ATTORNEY." The Corporation Counsel, or such other attorneys as may be engaged by Commission.

"COMPLAINANT."

(1) Any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice; or

(2) The person who files a complaint charging that a discriminatory practice was committed against a person other than himself or a class of people in order to vindicate the public policy of the city as defined in this subchapter.

"COMPLAINT." Any written grievance filed by a complainant with the Commission. The original shall be signed and verified before a notary public or other person authorized by law to administer oaths and take acknowledgments. Notary service shall be furnished by the Commission without charge. To be acceptable by the Commission, a complaint shall be sufficiently complete so as to reflect properly:

(1) The full name and address of the complainant;

(2) The name and address of the respondent against whom the complaint is made;

(3) The alleged discriminatory practice and a statement of particulars thereof;

(4) The date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and

(5) A statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.
No complaint shall be valid unless filed within one calendar year from the date of the occurrence of the alleged discriminatory practice

2004 S-22
or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union.

"CONSENT AGREEMENT." A formal agreement entered into in lieu of adjudication.

"DIRECTOR." The director of the Kokomo Human Rights Commission.

"DISABILITY." As defined in state statutes at I.C. 22-9-5-6 and is used in this subchapter interchangeably with the term "HANDICAPPED."

"DISCRIMINATION." Any difference in treatment based on race, color, religion, national origin, or ancestry and shall include segregation, except that it shall not be discrimination for any religious or denominational institution to prefer members of its own religion or denomination.

"DISCRIMINATORY PRACTICE."

(1) The exclusion of a person from equal opportunities because of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

(2) A system that excludes persons from equal opportunities because of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

(3) The promotion of racial segregation or separation in any manner, including but not limited to, the inducing or attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, handicap/disability, familial status, national origin or ancestry; or

(4) A violation of state statutes relating to civil rights, age discrimination, fair housing, or employment discrimination against disabled persons unless specifically exempted by this subchapter or state statutes.

"EDUCATIONAL INSTITUTION." All public and private schools and training centers except those affiliated with religious institutions which may give preference to members of their religious group in selecting their students.

"EMPLOYEE." Any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) By his or her parents, spouse or child; or

(2) In the domestic service of any person.
"EMPLOYER." The city, or any political or civil subdivision thereof, and any person employing six or more employees within the city; except that the term "EMPLOYER" does not include:

(1) Any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) Any school, educational or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or,

(3) Any exclusively social club, corporation or association that is not organized for profit.

"EMPLOYMENT AGENCY." Any person, corporation, partnership, or association undertaking with or without compensation to procure, recruit, refer, or place employees.

"HANDICAP." With respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the person's major life activities;

(2) A record of having such an impairment; or

(3) Being regarded as having such an impairment.

The term is used interchangeably with "DISABILITY" in this subchapter. The term does not include current illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]).

"LABOR ORGANIZATION." Any organization that exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditions of employment, or for other mutual aid or protection in relation to employment.

"PERSON." One or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

"PUBLIC ACCOMMODATION." Any establishment that caters or offers its services or facilities or goods to the general public.

"RELIGIOUS OR DENOMINATIONAL INSTITUTION." An institution which is operated, supervised, or controlled by a religious or denominational organization.
"SEX." As it applies to segregation or separation in this section applies to all types of employment, education, public accommodations and housing. However:

2004 S-22
§ 33.11 KOKOMO - BOARDS AND COMMISSIONS

(1) It shall not be a discriminatory practice to maintain separate rest rooms;

(2) It shall not be an unlawful employment practice for an employer to hire and employ employees; for an employment agency to classify or refer for employment any individual; for a labor organization to classify its membership or to classify or refer for employment any individual; or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(3) It shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one sex only.

('75 Code, § 2-268) (Ord. 3938, passed 5-13-68; Am. Ord. 5925, passed 8-29-94; Am. Ord. 6127, passed 7-12-99; Am. Ord. 6252, passed 1-13-03)

§ 33.11 ESTABLISHMENT.

For provisions concerning the Human Rights Commission, see § 30.53.
(Ord. 6252, passed 1-13-03)

§ 33.12 MEMBERS.

(A) Appointment. The Human Rights Commission shall consist of 11 members who shall be appointed by the Mayor with the advice and consent of the Common Council. The commissioners shall be broadly representative of the religious, racial, ethnic, economic, educational, and other groups existing within the community. One member of the Human Rights Commission shall also be a sitting member of the Common Council. ('75 Code, § 2-271)

(B) Term. The term of the initial commissioners will be staggered with four of the commissioners being appointed for three year terms; four for two year terms; and three with one year terms. All subsequent appointments will be for a fixed term of office of three years. No commissioner may be reappointed to the Human Rights Commission until the expiration of one calendar year from the termination date of their previous appointment.

(C) Removal. Members of the Human Rights Commission may be removed by the Mayor with the consent of the Common Council. ('75 Code, § 2-274)

(D) Compensation. The members of the Human Rights Commission shall serve without compensation, although they may be reimbursed for out of pocket expenses incurred in the performance of their duties. ('75 Code, § 2-275)
(Ord. 3938, passed 5-13-68; Am. Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)
§ 33.13 FILLING VACANCIES.

In the event of the death, resignation, or removal of any member of the Human Rights Commission, a successor shall be appointed by the Mayor with the advice and consent of the Common Council to serve for the unexpired period of the term for which such member had been appointed.
('75 Code, § 2-273) (Ord. 3938, passed 5-13-68; Am. Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.14 MEETINGS.

The Human Rights Commission shall hold one regular meeting each month and such special meetings as the chairperson may deem necessary.
('75 Code, § 2-276) (Ord. 3938, passed 5-13-68; Am. Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.15 MAJORITY VOTE REQUIRED.

A majority vote of all the members of the Human Rights Commission shall be required for there to be any official action by it.
('75 Code, § 2-277) (Am. Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.16 OFFICERS.

The Human Rights Commission shall elect from its membership once each year, a chairman, vice-chairman, and secretary.
('75 Code, § 2-278) (Am. Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.17 PRINCIPAL OFFICE; EXPENSES OF COMMISSION.

(A) The Human Rights Commission shall establish a principal office in the city, but it may meet and exercise any or all of its powers at any other place in any part of the city.

(B) The expenses for carrying on the Human Rights Commission's activities shall be budgeted for and paid out of the funds in the city treasury and appropriated by the Common Council for such purposes pursuant to the laws of the state.
(Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.18 UNLAWFUL DISCRIMINATORY PRACTICES.

The exclusion of a person from or failure or refusal to extend to a person equal opportunities because of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry, or the promotion of racial segregation in any manner, is
hereby declared to be unlawful discriminatory practices and is hereby declared to be illegal. Unlawful discriminatory practices shall include, but are not limited to, the following:

2004 S-22
(A) Housing. It is an unlawful discriminatory practice for a person to violate fair housing provisions as set forth in the city's Fair Housing Code, Chapter 151 of this code of ordinances, adopted by the Common Council on July 25, 1994, or state or federal statutes regulating fair housing practices.

(B) Financial. It is an unlawful discriminatory practice for a financial institution or an individual employed by or acting on behalf of a financial institution as set forth in the city's Fair Housing Code:

1. To use a form of application for financial assistance or to make or keep a record of inquiry in connection with applications for financial assistance which indicates directly a limitation, specification or discrimination as to race, religion, color, sex, familial status, handicap or disability, national origin or ancestry or, an intent to make such a limitation, specification or discrimination;

2. To discriminate because of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry against any applicant in the fixing of amount, interest rate, duration or other terms or conditions of a loan or other financial assistance, or to make a lower appraisal evaluation because of race, religion, color, sex, handicap/ disability, national origin, or ancestry of any applicant.

(C) Employment. It is an unlawful discriminatory practice for an employer:

1. To commit discriminatory acts based upon race, religion, color, sex, familial status, handicap/disability, national origin, or ancestry as are prohibited by applicable state and federal legislation.

2. To fail or refuse to hire, promote or upgrade, or to discharge any individual, or otherwise to discriminate against any individuals with respect to their compensation, tenure, terms, conditions or privileges of employment, because of such individual's race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

3. To limit, segregate or classify their employees in any way which would deprive or tend to deprive any individuals of employment opportunities or otherwise adversely affect their status as an employee, because of such individual's race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

4. To publish or cause to be published any notice or advertisement with respect to employment which indicates any specification, limitation, preference or discrimination based on race, religion, color, sex, familial status, handicap/disability, national origin or ancestry; or
(5) To fail to provide reasonable accommodation for an otherwise qualified handicapped/disabled employee or prospective employee unless an employer can demonstrate that the accommodation would impose an undue hardship on the conduct of an employer's business.

(D) Labor organizations. It is unlawful discriminatory practice for a labor organization:

(1) To exclude or to expel from its membership, or otherwise to discriminate against, any members or applicants for membership because of their race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

(2) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any individuals, in any way which would deprive or tend to deprive these individuals of employment opportunities or otherwise adversely affect their status as employees or as applicants for employment, because of such individual's race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this action; or,

(4) To discriminate against any individuals or to limit, segregate or qualify its membership in any way which would tend to deprive such individuals of employment opportunities, or would limit their employment opportunities or otherwise adversely affect their status as employees or as applicants for employment or would affect adversely their wages, hours of employment conditions because of such individual's race, religion, color, sex, familial status, handicap/disability, national origin or ancestry.

(E) Apprenticeship or training. It is unlawful discriminatory practice for an employer, labor organization or joint labor management committee controlling apprenticeship or apprentice training or retraining, including on-the-job training programs, to discriminate against any individuals because of their race, religion, color, sex, familial status, handicap/disability, national origin or ancestry in admission to, or employment in, any program established to provide apprenticeship or other training.

(F) Employment agencies. It is an unlawful discriminatory practice for an employment agency to fail or refuse to classify properly, refer for employment, or otherwise, to discriminate against any individual because of his race, religion, color, sex, familial status, handicap/disability, national origin or ancestry, or to conduct business under a name which directly or indirectly expresses any limitation, specification, or discrimination, as to race, religion, color, sex, handicap/disability, national origin or ancestry.
(G) Public accommodations. It is an unlawful practice for any person who is the owner, lessor, proprietor, manager, superintendent or employee of any place of public accommodation, or amusement:

(1) To discriminate against any person because of such individual's race, religion, color, sex, familial status, handicap/disability, national origin or ancestry, by refusing, withholding or denying to such person any of the services, accommodations or amusement, in any manner that conflicts with state or federal statutes.

