

TOWN OF GREENVILLE
ORDINANCE NO. 2012-TO-001

**ORDINANCE CONCERNING THE HIRING OF A TOWN MANAGER
AND WATER UTILITY CONSULTANT FOR THE TOWN OF
GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of serving the Greenville Town and Water Utility Councils and Public in the everyday operations of the Town of Greenville desires to hire a Town Manager and Water Utility Consultant and;

WHEREAS, State of Indiana Code 35-5-5 Sec 2 provides for the town legislative body may employ a town manager to be the administrative head of the town government and may fix his compensation and terms of employment. The manager may be employed to serve:

{2} for a definite tenure not to exceed the longest remaining term in office of a member of the legislative body, in which case he may be dismissed only for cause and;

WHEREAS, former Council Member and Vice President Randal Johnes has the training, knowledge, expertise and has been involved with the Water Tower Storage and Sewer Acquisition Projects and;

WHEREAS, former Council Member and Vice President Randal Johnes has performed all the duties for prior councils as stated in IC 36-5-5-8.

Duties

Sec. 8. The manager, under the direction of the town legislative body, is responsible for the administrative duties of the legislative body. Unless a written order or ordinance of the legislative body provides otherwise, the manager:

- (1) shall attend the meetings of the legislative body and recommend actions he considers advisable;
- (2) shall hire town employees according to the pay schedules and standards fixed by the legislative body or by statute;
- (3) shall suspend, discharge, remove, or transfer town employees, if necessary for the welfare of the town;
- (4) may delegate any of his powers to an employee responsible to him;
- (5) shall administer and enforce all ordinances, orders, and resolutions of the legislative body;
- (6) shall see 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;
- (7) shall prepare budget estimates and submit them to the legislative body when required;
- (8) shall 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 may receive service of summons on behalf of the town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

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1. After passage of this Ordinance Randal Johnes shall be employed as Town of Greenville Manager and Town of Greenville Water Utility Consultant.
2. Effective date of his hire shall be retroactive to January 1st, 2012 and shall continue under this Ordinance until December 31st, 2013.
3. The Town of Greenville Legislative Body does not require Randal Johnes as an employee of the Town of Greenville to take an Oath of Office see IC 5-4-1-1 {c} attached.
4. The Town of Greenville Legislative Body does not require a Performance bond as stated in IC 36-5-5-5 and shall not require Randal Johnes to post such Bond due to no Town or Water Utilities monies being received or spent by him. IC 5-4-1-18 and IC 5-4-1-19 {attached} do not apply to the position of Town of Greenville Manager and Town of Greenville Water Utility Consultant. However Randal Johnes shall be covered under the "employee dishonesty" clause for a sum of \$ 25,000.00 U.S. Dollars as provided by the Town of Greenville current Liability Insurance Package.
5. In December 2013 Monthly Meeting, consideration may be given to extending Randal Johnes's employment as Town of Greenville Manager and Town of Greenville Water Utility Consultant.
6. Randal Johnes's compensation shall be set at a salary sum of \$150.00 per week to be paid bi-weekly at the same time as Town and Water Utility Employees.
7. Compensation shall be issued to Randal Johnes in the following manner: \$100.00 per week from the Greenville Water Utility {as a consultant} and \$50.00 per week from the Town of Greenville {as Town Manager}.
8. The Town of Greenville Clerk / Treasurer shall establish an account under General Fund for Town Manager. The account shall indicate a transfer of \$2600.00 into the account on the March Budget Sheet with deductions for January and February payments. If this Ordinance is approved Randal Johnes shall write the Transfer Funds Ordinance for approval at the February Monthly Meeting based upon the January 2012 Budget Sheet submitted to the Town Council by the Town of Greenville Clerk / Treasurer.
9. Randal Johnes waves the right to any insurance coverage of any type except liability coverage under the Town of Greenville Liability Policy while he is performing his duties for the Town of Greenville or the Greenville Water Utility.
10. Randal Johnes shall consult and assist the following Town of Greenville Officials and Water Utility Officials and produce monthly reports for them to use at their meetings.
 - {a} Town Council President
 - {b} Town Council Vice-President
 - {c} Town Council Committee Chair Emergency Services
 - {d} Town Council Committee Chair Streets and Roads

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- {e} Town Council Committee Chair Public Relations
- {f} Town Council Committee Chair Property Clean-up
- {g} Town Council Committee Chair Special Projects
- {h} Town Council Legal Counsel {Attorney}
- {i} Town of Greenville Water Utility Superintendent

11. In addition to the responsibilities stated in IC 36-5-5-8 Duties Section 8 above Randal Johnes shall be responsible for the following.

