

TITLE III: ADMINISTRATION

Chapter

30. CITY GOVERNMENT

31. CITY POLICIES

32. BOARDS, COMMISSIONS, AND DEPARTMENTS

33. FUNDS

34. EMERGENCY PROVISIONS

CHAPTER 30: CITY GOVERNMENT

Section

- 30.01 City Council; composition
- 30.02 Four Council districts
- 30.03 Council members; election
- 30.04 Clerk-Treasurer; deputies

§ 30.01 CITY COUNCIL; COMPOSITION.

Pursuant to I.C. 36-4-6-5, the City Council, being the legislative body of the city, shall consist of four members elected from four districts established in a manner as hereafter provided and one at-large member.

(Ord. 82-7, passed 8-16-82)

§ 30.02 FOUR COUNCIL DISTRICTS.

(A) The legislative body shall divide the city into four districts that:

- (1) Are composed of contiguous territories;
- (2) Are reasonably compact; and
- (3) Contain, as nearly as is possible, equal population.

(B) This division shall be made in 2002, and then every ten years, or hereafter as is consistent with state law.

(Ord. 82-7, passed 8-16-82)

§ 30.03 COUNCIL MEMBERS; ELECTION.

(A) Each voter of the city may vote for one candidate for at-large membership and one candidate for each of the districts established. The at-large candidate and the candidate from each district receiving the most votes from the whole city are elected to the legislative body.

(Ord. 82-7, passed 8-16-82)

Covington - Administration

(B) It is the intention of this Council to continue an election process that permits each voter of the city to vote for one candidate at large and one candidate from each of its four Council districts.
(Res. 91-2, passed 5-6-91)

§ 30.04 CLERK-TREASURER; DEPUTIES.

The City Council authorizes the City Clerk-Treasurer to appoint two deputies and one employee to serve at his or her pleasure.
(Res. 98-2, passed - -)

CHAPTER 31: CITY POLICIES

Section

General Provisions

- 31.01 Investment of excess funds
- 31.02 Bad check fee
- 31.03 Independent contractors; insurance requirement
- 31.04 Personnel policies; adopted by reference
- 31.05 Police Department personnel policies; adopted by reference
- 31.06 CDL licensed driver drug and alcohol testing policy; adopted by reference
- 31.07 Contract negotiations for ministerial services
- 31.08 Identity theft prevention
- 31.09 Fee for accident and other police reports
- 31.10 Materiality and process for reporting material items
- 31.11 Internal control standards

Purchasing

- 31.20 Purchasing agency designated
- 31.21 Purchases without bids
- 31.22 Purchasing services
- 31.23 Purchase of U.S. goods preferred
- 31.24 Capitalization and depreciation
- 31.25 Reverse auction procedures
- 31.26 City credit card

Drug and Alcohol Policy

- 31.35 Purpose
- 31.36 Policy
- 31.37 Prohibited drugs
- 31.38 Alcohol
- 31.39 Reporting violations
- 31.40 Employee rehabilitation
- 31.41 Testing

Nepotism Policy

- 31.50 Purpose
- 31.51 Definitions

- 31.52 Employment policy
- 31.53 Contracting policy
- 31.54 Submission of compliance statements

GENERAL PROVISIONS

§ 31.01 INVESTMENT OF EXCESS FUNDS.

The Clerk-Treasurer is authorized to invest excess monies in all funds in the city in United States government securities as provided by law.
(Ord. 3-67, passed 6-5-67)

§ 31.02 BAD CHECK FEE.

The Clerk-Treasurer is authorized to charge a \$5 service charge on all bad checks received by the city.
(Res. 81-5, passed 7-6-81)

§ 31.03 INDEPENDENT CONTRACTORS; INSURANCE REQUIREMENT.

All department heads and employees of the city shall be required to obtain on behalf of the city either certificates of insurance showing that the independent contractor has at least a minimal amount of \$300,000 of liability coverage upon his or her operation, employees, and equipment and that the independent contractor has workers' compensation insurance coverage on all his, her, or its employees involved in that work; or in the event an emergency exists and the certificates of insurance are not readily available, the department heads or employees should obtain from the Clerk-Treasurer a standard form letter to be signed by the independent contractor showing that this insurance coverage is in existence and proof of the same will be submitted within three business days after the signing of the statement by the contractor.
(Res. 82-1, passed 3-15-82)

§ 31.04 PERSONNEL POLICIES; ADOPTED BY REFERENCE.

The personnel policies of the city, as set forth in Ord. 98-6 or its successor ordinances, as amended, are hereby adopted by reference and incorporated into this code as if set out in full herein.
(Am. Res. 2004-4, passed 8-2-04; Am. Ord. 2006-9, passed 12-18-06; Am. Ord. 2007-12, passed 12-27-07; Am. Ord. 2008-5, passed 9-29-08; Am. Ord. 2008-7, passed 12-29-08; Am. Ord. 2014-3, passed 5-5-2014; Am. Res. 2016-5, passed 5-16-2016)

§ 31.05 POLICE DEPARTMENT PERSONNEL POLICIES; ADOPTED BY REFERENCE.

The personnel policies of the city Police Department, as set forth in Ord. 98-11 or its successor ordinances, as they may be amended, are hereby adopted by reference and incorporated into this code as if set out in full herein.

§ 31.06 CDL LICENSED DRIVER DRUG AND ALCOHOL TESTING POLICY; ADOPTED BY REFERENCE.

The city's drug and alcohol testing policy for its employees holding a CDL license, as set forth in Ord. 96-2, as it may be amended, is hereby adopted and incorporated into this code as if set out in full.