(2) To publish, circulate, issue, display, post or mail, directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the services, accommodations, advantages, facilities or privileges of any place of public accommodations, or amusement, will be refused, withheld or denied to any person on account of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry, or that the patronage of any person of a particular race, religion, color, sex, handicap/disability national origin or ancestry is unwelcome, objectionable or not acceptable.

(H) Educational institutions. It is an unlawful discriminatory practice for any educational institution to deny admittance to any prospective student or enrollee, or to deny any service offered by such institution to any person, otherwise qualified for such service, on the ground of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry.

(I) Other unlawful practices.

(1) It is an unlawful discriminatory practice for any person, including but not limited to, any employer, employment agency, labor organization, educational institution, financial institution or any owner or any real estate operator to discharge, expel or penalize any individuals in any manner because they have filed a complaint, assisted or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

(2) It is an unlawful discriminatory practice for any person to aid, abet, incite, compel or coerce the doing of any act declared unlawful by this subchapter.

(3) It is an unlawful discriminatory practice for any person to knowingly obstruct the fair, equal and lawful enforcement of this subchapter by coercing or intimidating any complainant or prospective complainant, or any witness to any act made unlawful herein, or by destroying or altering any records, documents or other evidence relevant to any alleged unlawful discriminatory practice as defined herein, after such person had received actual notice of a discrimination complaint or has been served with notice of a complaint filed.

(Ord. 5925, passed 8-29-94; Am. Ord. 6127, passed 7-12-99)
§ 33.19 POWERS AND DUTIES.

The Human Rights Commission shall have the power to:

(A) Formulate and promulgate a mission statement embodying the purposes of the commission, to-wit; promoting diversity and improving quality of life within the city;

(B) Investigate, conciliate and hear complaints;

(C) Subpoena and compel the attendance of witnesses or production of pertinent documents and records;

(D) Administer oaths;

(E) Examine witnesses;

(F) Appoint hearing examiners or panels;

(G) Make findings and recommendations;

(H) Issue cease and desist orders or orders requiring remedial action;

(I) Order payment of actual damages, except that damages to be paid as a result of discriminatory practices relating to employment shall be limited to lost wages, salaries, commissions, or fringe benefits;

(J) Institute actions for appropriate legal or equitable relief in a circuit or superior court;

(K) Employ an executive director and other staff personnel;

(L) Adopt procedural rules and regulations;

(M) Initiate complaints, except that no person who initiates a complaint may participate as a member of the agency in the hearing or disposition of the complaint;

(N) Conduct programs and activities to carry out the public policy of the state, as provided in state statutes, within the city's territorial boundaries;

(O) Consult with and/or refer cases to such state and federal agencies as deal with or resolve alleged discrimination issues;

(P) Develop and perform such activities as will assist the city's compliance as a Community Development Block Grant grantee and with federal regulations and guidelines to affirmatively further fair housing in the city and keep adequate documentation of such activities;
(Q) Administer this subchapter, establish and maintain a permanent office in the city and to create subcommittees and advisory

2004 S-22
committees as in its judgement will aid in effectuating the purposes of this subchapter;

(R) Issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, religion, color, sex, familial status, handicap/disability, national origin or ancestry;

(S) Prepare and issue a report annually to the Mayor and Common Council, describing in as much detail as is consistent with confidentiality considerations the investigations and conciliation proceedings it has conducted and their outcome; the progress made; and any other work performed and achievements made towards the elimination of discrimination;

(T) Reduce the terms of conciliation agreed to by the parties to a writing, to be called a consent agreement, which the parties and a majority of the Commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order. If the Commission determines that a party to a consent agreement is not complying with it, the Commission may obtain enforcement of the consent agreement in a circuit or superior court upon a showing that the party is not complying with the consent agreement and that the party is subject to the Commission's jurisdiction and resides or transacts business within the city;

(U) Subject to the provisions of the Indiana Open Records law, declare materials acquired in the course of an investigation to be confidential and to maintain the confidentiality thereof;

(V) Retain all materials, papers, documents, reports and other records produced in the course of an investigation for at least two years after a complaint has been administratively closed by the Commission, whereupon, subject to the provisions of state law concerning public records, such materials, papers, documents, reports, and other records may be disposed;

(W) Act as conciliator in matters within its jurisdiction;

(X) Accept contributions, grants, and gifts from sources other than the city to carry on its work generally or for a particular function; and

(Y) Recommend to the Mayor and the Common Council legislation to aid in carrying out the purposes of this subchapter.

(Ord. 5925, passed 8-29-94; Am. Ord. 6127, passed 7-12-99; Am. Ord. 6252, passed 1-13-03)
(A) No complaint may be accepted by the Commission unless it substantially complies with the following requirements:

2004 S-22
§ 33.20

(1) The complaint must sufficiently show the full name and address of the complainant; the full name and address of the person, employer, employment agency, labor organization, real estate broker, financial institution or educational institution against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates of the alleged discriminatory practice, or, if the alleged discriminatory practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal instituted in any other forum based upon the same grievance as is alleged in the complaint, together with a statement as to the status or disposition of such other action.

(2) The original complaint must be signed and verified before a notary public or any other person duly authorized by law to administer oaths and take acknowledgments. Notice of the charge, including the date, place and circumstances of the alleged unlawful discrimination, shall be served upon the respondent within ten days of the filing of the complaint with the Commission.

(3) No complaint shall be valid unless filed within 90 days from the date of the occurrences of the alleged discriminatory practice.

(B) The Commission shall make a prompt and full investigation of each complaint that is properly filed. The Commission may, by its rules and regulations, authorize such an investigation by an individual commissioner, by any committee or subcommittee of the Commission, by the director of the Commission, or by such staff members of the Commission as may be designated by the Commission.

(C) If a subcommittee composed of three commissioners determines that probable cause exists for the allegations made in the complaint, it shall first attempt to resolve the alleged discriminatory practice by means of conciliation. The subcommittee shall not make public the details of any conciliation and/or consent agreement except when so authorized by the person against whom the complaint was made, or when a party to the conciliation and/or consent agreement has not complied with the agreement. The members of this subcommittee will not later sit as members at any subsequent public hearing in the same case.

(D) If the subcommittee shall determine, either on the face of the complaint or after investigation, that said complaint should be dismissed, the subcommittee shall dismiss the complaint and notify the parties by mail of its determination and of the complainant's rights to apply to the Commission for a reconsideration of such dismissal as provided in these rules.

(E) In any case of failure to resolve the alleged discriminatory practice charged in the complaint by means of conciliation or persuasion, the Commission, with at least five members being present, shall hold a public hearing to determine whether or not an unlawful discriminatory practice has been committed. The Commission shall serve
upon the person charged of the discriminatory practice (hereinafter referred to as the "respondent") a statement of charges made in the complaint and a notice of the time and place of the hearing. The hearing shall be held not less than 15 days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or any other person and to examine and cross-examine witnesses.

(F) Complaints may be amended at any time prior to hearing provided that no hearing may be held on an amended complaint within 15 days after the filing of such amended complaint and no less than five days after notice of the amended complaint is served on the adverse party therein.

(G) Service may be achieved by any of the means authorized in the Indiana Rules of Civil Procedure.

(H) If, upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful discriminatory practice, it shall state in writing its findings of fact, dismiss the complaint and so notify respondent.

(I) If, upon all the evidence presented, the Commission finds that respondent has engaged in an unlawful discriminatory practice, it may cause to be served on such respondent a written order requiring such person to take such further affirmative action as will effectuate the purpose of this subchapter, including the awarding of damages as provided at I.C. 22-9-1-12.1.

(J) If the Commission subsequently determines that the respondent upon whom the order has been served is not complying with such order, or is making no effort to comply with such order, the Commission may certify the noncompliance, or lack of effort, to the City Attorney or Commission Attorney, who may seek and obtain a decree of court for the enforcement of its order in the circuit or superior court, provided that, a failure to comply with a Consent Agreement shall be considered as a failure to comply with a cease and desist order.

(K) Any evidence may be introduced at any hearing on a complaint provided that such evidence is relevant and material to the subject matter of said complaint. The Commission shall rule on all objections to the introduction of any evidence provided that the Commission may by motion or rule designate a member or members to so rule prior to the commencement of any hearing.

(L) A decision of the local Commission may be appealed under the terms of I.C. 4-21.5 the same as if it was a decision of a state agency.

(Ord. 5925, passed 8-29-94)
§ 33.21 EXCEPTIONS UNDER HANDICAPPED/DISABLED PROVISIONS.

State and federal statutes are to be followed regarding exceptions under handicapped/disabled provisions relating to employment.
(Ord. 5925, passed 8-29-94)

§ 33.22 PENALTIES.

In addition to award of actual damages as provided at I.C. 22-9-1-12.1(c)(8), any person who engages in an unlawful discriminatory practice as defined in this subchapter shall, upon conviction of an ordinance violation in any court of competent jurisdiction, shall be subject to fines in an amount not exceeding $2,000. Each day such violation is committed or permitted to continue may constitute a separate offense and may be punishable as such hereunder.
(Ord. 5925, passed 8-29-94)

§ 33.23 JUDICIAL REVIEW.

If no proceedings to obtain judicial review are instituted within 30 days from receipt of notice by a respondent that such order has been made by the Commission as above provided, should the Commission determine that the respondent upon whom the cease and desist order has been served is not complying or is not making effort to comply, the Commission may file suit in any court of competent jurisdiction to obtain a decree for the enforcement of such order upon a showing that such respondent is subject to the Commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.
(Ord. 5925, passed 8-29-94)

§ 33.24 CITY EMPLOYMENT AND CITY CONTRACTS; CONTRACTORS.