{a} Shall write and issue all Ordinances and Resolutions including numbers to be voted on by the Council. This will include those requested by a Council Member, the Water Utility Superintendent or proposed by Randal Johnes.

{b} Shall read all Ordinances and Resolutions under consideration for passage to Council Members at Council Meetings.

{c} Shall produce and cause to be posted all Monthly Agendas, Executive Meetings, Public Hearings and Special Meetings Notices.

{d} Shall cause to have published in the newspaper of record any Ordinances and Public Notices on Public Hearings required in accordance with State of Indiana Laws. This does not include the Annual Budget. This shall remain the responsibility of the Town of Greenville Clerk / Treasurer; however the Town of Greenville Clerk / Treasurer shall provide Randal Johnes an electronic copy in PDF form of all Annual Budget information and Publishing for the Town of Greenville Electronic Records.

{e} Shall review all meeting minutes to be submitted to the Greenville Town Council by the Greenville Clerk / Treasurer for content and accuracy and make recommended changes to those minutes prior to passage of those minutes.

{f} Shall after passage of approved Meeting Minutes, approved Ordinances or Resolutions that do not contain personal employee or confidential account information of the Town of Greenville to be sent to the Green Banner Publication for consideration for publication.

{g} Shall keep current monthly the Town of Greenville Electronic Files. To accomplish this the Greenville Clerk / Treasurer shall provide Randal Johnes with all signed information of the council at the Monthly Meetings to include signed Ordinances, Resolutions, Bank Statements and Monthly Budget Sheets.

{h} Shall issue all Resolution Building Permits that meet all requirements of the Town of Greenville Ordinances and Resolutions.

{i} Shall work with and assist Greenville Building Inspector to issue Stop Work Orders for any structure not in compliance with the Town of Greenville Ordinances and Resolutions.

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{j} Shall assist Builders, Contractors, Developers and Residence in developing appropriate information for requesting a building offset or zoning variance

{k} Shall work with the Greenville Marshal Department for the issuance of warning and citation violations for non-compliance with Town of Greenville Ordinances and Resolutions.

{l} Shall document violations and assist the Greenville Town Legal Counsel{Attorney} in the prosecution of these violations including appearing in court proceeding representing the Town of Greenville if requested.

{m} Shall assist Public Relations Chairperson by developing letters for their review and signature as required.

{n} Shall assist Property Clean-up Chairperson by developing letters for notification to residents in violation of Town Ordinances.

{o} Shall assist Streets and Roads Chairperson in developing bid documents required for street and road repair to be presented to the Greenville Town Council.

{p} Shall assist the Emergency Services Chairperson as requested.

{q} Shall assist the Greenville Town Council President as requested.

{r} Shall receive resident complaints if appropriate chairperson cannot be contacted and situation requires immediate action to resolve issue.

{s} Shall assist Water Utility Superintendent and Special Project Chairperson as a Consultant in charge of both the Pumping Station, Water Storage and Sewer Treatment Plant Acquisition projects.

{t} Shall review and consult with the Water Utility Superintendent and be authorized to approve all invoices for both the Pumping Station, Water Storage and Sewer Treatment Plant Acquisition projects for submittal to the Town and Water Utility Council for approval for payment at their Monthly Meetings..

{u} Shall be allowed to request and receive any information deemed necessary from the Greenville Clerk / Treasurer, Greenville Water Utility Superintendent, Greenville Legal Counsel, Greenville Water Utility Office Manager and Greenville Council Members any information that is necessary to accomplish his responsibilities to the best of his ability.

{v} Shall be allowed to request and receive any information deemed necessary from the Greenville Clerk / Treasurer on all insurance policies in effect for The Town of Greenville and The Greenville Water Utility for complete bidding of premiums to be presented to the Greenville Town Council for policy renewals.