§ 31.07 CONTRACT NEGOTIATIONS FOR MINISTERIAL SERVICES.

Pursuant to I.C. 5-22-6.5-3, the Mayor of the city is hereby authorized to negotiate contracts with public or private persons for the performance of any ministerial service that may be done by the city which is necessary or desirable in the public interest as allowed by I.C. 5-22-6.5-3(a) for any service defined in I.C. 5-22-6.5-2.

(Res. 2003-6, passed 6-2-03)

§ 31.08 IDENTITY THEFT PREVENTION.

The city hereby implements a policy of identity theft prevention by requiring the Clerk-Treasurer to require all persons opening a utility account or attempting to effect changes to an existing account with the city to show a government-issued photo ID at the time the account opening or changes to an existing account. The Clerk-Treasurer shall adopt all in-office policies to protect identity theft of all consumers of city utilities.

(Ord. 2009-05, passed 7-6-09)

§ 31.09 FEE FOR ACCIDENT AND OTHER POLICE REPORTS.

It is hereby ordained by the City Council that, effective October 1, 2012, the Police Department shall collect a fee of \$8 for accident and other police reports, pursuant to I.C. 9-29-11-1(a), and that such fees shall be deposited in the Local Law Enforcement Continuing Education Fund established by I.C. 5-2-8-2 and required by I.C. 9-29-11-1(b)(3).

(Ord. 2012-5, passed 9-4-12)

§ 31.10 MATERIALITY AND PROCESS FOR REPORTING MATERIAL ITEMS.

(A) All erroneous or irregular variances, losses, shortages, or thefts of city funds or property, or funds or property the city holds in trust, shall be reported to the Clerk-Treasurer and Mayor.

(B) It will be the policy of the city to report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of \$100, except for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the city.

(C) It will be the policy of the city to report promptly to the state Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of \$100, estimated market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the city and except for losses from genuine accidents.

(D) All elected town officials shall, and all city employees and agents are directed to, comply with this policy.

(Ord. 2016-02, passed 3-7-16)

§ 31.11 INTERNAL CONTROL STANDARDS.

The city adopts as policy the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time. In order to implement these standards, the Clerk-Treasurer shall certify in writing that personnel as defined in state law have received the required training. All officers, elected officials and employees are required to comply with the policy. Employees who fail to comply with this policy are subject to discipline, including but not limited to termination of their employment.

(Ord. 2018-3, passed 4-2-18)

PURCHASING

§ 31.20 PURCHASING AGENCY DESIGNATED.

The Board of Public Works is hereby designated as the purchasing agency for the city, with all of the powers and duties authorized under I.C. 5-22-1 *et seq.* The purchasing agency shall designate in writing the purchasing agent. The purchasing agency may also designate in writing additional purchasing agents as necessary.

(Ord. 98-7, passed 6-15-98)

§ 31.21 PURCHASES WITHOUT BIDS.

The purchasing agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(Ord. 98-8, passed 6-15-98)

§ 31.22 PURCHASING SERVICES.

It is hereby determined that each agency and/or department may purchase services in whatever manner the purchaser determines to be reasonable.

(Ord. 98-9, passed 6-15-98)

§ 31.23 PURCHASE OF U.S. GOODS PREFERRED.

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

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

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

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

(D) The purchase of supplies manufactured in the United States is not in the public interest.
(Ord. 98-10, passed 6-15-98)

§ 31.24 CAPITALIZATION AND DEPRECIATION.

(A) *Capitalization policy.* All purchases by the various departments, which are in the sum of \$500 or more, shall be reviewed by the city utility superintendents for their particular department and by the bookkeeper, for purposes of determining whether they are to be capitalized. In determining whether to capitalize a particular asset, the utility superintendent and bookkeeper shall consider, among other things, the estimated life of the asset and whether the asset adds value to an existing asset. The final decision on whether to capitalize a particular asset shall be made by the utility superintendent.

(B) *Depreciation policy.* All fixed assets are depreciated, using a composite rate, per utility, as follows:

(1) Electric utility: 3.0%

(2) Water utility: 2.0%

(3) Sewage utility: 2.5%

(Ord. 96-4, passed - -)

§ 31.25 REVERSE AUCTION PROCEDURES.*(A) Use of third party to conduct reverse auctions.*

(1) The purchasing agency is authorized to use a third party to conduct reverse auction on behalf of the city for the purchase of supplies. The purchasing agent is authorized to select the third party that will conduct the reverse auction, who must have prior experience in conducting reverse auctions on behalf of local governments.

(2) The purchasing agent shall obtain a copy of the procedures established by the third party to conduct the reverse auction on behalf of the city and present those procedures to the Board of Public Works for adoption and inclusion in its applicable procedures prior to participating in a reverse auction conducted by the third party.

(B) Transmission of notices, solicitations and specifications.

(1) (a) *Notices.* The Board shall give notice of a reverse auction by:

1. Publishing notice of the invitation to bid two times, at least one week apart, with the second publication at least seven days before the commencement of the reverse auction in accordance with I.C. 5-22-7-5, 5-22-18 and 5-3-1;

2. Posting the invitation to bid on the city's website; and

3. If a third party is conducting the reverse auction on behalf of the purchasing agency, by posting, or permitting to have posted, the invitation to bid on the third party's website.

(b) Posting the invitation to bid on a website requires compliance with I.C. 5-22-3-4.

(c) The Board may also give notice of a reverse auction by electronic mail or faxes.