The city shall not engage in any of the discriminatory practices set forth in this subchapter in any of its departments, divisions, bureaus or through any of its officials or employees. Every contract to which the city or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and his subcontractors not to discriminate against any employee or applicant for employment or promotion, who is to be employed in the performance of such contract with respect to any of the categories of individuals protected by this subchapter. Any such contractor shall obligate himself and his subcontractors to comply with all provisions of this subchapter. Breach of this covenant or provision may be considered a material breach of the contract.
(Ord. 5925, passed 8-29-94)

§ 33.25 PENDING ACTIONS.

This subchapter does not affect any:

(A) Rights or liabilities accrued;
§ 33.26  REFERRAL.

Any person who files a complaint with the Human Rights Commission may not file a complaint with the Indiana Civil Rights Commission concerning any of the matters alleged in the local complaint. Any person who files a complaint with the Indiana Civil Rights Commission may not file a complaint with the Human Rights Commission concerning any of the matters alleged in the state complaint. Any complaint filed with the Human Rights Commission may be transferred by the Commission to the Indiana Civil Rights Commission should that commission have concurrent jurisdiction. The Human Rights Commission may accept referral of cases from the Indiana Civil Rights Commission. Upon referral of a case from the Indiana Civil Rights Commission, the Human Rights Commission shall proceed to process the matter as if it had originally been filed with the Human Rights Commission. Nothing in this section shall affect any person's right to pursue any and all other rights and remedies available in any other state or federal forum.

(Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

§ 33.27  RELATIONS WITH CITY DEPARTMENTS.

The services of all other city departments and agencies shall be made available by their respective heads to the Human Rights Commission at its request and information in the possession of any department or agency, subject to any applicable state or federal confidentiality requirements, shall be furnished to the Commission upon its request. The Commission may make recommendations to such departments and agencies for the effectuation of the purposes of this subchapter.

(Ord. 5925, passed 8-29-94; Am. Ord. 6252, passed 1-13-03)

KOKOMO CITY HALL CITIZEN'S REVIEW COMMISSION

§ 33.30  ESTABLISHMENT; MEMBERS.

(A) The Kokomo City Hall Citizen's Review Commission is hereby established.

(B) The City Hall Citizen's Review Commission shall consist of seven members as follows:

(1) Mayor or his designee.
§ 33.32 DUTIES AND RESPONSIBILITIES.

(2) President of the Kokomo City Hall Building Corporation, or his designee.

(3) One member of the Common Council of the city.

(4) Two citizen members appointed by the Mayor.

(5) Two citizen members appointed by the Common Council of the city.

(C) The four citizen members shall serve two-year terms. The Mayor or his designee shall serve during the period of his term of office. The member of the Common Council shall be elected annually by the membership of the Common Council. The President of the Kokomo City Hall Building Corporation, or his designee, shall serve during his term of office.

(D) All initial appointments to the City Hall Citizen's Advisory Commission shall be made within 15 days after the effective date of this subchapter.

(E) Citizen members serve at the pleasure of the appropriate appointing body.

(F) At least one of the Mayor's appointees, and one of the Common Council's appointees shall have background experience in architecture, interior design, general contracting, or related fields.

(Ord. 5354, passed 2-6-84)

§ 33.31 MEETINGS; COMPENSATION.

(A) The City Hall Citizen's Review Commission shall meet within 15 days following the appointment of all its members for the purposes of organizing and electing a Chairman from among its members. Thereafter, the Commission shall meet during the month of January of each year for the purpose of electing a chairman for the succeeding calendar year. The Chairman shall serve until a successor shall have been elected.

(B) The Commission shall meet at such other times as are deemed necessary by the Chairman of the Commission.

(C) The members of the Commission shall serve without compensation. Such members may, however, be reimbursed for approved out-of-pocket expenses incurred in the performance of their duties.

(Ord. 5354, passed 2-6-84)
The City Hall Citizen's Review Commission shall do the following:

2004 S-22
(A) Conduct an annual inspection of building and grounds during the month of March, 1984, and each March thereafter.

(B) Provide an annual report to the Mayor and Council as to the general condition of the building and grounds within 30 days after the annual inspection.

(C) Review any requests for changes inside or outside the building, covering, but not limited to, such areas as: landscaping, site planning, exterior building alterations, interior walls, appointments, additional or remodeling of furniture, carpet, drapes, accessories, and related items.

(D) Approve or disapprove of such requests and make written requests for the consent of the lessor to such changes as may be required by the terms of the lease between the city and the Kokomo City Hall Building Corporation.

(E) Make recommendations for the following year's capital improvement budget for city hall.

(F) Develop long range plans for the replacement or modification of the physical plant and grounds.

(G) Keep the Board of Public Works and Safety apprised of all such recommendations.

(H) Analyze and make recommendations to the Board of Public Works and Safety concerning changes necessary to comply with any local, state, or federal statutes or regulations relative to safety and health.

(I) Perform such other duties and assume such other responsibilities as the Mayor and the Common Council of the city may appropriately assign to it.

(Ord. 5354, passed 2-6-84)

§ 33.33 BOARD OF PUBLIC WORKS AND SAFETY APPROVAL REQUIRED.

All recommendations of the City Hall Citizen's Review Commission must be approved by the Board of Public Works and Safety before any action is taken to implement such recommendations, and any such recommendations are subject to the prerogatives granted to the City Hall Building Corporation under state law, or under terms of the lease between the city and the Kokomo City Hall Building Corporation.

(Ord. 5354, passed 2-6-84)

§ 33.34 RELATIONSHIP TO KOKOMO CITY HALL BUILDING CORPORATION.

(A) Nothing in this subchapter shall be construed to abrogate, limit, or supplant the prerogatives granted to the Kokomo City Hall Building Corporation, or its successor, under state law, or under the
terms of the lease between the city and the City Hall Building Corporation during the period of that Corporation's legal existence.

1986 S-4
§ 33.35 KOKOMO - BOARDS AND COMMISSIONS

(B) Should the City Hall Building Corporation, or its successor, cease to exist as a legal entity, its representation on the City Hall Citizen's Review Commission shall terminate, and that Commission's membership shall be reduced to six members.
(Ord. 5354, passed 2-6-84)

§ 33.35 EMERGENCY REPAIRS.

Nothing in this subchapter shall be construed to limit the ability of the city under the terms of its lease with the City Hall Building Corporation to effect repairs of a temporary or emergency nature.
(Ord. 5354, passed 2-6-84)

KOKOMO AND HOWARD COUNTY GOVERNMENTAL COORDINATING COUNCIL

§ 33.40 PURPOSE.

The purpose of the Kokomo and Howard County Governmental Coordinating Council, is to operate a continuing, cooperative, and comprehensive planning and coordinating effort for the City of Kokomo and Howard County in all areas of mutual concern relating to transportation, planning, and any other governmental functions where joint cooperation is necessary and desired.
(Ord. 5021, passed 12-8-80)

Cross-reference:
For additional provisions concerning this Council, see § 30.52

Statutory reference:
Interlocal Cooperation Act, see IC 36-l-7-l et seq.

§ 33.41 ORGANIZATION.

This organization shall consist of a Policy Board and two standing committees, the Technical Advisory Committee and the Citizens Advisory Committee.
(Ord. 5021, passed 12-8-80)

§ 33.42 COMPOSITION AND NATURE.

(A) The Policy Board shall consist of the persons holding the following positions:

(1) Mayor of the City of Kokomo.
(2) President of the Howard County Commissioners.
(3) President of the Kokomo City Council.
(4) President of the Howard County Council.
(5) Executive Director of the Kokomo and Howard County Plan Commissions.

(B) The Board shall also include one additional member of the Kokomo City Council who represents the other political party if both 1986 S-4
political parties are represented from that party which is represented by the President of the City Council. Likewise, the Board shall include one additional member of the Howard County Council who represents the other political party from that represented by the President of the County Council. These persons shall be selected by vote of their respective Councils. In addition, membership shall include two non-voting representatives, one from the Indiana State Highway Commission and one from the Federal Highway Administration.  
(Ord. 5021, passed 12-8-80)

§ 33.43 FUNCTIONS OF THE POLICY BOARD.

The Board shall:

(A) Conduct business according to Robert's Rules of Order (Revised);

(B) Elect officers and appoint persons to committees;

(C) Approve an annual work program;

(D) Approve an annually-updated Transportation System Management Plan;

(E) Approve an annually-updated Transportation Improvement Program;

(F) Financially support and supervise a transportation staff;

(G) Review and approve all work done by its committees;

(H) Assure that plans prepared as part of the planning process conform with all local plans and planning activities as well as comply with requirements of the state and federal governments;

(I) Monitor on a continuing basis, the transit system and propose improvements as appropriate.  
(Ord. 5021, passed 12-8-80)

§ 33.44 POWERS OF THE POLICY BOARD.

The Board may:

(A) Receive appropriated funds from any source including federal, state, and local governments; subject to the review and approval by the City Council and County Commissioners prior to action by the Coordinating Council on any requests for funds or plans leading to a request for funds which by the nature of the activity could create a need for subsequent action by the City Council and County Commissioners.
§ 33.45            KOKOMO - BOARDS AND COMMISSIONS

(B) Expend those funds in accordance with an approved budget including payroll, contractual services, supplies, subscriptions, dues, bonds, insurance, audit, loans, property, and other appropriate charges.

(C) Establish an office, appoint a Transportation Director, and employ or obtain such other staff and consultants as it deems necessary.

(D) Discuss any questions or any matter within the scope of its stated purpose and make recommendations for action to the governmental units involved in order to coordinate to the fullest extent possible, local programs and to minimize duplications or unnecessarily inconsistent expenditures of funds by the members.  
(Ord. 5021, passed 12-8-80)

§ 33.45  MANNER OF FINANCING.

The city and county shall appropriate funds directly to the Council sharing the cost on a 50 - 50 basis.  In addition, service of persons who are employees of the city and county agencies and other cost shall also be provided to the Council as agreed between all parties.  Any reimbursement paid to the Council by the federal and state governments for cost provided by these other agencies shall be paid by the Council to the general funds of the city and county as appropriate.  The Council shall assume legal liability for all costs incurred for any contractual obligations to the city and county governments for services rendered.  
(Ord. 5021, passed 12-8-80)

§ 33.46  BUDGET.

