

## Topics Tentatively Scheduled for Study Session Discussion and

### Topics Requested for Action at Future Business Meetings of the Twenty-Ninth Town Council of Highland

This meeting will be convened as an electronic meeting, pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-25 and now extended by Executive Order 21-14 through July 1, 2021 allowing such meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the emergency.

People may observe and record the meeting for live streaming by joining the meeting on the following link:

<https://zoom.us/j/95143181015?pwd=THdsSk1jc3VXeEsvK1UrakVGNjJlQT09>.

Further, persons wishing to offer comment in the meeting may access the electronic meeting by using the preceding and adding the password for Meeting ID 951 4318 1015, password (code): 550952

**Monday June 21, 2021**  
**Study Session 6:30 p.m.**  
**Virtual/Electronic meeting /Hybrid in person**

*This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive. By practice and local ordinance, study sessions are distinguished from plenary (regular business) meetings of the Town Council "as they shall be conducted with less formality and with no votes or final actions of a dispositive nature unless provided otherwise by proper notice, pursuant to IC [5-14-1.5](#) et seq." (Confer HMC Section 2.05.130(3))*

- X. **Discussion:** Joined by members of the Park and Recreation Board, the desirability of issuing special taxing district bonds of the Park District. (*See documents*)
- X. **Discussion:** The Job Description and Department establishment for the Information Technology Position. (To be provided)
- X. **Discussion:** Suggested amendment to the municipal code regarding placing the enforcement authority in a clear single spot rather than the several sections of the code by department and in the Ordinance Violations Bureau. (*See draft ordinance and the list of the places where enforcement authority is conferred.*)
- X. **Discussion:** The desirability of amending the Wage and Salary Ordinance to change the starting pay for the position of Animal Warden. (*Currently the pay range for the Animal Warden is \$8.24 to \$15.45. There is pending a request to start a third worker at the higher rate of \$12. The Police Department requests that the starting pay be changed to \$12.*) No documents
- X. **Discussion:** Consideration of local application of new electronic meeting law set forth in IC 5-14-1.5-3.5. *It is expected that Indiana Executive Order No. 21-14, will be the last to*

*authorize the modified electronic meetings. Future electronic meetings will be under the authority of IC 5-14-1.5-3.5 as amended for all bodies except the Redevelopment Commission. By the authority of IC 36-7-14.5-9.5 and HMC Section 14.10.065, the Redevelopment Commission has other authorization for electronic meetings that is unchanged by the new law. (See Aim Points and Tips and the Draft Ordinance for Review)*

- X. **Discussion:** Establishment of a CAO. *(See proposed ordinance.)*
- X. **Discussion:** The desirability of accepting the proposal from London Witte regarding group representation regarding a pending rate increase from NIPSCO before the IURC. *(No paper yet. Discuss in concept.)*

## II.

### • **Plenary Business Meeting of Monday June 28, 2021 Likely matters**

- X. Accounts payable vouchers Docket for the period of June 15, 2021 to June 28, 2021 in the amount of \_\_\_\_\_.
- X. Payroll Dockets for the payday of \_\_\_\_\_, 2021 in the amount of \$ \_\_\_\_\_.
- X. Minutes of the Meeting of Monday, June 14, 2021.
- X. PUBLIC HEARING ON an additional Appropriation in the Works Board Department of the Corporation General Fund in the amount of \$35,769.
- X. Authorization for the proper officer to publish notice of a proposed additional Appropriation in the *Special Economic Development Fund* in the amount of \$\_\_\_\_\_.
- X. Approve the beer vendor agreement for the Independence Day Festival at Main Square Park.

**TOWN of HIGHLAND PARKS AND RECREATION**  
2450 LINCOLN STREET • HIGHLAND, INDIANA 46322

*PUBLIC NOTICE*

DATE: WEDNESDAY, JUNE 16, 2021  
TO: AREA MEDIA AND PUBLIC

**RE: SPECIAL MEETING OF THE PARK AND RECREATION BOARD.**

PLEASE LET THIS SERVE AS **NOTICE** THAT THE PARK AND RECREATION BOARD WILL BE MEETING WITH THE TOWN COUNCIL DURING ITS STANDING STUDY SESSION OF **MONDAY, JUNE 21, 2021, AT 6:30 P.M.**, WHICH WILL BE CONDUCTED AS A HYBRID, IN PERSON AND ELECTRONIC MEETING, PURSUANT TO AND UNDER THE AUTHORITY OF THE INDIANA GOVERNOR EXECUTIVE ORDER No. 21-14.

THE PURPOSE OF THE PARK AND RECREATION BOARD MEETING WITH THE TOWN COUNCIL IS TO DISCUSS FINANCING OF CERTAIN IMPROVEMENTS AND EQUIPMENT FOR THE PARKS AND RECREATION DEPARTMENT. MEETING WILL BE CONDUCTED VIA ZOOM AND AT THE HIGHLAND MUNICIPAL BUILDING, 3333 RIDGE ROAD, HIGHLAND. THIS NOTICE IS PUBLISHED PURSUANT TO I.C. 5-14-1.5-5(d). SOCIAL SEPARATION WILL BE OBSERVED.