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{w} Shall provide information to the Greenville Water Utility Clerks for the updating of the Town of Greenville Web-Site and control the content of the Web-Site.

{x} Shall be able to hire an employee for the Town of Greenville as needed upon discussing the employment with at least three Council Members.

{y} Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

{z} Any unlawful provision found in this ordinance shall not affect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 6th DAY OF FEBRUARY 2012.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
COUNCIL PRESIDENT TALBOTTE
RICHARDSON, COUNCIL WOMAN
PATTI HAYES AND COUNCILMAN
GREG REDDEN

Information Maintained by the Office of Code Revision Indiana Legislative Services
Agency IC 36-5-5
Chapter 5. Town Manager

IC 36-5-5-1
Application of chapter

Sec. 1. This chapter applies to all towns. *As added by Acts 1980, P.L.212, SEC.4.*

IC 36-5-5-2
Employment; compensation; tenure

Sec. 2. The town legislative body may employ a town manager to be the administrative head of the town government and may fix his compensation and terms of employment. The manager may be employed to serve:

- (1) at the pleasure of the legislative body; or
 - (2) for a definite tenure not to exceed the longest remaining term in office of a member of the legislative body, in which case he may be dismissed only for cause.
- As added by Acts 1980, P.L.212, SEC.4.*

IC 36-5-5-3
Legislative body members barred

Sec. 3. The town legislative body may not employ one of its members as the manager. *As added by Acts 1980, P.L.212, SEC.4. Amended by Acts 1980, P.L. 73, SEC.22.*

IC 36-5-5-4 Joint employment

Sec. 4. The legislative bodies of two (2) or more towns may employ the same person as the manager of their respective towns. *As added by Acts 1980, P.L.212, SEC.4.*

IC 36-5-5-5
Performance bond

Sec. 5. The manager must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of his duties. *As added by Acts 1980, P.L.212, SEC.4. Amended by Acts 1981, P.1.47, SEC.23.*

IC 36-5-5-6
Acting manager

Sec. 6. The town legislative body may appoint a qualified person to perform the duties of the manager whenever he is absent or unable to perform his duties. *As added by Acts 1980, P.L.212, SEC.4.*

IC 36-5-5-7
Bonds, notes, or warrants; prohibition

Sec. 7. The town legislative body may not authorize the manager to issue or execute bonds, notes, or warrants of the town. *As added by Acts 1980, P.L.212, SEC.4.*

IC 36-5-5-8

Duties

Sec. 8. The manager, under the direction of the town legislative body, is responsible for the administrative duties of the legislative body. Unless a written order or ordinance of the legislative body provides otherwise, the manager:

- (1) shall attend the meetings of the legislative body and recommend actions he considers advisable;
- (2) shall hire town employees according to the pay schedules and standards fixed by the legislative body or by statute;
- (3) shall suspend, discharge, remove, or transfer town employees, if necessary for the welfare of the town;
- (4) may delegate any of his powers to an employee responsible to him;
- (5) shall administer and enforce all ordinances, orders, and resolutions of the legislative body;
- (6) shall see 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;
- (7) shall prepare budget estimates and submit them to the legislative body when required;
- (8) shall 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
- (9) may receive service of summons on behalf of the town.

As added by Acts 1980, P.L.212, SEC.4.

IC 36-5-5-9

Police disciplinary body membership barred

Sec. 9. The manager may not serve as a member of any body that hears disciplinary charges against:

- (1) the town marshal; or
- (2) a member of the town police department.

As added by P.L.343-1987, SEC.1.

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 5-4

ARTICLE 4. OFFICERS' BONDS AND OATHS

IC 5-4-1

Chapter 1. Filing, Recording, and Terms of Bonds and Oaths

IC 5-4-1-1

Oaths; officers and deputies; prosecuting attorneys and deputies

Sec. 1. (a) Except as provided in subsection (c), every officer and every deputy, before entering on the officer's or deputy's official duties, shall take an oath to support the Constitution of the United States and the Constitution of the State of Indiana, and that the officer or deputy will faithfully discharge the duties of such office.

(b) A prosecuting attorney and a deputy prosecuting attorney shall take the oath required under subsection (a) before taking office.