A joint meeting of the City Council and County Council shall be held to review and approve the budget of the Coordinating Council.  The budget shall be prepared and presented to this joint meeting by the members of the Policy Board.  
(Ord. 5021, passed 12-8-80)

§ 33.47  DURATION; TERMINATION.

(A) The Council shall continue until it is desired by either party to have it terminated.

(B) (1) The Council may be terminated when either the City Council or the County Commissioners desire such termination.  Such statement of desired termination shall be in the form of an ordinance by the City Council or a resolution by the County Commissioners and must be passed at least 90 days before the end of the following June.  If the ordinance or resolution passes, the Council shall be terminated on the last day of June.

(2) In the event of termination,
any real estate owned by the Council at that time shall become the
property of the city. Any
1986 S-4
other property shall be sold and the proceeds divided between the federal, state, and local governments in proportion to their share of financial support during the previous two years. (Ord. 5021, passed 12-8-80)

ADDITIONAL BOARDS AND COMMISSIONS

§ 33.50 BOARD OF CEMETERY TRUSTEES.

Provisions regarding the Board of Cemetery Trustees are contained in § 30.47.

§ 33.51 BOARD OF ZONING APPEALS.

Provisions regarding the Board of Zoning Appeals are contained in § 30.50.

§ 33.52 BOARD OF PARKS AND RECREATION.

Provisions regarding the Board of Parks and Recreation are contained in § 30.17.

§ 33.53 BOARD OF AVIATION COMMISSIONERS.

Provisions regarding the Board of Aviation Commissioners are contained in § 30.16.

§ 33.54 BUREAU OF FIRE PREVENTION.

Provisions regarding the Bureau of Fire Prevention are contained in § 30.18(C).

§ 33.55 ECONOMIC DEVELOPMENT COMMISSION.

Provisions regarding the Economic Development Commission are contained in § 30.19.

§ 33.56 HISTORIC REVIEW BOARD.

Provisions regarding the Historic Review Board are contained in § 30.51.

§ 33.57 JUNKED VEHICLE APPRAISAL BOARD.

Provisions regarding the Junked Vehicle Appraisal Board are contained in § 73.02.

§ 33.58 KOKOMO HOUSING AUTHORITY.
For provisions concerning the Kokomo Housing Authority, see § 30.54.

1986 S-4
§ 33.59  KOKOMO-HOWARD COUNTY CIVIL DEFENSE ORGANIZATION.

For provisions concerning the Kokomo-Howard County Civil Defense Organization, see § 30.55.

§ 33.60  PLAN COMMISSION.

Provisions regarding the Plan Commission are contained in §§ 30.49

§ 33.61  TRAFFIC COMMISSION.

Provisions regarding the Traffic Commission are contained in § 30.48.

KOKOMO COMMUNITY ARTS COMMISSION

§ 33.75  ESTABLISHMENT.

There is established the Kokomo Community Arts Commission. (Ord. 5426, passed 1-28-85)

§ 33.76  PURPOSE.

The purpose and duty of the Community Arts Commission shall be as follows:

(A) To stimulate and encourage an appreciation of and participation in the fine arts by citizens of all ages in the community.

(B) To sponsor and develop artistic activities and educational programs designed to stimulate and encourage the fine arts.

(C) To foster an environment conducive to enjoyment of the fine arts.

(D) To cooperate with various private bodies, groups, and individuals, in efforts to encourage participation in, and the growth of, the fine arts in the community. (Ord. 5426, passed 1-28-85)

§ 33.77  COMPOSITION; TERM.

(A) The Kokomo Community Arts Commission shall be composed of nine members of whom four will be appointed by the Mayor and five by the Kokomo Common Council. All members shall serve at the pleasure of the appropriate appointing authority.

(B) The initial terms of the Commission members shall be as follows: Two of the Mayor's appointees and one of the Common Council's appointees shall be appointed to four-year terms; one of the Mayor's appointees and one of the Common Council's appointees shall be appointed to three-year terms; one of the Mayor's appointees and one of the Common Council's appointees shall be appointed to two-year terms; two of the Common Council's appointees...
shall be appointed to one-year terms. After the expiration of the initial terms of the members, all subsequent members shall be appointed to terms of four years.

(C) Of the Council's appointees, one appointee shall be a member of a minority, and one appointee shall be a woman. Of the Mayor's appointees, one shall be a representative of the handicapped members of the community, and one shall be a woman.

(D) In addition to the appointed Commission members, one ex officio member may be named to the Commission by each of the following bodies: Kokomo Center School Board; City Board of Park Commissioners; City Chamber of Commerce. Ex officio members will not have voting rights.

(E) A majority of all voting members of the Commission shall reside within the corporate limits of the city.
(Ord. 5426, passed 1-28-85)

§ 33.78 ORGANIZATION.

The Community Arts Commission shall elect from its membership a Chairman, Vice-Chairman, and Secretary who shall serve one-year terms and are eligible for reelection. The Commission shall adopt rules for the transaction of its business. These rules must include procedures for calling regular and special meetings and giving legal notice thereof. All meetings of the Commission, except duly called executive sessions, must be open to the public and a public record shall be kept of the Commission's resolutions, proceedings, and actions.
(Ord. 5426, passed 1-28-85)

§ 33.79 GRANTS TO THE ARTS ADMINISTERED BY BOARD OF PUBLIC WORKS AND SAFETY.

(A) Funding of grants to the arts shall be administered by the Board of Public Works and Safety. These grants shall be taken from monies as are appropriated for that purpose from time to time by the Common Council and placed in the annual budget of the Board of Public Works and Safety.

(B) The Board of Public Works and Safety is authorized to establish qualification criteria and such other procedures as are necessary and appropriate to carry out Common Council's intent as set out in § 33.76.
(Ord. 5426, passed 1-28-85)

§ 33.80 DUTIES.

(A) Pursuant to the criteria and procedures established by the Board of Public Works and Safety, the Community Arts Commission will solicit grant applications, evaluate the applications, and make
recommendations to the Board of Public Works and Safety for funding of qualified projects.

1986 S-4
§ 33.90 KOKOMO - BOARDS AND COMMISSIONS

(B) Funding of qualified projects shall be approved or disapproved by the Board, taking into account the recommendation of the Community Arts Commission.

(C) Disbursement of funds will be on claim forms, and in a manner prescribed by the Board of Public Works and Safety and the State Board of Accounts.

(D) On or before January 31, 1986, and annually thereafter, the Community Arts Commission shall submit to the Mayor, the Common Council, and the Board of Public Works and Safety, a written report describing its activities for the preceding year.
(Ord. 5426, passed 1-28-85)

JOB TRAINING PROGRAM REVIEW COMMITTEE

§ 33.90 ESTABLISHMENT.

There is established the City of Kokomo Job Training Grant Program, which shall be administered by the Job Training Program Review Committee (JTPRC), also herein established.
(Ord. 6139, passed 9-27-99)

§ 33.91 PURPOSE.

The purpose of the Kokomo Job Training Program shall be to assist local business with the training of new workers and the retraining of existing workers. The program shall target those local businesses that do not qualify for participation in federal and state job training programs.
(Ord. 6139, passed 9-27-99)

§ 33.92 COMPOSITION OF JOB TRAINING PROGRAM REVIEW COMMITTEE.

The JTPRC shall consist of six members as follows:

(A) One member of the Kokomo Common Council;

(B) The City Department of Development Director;

(C) Two residents of Kokomo with a background in business or business education to be appointed by the Common Council;

(D) Two residents of Kokomo with a background in business or business education to be appointed by the Mayor of the city.
(Ord. 6139, passed 9-27-99)

§ 33.93 TERMS OF APPOINTMENTS.

(A) The Development Department Director shall hold his/her appointment to the JTPRC by virtue of his/her office and shall hold such appointment during his/her tenure in that office.
(B) The representative of the Common Council shall be appointed annually by that body.

1999 S-18
§ 33.94 ORGANIZATION.

The JTPRC shall elect from its membership a Chairman, Vice-Chairman, and Secretary who shall serve one year terms and are eligible for re-election. The Committee shall adopt rules for the transaction of its business. Such rules must include procedures for calling regular and special meetings and giving legal notice thereof. The Committee may recommend qualification criteria to the Kokomo Board of Public Works and Safety. All meetings of the Committee, except duly called executive sessions, must be open to the public, and a public record shall be kept of the Committee's resolutions, proceedings, and actions.

(Ord. 6139, passed 9-27-99)

§ 33.95 KOKOMO BOARD OF PUBLIC WORKS AND SAFETY.

(A) Funding of job training grants shall be administered by the Kokomo Board of Public Works and Safety. Such grants shall be taken from monies as are appropriated for that purpose from time to time by the Kokomo Common Council and are placed in the annual budget of the Kokomo Board of Public Works and Safety.

(B) The Kokomo Board of Public Works and Safety is authorized to adopt and establish qualification criteria and such other procedures as are necessary and appropriate to carry out the Kokomo Common Council's intent as set in § 33.91 hereof.

(Ord. 6139, passed 9-27-99)

§ 33.96 DUTIES OF JOB TRAINING REVIEW COMMITTEE.

(A) Pursuant to the criteria and procedures adopted and established by the Kokomo Board of Public Works and Safety, the Job Training Review Committee will solicit grant applications, evaluate the same, and make recommendations to the Kokomo Board of Public Works and Safety for funding of qualified projects.

(B) The committee makes funding recommendations to the Kokomo Board of Public Works and Safety, which board shall make the final funding decision on all applications.

(C) Disbursement of funds will be on claim forms, and in a manner prescribed by the Kokomo Board of Public Works and Safety and the Indiana Board of Accounts.
(D) The JTPRC shall submit annually to the Mayor, the Kokomo Common Council and the Kokomo Board of Public Works and Safety, a written report describing the activities for the preceding year. (Ord. 6139, passed 9-27-99)

1999 S-18
Chapter 34: Equal Employment Opportunity

Section

34.01 Policy
34.02 Definitions
34.03 Affirmative Action Officer
34.04 Functions of the Affirmative Action Officer
34.05 Powers and duties
34.06 Relations with city departments

Cross-reference:
Human Relations Commission, see §§ 33.10 et seq.