BY: ALEX M. BROWN, CPRP  
SUPERINTENDENT  
PARKS AND RECREATION DEPARTMENT

Topic: HIGHLAND TOWN COUNCIL STUDY SESSION  
Time: Jun 21, 2021 06:30 PM Central Time (US and Canada)

Join Zoom Meeting  
<https://zoom.us/j/95143181015?pwd=THdsSk1jc3VXeEsvK1UrakVGNjlJlQOT09>

Meeting ID: 951 4318 1015  
Passcode: 550952  
One tap mobile  
+13126266799,,95143181015#,,,,\*550952# US (Chicago)  
+16465588656,,95143181015#,,,,\*550952# US (New York)

**Action Plan for 2021-2025 – "A" Priorities**

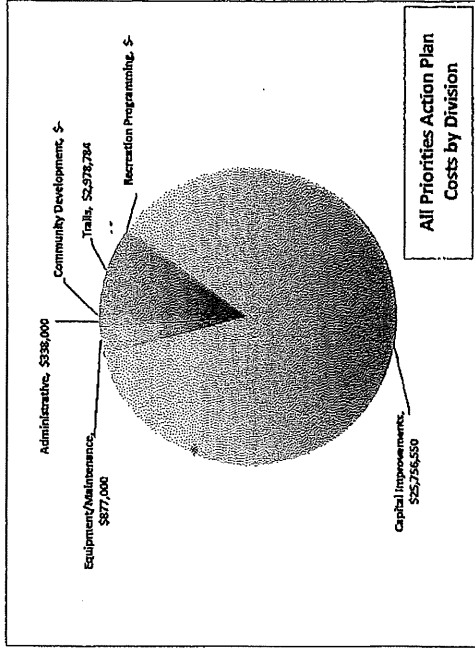
Action Category	2021	2022	2023	2024	2025	TOTALS
Trails Actions	\$ 100,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 500,000
Recreation Programming Actions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Improvement Actions	\$ 479,000	\$ 1,096,600	\$ 657,450	\$ 534,000	\$ 418,000	\$ 3,185,050
Equipment / Maintenance Actions	\$ 180,000	\$ 15,000	\$ 10,000	\$ 58,000	\$ -	\$ 263,000
Administrative Actions	\$ 10,000	\$ 15,000	\$ 55,000	\$ 35,000	\$ -	\$ 115,000
Community Engagement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTALS</b>	<b>\$ 769,000</b>	<b>\$ 1,526,600</b>	<b>\$ 722,450</b>	<b>\$ 627,000</b>	<b>\$ 418,000</b>	<b>\$ 4,063,050</b>

**Action Plan for 2021-2025 – "A" Priorities**

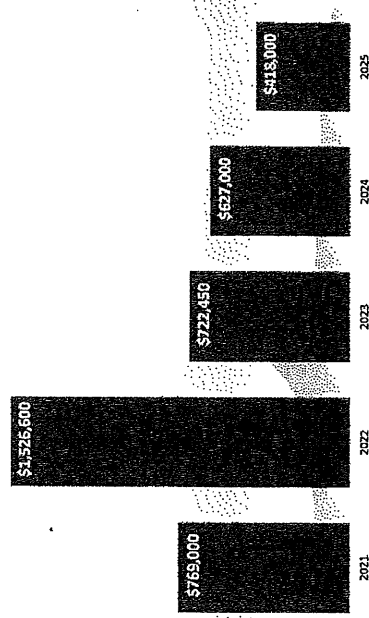
Site or Area	2021	2022	2023	2024	2025	TOTALS
Brantwood Park	\$ -	\$ -	\$ 1,200	\$ -	\$ -	\$ 1,200
Homestead Parks	\$ 50,000	\$ 50,000	\$ 54,000	\$ 15,000	\$ -	\$ 169,000
Jaycee Park	\$ -	\$ 4,500	\$ -	\$ -	\$ -	\$ 4,500
Lakeside Dufflet Park	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lakeside Park	\$ 15,000	\$ -	\$ -	\$ 36,000	\$ -	\$ 51,000
Lincoln Center	\$ 43,500	\$ 40,000	\$ 130,000	\$ -	\$ -	\$ 213,500
Little Turtle Park	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000
Main Square Park	\$ 20,000	\$ 25,000	\$ 53,000	\$ -	\$ 320,000	\$ 418,000
Markley Park	\$ 52,000	\$ 30,000	\$ 50,000	\$ -	\$ -	\$ 132,000
Meadows Parks	\$ 1,000	\$ 440,000	\$ 6,250	\$ -	\$ -	\$ 447,250
Northwood Park	\$ 52,000	\$ -	\$ -	\$ -	\$ -	\$ 52,000
Orchard Park	\$ -	\$ 3,000	\$ 10,000	\$ -	\$ -	\$ 13,000
Sharp Athletic Complex	\$ 12,500	\$ 195,000	\$ -	\$ 320,000	\$ -	\$ 527,500
Sheppard Park	\$ 135,000	\$ 257,500	\$ 255,000	\$ 80,000	\$ -	\$ 727,500
Terrace Park	\$ 50,000	\$ 3,500	\$ -	\$ -	\$ -	\$ 53,500
White Oak Estates Park	\$ -	\$ -	\$ 40,000	\$ 35,000	\$ -	\$ 75,000
Various Park Sites	\$ 100,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 500,000
System Wide Actions	\$ 238,000	\$ 78,000	\$ 113,000	\$ 141,000	\$ 98,000	\$ 668,000
<b>TOTALS</b>	<b>\$ 769,000</b>	<b>\$ 1,526,600</b>	<b>\$ 722,450</b>	<b>\$ 627,000</b>	<b>\$ 418,000</b>	<b>\$ 4,063,050</b>