(2) (a) *Solicitations and specifications.* The Board shall transmit solicitations and specifications:

1. In accordance with the invitation to bid, identifying a designated location where, during regular business hours, the invitation to bid may be inspected and copied or copies may be obtained;

2. By making them available on the city's website or providing information on the website identifying a designated location where, during regular business hours, the invitation to bid may be inspected and copied or copies may be obtained; and

3. If a third party is conducting the reverse auction on behalf of the purchasing agency, by making them available on the third party's website.

(b) Posting the invitation to bid on a website requires compliance with I.C. 5-22-3-4.

(C) *Pre-qualification of bidders.*

(1) All bidders desiring to participate in a reverse auction must be pre-qualified by submitting materials to ensure that they meet the specifications identified by the buyer as to the types of supplies to be offered for purchase no later than 24 hours prior to the time for the commencement of the reverse auction, as provided in the invitation to bid.

(2) The pre-qualification process shall be used to determine whether the bidder is responsible and responsive, as provided in the Act, whether there is any bidding or purchasing preference or preferences applicable to a particular bidder, and whether the bidder has submitted evidence of financial responsibility, as required by the purchasing agency. In order to assist the Board in pre-qualifying bidders, the bidder must submit, in accordance with the invitation to bid, all documentation and other information relating to the supplies being offered for purchase, except for price, and any other information that may assist the Board in making its determination. Such documentation will include evidence of financial responsibility or a certified check, as specified in the invitation to bid.

(3) In determining whether a bidder is responsible, the purchasing agent may consider the following factors:

- (a) The ability and capacity of the bidder to provide the supplies.
- (b) The integrity, character and reputation of the bidder.
- (c) The competency and experience of the bidder.

(4) In determining whether a bidder is responsive, a purchasing agent may consider the following factors:

- (a) Whether the bidder has submitted information demonstrating that his or her offer for supplies conforms in all material respects to the specifications.
- (b) Whether the bidder has submitted documentation that complies specifically with the solicitation and the instructions to bidders.
- (c) Whether the bidder has complied with all applicable statutes, ordinances, resolutions or rules pertaining to the award of a public contract.

(5) The determination that a bidder is not responsive or not responsible must be made in writing.

(6) Pre-qualification of bidders must be done by the purchasing agent or an authorized representative of the purchasing agency in the presence of one or more witnesses and must be completed no later than 24 hours prior to the commencement of the reverse auction bidding period.

(7) The Board shall notify any bidder determined to be not pre-qualified in writing, by facsimile, or electronic mail (as requested by the bidder) and shall exclude the bidder so notified from participation in the reverse auction.

(8) The Board's determination that a bidder is not pre-qualified is limited to the reverse auction for which the request for pre-qualification was received.

(D) *Contents of invitation to bid.* The invitation to bid must include all of the following:

(1) A purchase description;

(2) A statement that bids will be accepted by means of a reverse auction process;

(3) A description of all contractual terms and conditions that apply to the purchase, including the requirement of a non-collusion affirmation by the successful bidder;

(4) The criteria that will be used by the purchasing agency to pre-qualify bidders to determine whether a bidder is responsive and responsible;

(5) The information and other documentation required to be submitted for pre-qualification, including a certified check or other evidence of financial responsibility;

(6) The location and manner in which bidders must submit information for pre-qualification, the deadline for submission of such information, and the deadline by which the Board will determine whether a bidder is pre-qualified;

(7) The location, including any websites, at which the invitation to bid may be inspected and copied or copies may be obtained, including, if a third party is conducting the reverse auction, the procedures to be used by the third party to conduct the reverse auction;

(8) A statement as to whether a third party is conducting the reverse auction on behalf of the city;

(9) A statement that offers submitted by pre-qualified bidders will only be received through the city's secure website; or if a third party is conducting the reverse auction on behalf of the town, through the third party's secure website;

(10) The date and time at which the reverse auction bidding period will commence and the approximate length of time for which the reverse auction will be conducted, allowing automatic extensions based upon competitive activity;

(11) The deadline by which pre-qualified bidders must submit an initial price to a secure website for the purposes of establishing a bidder's participation and initial ranking at the commencement of the reverse auction bidding period;

(12) A statement explaining that the bidding period during which the reverse auction is conducted may be extended based upon competitive activity, at predetermined periods determined by the purchasing agency;

(13) A statement identifying the circumstances under which the reverse auction may be postponed, paused, rescheduled or canceled;

(14) The place and approximate time at which, following the close of the bidding period, offers will be reviewed publicly by an authorized representative of the purchasing agency in the presence of one or more witnesses;

(15) A statement that the third party conducting the auction on behalf of the city will collect a service charge from the successful bidder for its participation in the reverse auction;

(16) The name, address, and telephone number of a representative of the purchasing agency who can provide additional information related to the reverse auction;

(17) If a third party is conducting the auction on behalf of the city, the name, address, and telephone number of a representative of the third party who can provide additional information related to the reverse auction, including the mandatory training required of all pre-qualified bidders as a condition of participating in the reverse auction; and

(18) The conditions under which the invitation to bid may be canceled or postponed in accordance with I.C. 5-22-18-1.

(E) *Receiving offers.*

(1) The Board shall receive offers only from bidders who have been pre-qualified, in accordance with the invitation to bid.

(2) If a third party conducts the reverse auction on behalf of the city, all pre-qualified bidders must receive training provided by the third party in order to participate in the reverse auction.

(3) Prior to receiving electronic offers, the Board must find that:

(a) The invitation for bid for the reverse auction indicates the procedure for transmitting the electronic offer; and

(b) The electronic system on which the offer is received has a security feature that protects the content of the electronic offer with the same degree of protection as the content of an offer that is not transmitted by electronic means.