§ 34.01 Policy.
(A) The city is charged with providing a wide variety of services equally to a broad cross-section of society, therein is committed to providing equal employment opportunity is necessary for the development and maintenance of an efficient work force and the optimum utilization of human resources.

(B) For these reasons, the city has adopted an equal employment opportunity policy ensuring that all employees, applicants, and citizens of our community are provided nondiscriminatory practices in all personnel actions. Additionally, ensuring that all employment opportunities, employee benefits, and compensations are equally available to all qualified persons, without regard to race, color, religion, creed, sex, age, handicap, national origin, or any other factors which cannot be lawfully used as a basis for an employment decision.

(C) The Common Council also establishes the city's official representative to design and implement the city's Affirmative Action Program. The official shall be called the Affirmative Action Director.
(Ord. 4868 passed 8-13-79)

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

"Affected Class." A group of people with a common characteristic (race, sex, age, or handicapped) who have been denied equal opportunity at any step in the employment process.

"Affirmative Action (AA)." Any procedures, methods, and programs for positive identification, recruitment, training, and utilization of minorities, females, individuals 40 years of age and older, and the handicapped who are present or potential employees. It is action which equalizes employment opportunities in all aspects of city government. "AFFIRMATIVE ACTION" requires that
§ 34.03  KOKOMO - EQUAL EMPLOYMENT OPPORTUNITY

the city actively seek out qualified minority, women, handicapped individuals, and older workers.

"DISCRIMINATION." Any denial of equal access to or any differential treatment of any person in regard to equal employment opportunity based on race, color, national origin, sex, handicap, or age.

"DISPARATE EFFECT." The tendency for a test, job qualification, or other employment practice to screen out or otherwise limit employment opportunities of minorities or women at a greater rate than others.

"DISPARATE TREATMENT." Any employment practices, such as the use of test or educational requirements, which are fair and neutral on their face, but which are applied or administered in an unfair manner.

"EQUAL EMPLOYMENT OPPORTUNITY (EEO)." The condition which ensures nondiscrimination in all facets of employment by the elimination of patterns and practices of discrimination and the results of previous discrimination, intentional and unintentional, to the extent that a climate of equity is maintained and no disparity in treatment exists in the treatment of special segment groups.

"HANDICAPPED PERSONS." All individuals who by reason of physical or mental defect or infirmity, whether congenital or acquired by accident, injury, or disease, are or may hereafter be totally or partially prevented from achieving the fullest attainable physical, social, economic, mental, and vocational participation in the normal process of living.

"MINORITIES." Blacks, American Indians, Orientals, and Spanish surnamed persons.

"SPECIAL SEGMENT GROUPS." Minorities, females, individuals 40 years of age and older, and the handicapped.

"UNDERUTILIZATIONS." Having fewer special segment employees in a particular job category and classification than would reasonably be expected by their presence in the labor market.

(Ord. 4868 passed 8-13-79)

§ 34.03  AFFIRMATIVE ACTION OFFICER.

For provisions concerning the Affirmative Action Officer, see § 30.14(B).

(Am. Ord. 6060, passed 8-25-97)

§ 34.04  FUNCTIONS OF THE AFFIRMATIVE ACTION OFFICER.

It shall be the duty of the Affirmative Action Officer to:
(A) Make such investigations and studies in the area of equal employment opportunity as will aid in effectuating its general purpose.

(B) Keep the Mayor informed of the latest developments in the area of equal employment opportunity.

(C) Establish and maintain a liaison with various regulatory agencies such as the Department of Labor and the Equal Employment Opportunity Commission, in addition to women’s, handicap, minority organizations, and community groups concerned with equal employment opportunity.

(D) Work in conjunction with the Board of Public Works and Safety in the area of federally funded contract compliance.

§ 34.05 POWERS AND DUTIES.

The Affirmative Action Officer is empowered to:

(A) Develop the written Affirmative Action Plan for approval.

(B) Determine the extent to which minorities and women are underutilized in major categories.

(C) Identify and eliminate the specific cause of such underutilization.

(D) Establish and maintain employment levels for members of minority groups, women, and other affected class members in proportions of, or at least equal to their levels in the labor force.

(E) Identify all employment practices which have an adverse impact on minorities, women, and others protected by applicable law and the relationships of which job performance has not been clearly established.

(F) Replace such practices with those which will be based on merit and valid job qualifications.

(G) Establish monitoring systems which will assure effective operation of the affirmative action program of the city, achievement of its objectives, and means for modification of plans as needed.

(H) Recommend to the Mayor and Common Council legislation to aid in carrying out the purpose of this chapter.
(I) Submit an annual report to the Mayor and the Common Council.

(J) To establish and maintain a remedial recruitment file for projected employment purposes.
(Ord. 4868 passed 8-13-79; Am. Ord. 6060, passed 8-25-97)

1997 S-16
§ 34.06 RELATIONS WITH CITY DEPARTMENTS.

The services of all other city departments and agencies shall be made available by their respective heads to the Affirmative Action Officer at his request. Any information in the possession of any department or agency shall be forwarded to the Affirmative Action Officer on request. The Affirmative Action Officer may make recommendations to such departments and agencies as to effectuate the purposes of this chapter.

(Ord. 4868, passed 8-13-79; Am. Ord. 6060, passed 8-25-97)
CHAPTER 35: FINANCE

Section

Funds

35.01 Cumulative capital improvement fund

Recovery of Costs

35.15 Recovery of costs for emergency medical services
35.16 Recovery of costs for water for public fire protection services

FUNDS

§ 35.01 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) For the purpose of this section, "CAPITAL IMPROVEMENT" shall mean the purchase of real property or any building or buildings for use by the city in any governmental or proprietary function of the city or the construction or improvement of any city-owned property, easements, or rights-of-way, including but not limited to streets, thoroughfares, and sewers, but shall not include salaries of any public officials or employees, except that directly chargeable to such improvements.

(B) In accordance with the requirements of state law, there is created a special fund to be known as the cumulative capital improvement fund into which the cigarette taxes allotted to the city by reason of state law shall be deposited.

(C) The fund shall be a cumulative fund and all of the moneys deposited into the fund shall be appropriated and used solely for capital improvements and none of such moneys shall revert to the general fund or be used for any purposes other than capital improvements.

(D) The funds may also be used to retire any general obligation bonds of the city issued for the purpose of purchase or construction of improvements which would qualify for use of such funds. ('75 Code, § 2-1)

RECOVERY OF COSTS

§ 35.15 RECOVERY OF COSTS FOR EMERGENCY MEDICAL SERVICES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
“AMBULANCE.” a motor vehicle operated by the Kokomo Fire Department equipped with facilities to convey infirm or injured persons in a reclining position.

“AMBULANCE PATIENT.” Any ill, infirm or injured person receiving emergency medical services from Kokomo Fire Department personnel holding emergency medical technician or paramedic certification from the State of Indiana and assigned to an ambulance operated by the Kokomo Fire Department.

“BASIC LIFE SUPPORT (BLS).” The emergency medical services rendered to an ambulance patient by an emergency medical technician or paramedic employed by the Kokomo Fire Department.

“EMERGENCY MEDICAL TECHNICIAN.” An individual employed by the Kokomo Fire Department and certified by the State of Indiana to provide emergency medical care at the scene of an accident, illness, or during transport in an ambulance.

“MILEAGE CHARGE.” The fee assessed for each mile or portion of a mile of transport.

“NON-RESIDENT.” An ambulance patient whose domicile is not within the municipal limits of the city.

“NON-TRANSPORT.” Those instances where an ambulance is dispatched to a location but the patient is not transported in the ambulance to or from a hospital, physician's office, nursing home, or other health care facility.

“PARAMEDIC.” An individual employed by the Kokomo Fire Department, and certified by the State of Indiana to perform advanced life support procedures as defined by applicable state protocols.

“RESIDENT.” An ambulance patient whose domicile is within the municipal limits of the city.

“TRANSPORT.” Those instances where an ambulance is dispatched to a location and the patient is transported in the ambulance to or from a hospital, physician's office, nursing home, or other health care facility.

(B) Responsible party. The ambulance patient, or the ambulance patient's legal representative or guardian in the case of a minor or adult under guardianship, shall be responsible for the payment of fees assessed under this section.

(C) Establishment of fee schedule. Charges shall be assessed and collected pursuant to the medicare ambulance fee schedule, as modified and amended, from each responsible party receiving basic life support services from the city ambulance service.
(D) Billing procedures. Responsible parties, including the legal representative of deceased responsible parties, will be billed within 30 days of the rendering of services. Charges will be due and payable 60 days after the date services are rendered. Unpaid charges are subject to collection action by the city.

(E) Annual review. Charges imposed by this section will be reviewed no less than annually by the Common Council and adjustments made as necessary to assure that charges remain reasonable in relation to the cost of providing the services set out herein. It shall be the obligation of the Kokomo Fire Department to provide the Common Council with data sufficient to support the amount of the charges.

(F) Disposition of funds. All funds collected pursuant to this section shall be deposited in the General Fund of the city.

(Ord. 6347, passed 10-11-04; Am. Ord. 6511, passed 11-19-07)

§ 35.16 RECOVERY OF COSTS FOR WATER FOR PUBLIC FIRE PROTECTION SERVICES.

(A) Pursuant to IC 8-1-2-103(d), the costs for the protection, storage, transmission, sale, delivery, and furnishing of water for fire protection purposes ("public fire costs") shall be included in the basic rates and charges of all customers of Indiana-American within the city in the manner and to the extent permitted by such statute.

(B) Effective upon the date of this change in the manner of recovering public fire costs, Indiana-American shall cease directly billing the city for public fire costs other than charges for the construction cost for new hydrants installed on and after the date of the change as hereinafter set forth.

(C) On and after the effective date of this section, the construction cost of any fire hydrant installed at the request of the city to Indiana-American shall be paid for by the city, but any hydrant requested by a developer to Indiana-American in response to a city requirement that a hydrant, or hydrants, be installed, shall be paid by the developer.