**Action Plan for 2021-2025 – "A" Priorities**

Funding Source	2021	2022	2023	2024	2025	TOTALS
Grants	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000
Local (Operating Budget)	\$ 108,500	\$ 207,500	\$ 14,450	\$ 6,000	\$ -	\$ 336,450
Local & Private	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TAP Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bond	\$ 637,500	\$ 1,096,100	\$ 685,000	\$ 573,000	\$ 395,000	\$ 3,386,600
Bond/Donations	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000	\$ 115,000
Community Foundation	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ 25,000
<b>TOTALS</b>	<b>\$ 769,000</b>	<b>\$ 1,526,600</b>	<b>\$ 722,450</b>	<b>\$ 627,000</b>	<b>\$ 418,000</b>	<b>\$ 4,063,050</b>



**"A" Priorities – Action Plan Costs – 2021-2025**



Recent Bond History

July 1997 - \$600,000  
Mar. 2001 - \$800,000  
Apr. 2006 - \$1,850,000  
Jan. 2012 - \$2,000,000  
Oct. 2016 - \$2,000,000

2014-2020 Capital Monies Spent (6 Years)

Land Development	\$105,307
ADA Drinking Fountains	\$34,300
Trail Crossing at 45 <sup>th</sup>	\$11,756
Misc.	\$53,571
Lightning Detection	\$17,194
Ballfield Lighting	\$97,020
Paving	\$688,224
Building Improvements	\$37,349
Fencing	\$67,645
Playgrounds	\$266,502
Wells/Irrigation/Drainage	\$51,620
Tennis Court Surfacing	\$80,332
Skate Park	\$313,237
ADA Fishing Pier	\$140,265
Tree Care	\$105,990
Trucks/Mowers/Etc.	<u>\$274,792</u>
	\$2,345,104

**Debt capacity  
PARK DISTRICT**

<u>Fiscal Year</u>	<u>Debt Capacity</u>	<u>Debt Paydown</u>	<u>New Debt</u>	<u>At 12.31.2021 Final Debt Capacity</u>	<u>Outstanding Debt</u>
2021	\$ 6,565,175.28	\$ 370,000.00	\$ -	\$ 6,935,175.28	\$ 1,370,000
2022	\$ 6,935,175.28	\$ 370,000.00	\$ -	\$ 7,305,175.28	\$ 1,000,000
2023	\$ 7,305,175.28	\$ 200,000.00	\$ -	\$ 7,505,175.28	\$ 800,000
2024	\$ 7,505,175.28	\$ 200,000.00	\$ -	\$ 7,705,175.28	\$ 600,000
2025	\$ 7,705,175.28	\$ 200,000.00	\$ -	\$ 7,905,175.28	\$ 400,000
2026	\$ 7,905,175.28	\$ 200,000.00	\$ -	\$ 8,105,175.28	\$ 200,000
2027	\$ 8,105,175.28	\$ 200,000.00	\$ -	\$ 8,305,175.28	\$ -

Assumes a NAV unchanged from \$ 1,245,776,292

**LINCOLN COMMUNITY CENTER BUILDING CORPORATION**

<u>Fully matures</u>
1-Feb-30
1-Aug-22
1-Feb-27

**PARK DISTRICT DEBT**  
Park District Bonds of 2021 Series B  
Park District Bonds Series 2016

First MORTGAGE REFUNDING BONDS	\$ 4,845,000
	\$ 747,500
Lease payment ranges	\$ 305,000.00

**Bonded Indebtedness at**

<u>31-Dec-20</u>	Direct G.O. Debt	Debt Supported By Lease
<u>Corporation Debt</u>		
Bonds of 2005	\$ -	
Bonds of 2008	\$ -	
Bonds of 2010 RZ	\$ -	
Bonds of 2013	\$ -	
Promissory Notes 2015	\$ -	
	<u>\$ -</u>	
Public Building Mortgage Bonds (Non abatement leases)		<u>\$ 7,315,000.00</u>
Fire Truck Lafrance		\$ -
Fire Rescue Truck Lease Purchase		\$ 79,999.80
PSAP Radio Equipment Lease Purchase		\$ -
	<i>Total Corporation</i>	<u>\$ 79,999.80</u>
<u>Parks District</u>		
Bonds of 2006	\$ -	
Bonds of 2012, Series A	\$ -	
Bonds of 2012 Series B	\$ 340,000.00	
Bonds of 2016	\$ 1,400,000.00	
	<u>\$ 1,740,000.00</u>	
Lincoln Center Mortgage Bonds		<u>\$ 5,510,000.00</u>
<u>REDEVELOPMENT DISTRICT</u>		
Bonds of 2014	\$ 735,000.00	\$ 2,475,000.00
<u>SANITARY DISTRICT</u>		
	IC 36-9-25-27	
Bonds of 2007, Series A	\$ -	
Bonds of 2007, Series B	\$ 627,500.00	
Bonds of 2009, Series A	\$ -	
Bonds of 2009, Series B	\$ -	
Bonds of 2010	\$ -	
Bonds of 2016, Series A	\$ 440,000.00	
Bonds of 2016, Series B	\$ 5,505,000.00	
Bonds of 2017, Series B	\$ 2,552,000.00	
Bonds of 2020	\$ 4,285,000.00	
	<u>\$ 13,409,500.00</u>	
<u>SANITARY DISTRICT</u>		
	IC 36-9-25-31	(General Expense)
Bonds of 2017, Series A	\$ -	
	<u>\$ -</u>	
<u>WATERWORKS DISTRICT</u>		
Bonds of 2015	\$ 585,000.00	
	<u>\$ 585,000.00</u>	