(4) In accordance with the invitation to bid, offers submitted by pre-qualified bidders will only be received:

(a) Through the city's secure website; or

(b) If a third party is conducting the reverse auction on behalf of the city, through the third party's secure website.

(F) *Reverse auction bidding period.*

(1) For each reverse auction, the purchasing agent must establish an initial bidding period during which bidders may submit prices for which the supplies being offered may be purchased. The initial bidding period shall not be less than one hour. The purchasing agent may automatically extend the reverse auction bidding period for additional predetermined periods based upon competitive activity.

(2) During the bidding period for the reverse auction, information available for public display is limited to the ranking, price and name of bidders of each price bid relative to all other prices bid.

(3) The dollar amounts of the prices bid by bidders shall not be disclosed to the bidders until the close of the bidding period.

(4) All information received, obtained or retained during a reverse auction remains confidential and may not be disclosed until after the close of the reverse auction bidding period.

(G) *Opening offers.*

(1) In accordance with the Act, offers will be deemed to be opened when a computer generated record of the information contained in all bids received from pre-qualified responsive and responsible bidders is reviewed publicly at the close of the bidding period for the reverse auction in the presence of one or more witnesses at the time and place designated in the invitation for bids by the purchasing agency (or an authorized representative of the purchasing agency, including the purchasing agent).

(2) The purchasing agency, and any of its agents or employees are prohibited from displaying for public viewing the amount of each initial bid price until the close of the initial bidding period for the reverse auction. The purchasing agency is required to protect the identity of a bidder and the prices which have been submitted by each bidder until the initial bid has been placed until the reverse auction begins, at which time bids will be deemed opened.

(H) *Contract award.*

Covington - Administration

(1) In accordance with I.C. 5-22-7-8, the purchasing agency must award a contract for the purchase of supplies with reasonable promptness by written notice to the lowest responsible and responsive bidder.

(2) If the contract is not awarded to the lowest bidder, the purchasing agent must indicate the reasons for the award in writing.

(3) As provided in the invitation to bid, the third party conducting the reverse auction may impose a fee as a term of the contract for a purchase made by means of a reverse auction.

(I) *Purchase orders and payments.*

(1) A fully executed purchase order must be filed with the Clerk-Treasurer within 30 days after the award of a contract of a purchase of supplies through a reverse auction in accordance with I.C. 5-22-18-5.

(2) Payments for supplies purchased in a reverse auction shall be made only after receiving properly submitted claims in accordance with I.C. 5-11-10 and I.C. 36-4-8.

(J) *Documentation.* The purchasing agency shall be required to maintain adequate documentation regarding its reverse auctions so that the transactions may be audited as provided by law. The purchasing agency shall maintain an indexed file of specifications prepared by or under the authority of its purchasing agents for each reverse auction in which the purchasing agency participates. (Res. 2004-5, passed 8-2-04)

§ 31.26 CITY CREDIT CARD.

(A) The issuance and use of a credit card is hereby authorized and allowed by the Clerk-Treasurer's office only.

(B) The issuance and use of a credit card shall be the responsibility of the Clerk-Treasurer, and that person shall be the custodian of the credit card.

(C) The credit card may be used only for lawful charges of expenses related to and necessary for the effective operation of the City of Covington. Such uses include but are not limited to:

(1) Purchasing of supplies and equipment for the use and benefit of the Clerk-Treasurer's office or the city;

(2) Travel and lodging expenses of the city personnel while on approved business;

(3) Meal expenses of city personnel while traveling on approved city business, provided that any such expense may not exceed any authorized per diem for meals;

(4) Approved training and education costs for city personnel; and

(5) Any other use required for the efficient operation of the Clerk-Treasurer's office when use of vouchers, checks, or other means of credit are not possible, provided that the use has been approved by the Clerk-Treasurer or City Council.

(D) When the purpose for which the credit card has been used is accomplished, the card must be returned to the authorized custodian of the card.

(E) The authorized custodian of the credit card must maintain an accounting system concerning its use. The custodian shall also obtain and keep all charge receipts and other documentation supporting the charges.

(F) Any interest, late charges or other fees resulting from the tardy submission of credit card receipts by any officer or employee shall be the personal responsibility of that officer or employee to pay.
(Ord. 2021-4, passed 5-17-21)

DRUG AND ALCOHOL POLICY

§ 31.34 PURPOSE.

The city makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the city and its employees. Because the city values each employee, the city offers employees assistance in dealing with alcohol and drug abuse problems.
(Ord. 2002-02, passed 3-4-02)

§ 31.35 POLICY.

(A) All employees are required to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

(B) Violation of any provision of this section will be considered just cause for disciplinary action up to and including discharge. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

(C) The city may modify this chapter and related procedures at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the city.
(Ord. 2002-02, passed 3-4-02)

§ 31.36 PROHIBITED DRUGS.

(A) Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substances Act, being 21 USC 8120 and 21 CFR 1308.11 through 1308.15, and prescription controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this chapter.

(B) This chapter prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs or other controlled substances while on the job or on city premises, including vehicles used for city business. This include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the appropriate legal authorities and may lead to criminal prosecution.
(Ord. 2002-02, passed 3-4-02)

§ 31.37 ALCOHOL.

(A) The use of alcohol on the job or on city premises is prohibited, unless such use is non-abusive and is a part of an authorized official event held off city premises. The use of alcohol in vehicles used for city business is strictly prohibited.

(B) Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on city premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for city business is never authorized.
(Ord. 2002-02, passed 3-4-02)

§ 31.38 REPORTING VIOLATIONS.