(D) Public fire costs shall also be reflected in the rates of customers located in areas adjacent to the city and within 1,000 feet of a hydrant located within the city.
(E) The change in the method of recovering public fire costs described in IC 8-1-2-103(d) shall be effective upon the first day of the first month following approval by the IURC of a new schedule of rates implementing the change. Indiana-American is requested to file such revised rate schedules with the IURC within a reasonable time after being notified of the final passage of this section.

(F) Notice of the adoption of this section, and a copy of Ordinance 6348, shall be provided by the City Clerk to Indiana-American.

(Ord. 6348, passed 10-11-04)
CHAPTER 36: PURCHASING

Section

Purchase of Real Property

36.01 Application; exclusiveness
36.02 Definitions
36.03 Options to purchase
36.04 Appraisal
36.05 Necessity of resolution
36.06 Compliance with State Board of Accounts
36.07 Approvals
36.08 Dealings with governmental entities

General Purchasing Practices

36.20 Designation of purchasing agency
36.21 Designation of additional purchasing agencies
36.22 Powers of purchasing agencies
36.23 Designation of Board of Works as purchasing agent
36.24 Small purchase procedures
36.25 Preparation of specifications and index of specifications
36.26 Preference for supplies manufactured in the United States
36.27 Purchase of services
36.28 Protection of offers; status of documents as public records
36.29 Discussions with offerors responding to a request for proposals
36.30 Delay of opening of offers
36.31 Evidence of financial responsibility
36.32 Modification and termination of contracts

PURCHASE OF REAL PROPERTY

§ 36.01 APPLICATION; EXCLUSIVENESS.

(A) This subchapter applies to the purchase of real property and structures where the value of the real property and structures does not exceed $25,000.

(B) Subject to the limitation set out in division (A) above, this subchapter applies to the purchase of real property and structures by the city or any of its agencies except as hereinafter provided.

(C) This subchapter does not apply to the purchase of:

(1) Real property having a total price (including land and structures, if any) of $25,000 or more;

(2) Airport land or structures under IC 8-22;

(3) Land or structures acquired for a road or street right-of-way for a federal aid project funded in any part under 23 U.S.C. 101 et seq; or
§ 36.02  DEFINITIONS.

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

"PURCHASING AGENT." The board or officer of the city having the power to purchase land or structures.

"QUASI-PUBLIC CORPORATION." A not-for-profit corporation that:

(1) Is organized for purposes and functions prescribed by law; and

(2) May receive, hold, and convey land or structures; and

(3) Has a board composed of:

(a) Designated public officials; or

(b) Other individuals, a majority of whom are appointed or approved by elected officers of the city.

"STRUCTURE." A building used in connection with the operation of the city.
(Ord. 5053, passed 3-30-81; Am. Ord. 5889, passed 10-4-93)

1998 S-17
§ 36.03 OPTIONS TO PURCHASE.

The purchasing agent may obtain from the owner of land or structures sought to be acquired an option to purchase upon such terms and conditions as the purchasing agent considers best. However, an option to purchase is subject to successful compliance with all other provisions of this subchapter. The purchasing agent may not exercise an option on the land or structures or enter into a contract to purchase the land or structure at a price higher than the average of the two appraisals described in § 36.04.

(Ord. 5053, passed 3-30-81; Am. Ord. 5889, passed 10-4-93)

§ 36.04 APPRAISAL.

(A) The purchasing agent must first appoint two disinterested appraisers to appraise the fair market value of the land or structure. The appraisers must be:

1. Professionally engaged in making appraisals; or
2. Be trained as an appraiser and licensed as a broker under IC 25-34.1-3-1 et seq.

(B) The appraisers shall return their separate written appraisals to the purchasing agent within 30 days after the date of their appointment.

(C) The purchasing agent shall keep the appraisals on file in the purchasing agent's office for five years after they are given to the purchasing agent.

(D) The purchasing agent may not purchase any land or structure under this subchapter for a price greater than the average of the two appraisals received under this section.

(Ord. 5053, passed 3-30-81; Am. Ord. 5889, passed 10-4-93)

§ 36.05 NECESSITY OF RESOLUTION.

(A) The purchasing agent must prepare descriptions of the land or structure proposed to be acquired and, if applicable, general plans, drawings, or plats for proposed projects to be constructed on the land.

(B) When the descriptions, and, if applicable, plans, drawings, or plats have been prepared, the purchasing agent must adopt a resolution approving them and declaring that upon investigation the proposed acquisition is in the best interest of the city and its citizens.
(C) The resolution, descriptions, appraised estimate, and if applicable, plans, drawings, or plats of the land or structure are public records.

1998 S-17
§ 36.06  COMPLIANCE WITH STATE BOARD OF ACCOUNTS.

(A) The purchase of land or structures may be made only if the offer, appraisal, and contract is executed on forms prescribed by the State Board of Accounts, or if no such forms are prescribed, then on forms acceptable to the State Board of Accounts.

(B) The purchasing agent must pay for land or structures out of an appropriation made available for that proposed purchase and any such purchase shall be made contingent upon passage of such appropriation.

(Ord. 5053, passed 3-30-81; Am. Ord. 5889, passed 10-4-93)

§ 36.07  APPROVALS.

In the case of land or structures to be purchased by the city, approval of the purchasing agent's action by the Common Council will be deemed given by reason of the passage of the necessary appropriation outlined in § 36.06. In addition, such acquisition is also subject to the approval of the Mayor.

(Ord. 5053, passed 3-30-81; Am. Ord. 5889, passed 10-4-93)

§ 36.08  DEALINGS WITH GOVERNMENTAL ENTITIES.

The purchase of real property by the city from another political subdivision, may be made at a private purchase without advertisement. The purchase may be for the terms and condition agreed upon, subject
to applicable state statutes.  
(Ord. 5053, passed 3-30-81)

1998 S-17
§ 36.20 DESIGNATION OF PURCHASING AGENCY.

Except as provided in § 36.21, the Board of Public Works and Safety shall be designated as the purchasing agency for all boards, offices, branches, commissions, councils, departments, or other establishments of the city.

(Ord. 6093, passed 6-29-98)

§ 36.21 DESIGNATION OF ADDITIONAL PURCHASING AGENCIES.

(A) The provisions of § 36.20 notwithstanding, the following are designated as the purchasing agencies for their respective departments:

(1) The Board of Park Commissioners shall be designated as the purchasing agency for the Department of Parks and Recreation.

(2) The Board of Aviation Commissioners shall be designated as the purchasing agency for the Department of Aviation.

(3) The Community Day Care Center Board shall be designated as the purchasing agency for the Department of Community Day Care Centers.

(b) The provisions of § 36.20 notwithstanding, the Board of Cemetery Trustees shall be designated as the purchasing agency for all city owned and operated cemeteries.

(Ord. 6093, passed 6-29-98)

§ 36.22 POWERS OF PURCHASING AGENCIES.

The respective purchasing agencies designated in §§ 36.21 and 36.22 shall:

(A) Within their jurisdictional areas, assume the duties, powers, and responsibilities assigned to purchasing agencies under the Act.

(B) Establish procedures, not inconsistent with the Act or this subchapter for obtaining materials, supplies, equipment or contractual services for the city departments under their jurisdiction as may best be suited to obtain the greatest economic value for the city.
(C) Prepare specifications and notice to bidders and ascertain that required notices are published where bidding and publication of notices are required by law.

(D) Cooperate and consult with the controller for the purpose of ensuring that adequate funds are available prior to making necessary purchases and acquisitions to assure that they are within the limits of the budget appropriations of the department in need of the material.

1998 S-17
(E) Designate, in writing, such additional purchasing agents as are necessary to carry out the purposes of this chapter.
(Ord. 6093, passed 6-29-98)

§ 36.23 DESIGNATION OF BOARD OF WORKS AS PURCHASING AGENT.

The additional purchasing agencies specified in § 36.21 shall be authorized to designate the Board of Public Works and Safety as a purchasing agent in order to allow the Board to conduct procurement activities on behalf of the designating purchasing agency.
(Ord. 6093, passed 6-29-98)

§ 36.24 SMALL PURCHASE PROCEDURES.

(A) Purchasing agents are authorized to purchase materials or supplies with an estimated cost of less than $5,000 on the open market without inviting or receiving quotes or bids.

(B) Purchasing agencies may, for a specific procurement of materials or supplies, authorize a purchasing agent to purchase such materials or supplies having an estimated cost of $25,000 or less on the open market without inviting or receiving quotes or bids.
(Ord. 6093, passed 6-29-98)

§ 36.25 PREPARATION OF SPECIFICATIONS AND INDEX OF SPECIFICATIONS.

(A) Specifications shall be prepared by the purchasing agency for all materials and supplies to be purchased. Such specifications shall describe the materials and supplies to be purchased with reasonable specificity and may describe such criteria as shall be used to evaluate materials and supplies offered for purchase. Such criteria may include provisions for inspection and testing of supplies; ascertaining the quality and workmanship of supplies; determining the delivery time for supplies; and, in the case of supplies provided by trusts, imposing the statutory requirements relevant to public purchases from trusts.

(B) Specifications shall be written to promote economy for the purposes intended.

(C) Specifications shall be written to encourage competition in satisfying the needs of the city.

(D) Each purchasing agency shall maintain an indexed file of specifications prepared by or under the authority of the purchasing agency.
(Ord. 6093, passed 6-29-98)
§ 36.26 PREFERENCE FOR SUPPLIES MANUFACTURED IN THE UNITED STATES.

Supplies manufactured in the United States shall be specified for all purchases by purchasing agencies and shall be purchased unless the purchasing agency determines, in writing, that:

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

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

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

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

(Ord. 6093, passed 6-29-98)

§ 36.27 PURCHASE OF SERVICES.

Each purchasing agency may purchase services, except legal services, in whatever manner the purchasing agency determines to be reasonable. Purchase of legal services must be authorized by the Office of the Corporation Counsel.

(Ord. 6093, passed 6-29-98)

§ 36.28 PROTECTION OF OFFERS; STATUS OF DOCUMENTS AS PUBLIC RECORDS.

(A) Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) Public Records Status of Bids. Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening.