**Summary of All Debts**

Outstanding debt (direct)	\$ 2,475,000.00
(Police Station) Public Building Corp. (Indirect)	\$ 7,315,000.00
Lincoln Com. Center Bldg Corp (indirect)	\$ 5,510,000.00
Non Abatement Leases	\$ 79,999.80
Sanitary District Debt	\$ 13,409,500.00
Waterworks District Debt	\$ 585,000.00
<b>TOTAL of ALL CIVIL DEBT</b>	<b>\$ 29,374,499.80</b>
As of 31 December 2020	
Percentage of Tax Base	2.6%

These also take into account the refunded bonds.

**INFORMATION TECHNOLOGY  
POSITION AND DEPARTMENT  
DESCRIPTION**

**To be supplied**



**Section 1.** That the Highland Municipal Code be hereby amended with a new chapter, to be styled as **Chapter 2.60, to be called General Enforcement Authority**, which shall read as follows:

**2.60 Authority of Officers and Employees to Enforce Provisions in this Code**

2.60.01 *General Authority.* In addition to specific express authority conferred upon the various public officers of the municipal government to enforce provisions of ordinances throughout this code or rules promulgated under its authority, the several department heads and supervisors, herein identified by office, regardless the department to which they are assigned shall have full authority to enforce all of the ordinances in the several chapters of this municipal code.

2.60.02 The authority conferred in Section 2.60.01, shall include authority to investigate complaints regarding ordinance violations, issuing such warning citations, valid citations or letters as warranted, following the progressive disciplinary process. In addition, this authority includes shall receive instructions from the relevant public officer concerning municipal codes to be enforced and shall assist the public officer in the administration of the specific law or code and such other matters as the proper officer may from time to time invite, which may include but not be limited to visual inspection and patrol to check for municipal code violations, unlicensed contractors, undocumented construction projects, unregistered businesses, public nuisances, portable sign violations, **and running computer assisted license plate monitoring.**

2.60.03 *Additional Duties and Records.* In all cases, the proper officers granted authority to enforce the ordinances and provisions of this code, shall keep a careful and accurate record of all warning citations, valid citations, issued letters and such other work product as may be generated in consequence of the enforcement function. The authorized public officers shall provide such information as may be necessary to support the town prosecuting attorney in court hearings and such other enforcement proceedings as may be undertaken.

2.60.04 *Public Officers authorized.* The several department heads and supervisors, herein identified by office, regardless the department to which they are assigned shall have full authority to enforce all of the ordinances in the several chapters of this municipal code, are listed herein as follows:

- (A) Police Chief, Assistant Police Chief, Commanders, and all officers sworn;
- (B) Public Works Director, Operations Director, \_\_\_\_\_;
- (C) Parks and Recreation Superintendent, Recreation Director, and Park Director;
- (D) Fire Chief, and Assistant Chiefs;
- (E) Chief Inspector/Building Commissioner, Code Enforcement Officer; Assistant Inspector for the Electrical Code; and Assistant Inspector for the Plumbing Code; and,
- (F) Redevelopment Director

2.60.05 *Additional requirement.* The public officers herein named shall be required to take and subscribe the usual oath of office, but such oath shall include a recital pledging the faithful performance of the public officer's duties, including the duty to comply with IC [35-44.1-1-1](#) and the duty to account properly for all monies and property received by virtue of the employee's service in the office or position, before conducting enforcement apart from any express authority conferred in various chapters of this municipal code.

## PROVISIONS WHERE ENFORCEMENT AUTHORITY IS CONFERRED

### 9.85.050 Ordinance violation not constituting judgment.

Except as otherwise provided, an ordinance violation admitted under this chapter does not constitute a judgment for the purposes of IC [33-37](#), and ordinance violation cost fees may not be collected from the defendant under IC [33-37-4](#). In addition, an ordinance violation processed by the bureau may not be considered for the purposes of IC [33-37-7-5](#) or [33-37-7-6](#) when determining the percentage of ordinance violations prosecuted in certain courts. [Ord. 1357 § 1, 2007. Code 2000 § 131.05].

### 9.85.060 Schedule of code or ordinance violations.

(A) *Building Code*. The town council of the town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau, and subject to the enforcement jurisdiction of the building inspector, the associate inspectors, the officers of the Highland police department, or any other person authorized or empowered to enforce the municipal codes of the town of Highland:

(B) *General Regulations*. The town council of the town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau, and subject to the enforcement jurisdiction of the building inspector, the associate inspectors, the officers of the Highland police department, the public works director, the assistant public works director or any other person authorized or empowered to enforce the municipal codes of the town of Highland:

(C) *Park Regulations*. The town council of the town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau, and subject to the enforcement jurisdiction of the superintendent of parks and recreation, the director of parks, the officers of the Highland police department, or any other person authorized or empowered to enforce the municipal codes of the town of Highland:

(D) *Parking/Nonmoving Violations*. The town council of the town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau and subject to the enforcement jurisdiction of the officers of the Highland metropolitan police department, code enforcement officer, or any other person authorized or empowered to enforce the municipal codes of the town of Highland:

(E) *Fire Lane and Physical Disability Parking*. The town council of the town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a violations clerk in the ordinance violations bureau and subject to the enforcement jurisdiction of the officers of the Highland metropolitan police department, members of the volunteers in police service (VIPS) or any other person authorized or empowered to enforce the municipal codes of the town of Highland.