(A) (1) Employees must as a condition of employment, abide by the terms of this chapter and report any conviction to the city under a criminal drug statute for violations occurring on or off city premises when conducting city business.

(2) Report of a conviction must be made to the city within five business days after the conviction. The city will then notify the appropriate contracting officer within ten days after receiving notice from either the employee or from another source.

(B) These requirements are mandated by the Drug-Free Workplace Act of 1988.
(Ord. 2002-02, passed 3-4-02)

§ 31.39 EMPLOYEE REHABILITATION.

(A) Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the city will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

(B) Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in an approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

(C) Any employee identified through a city investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

(D) Circumstances in each case will be evaluated to determine the course of action to be taken, such as whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.
(Ord. 2002-02, passed 3-4-02)

§ 31.40 TESTING.

(A) Alcohol or drug tests may be required for employees in the following circumstances:

(1) Unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse;

(2) During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the city; and

(3) When required by law.

(B) If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the city. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

(C) Pre-employment drug testing is part of the pre-employment physical. The city will determine the method of testing. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding re-application opportunities should be directed to the Clerk-Treasurer.

(Ord. 2002-02, passed 3-4-02)

NEPOTISM POLICY

§ 31.50 PURPOSE.

Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services and public works projects should be based on the qualification, performance and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment-related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the city in a position in which a relative, as defined in § 31.51, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the city for goods, services and public works projects.

(Ord. 2012-4, passed 7-16-12)

§ 31.51 DEFINITIONS.

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

BREAK IN EMPLOYMENT. Termination, retirement or resignation of an employee from the city. A ***BREAK IN EMPLOYMENT*** does not occur due to an absence from the workplace while on a paid

or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the city without loss of payroll time.

CITY. The City of Covington and its boards and departments.

DIRECT LINE OF SUPERVISION. An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement or performance evaluation. Decisions and actions taken by the Mayor or City Council regarding the passage of annual salary ordinances, annual budgets and personnel policies are excluded from this definition.

ELECTED OFFICIAL. The Mayor, City Clerk-Treasurer and members of the City Council.

EMPLOYED. An individual who works for or is appointed to any department or board of the city on a full-time, part-time, temporary, intermittent, seasonal, hourly or contractual basis.

MEMBER OF THE FIRE DEPARTMENT. The Fire Chief and any firefighter appointed to the Covington Volunteer Department.

MEMBER OF THE POLICE DEPARTMENT. The Police Chief and any police officer appointed to the Covington Police Department.

RELATIVE. For the purposes of this subchapter, the term includes any of the following:

- (1) Spouse;
- (2) Parent or step-parent;
- (3) Child or step-child (includes an adopted child);
- (4) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
- (5) Niece or nephew;
- (6) Aunt or uncle;
- (7) Daughter-in-law or son-in-law; and
- (8) Sister-in-law or brother-in-law.

(Ord. 2012-4, passed 7-16-12)

§ 31.52 EMPLOYMENT POLICY.

(A) Individuals who are relatives, as defined in § 31.51, of existing employees may not be employed the city in a position that results in one relative being in the direct line of supervision of the other relative.

(B) An individual who is employed by the city on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined § 31.51, with the city.

(C) If an individual is employed by the city and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the city and retain his or her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

(D) While an individual who is employed by the city and the individual's relative begins serving a term of elected office may continue his or her employment with the city, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the directline of supervision of the individual's relative.
(Ord. 2012-4, passed 7-16-12)

§ 31.53 CONTRACTING POLICY.

The city may enter into or renew a contract for the procurement of goods, services or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(A) The elected official files with the city a full disclosure, which must be:

(1) In writing; and

(2) Describe the contract or purchase to be made by the city; and

(3) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects.

(B) The appropriate city board or department:

(1) Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or

(2) Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

2012 S-5

12B

Covington - Administration

(C) The city satisfies all other requirements of Indiana's public purchase (I.C. 5-22) or public

works projects (I.C. 36-1-12) statutes.

(D) The elected official complies with disclosure provisions of I.C. 35-44.1-1-4 and I.C. 35-44.1-1-5.
(Ord. 2012-4, passed 7-16-12)

§ 31.54 SUBMISSION OF COMPLIANCE STATEMENTS.

In addition to any other disclosures or certifications required by this subchapter, the following actions must be taken:

(A) The annual report filed by the city with the State Board of Accounts under I.C. 5-11-13-1 must include the Mayor's statement that the city has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(B) Prior to December 31 of each year, each elected officer shall submit to the Mayor a certification in writing, subject to the penalties of perjury, that the officer has not violated the provisions of the city's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.
(Ord. 2012-4, passed 7-16-12)

CHAPTER 32: BOARDS, COMMISSIONS, AND DEPARTMENTS

Section

- 32.01 [Reserved]
- 32.02 Park Board
- 32.03 Economic Development Commission established
- 32.04 City Plan Commission established
- 32.05 Volunteer Fire Department; fee collection
- 32.06 Special police officers
- 32.07 Redevelopment Commission established

§ 32.01 [RESERVED].

§ 32.02 PARK BOARD.

(A) A city Park Board is hereby created pursuant to I.C. 36-10-4-3, effective March 1, 2016, with the Mayor to appoint four board members (two of each political affiliation) with said Board members to be free holders residing within the city.

(B) Each Board member shall execute an oath of office to be indorsed upon their certificate of appointment and thereafter to be filed with the Covington City Clerk.

(C) Said Park Board appointments shall be made on a yearly calendar basis in the month of January beginning in 2017 with the 2016 appointments to be from March 1, 2016 through December 31, 2016.