(c) This subsection applies to a deputy of a political subdivision. An individual appointed as a deputy is considered an employee of the political subdivision performing ministerial functions on behalf of an officer and is not required to take the oath prescribed by subsection (a). However, if a chief deputy assumes the duties of an office during a vacancy under IC 3-13-11-12, the chief deputy must take the oath required under subsection (a) before entering on the official duties of the office.

(Formerly: Acts 1852, IRS, c.13, s.1.) As amended by P.L.49-1989, SEC.2; P.L.176-1999, SEC.119.

IC 5-4-1-1.1

Repealed

(Repealed by P.L.176-1999, SEC.134.)

IC 5-4-1-1.2

Failure of officer of political subdivision to take and deposit oath

Sec. 1.2. (a) This section does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.

(b) Subject to subsection (c), an individual appointed or elected to an office of a political subdivision may take the oath required under section 1 of this chapter at any time after the individual's appointment or election.

(c) An individual appointed or elected to an office of a political subdivision must take the oath required by section 1 of this chapter and deposit the oath as required by section 4 of this chapter not later than thirty (30) days after the beginning of the term of office.

(d) If an individual appointed or elected to an office of a political subdivision does not comply with subsection (c), the office becomes vacant.

As added by Acts 1980, P.L.8, SEC.28. Amended by P.L.176-1999, SEC.120; P.L.26-2000, SEC.32.

IC 5-4-1-2

Endorsement

Sec. 2. (a) The oath required by section 1 of this chapter, except in the case of a notary public or in those cases specified in section 3 of this chapter, shall be endorsed on or attached to the:

- (1) commission;
- (2) certificate if a certificate was issued under IC 3-10-7-34, IC 3-12-4, or IC 3-12-5; or
- (3) certificate of appointment pro tempore under IC 3-13-11-11;

signed by the person taking the oath, and certified to by the officer before whom the oath was taken, who shall also deliver to the person taking the oath a copy of the oath.

(b) A copy of the oath of office of a prosecuting attorney shall be:

- (1) recorded on the bond required by section 20 of this chapter; or
- (2) attached to the commission of the prosecuting attorney.

(Formerly: Acts 1852, IRS, c.13, s.2.) As amended by Acts 1978, P.L.23, SEC.1; P.L.49-1989, SEC.3; P.L.10-1992, SEC.26; P.L.3-1993, SEC.240; P.L.3-1997, SEC.416; P.L.176-1999, SEC.121.

IC 5-4-1-3

Legislators; governor and lieutenant governor

Sec. 3. (a) Members of the general assembly shall take the oath described by section 1 of this chapter before taking their seats. The oath shall be entered on the journals.

(b) The governor and lieutenant-governor shall each take the oath described by section 1 of this chapter. The oath shall be entered on the journals of each chamber of the general assembly.

(Formerly: Acts 1852, IRS, c.13, s.3.) As amended by P.L.221-2005, SEC.141.

IC 5-4-1-4

Copy of oath; deposit

Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and constables of a small claims court, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

(Formerly: Acts 1852, IRS, c.13, s.4.) As amended by Acts 1980, P.L.8, SEC.29; Acts 1980, P.L.24, SEC.2; P.L.8-1987, SEC.7; P.L.49-1989, SEC.4; P.L.32-1992, SEC.1; P.L.3-1995, SEC.141; P.L.3-1997, SEC.417; P.L.176-1999, SEC.122; P.L.254-1999, SEC.5; P.L.14-2000, SEC.14.

IC 5-4-1-5

Repealed

(Repealed by Acts 1980, P.L.8, SEC.38.)

IC 5-4-1-5.1

Officers and employees of political subdivisions; filing and recording of bond; copy of oath of office to be recorded with bond

Sec. 5.1. (a) "Political subdivision" as used in this section has the meaning set forth in IC 36-1-2-13 and excludes any department or agency of the state.

(b) Every elected or appointed officer, official, deputy, or employee of a political subdivision who is required by section 18 of this chapter to file an official bond for the faithful performance of duty, except the county recorder and deputies and employees of the recorder, shall file the bond in the office of the county recorder in the county of residence of the officer, official, deputy, or employee. The county recorder and deputies and employees of the recorder shall file their bonds in the office of the clerk of the circuit court.