- Section 12.20.050 (F) Duty of the CT to enforce collection of waste water fees. (similar duty for water and storm but uses duty to collect [See Section 12.05.040] not duty to enforce.)

- Section 12.30.040 Duty of the Public Works Director to enforce the watercourse regulations and illicit discharges.
- Section 12.15.020 Duty and authority of the Public Works Director and associate directors to enforce the solid waste chapter.
- Section 12.10.050 Duty of the Board of Sanitary Commissioners to enforce its rules governing the furnishing of and payment for sewage treatment and disposal service
- Section 15.55.160 The Floodplain administrator (the Building Commissioner) duty to enforce the Flood Damage Control Chapter.
- Section 2.27.010(C) Duty and authority of the Code Enforcement Officer to investigate complaints regarding ordinance violations, issuing such warning citations, valid citations or letters as warranted, following the progressive disciplinary process. In addition, the assistant ordinance inspector shall receive instructions from the chief inspector concerning municipal codes to be enforced and shall assist the chief inspector in the administration of the building and construction code and such other matters as the chief inspector may from time to time direct which may include but not be limited to visual inspection and patrol to check for municipal code violations, unlicensed contractors, undocumented construction projects, unregistered businesses, public nuisances, and portable sign violations.
- Section 5.05.090 (D) (business licensing code) All other investigations, except where otherwise provided, shall be made by the building commissioner, code enforcement officer or any officer authorized to enforce municipal ordinances.
- Water works Rule 1.2 (B)(5) Superintendent's authority to enforce the rules and regulations of the waterworks department.
- Water works Rule 5.3 (B) Building Department's responsibility for enforcing plumbing code
- Section 9.05.060 (C) The fire chief enforces state and town laws, statutes, codes, regulations and ordinances and departmental policies, interprets laws, statutes, codes, regulations, ordinances, and policies and develops procedures to support uniform execution of all laws, statutes, codes, ordinances, and regulations.
- Section 9.35.020 Highland Police Department assigned authority for enforcement of Synthetic Cannaboids.
- Section 9.40.010(D) Public Art Statues or Displays offenses enforced by the Highland metropolitan police department and such other officers authorized to enforce provisions of this code.
- Section 9.60.020 Police Department tasked with enforcement of Abandoned and Junked vehicles ordinance and law.
- Section 11.10.050 Authority of Superintendent to enforce laws. *The superintendent shall act for the board, enforce the laws, maintain law enforcement and maintain good order within the department.*

- Chapter 18.120 Authority of the zoning administrator to enforce all of the matters under Title 18, which is the zoning code.

## Adopting an Electronic Meeting Policy: Staying in Compliance with the Open Door Law

Good record keeping/being able to show proof that your city/town is in compliance with ALL parts of the electronic meeting provisions of the Open Door Law (ODL) will be a must should your city/town decide to conduct electronic meetings.

### WHY?

- These records will be important if an ODL challenge is brought to invalidate an action taken at your meeting.
- Not keeping accurate records could affect your ability to issue debt as your local counsel will need to review your ODL records in order to sign opinions related to debt financing. These opinions require counsel to state that all meetings were in compliance with the ODL. Your bond counsel may now have an additional "closing check list" of documents to show proof of ODL electronic meeting compliance.

### WHAT TYPE OF DOCUMENTATION IS REQUIRED/SHOULD BE CONSIDERED TO SHOW COMPLIANCE WITH THE ODL?

1. Each governing board using electronic meetings must adopt a policy that has standards at least as stringent as the provisions in IC 5-14-1.5-3.5. Aim has provided sample resolutions for councils that can also be adapted for other boards and commissions.
2. Electronic meetings are not permitted when final action is taken on certain subject matters (adopting a budget; making a reduction in personnel; initiating a referendum; establishing or increasing a fee; establishing or increasing a penalty; using eminent domain; establishing, raising or renewing a tax). If an electronic meeting is conducted, you may want to consider having an attestation form signed by the presiding officer stating that final action was not taken on these matters OR have the presiding officer read a statement at the start of the meeting which is recorded in the minutes stating that "this meeting, using electronic communications, is subject to IC 5-14-1.5-3.5 and therefore, no final action will be taken at this meeting on the prohibited subject matters listed in Section 3.5(f) of the statute."
3. Your meeting minutes should reflect the following:
  - a. That at least 50% of the members of the body were *physically present* at the meeting.
  - b. State the name of each member and note whether the member was physically present, participated by electronic communication or absent.
  - c. Identify the means of communication by which members participated and the public attended and observed the meeting. (Note a member who cannot be *seen and heard* can count in the quorum, but cannot take final action.)
  - d. Since all votes must be taken by roll call, a record of all roll call votes.
4. You will need to be able to provide proof that your electronic meeting was in compliance with the "Consecutive-50" requirements. No member may attend more than two consecutive meetings via electronic communications AND no member may attend more than 50% of all meetings within a calendar year via electronic communications. Consider keeping a chart to track compliance with these look-back requirements. Aim has provided a sample chart.
5. A member can be exempt from the "Consecutive-50" requirements if one of four reasons apply (military service, illness or other medical condition, death of a relative, or an emergency involving actual or threatened injury to persons or property). Consider how you might document that one of these reasons are applicable to a member and for what duration the exemption will continue to apply. This could be done by an attestation form signed by the member asking for exemption. Be careful not to disclose privacy matters about health or personal family matters in your documentation or statements. Rather, state that one of the exemptions apply without going into detail. (Remember, it is required that less than 50% of the members can participate electronically in one meeting, so trading off this flexibility for members to be able to participate electronically may be something to consider for fairness to all members.)