(Ord. 91-15, passed 11-18-91; Am. Ord. 2016-01, passed 2-1-16)

§ 32.03 ECONOMIC DEVELOPMENT COMMISSION ESTABLISHED.

The Common Council hereby establishes a Department of Economic Development, to be controlled by a commission known as the "Covington Economic Development Commission." (Ord. 79-7, passed 7-16-79; Am. Ord. 2021-11, passed 10-25-21; Am. Ord. 2022-2, passed 2-7-22)

§ 32.04 CITY PLAN COMMISSION ESTABLISHED.

(A) There is hereby established a City Plan Commission under the authority provided in I.C. 36-7-4-201.

(B) This Plan Commission shall consist of seven members, composed of three persons in the municipal government, to be appointed by the City Council; and four citizen members to be appointed by the Mayor, no more than two of whom shall be members of the same political party.

(C) To be qualified for membership on the City Plan Commission, each citizen member:

(1) Must have knowledge and experience in matters pertaining to the development of the municipality;

(2) May not hold any other office in the municipal government; and

(3) Must be a resident of the municipality.

(D) Additional representation shall be provided for any unincorporated jurisdictional area in accordance with I.C. 36-7-4-214 and I.C. 36-7-4-215.

(E) (1) Terms of office for members appointed from the City Council shall be coextensive with the member's term of office on that Council, unless the Council appoints, at its first regular meeting in any year, another to serve as representative.

(2) Citizen members shall have terms of office for four years.

(3) Vacancies among citizen members shall be filled in the same manner as the original appointment, for the unexpired term of the vacating member.
(Ord. 81-1, passed 3-2-81)

§ 32.05 VOLUNTEER FIRE DEPARTMENT; FEE COLLECTION.

The city Volunteer Fire Department is hereby authorized to collect all fees due it pursuant to the provisions of I.C. 36-8-12-13 and the Volunteer Fire Department shall make due report of their activities herein before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.
(Ord. 2000-1, passed 1-17-00)

§ 32.06 SPECIAL POLICE OFFICERS.

(A) The Chief of Police of the city shall hereby be authorized to appoint members of the auxiliary police to serve as special police to fill vacancies created by training, vacations, or emergency leaves of regular police officers. Upon the resumption of duty of those regular police officers, the temporary appointments shall expire.

(B) The Chief of Police shall record the days of service of the special police and make reports to the Clerk-Treasurer of the city along with regular employment reports, but in no event any less frequently than monthly.

(C) The special police shall be paid at the same rate per day and have the same powers, privileges, and duties of members of the regular department and are subject to the same ordinances, rules, and orders.

(D) The special police must be qualified and accepted by the Police Board.
(Res. 83-4, passed - -)

§ 32.07 REDEVELOPMENT COMMISSION ESTABLISHED.

(A) There is hereby created the Department of Redevelopment, which shall be entitled to exercise all the rights, powers, privileges and immunities accorded to such department by I.C. 36-7-14, except those rights, powers, privileges and immunities which are limited as described in division (F) below.

(B) Such Department of Redevelopment shall be under the control of a board of five members to be known as the Redevelopment Commission.

(C) There is hereby created a board to be known as the Redevelopment Commission. Three of said Commissioners shall be appointed by the Mayor, and two shall be appointed by the Common Council. The Mayor shall also appoint a current member of a school board with territory in the city to serve as a non-voting member as prescribed by law. The nominations made by the Common Council shall be transmitted to the Mayor in writing within five days after the adoption of this section. Each Redevelopment Commissioner shall serve for one year from the first day of January after his or her appointment and until his or her successor is appointed and has qualified, except that the original Commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original Commissioner, and the successor shall serve for the remainder of the vacated term.

(1) Each Commissioner, before beginning his or her duties, shall take and subscribe to an oath of office in the form prescribed by law, to be endorsed on the certificate of his or her appointment, which shall be promptly filed with the Clerk-Treasurer.

(2) Each Commissioner, before beginning his or her duties, shall execute a bond payable to the state, with surety to be approved by the Mayor. The bond must be in a penal sum of \$15,000 and must be conditioned on the faithful performance of the duties of his or her office and the accounting for all monies and property that may come into his or her hands or under his or her control. The cost of the bond shall be paid by the Redevelopment District.

(D) Such Commissioners shall have the qualifications prescribed by state law as from time to time amended and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by I.C. 36-7-14, including but not limited to the following qualifications:

(1) A Commissioner must be at least 18 years of age and must be a resident of the city. If a Commissioner ceases to be qualified under this section, he or she forfeits his or her office.

(2) No Commissioner of the city shall receive a salary; but such Commissioners are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(3) A Commissioner may not have a pecuniary interest in any contract, employment, purchase or sale made under the provisions of this section and I.C. 36-7-14. However, any property required for redevelopment purposes in which a Commissioner has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this section is void.

(E) The Clerk-Treasurer charged by law for the performance of duties in respect to the funds and accounts of the city shall perform the same duties with respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in I.C. 36-7-14.