(D) Register of Proposals. Where proposals are solicited in lieu of competitive sealed bidding, the purchasing agent shall prepare a register of proposals for each request for proposals issued
which shall contain information concerning the proposals. Such registers shall be made available for public inspection and copying after contract award. The content of the Register of Proposals shall be consistent with applicable statutory requirements.
(Ord. 6093, passed 6-29-98)

1998 S-17
§ 36.29   DISCUSSIONS WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.

Where proposals are solicited in lieu of competitive bidding, the purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.
(Ord. 6093, passed 6-29-98)

§ 36.30   DELAY OF OPENING OF OFFERS.

Where the purchasing agency makes a written determination that it is in the city's best interest to do so, offers may be opened after the time stated in the solicitation. The date, time, and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.
(Ord. 6093, passed 6-29-98)

§ 36.31   EVIDENCE OF FINANCIAL RESPONSIBILITY.

(A) Purchases Less Than $25,000. Purchasing agents may not require evidence of financial responsibility when the estimated cost of a purchase is less than $25,000.

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

(C) Purchases Over $100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.
(Ord. 6093, passed 6-29-98)

§ 36.32   MODIFICATION AND TERMINATION OF CONTRACTS.

(A) Price Adjustments. Purchasing agencies or agents may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

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

(2) Price adjustments may be computed by unit prices specified in the contract or subsequently agreed upon;

1998 S-17
§ 36.33

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

(4) Price adjustments may be computed in such other manner as the contracting parties may mutually agree upon; or

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

(B) Adjustments in Time of Performance. The purchasing agency or agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) Unilateral Rights of City. The purchasing agency or agent may include in a purchase contract provisions dealing with the unilateral right of the city to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) Quantity Variations. The purchasing agency or agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. 6093, passed 6-29-98)

§ 36.33  FEDERAL TRANSIT ADMINISTRATION FUNDS.

This section is applicable only to procurements with Federal Transit Administration Funds:

(A) The specification of only a "brand name" product without listing its salient characteristics and not allowing "an equal" product to be offered is considered to be restrictive of competition.

(B) The city may include options in its contracts. An option is a unilateral right in a contract by which, for a specified time, a grantee may elect to purchase additional equipment, supplies, or services called for by the contract, or may elect to extend the term of the contract. If the city chooses to use options, the following requirements apply:

(1) Evaluation of Options. The option quantities or periods contained in the contractor's bid or offer must be evaluated in order to determine the contract award. When options have not been evaluated as part of the award, the exercise of such options will be considered a sole source procurement.

(2) Exercise of Options.
(a) The city must ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract awarded.

(b) An option may not be exercised unless the city has determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

(C) The city does not authorize advance payments and will not participate in funding payments to a contractor prior to the incurrence of costs by the contractor unless prior written concurrence is obtained from the Federal Transit Administration.

(D) The city may use progress payments provided the following requirements are followed:

   (1) Progress payments are only made to the contractor for costs incurred in the performance of the contract.

   (2) When progress payments are used, the city must obtain title to property (materials, work in progress, and finished goods) for which progress payments are made. Alternative security for progress payments by irrevocable letter of credit or equivalent means to protect the city's interests in the progress payments may be used in lieu of obtaining title.

(Ord. 6141, passed 9-27-99)
CHAPTER 37: COMPENSATION DURING ACTIVE DUTY

Section

37.01 Authority
37.02 Applicability
37.03 Definitions
37.04 Eligibility; exhaustion of paid leave and accrued vacation
37.05 Amount of benefit
37.06 Documentation
37.07 Reliance authorized
37.08 Source of funding
37.09 Duration of benefit/extension
37.10 Training exclusion

§ 37.01 AUTHORITY.

This chapter is enacted under the authority of the Indiana Home Rule statute found at IC 36-1-3-1 et seq. and the statutory provisions concerning active military duty found at IC 10-2-4-1 et seq.
(Ord. 6209, passed 10-29-01)

§ 37.02 APPLICABILITY.

The provisions of this chapter shall apply to all military mobilizations of municipal employees occurring subsequent to September 11, 2001.
(Ord. 6209, passed 10-29-01)

§ 37.03 DEFINITIONS.

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

"DESIGNATED RECIPIENT." An individual, designated in writing by the member, who shall be authorized to receive physical possession of supplementary benefit checks issued pursuant to this chapter.

"DESIGNATED REPRESENTATIVE." An individual, designated on the members’ current military Power of Attorney, as being authorized to act on the members’ behalf during period of the members’ active service.

"FULL-TIME EMPLOYEE." An individual scheduled to work 35 hours per week or more, in a position with no predetermined termination date.

"GROSS SUPPLEMENTARY BENEFIT." The monetary difference between the amount shown as base salary on the members’ Leave and Earnings Statement and the aggregate amount shown as regular salary for the member in the records of the City Controller.

"LEAVE AND EARNINGS STATEMENT." The military pay stub issued by the military to the member evidencing the members’ military earnings.
"LEAVE OF ABSENCE." An excused absence from the members’ respective duties with the city, which shall be co-terminus with the members’ mobilization orders not to exceed 365 days, except as herein provided.

"MEMBER." Any employee of the City of Kokomo, Indiana, carried on the muster roll of a reserve component and who is subject to call up to active duty in the event of mobilization.

"MOBILIZATION." A declaration of national or state emergency by President of the United States or the Governor of Indiana resulting in the activation of reserve components.

"MOBILIZATION ORDERS." Those orders received by the member ordering the member to active duty as part of a military mobilization.

"NET SUPPLEMENTARY BENEFIT." That monetary amount remaining after all deductions are made from the gross supplementary benefit.

"PART-TIME EMPLOYEE." An individual scheduled to work less than 35 hours per week in a position with no predetermined termination date.

"RESERVE COMPONENT." The Indiana National Guard, or any of military reserve elements of the naval, air, or ground forces of the United States.

"SEASONAL/TEMPORARY EMPLOYEE." An individual scheduled to work in a position with a predetermined termination date (e.g. upon completion of project, end of season, etc.).

"SUPPLEMENTARY BENEFIT." The monetary difference between the figure shown as base salary on the members’ Leave and Earnings Statement and the figure shown as regular salary on the city’s payroll records for the same period of time.

(Ord. 6209, passed 10-29-01)

§ 37.04 ELIGIBILITY: EXHAUSTION OF PAID LEAVE AND ACCRUED VACATION.

(A) In order to be eligible for the supplementary benefit provided in this chapter, the individual must be a full-time employee of the city. Non-full time employees of the city, including but not limited to, part-time, temporary, or seasonal employees, are not eligible for supplementary benefits under this chapter.

(B) In order to be eligible for supplementary benefits as provided in this chapter, a member must have received mobilization orders to report for active duty as a result of a mobilization ordered by the Governor or the President of the United States. Entitlement to supplementary benefits under this chapter shall commence when the member has exhausted a period of 15 consecutive or non-consecutive days in any calendar year for military training, as provided in IC 10-2-4-3, as a result of the mobilization. In the event the members’ period of active duty extends into a succeeding calendar year, supplementary
benefits under this chapter shall cease until such time as the member has exhausted a similar period of 15 calendar days of military training as provided in IC 10-2-4-3 for such succeeding calendar year, at which time benefits under this chapter shall recommence.

(C) Nothing in this chapter shall be construed as having any effect on the members’ entitlement to accrued vacation days, it being the intent of the Common Council that exhaustion of vacation days will not be required as a precondition to entitlement to the benefit herein provided. A members’ vacation days shall continue to accrue until the members’ demobilization.

(Ord. 6209, passed 10-29-01; Am. Ord. 6210, passed 11-12-01)

§ 37.04 AMOUNT OF BENEFIT.

(A) The provisions in this chapter are applicable only in those instances where the amount of military salary shown as base salary on the members’ military Leave and Earnings Statement is less than the amount earned by the member as regular salary as an employee of the city in the position last held with the city prior to mobilization. In those instances where the members’ military base salary is greater than the members’ regular salary as an employee of the city, this chapter shall have no application or effect, provided that, the city shall continue to pay the members’ health and life insurance premiums during the period of the members’ active duty.

(B) Upon meeting the eligibility requirements of this chapter, including satisfaction of the annual eligibility requirements set out in § 37.04, the member shall be entitled to a supplementary benefit equal to the monetary difference between the amount shown as base salary on the members’ Leave and Earnings Statement and the aggregate amount shown as regular salary for the member in the records of the City Controller for the same period of time. This difference shall be designated as the "gross supplementary benefit." The Office of the Controller shall deduct from the gross supplementary benefit all customary taxes, public employee’s retirement fund contributions, and other usual deductions from the members’ municipal salary as designated by the member or the individual authorized on the members’ military Power of Attorney to act on the members’ behalf. The remaining amount shall be designated as the "net supplementary benefit." The Office of the City Controller shall disburse to the member, or his or her designated recipient, on a weekly basis, an amount equal to the members’ net supplementary benefit as calculated herein.

(Ord. 6209, passed 10-29-01)

§ 37.06 DOCUMENTATION.

In order to receive the supplementary benefit herein provided, the member or the individual designated on the members’ military Power of Attorney shall present to the Office of the City Controller a copy of the members’ military Power of Attorney and the members’ military Leave and Earnings Statement for each pay period indicated. Upon receipt of this documentation for each pay period, the Office of the City
§ 37.07  KOKOMO - COMPENSATION DURING ACTIVE DUTY

Controller shall calculate the gross supplementary benefit, make appropriate deductions, apply those deductions to the appropriate members’ accounts, and issue a municipal check, or make a direct deposit if so directed in writing by the member, in an amount equal to the net supplementary benefit, all as provided in § 37.05. No disbursement can be calculated or disbursed in the absence of the documentation required in this section. The Office of the City Controller shall retain copies of all documentation upon the basis of which disbursement of funds was predicated. Disbursement shall be made to the designated recipient.
(Ord. 6209, passed 10-29-01)

§ 37.07  RELIANCE AUTHORIZED.