### OTHER NOTATIONS

- Redevelopment Commissions and Redevelopment Authorities have access to another statutory provision for electronic meetings under IC 36-7-14.5-9.5 which they may choose to use instead of IC 5-14-1.5-3.5.
- Your council or a governing body may determine that their policy on electronic meetings is to prohibit electronic meetings altogether and opt for in-person meetings only.
- The previous provision in statute which allowed a member to participate electronically (although not counted in the quorum or being able to vote) has been repealed, so any electronic participation by a member must be done under these new rules.

**TOWN OF HIGHLAND, INDIANA  
TOWN COUNCIL  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ESTABLISHING A NEW CHAPTER 2.60 STYLED AS ELECTRONIC MEETINGS ESTBALISHING A POLICY BY WHICH MEMBERS OF THE TOWN COUNCIL and MEMBERS OF OTHER BOARD AND COMMISSIONS, EXCEPT THE REDEVELOPMENT COMMISSION MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

**WHEREAS**, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

**WHEREAS**, A member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

**WHEREAS**, The Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

**WHEREAS**, The Town Council is the governing body of the Town of Highland, Indiana and now desired to enact the provisions authorized under P.L. 88-2021,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA AS FOLLOWS:**

**Section 1.** That the Highland Municipal Code be Amended to add a new chapter Numbered 2.60 to be titled *Electronic Meetings*, which shall read as follows:

**Chapter 2.60 Electronic Meetings**

**Section 2.60.010 (A)** The provisions of the Act, including definitions, now apply to this to this chapter and allow for the convening and conducting of lawful meetings of the Town Council and all other boards and commissions of the Town of Highland, except the Redevelopment Commission, which shall be governed by its own provisions for such meetings.

(B) This Chapter shall be known as the "Electronic Meetings Code" and applies to the Town Council, any committee appointed directly by this Council or its presiding officer and all boards and commissions that elect to participate except the redevelopment commission.

**Section 2.60.020.** (A) Subject to Sections 2.60.030 and Sections 2.60.050, any member may participate in a meeting by any electronic means of communication that:

- (1) allows all participating members of the governing body to simultaneously communicate with each other; and
- (2) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

(B) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(C) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

**Section 2.60.030** (A) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(B) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(C) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

**Section 2.60.040.** The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

(A) identify each member who:

- (1) was physically present at the meeting;
- (2) participated in the meeting by electronic means of communication; and
- (3) was absent; and

(B) identify the electronic means of communication by which:

- (1) members participated in the meeting; and
- (2) members of the public attended and observed the meeting if the meeting was not an executive session.

**Section 2.60.050.** No member of the Town Council or any other board or commission, may participate by means of electronic communication in a meeting at which the Town Council or other board or commission may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Council's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

**Section 2.60.060.** (A) If an emergency is declared by:

- (1) the governor under IC 10-14-3-12; or
  - (2) the Town Council president under IC 10-14-3-29;
- members of the Town Council or other boards and commissions are not required to be physically present for a meeting until the emergency is terminated.

(B) Members of the Town Council other boards and commissions, may participate in a meeting by any means of communication provided that:

- (1) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
- (2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- (3) The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(C) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

**Section 2.** That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.



Introduced and Filed on 28<sup>th</sup> day of June, 2021. Consideration on same day or at same meeting of introduction sustained a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

\_\_\_\_\_  
Roger Sheeman, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

# ANNUAL RECORD OF BOARD MEMBERS WHO ATTENDED MEETINGS VIA ELECTRONIC MEANS

YEAR:

Member Name:	Date of Regular or Special Meeting												
BERNIE ZEMEN													
MARK A. HERAK													
MARK J. SCHOCKE													
THOMAS BLACK													
ROGER SHEEMAN													
INITIALS OF OFFICER VERIFYING ATTENDANCE													

**INSTRUCTIONS:** List members' names on the right. List the date of all regular and special meetings across the top. List member participation type as follows:

**E = Electronic    P = Physically Present    A = Absent**

If the member qualifies for an exemption from the "Consecutive-50" requirements, draw a circle around the E for that member/meeting -- (E)  
 The official record keeper or appropriate officer should initial to verify that the attendance record is accurate in the column for that meeting.

**ORDINANCE No. XXXX  
of the  
TOWN of HIGHLAND, INDIANA**

**An Ordinance to Amend the Highland Municipal Code Establishing the New Position of Chief Administrative Officer all Pursuant to IC 36-1-5 and IC 36-5-5 et sequitur.**

**Whereas**, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**Whereas**, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and,

**Whereas**, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5; and,

**Whereas**, The Town of Highland, is a municipality located in Lake County which operates as a Town under the laws of Indiana; and,

**Whereas**, IC 36-5-5 provides for Towns that choose to adopt its provisions, to establish the position of Town Manager, to serve as administrative head of the Town; and,

**Whereas**, The Town of Highland desires to create a different position not relying on the provisions of IC 36-5-5, but, rather, IC 36-1-3, to establish the position of Chief Administrative Officer, to serve as the administrative head of the Town; and,

**Whereas**, The Town Council of the Town of Highland believes that it would be of great public benefit, and in the interest of greater administrative efficiency and salubrious to the provision of public services for the people of Highland to professionalize the public management of municipal resources to establish the position of Chief Administrative Officer for the Town of Highland; and,

**Whereas**, The Town of Highland, through its Town Council, now wishes to further perfect its own organization as well as to increase its effectiveness in providing quality public services and governance to the people of Highland, and, toward that end, make certain technical modifications to the Highland Municipal Code.