(F) Notwithstanding anything contained in this section or I.C. 36-7-14 to the contrary, the Department of Redevelopment and the Redevelopment Commission shall, before it (1) exercises its power of issuance of bonds under I.C. 36-7-14-25.1; (2) enters into a lease or leases under I.C. 36-7-14-25.2; (3) levies taxes under I.C. 36-7-14-27; (4) borrows money under I.C. 36-7-14-27.5; (5) levies a tax rate for specific purposes under I.C. 36-7-14-28; (6) exercises the power of eminent domain under I.C. 36-7-14-20 and/or 36-7-14-32.5; or (7) establishes an allocation area under I.C. 36-7-14-39, obtain specific approval for any or all such actions from the Common Council.
(Ord. 2020-4, passed 5-4-20)

CHAPTER 33: FUNDS

Section

- 33.01 LOIT Special Distributions Fund
- 33.02 Parks and Recreation; Vending Machine Fund
- 33.03 Law Enforcement Continuing Education Fund
- 33.04 Promotions Fund
- 33.05 Police Department; special non-reverting operating fund
- 33.06 Lottery Fund
- 33.07 Disbursement to promote city's good; General Fund
- 33.08 Retirement funds; adopted by reference
- 33.09 Rainy Day Fund
- 33.10 City Pool Concession Fund; special non-reverting operating fund
- 33.11 City sidewalk improvement projects; special non-reverting operating fund
- 33.12 Local Law Enforcement Continuing Education Fund
- 33.13 Animal Control Fund
- 33.14 Gazebo Fund
- 33.15 Public Safety Fund
- 33.16 Economic Development Fund
- 33.17 Community Crossings Matching Grant Fund; special non-reverting operating fund
- 33.18 Playground Renovation Non-Reverting Fund; special non-reverting operating fund
- 33.19 Municipal Building Fund; special non-reverting building fund
- 33.20 Fourth of July Celebration Fund; special non-reverting fund
- 33.21 CARES Fund
- 33.22 ARP Grant Fund

§ 33.01 LOIT SPECIAL DISTRIBUTIONS FUND.

(A) The sources of funding for the newly established fund are a special distribution of local option income tax pursuant to Senate Enrolled Act 67 and any other funding source not specifically prohibited by law.

(B) Expenditures from the fund are restricted to allowable purposes per I.C. 6-3.6-9-17(h)(A) as follows:

(1) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems; and

(2) Purchase, rental, or repair of highway equipment.

(C) The fund shall be subject to the same appropriation process as other municipal funds.
(Ord. 2016-5, passed 6-20-16)

§ 33.02 PARKS AND RECREATION; VENDING MACHINE FUND.

(A) Monies from the Parks and Recreation Gift Fund will be used to start the Parks and Recreation Vending Machine Fund. Revenues received from vending machines will be deposited into the Parks and Recreation Vending Machine Fund.

(B) Monies received from the Gift Fund to start the Vending Machine Fund shall be repaid from revenues received into the Vending Machine Fund.

(C) Vending machines shall be placed in the City Building and city park. Revenues shall be deposited into the Parks and Recreation Vending Machine Fund.

(D) Revenues generated from the Vending Machine Fund shall be used for Parks and Recreation use only.
(Ord. 88-6, passed 4-4-88)

§ 33.03 LAW ENFORCEMENT CONTINUING EDUCATION FUND.

There is created a Law Enforcement Continuing Education Fund, the uses and purposes of which shall be consistent with I.C. 5-2-8 *et seq.* and I.C. 33-19-6 *et seq.* Except as otherwise prohibited by law, the sole purpose and use of the Fund shall be for the continuing education of law enforcement officers of the city.

(Ord. 89-2, passed 4-17-89)

Statutory reference:

Appropriations from the county fund, see I.C. 33-19-8-6

§ 33.04 PROMOTIONS FUND.

(A) There is hereby created a Promotions Fund, and expenditures therefrom without appropriations are authorized, as requested by the City Council.

(B) Money from the General Fund in the amount of \$500 shall be used to start the Fund.

(C) In future years money shall come from rotation of funds.
(Ord. 88-19, passed 12-5-88)

§ 33.05 POLICE DEPARTMENT; SPECIAL NON-REVERTING OPERATING FUND.

(A) There is hereby created a special non-reverting operating fund to which shall be deposited all gift and donation monies given to the Police Department.

(B) Expenditures from the non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Chief of Police of the city.
(Ord. 90-11, passed 12-17-90)

§ 33.06 LOTTERY FUND.

The Clerk-Treasurer is herein authorized to create a separate fund entitled "Lottery" into which all proceeds and disbursements from any allocation from the city's portion of state lottery proceeds shall be paid and out of which all disbursements shall be made.

(Ord. 92-9, passed 12-21-92)

§ 33.07 DISBURSEMENT TO PROMOTE CITY'S GOOD; GENERAL FUND.

Pursuant to I.C. 36-7-2-7, the Council may from time to time budget and appropriate funds from the General Fund to pay the expenses of or reimburse city officials as the case may be for expenses incurred in promoting the best interest of the city, including but not necessarily limited to the rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government and other expenses of a civic or governmental nature, and any other expenses of a civic or governmental nature deemed by the Mayor or Council to be in the interests of the city.

(Ord. 98-19, passed 12-7-98)

§ 33.08 RETIREMENT FUNDS; ADOPTED BY REFERENCE.

Retirement funds for gifts to retiring employees of the city, as set forth in Ord. 88-14 and Ord. 98-6 or their successor ordinances, as amended, are hereby adopted by reference and incorporated into this code as if set out in full herein.

§ 33.09 RAINY DAY FUND.

(A) The Clerk-Treasurer is hereby authorized to establish a Rainy Day Fund to receive transfers of unused and unencumbered funds under I.C. 36-1-8-5 and as prescribed by I.C. 36-1-8-5.1.

(B) The funds shall be dispersed pursuant to City Council approval.
(Res. 2004-2, passed 2-17-04; Ord. 2009-4, passed 5-4-09)

§ 33.10 CITY POOL CONCESSION FUND; SPECIAL NON-REVERTING OPERATING FUND.