Upon receipt of the documentation required under § 37.06, the Office of the City Controller is authorized to rely upon the accuracy of the information contained in such documentation and act upon the basis of the same. Should the member change his or her military Power of Attorney or should the member choose to change his or her designated recipient, it shall be the responsibility of the member to advise the Office of the Controller of the change in writing. Such notification should be sent to:

Office of the City Controller
City Hall, 100 S. Union
Kokomo, Indiana 46901

(Ord. 6209, passed 10-29-01)

§ 37.08  SOURCE OF FUNDING.

Funding for supplementary benefits shall by drawn from the salary line item in the budget of the department regularly employing the member. The Office of the City Controller is authorized to seek additional appropriations to compensate for any shortfall in the affected department’s salary line item occasioned by payment of the supplementary benefits herein authorized.
(Ord. 6209, passed 10-29-01)

§ 37.09  DURATION OF BENEFIT/EXTENSION.

The duration of the supplementary benefit herein provided shall be for the period of the employee’s active service as shown on his or her mobilization orders up to a maximum of 365 calendar days. Should the employee’s mobilization extend past this period upon order of the Governor or the President of the United States, the Common Council, by resolution, may elect to extend the period of such benefit, on a case by case basis, as it deems appropriate, subject to finding availability. The supplementary benefit herein provided shall cease immediately upon the death of the member or the members’ release from active service.
(Ord. 6209, passed 10-29-01)
§ 37.10 TRAINING EXCLUSION.

The supplementary benefit provided under this chapter is intended to supplement the income of members called to active service as part of a mobilization ordered by the Governor or the President of the United States. It specifically does not apply to periods of military training in excess of 15 days in a calendar year where no mobilization orders have been issued.

(Ord. 6209, passed 10-29-01)
38.01 Labor relations with non-public safety contractual employees

38.15 Vacation policy

Cross-reference:
Labor relations and Fire Department, see § 32.05
Labor relations and Police Department, see § 32.11

LABOR RELATIONS

§ 38.01 LABOR RELATIONS WITH NON-PUBLIC SAFETY CONTRACTUAL EMPLOYEES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BARGAINING AGENT." The American Federation of State, County, and Municipal Employees, Local 2185, a member of Council 62, or such other organization as selected by a majority of the bargaining group.

"BARGAINING GROUP." A unit consisting of all employees covered by the terms of the Collective Bargaining Agreement in effect as of the date of adoption of Ordinance 6309 between the City of Kokomo and the American Federation of State, County, and Municipal Employees, Local 2185, a member of Council 62, and as composition of the unit may from time to time be amended in accordance with the provisions of the Collective Bargaining Agreement pertaining to expansion of the bargaining group.

"CITY." The Board of Public Works and Safety of the city when such collective bargaining concerns all factors of employment except wages and fringe benefits having monetary impact, and the Common Council of the City of Kokomo when collective bargaining concerns wages and fringe benefits having monetary impact.

"FACTORS." Wages, hours of employment, fringe benefits, and working conditions.

(B) Right to collective bargaining and labor representation. Members of the bargaining group shall have the right to bargain collectively with the City of Kokomo and to be represented by the American Federation of State, County, and Municipal Employees, Local
2185, a member of Council 62, as bargaining agent, or such other labor organization as selected by a majority of the bargaining group, provided that such organization will not bargain collectively for any employees not specifically included within the bargaining group.

(C) Recognition of bargaining agent. The bargaining agent shall be recognized as the sole and exclusive agent for all of the members of the bargaining group unless and until recognition of the American Federation of State, County, and Municipal Employees, Local 2185, a member of Council 62, is withdrawn by a vote of the majority of the bargaining group.

(D) Duty of city to bargain. It shall be the obligation of the Kokomo Board of Public Works and Safety and the Common Council of the City of Kokomo in the last year of a collective bargaining agreement to meet and bargain in good faith with representatives of the bargaining agent within 20 days after receipt of written notice from said bargaining agent of a request for meeting for collective bargaining purposes. This notice shall be given to the Board of Public Works and Safety by service upon the Controller of the city, and to the Common Council by service upon the presiding officer thereof. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. The term of any such written contract shall not exceed three years.

(E) Right to attend negotiations. The city negotiating team will be comprised of the members of the Board of Public Works and Safety, two representatives of the Common Council, appointed by a majority vote of the elected members of the Common Council, and one other representative appointed to the negotiating team by the Mayor. The bargaining group's negotiating team will be made up of six members of the bargaining group appointed by the bargaining agent. In addition, the Mayor and an individual designated by the bargaining agent may attend negotiation sessions as ex officio, non-voting members. The parties to the collective bargaining process may mutually agree to allow outside experts to individual negotiating sessions for the purpose of making presentations or providing expert advice on matters relevant to the negotiation process.

(F) Notice of negotiations requiring appropriations. Whenever the factors or other matters requiring appropriations of money by the Common Council are included as matters of collective bargaining conducted under the provisions of this section, it shall be the obligation of the bargaining agent to serve written notice or request for collective bargaining in respect to said factors on the Common Council no sooner than 180 days, nor later than 120 days before the last day on which money can be appropriated by the Common Council to cover the contract period which is the subject of the collective bargaining procedure. Service of the notice shall be accomplished by service upon the presiding officer of the Common Council.
(G) Negotiated contract; maximum length. Any agreements negotiated between the bargaining agent and the Board of Public Works and Safety and the Common Council, either before, or within 30 days after the conclusion of arbitration as hereinafter provided, shall constitute the collective bargaining agreement with respect to the members of the bargaining group and the city for the period stated therein, provided that such period shall not exceed three calendar years from and after its effective date.

(H) Arbitration. In the event the bargaining agent and the Board of Public Works and Safety and the Common Council are unable, within 60 days from and after the date of their first meeting, to reach an agreement on a collective bargaining agreement, any party, subject to the provisions of division (K) hereof, may notify the other parties of its intent to request arbitration. All agreements reached by the parties during the course of negotiations shall be considered tentative until agreement is reached on all issues subject to negotiation. In the case a request for arbitration is made, the parties may mutually agree upon which issues shall be submitted to arbitration. Should the parties be unable to reach such an agreement, any party shall have the option of submitting to arbitration all issues outstanding between the parties, including those on which tentative agreement had been reached.

(I) Selection of arbitrator. Within 10 days from the 60 day period referenced in division (H) above, the bargaining agent shall select one arbitrator, and the City Board of Public Works and Safety and Common Council representatives shall jointly select one arbitrator, and shall immediately thereafter notify each other in writing of the name and address of the person so selected. Anyone who has had involvement in the negotiation process between the parties, either as a member of a negotiating team, or as an advisor to a negotiating team, will be disqualified from acting as an arbitrator. The two arbitrators so selected and named shall, within 20 days from and after the expiration of the 10-day period above mentioned, endeavor to agree upon and select a third arbitrator. If, on the expiration of the period allowed therefore, the arbitrators are unable to agree on the selection of a third arbitrator, the Bargaining Agent, the Board of Public Works and Safety, and the Common Council representatives, or any one of them, shall in writing request the American Arbitration Association, or other nationally recognized arbitration service, to furnish a third arbitrator. Should the arbitration service provide a panel of prospective arbitrators, the parties shall determine who shall have the right to strike first from the panel by coin toss. The parties shall strike alternately until one individual remains on the panel. This individual shall become the third arbitrator. The third arbitrator shall act as chairman of the Arbitration Board and shall call meetings thereof.

(J) Conduct of hearing.

(1) The Arbitration Board established pursuant to this section shall, acting through its chairman, call a hearing to be held
within 20 days after the date of the appointment of the chairman, and shall, acting through its chairman, give at least 10 days notice in writing to each of the other two arbitrators and the parties of the time and place of such hearing. The hearing may be continued from time to time.

(2) The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths, to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination.

(3) The arbitration hearing(s) conducted shall be concluded within 30 days of the time of commencement, and within 15 days after the conclusion of the hearings, the arbitration board shall make written findings and conclusions on the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining agent and to the Board of Public Works and Safety on behalf of the city. A majority decision of the Arbitration Board on all matters, except wages and fringe benefits having monetary impact, shall be conclusive and binding upon both the bargaining agent and the city. Any decision of the Arbitration Board with respect to wages and fringe benefits having monetary impact shall not be binding on the city unless the same is approved and ratified by the Common Council, as fiscal body for the city, no later than the last day on which the Common Council may appropriate money to be paid during the period covered by the decision of the Arbitration Board.

(4) The Arbitration Board established pursuant to this section shall conduct the hearings and render their decision on the basis of a prompt, peaceful, and just settlement of all disputes and issues between the members of the bargaining group and the city with respect to those factors. The factors, by way of example and not limitation, to be given weight by the Arbitration Board in arriving at a decision shall include:

(a) Comparison of factors with respect to members of the bargaining group to similar and like factors prevailing not only in the local area, but those prevailing in Indiana second class cities generally.

(b) The interest and welfare of the public.

(c) Comparison of peculiarities of employment with regard to other trades or professions, in particular:

1. Hazards of employment.
2. Physical qualifications.
3. Educational qualifications.
4. Mental qualifications.
5. Job training and skills.

(5) Such other matters as the Arbitration Board may deem pertinent or relevant.

(K) Payment of arbitration expenses. All reasonable fees and necessary expenses of arbitration shall be borne equally by the bargaining agent and the city. Should there be an outstanding balance for unpaid arbitration fees and expenses resulting from a prior negotiation between the parties, the party owing such sums shall be disqualified from requesting arbitration until all such outstanding sums are paid.

(L) Effect of section. Nothing in this section shall be construed as reducing, diminishing, or restricting in any manner the powers granted to the Board of Public Works and Safety by state law. (Ord. 6309, passed 5-24-04)

CITY EMPLOYEES

§ 38.15 VACATION POLICY.

(A) Retroactive effect. Retroactive to January 1, 1997, city employees can carry over unused vacation time from year to year with the approval of their department head and are not required to take unused time only in the succeeding year.

(B) Entitlement to vacation time. City employees shall be entitled to paid vacation time, based upon years of service, as set out, in the case of employees subject to a collective bargaining agreement, in the relevant contract, or, in the case of non-contract employees, as set out in the personnel handbook as promulgated by the Mayor. (Ord. 6317, passed 7-12-04)