**Now, Therefore**, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code be hereby amended by adding a new subchapter, comprised of sections XXXX through XXXX, which shall be styled as Chief Administrative Officer and which shall read as follows:

*Chief Administrative Officer*

**§ XX.XX Establishment of the Position of Chief Administrative Officer**

- (A) There is established the position of Chief Administrative Officer for the Town of Highland who shall be the administrative head of the town government.
- (B) The Town Council shall fix the compensation and terms of employment for the Chief Administrative Officer.
- (C) The Chief Administrative Officer may be employed to serve: (1) at the pleasure of the legislative body; or (2) for a definite tenure not to exceed **four years** ~~the longest remaining term in office of a member of the legislative body~~, with terms of the tenure to be set forth in a written agreement.
- (D) The town legislative body may not employ one of its members as the Chief Administrative Officer.
- (E) The Chief Administrative Officer must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of his duties, which shall be fixed at the minimum amount of fifteen thousand dollars (\$15,000) as authorized in IC 5-4-1-18(c).
- (F) The Chief Administrative Officer, before entering his or her official duties, shall take and subscribe to an oath to support the Constitution of the United States and the Constitution of the State of Indiana, and to faithfully discharge the duties of the position of Chief Administrative Officer. The oath required by this subsection shall be deposited in the manner prescribed in IC 5-4-1 not later than thirty (30) days after the initial appointment. However, failure to take, subscribe or deposit this oath will not cause a vacancy in the position of Chief Administrative Officer, but could render any compensation received in consequence of the appointment as improper and voidable.
- (G) The town legislative body may appoint a qualified person to perform the duties of the Chief Administrative Officer whenever the Town Administrator is absent or unable to perform the position's duties.
- (H) The town legislative body may not authorize the Chief Administrative Officer to issue or execute bonds, notes, or warrants on behalf of the town.

**§ XXX.XXX Qualifications of the Chief Administrative Officer**

- (A) The Chief Administrative Officer shall be a person of good character who is at least twenty-one (21) years of age and a citizen of the United States of America;

- (B) The Chief Administrative Officer shall possess sufficient experience, training and or education in the management of public organizations to coordinate the overall administration of the municipality in an effective and cost efficient manner;
- (C) The Chief Administrative Officer should possess the equivalent to a Bachelor's Degree in Public Administration or a closely related field and five years of responsible municipal management experience. ~~A Master's Degree in Public Administration or a related field is highly desirable.~~
- (D) The Chief Administrative Officer should possess a comprehensive *knowledge* of the town's municipal code and policies, relevant titles of the Indiana Code including the Access to Public Records Act and the Indiana Open Door Law;
- (E) The Chief Administrative Officer shall understand the following:
  - (1) Administrative principles, methods, and practices including goal setting, program and budget development, program implementation, and personnel management;
  - (2) Techniques utilized in administrative analysis, fiscal planning and management, and program development;
  - (3) Principles and practice of budget development and administration;
  - (4) Funding sources impacting program and service development; social, political, and environmental issues influencing program administration;
  - (5) Principles and practices of contract administration, evaluation, and administration.
- (F) The Chief Administrative Officer should possess a general *knowledge* of legal and management principles and requirements dealing with employer-employee relations issues.
- (G) The Chief Administrative Officer must possess the following abilities:
  - (1) The ability to plan, organize, administer, and coordinate a large variety of complex municipal services and programs;
  - (2) The ability to develop and implement goals, objectives, policies, procedures, work standards, and internal controls;

- (3) The ability to provide advice and consultation to the town council on the development of ordinances, regulations, programs, and policies;
- (4) The ability to analyze a variety of complex program and service delivery issues and formulate effective strategies and policies to address these issues;
- (5) The ability to direct the work of supervisors and staff in a manner that best utilizes their abilities to provide service to the public efficiently and at the lowest possible cost;
- (6) The ability to analyze, prepare, and administer a municipal budget;
- (7) In concert with the town's fiscal officer, the ability to implement and monitor fiscal controls to assure the town's financial health;
- (8) The ability to prepare concise and comprehensive reports;
- (9) In cooperation with the clerk-treasurer, the ability to coordinate the preparation of town council agendas;
- (10) The ability to exercise leadership, authority, and supervision tactfully and effectively;
- (11) The ability to communicate well with all sectors of the community and make effective public presentations;
- (12) The ability to effectively represent the municipality and the town council with individual citizens, community groups, and other governmental agencies;
- (13) The ability to establish and maintain cooperative working relationships.

**§ XXX.XXX Chief Administrative Officer Prohibited from partisan political activities**

A Chief Administrative Officer may not campaign for or against a candidate for elected town office and may not participate in partisan political activities that would impair the Chief Administrative Officer's performance as a professional administrator. This Section shall not prohibit the Chief Administrative Officer from voting in a primary election or any other election where it is necessary for a voter to declare membership in a political party.