(c) The bonds described in subsection (b) shall be filed within ten (10) days of their issuance or, if approval is required, within ten (10) days after their approval by the person required to approve the bonds. The recorder shall record all of the bonds filed under this section, indexing them alphabetically under the name of the principal and referring to the title, office, and page number where recorded. The bonds shall be kept in a safe and convenient place in the recorder's office with a reference to the date filed and record and page where recorded.

(d) Every county officer who is required to give bond shall have a copy of the oath of office recorded with the bond.

As added by Acts 1980, P.L.8, SEC.30. Amended by Acts 1981, P.L.47, SEC.1; P.L.3-1997, SEC.418.

IC 5-4-1-6

Secretary of state; filing official bond

Sec. 6. The official bond of the secretary of state shall be filed and recorded in the recorder's office of Marion County.

(Formerly: Acts 1852, IRS, c.13, s.6.) As amended by Acts 1980, P.L.8, SEC.31.

IC 5-4-1-7

Preservation of certified copy; fees

Sec. 7. It shall be the duty of every officer with whom such certified copies and bonds shall be filed to preserve the same, and, on demand, give certified copies thereof, or of the record, attested with

his official seal, and for the same he shall receive the same fees allowed by law for certified copies in other cases.

(Formerly: Acts 1852, IRS, c.13, s.7.)

IC 5-4-1-8

Approval of bonds

Sec. 8. (a) The official bonds of officers, if sufficient, shall be approved as follows:

(1) Of county officers required to give bonds, by the clerk of the circuit court unless otherwise specified in this section.

(2) Of county sheriff, county coroner, county recorder, county auditor, county treasurer, and clerk of the circuit court, by the county executive.

(3) Of county assessor, township trustee, and township assessor (if any), by the county auditor.

(4) Of city officers, except the executive and members of the legislative body, by the city executive.

(5) Of members of the board of public works or of the board of public works and safety in cities, by the city legislative body.

(6) Of clerk-treasurer and marshal of a town, by the town legislative body.

(7) Of a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal), by the board of directors of the solid waste management district.

(b) A person who approves an official bond shall write the approval on the bond.

(c) A bond must be approved before it is filed.

(Formerly: Acts 1852, IRS, c.13, s.8.) As amended by Acts 1980, P.L.8, SEC.32; Acts 1981, P.L.47, SEC.2; P.L.8-1989, SEC.17; P.L.33-1992, SEC.1; P.L.1-1996, SEC.35; P.L.146-2008, SEC.33.

IC 5-4-1-9

Time limitation for bond; failure to comply

Sec. 9. An officer required to give an official bond shall give the bond before the commencement of his term of office. If the officer fails to give the bond before that time, the officer may not take office.

(Formerly: Acts 1852, IRS, c.13, s.9.) As amended by Acts 1980, P.L.8, SEC.33; Acts 1980, P.L.24, SEC.3.

IC 5-4-1-10

Bonds payable to state

Sec. 10. All official bonds shall be payable to the state of Indiana; and every such bond shall be obligatory to such state, upon the principal and sureties, for the faithful discharge of all duties required of such officer by any law, then or subsequently in force, for the use of any person injured by any breach of the condition thereof.

(Formerly: Acts 1852, IRS, c.13, s.10.)

IC 5-4-1-11

First recovery; exhaustion of penalty

Sec. 11. No official bond shall be void on a first recovery, but suits may be instituted thereon, from time to time, until the penalty thereof is exhausted.

(Formerly: Acts 1852, IRS, c.13, s.11.)

IC 5-4-1-12**Defects in form and substance**

Sec. 12. No official bond shall be void because of defects in form or substance or in the approval and filing thereof, but, upon the suggestion of such defects, such bond shall be obligatory as if properly executed, filed and approved.

(Formerly: Acts 1852, IRS, c.13, s.12.)

IC 5-4-1-13**Execution**

Sec. 13. (a) All official bonds required by statute shall be executed by the principal and one (1) or more freehold sureties except as provided by subsection (b).

(b) The official bonds of county surveyors and township trustees shall be executed by the principal and by two (2) or more freehold sureties or an authorized surety company.

(Formerly: Acts 1852, IRS, c.13, s.13.) As amended by Acts 1980, P.L.8, SEC.34.