(A) There is hereby created a special non-reverting operating fund to which shall be deposited all funds from the City Pool Concession Fund pursuant to I.C. 36-10-3-22(b)(1).

(B) Expenditures from the non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works of the City of Covington, Indiana.
(Ord. 2007-01, passed 2-5-07)

§ 33.11 CITY SIDEWALK IMPROVEMENT PROJECTS; SPECIAL NON-REVERTING OPERATING FUND.

(A) There is hereby created a special non-reverting operating fund to which landowners in the City of Covington may deposit material cost funds for prior approved city sidewalk improvement projects pursuant to the City of Covington's Sidewalk Improvement Program.

(B) Expenditures from the non-reverting fund are hereby authorized without appropriation on the basis of approved claims allowed and signed by the Board of Works of Covington, Indiana for reimbursement of the sidewalk material costs to the vendors providing the materials and for refund to the landowners for any overpayment of material costs.
(Ord. 2007-02, passed 2-5-07)

§ 33.12 LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND.

The City of Covington Police Department shall be authorized to collect a \$5 fee for any report provided by it to the public as prescribed by I.C. 9-29-11-1 and pursuant to I.C. 9-29-11-1(b)(3) all funds obtained thereby shall be deposited in the Local Law Enforcement Continuing Education Fund, established by I.C. 5-2-8-2.
(Ord. 2007-03, passed 2-5-07)

§ 33.13 ANIMAL CONTROL FUND.

There is hereby created a special non-reverting operating fund to which shall be deposited all funds from donations to the city Animal Control Fund pursuant to state law. The expenditures from this non-reverting operating fund are hereby authorized to be made without appropriation, on the basis of approved claims allowed and signed by the Board of Works.
(Ord. 2012-6, passed 10-15-12)

§ 33.14 GAZEBO FUND.

(A) There is hereby created a special non-reverting operating fund to which shall be deposited all funds from donations to the City of Covington Gazebo Fund pursuant to Indiana law.

(B) The expenditures from said non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works of the city.
(Res. 2016-1, passed 2-18-16; Am. Ord. 2016-3, passed 4-11-16)

§ 33.15 PUBLIC SAFETY FUND.

The Board of Works hereby authorizes the creation of a sub-fund under the General Fund named Public Safety Fund. This fund will be used to accept monthly CAGIT Public Safety receipts from Fountain County, Indiana. This fund can be appropriated for public safety uses.
(Res. 2016-2, passed 3-7-16)

§ 33.16 ECONOMIC DEVELOPMENT FUND.

The Board of Works hereby authorizes the creation of a sub-fund under the General Fund named Economic Development Fund. This fund will be used to accept monthly CAGIT Economic Development receipts from Fountain County, Indiana. This fund can be appropriated for economic development uses.
(Res. 2016-3, passed 3-7-16)

§ 33.17 COMMUNITY CROSSINGS MATCHING GRANT FUND; SPECIAL NON-REVERTING OPERATING FUND.

(A) There is hereby created a special non-reverting operating fund to which shall be deposited all funds from INDOT to the Community Crossings Matching Grant Fund pursuant to Indiana law.

(B) The expenditures from said non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works. (Ord. 2017-9, passed 12-4-17)

§ 33.18 PLAYGROUND RENOVATION NON-REVERTING FUND; SPECIAL NON-REVERTING OPERATING FUND.

(A) There is hereby created a special non-reverting operating fund to which shall be deposited all funds from the DNR, Western Indiana Community Foundation, City of Covington and other donations to the Playground Renovation Non-Reverting Fund pursuant to Indiana law.

(B) The expenditures from said non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works. (Ord. 2018-4, passed 5-7-18)

§ 33.19 MUNICIPAL BUILDING FUND; SPECIAL NON-REVERTING BUILDING FUND.

(A) There is hereby created a special non-reverting building fund for the purpose of constructing a new municipal building for the city to which shall be deposited all funds from the City of Covington to the Municipal Building Fund pursuant to Indiana law.

(B) The expenditures from said non-reverting building fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works. (Ord. 2019-3, passed 6-3-19)

§ 33.20 FOURTH OF JULY CELEBRATION FUND; SPECIAL NON-REVERTING FUND.

(A) There is hereby created a special non-reverting fund to which shall be deposited all funds from donations to the City of Covington Fourth of July Celebration Fund pursuant to Indiana law.

(B) The expenditures from said non-reverting operating fund are hereby authorized to be made without appropriation on the basis of approved claims allowed and signed by the Board of Works. (Ord. 2020-8, passed 7-20-20)

§ 33.21 CARES FUND.

The CARES reimbursement for public health and public city payroll will be receipted into the CARES Fund, as guided by State Board of Accounts. (Ord. 2020-16, passed 12-7-20)

§ 33.22 ARP GRANT FUND.

(A) There is hereby created a special non-reverting operating fund, the ARP Grant Fund, to which shall be deposited all funds from the American Rescue Plan Grant, pursuant to Indiana Law.

(B) The expenditures from the non-reverting operating fund are hereby authorized to be made for the purpose of improving wastewater infrastructure after appropriation by the City Council of the City of Covington, Indiana.

(Ord. 2021-3, passed 4-19-21)

CHAPTER 34: EMERGENCY PROVISIONS

Section

34.01 Adoption of the National Incident Management System

§ 34.01 ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

The Common Council of the City of Covington, Indiana, hereby adopts the National Incident Management System dated March 1, 2004.
(Ord. 2006-4, passed 9-5-06)