**§ XXX.XXX Duties and Responsibilities of the Chief Administrative Officer**

- (A) The Chief Administrative Officer, under the direction of the town legislative body, is responsible for the administrative duties of the legislative body.
- (B) The Chief Administrative Officer shall:
- (1) attend the meetings of the legislative body and recommend actions he or she considers advisable;
  - (2) hire town employees not otherwise subject to another board or commission under law, according to the pay schedules and standards fixed by the legislative body or by statute, except where state law otherwise provides;
  - (3) **recommend** the ~~suspend~~ suspension, discharge, ~~remove~~ removal, or transfer town employees, if necessary for the welfare of the town;
  - (4) administer and enforce all ordinances, orders, and resolutions of the legislative body;
  - (5) make certain that all statutes that are required to be administered by the legislative body or a town officer subject to the control of the legislative body are faithfully administered;
  - (6) execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of the appropriations, notice, and competitive bidding required by statute and in compliance with the ordinances and policies of the Town;
- (C) Unless a written order or ordinance of the legislative body provides otherwise, the Chief Administrative Officer may:
- (1) delegate any of his powers to an employee responsible to him;
  - (2) may receive service of summons on behalf of the town
- (D) The Chief Administrative Officer may not serve as a member of any body that hears disciplinary charges against a member of the town police department.
- (E) The Chief Administrative Officer shall prepare and formulate budget estimates in coordination with the clerk-treasurer and submit them to the legislative body as follows:

- (1) Before the publication of notice of budget estimates required by IC 6-1.1-17-3, each department head shall prepare for his or her department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.
- (2) The Chief Administrative Officer shall meet with the department heads and the fiscal officer to review and revise their various estimates.
- (3) After the Chief Administrative Officer's review and revision, the fiscal officer and the Chief Administrative Officer shall prepare for the legislative body a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.
- (4) The town fiscal officer shall present the report of budget estimates to the Chief Administrative Officer and the town legislative body under IC 6-1.1-17. After reviewing the report, the legislative body shall cause to be prepared an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other town purposes during the ensuing budget year.

**§ XXX.XXX Additional Duties and Responsibilities of the Chief Administrative Officer**

(A) The Chief Administrative Officer, shall be responsible for the administrative duties of the several executive departments of the municipality whenever there is a vacancy in the regular head of department position for the department, by serving as acting department head, until such time as the vacancy is filled according to law.

(B) Subject to the following and where not expressly prohibited by law, the Chief Administrative Officer shall assist in and make recommendations to the following boards and commissions of the municipality regarding certain positions, officers, or employees as follows:

- (1) whenever the Town Board of Metropolitan Police Commissioners may act to appoint, select or evaluate the position of Chief pursuant to IC 36-8-9-4, provided that the Chief Administrative Officer may not serve as a member of any body that hears disciplinary charges against a member of the town police department;



- (2) whenever the Municipal Plan Commission may act to appoint, select, evaluate or discipline the position of executive director or otherwise named department head, pursuant to IC 36-7-4-402(a);
- (3) whenever the Redevelopment Commission may act to appoint, select, evaluate or discipline the position of executive director, pursuant to IC 36-7-14-12.2(a)(12);
- (4) whenever the Board of Sanitary Commissioners may act to appoint, select, evaluate or discipline the position of superintendent or otherwise named department head, pursuant to IC 36-9-25-10(15);
- (5) whenever the Park and Recreation Board may act to appoint, select, evaluate or discipline the position of superintendent, or otherwise named department head, pursuant to IC 36-10-3-13 or IC 36-10-3-10(a)(4);
- (6) whenever the Board of Waterworks Directors may act to appoint, select, evaluate or discipline the position of superintendent, or otherwise named department head, pursuant to IC 8-1.5-4-4 and IC 8-1.5-3-4;
- (7) whenever the Works Board which is the Town Council may act to appoint, select, evaluate or discipline a position of director, commissioner, chief inspector, fire chief or otherwise named department head, pursuant to IC 36-1-3, IC 36-1-4 or IC 36-8;
- (8) whenever any other board or commission, which may come into existence by lawful action of the proper body, may act to appoint, select, evaluate or discipline as position that may act as head of department or key administrative actor;

**§ XXX.XXX Relationship of Heads of Departments to the Chief Administrative Officer**

(A) All heads of departments as set forth and described in HMC section 3.05.050 (D) are to faithfully respond and be accountable to the Chief Administrative Officer in the day to day operations of their respective departments.

(B) All heads of departments as set forth and described in HMC section 3.05.050 (D) are to carry out all lawful instructions, directives and orders of the Chief Administrative Officer.

(C) All heads of departments as set forth and described in HMC section 3.05.050 (D) who fail to faithfully comply with the provisions of said section, or to faithfully and well execute their duties according to law, may be subject to discipline, which may include termination from employment with the municipality.

**Section 2.** The Town Council makes this ordinance pursuant to its authority under IC 36-1-3 et seq., and its authority to run the municipality under IC 36-5-2 et seq., and it expressly is not relying on authority provided under IC 36-5-5;

**Section 3.** The provisions of this Ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication in the manner provided by IC 36-1-5 and IC 5-3-1, if applicable.

Introduced and Filed on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this \_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_ by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

\_\_\_\_\_  
Roger Sheeman, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W. Griffin, Clerk-Treasurer (IC 33-43-4-1; IC 36-5-6-5)