IC 5-4-1-14**Copies as evidence**

Sec. 14. A copy, a record, or a copy of a record of an official bond legally certified has the same effect in evidence as the original. Suit may be brought on a copy of an official bond as on the original.

(Formerly: Acts 1852, IRS, c.13, s.14.) As amended by Acts 1980, P.L.8, SEC.35.

IC 5-4-1-15**Repealed**

(Repealed by Acts 1981, P.L.47, SEC.26.)

IC 5-4-1-15.1**Deputies or employees; bonds and insurance policies**

Sec. 15.1. (a) Whenever it is necessary, the appropriate administrative officer of any department or agency of the state may cover deputies or employees of the department or agency by individual bonds, or blanket bonds, or a crime insurance policy endorsed to cover the faithful performance of duties. The administrative officer shall determine the amount of the insurance policy, individual bond, or blanket bond obtained under this section.

(b) An individual bond, or blanket bond, or crime insurance policy endorsed to include faithful performance obtained under this section shall be filed and paid for in the same manner as public official bonds.

(c) This section does not apply to officers required by law to execute and furnish individual official bonds.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

As added by Acts 1982, P.L.33, SEC.3. Amended by P.L.49-1995, SEC.3.

IC 5-4-1-16**Repealed**

(Repealed by Acts 1981, P.L.47, SEC.26.)

IC 5-4-1-17**Repealed**

(Repealed by Acts 1981, P.L.47, SEC.26.)

IC 5-4-1-18

Individual surety bonds for city, town, county, or township officers and employees; blanket bonds and crime policies; amount; review of amount; form

Sec. 18. (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit, including those officers described in subsection (a).

(c) Except as provided in subsections (h) and (i), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than fifteen thousand dollars (\$15,000).

(d) Except as provided in subsection (j), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and
- (2) that is at least thirty thousand dollars (\$30,000).

(e) Except as provided under subsection (d), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(f) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(g) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

(h) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(i) Notwithstanding subsection (c), the state board of accounts may fix the amount of the bond for any person who is not described in subsection (h) and is required to file an individual bond at an amount that

exceeds fifteen thousand dollars (\$15,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(j) Notwithstanding subsection (d), the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before

its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(k) Both of the following apply to a bond or crime insurance policy that is filed to comply with this section:

(1) Unless the bond or policy is canceled, the bond or policy must continue in force for the term of office of the individual who files the bond or policy.

(2) The aggregate liability of the surety or insurer is the amount specified in the bond or policy.

As added by Acts 1981, P.L.47, SEC.3. Amended by P.L.54-1989, SEC.1; P.L.49-1989, SEC.5; P.L.33-1992, SEC.2; P.L.49-1995, SEC.4; P.L.1-1996, SEC.36; P.L.28-2004, SEC.56; P.L.146-2008, SEC.34; P.L.176-2009, SEC.1; P.L.117-2011, SEC.1.

IC 5-4-1-19

Individual surety bonds for city, town, county, or township officers and employees; faithful performance of duties

Sec. 19. The bonds prescribed by IC 5-4-1-18 cover the faithful performance of the duties of the officer or employee, including the duty to comply with IC 35-44-1-2 and the duty to account properly for all monies and property received by virtue of his position or employment.

As added by Acts 1981, P.L.47, SEC.4.

IC 5-4-1-20

Individual surety bonds for prosecuting attorneys

Sec. 20. (a) A person elected to the office of prosecuting attorney shall execute an individual surety bond for the faithful performance of the duties of the office. The amount of the bond must be at least eight thousand five hundred dollars (\$8,500).

(b) A person elected to the office of prosecuting attorney may not take office until that person has filed a bond:

(1) in the office of the county recorder of the county in which the person resides; and

(2) within ten (10) days after the bond is issued.

(c) The cost of a bond shall be paid by the county. For multiple county judicial circuits, the cost shall be paid by each county in the judicial circuit in the manner provided by IC 33-38-5-3.

(d) A bond must be:

(1) executed by the person elected prosecuting attorney and one (1) or more freehold sureties; and

(2) payable to the state as provided in section 10 of this chapter.

(e) A bond is not void on first recovery, and suits may be brought on the bond until the penalty is exhausted.

(f) If a bond has been legally certified, any of the following have

the same effect in evidence as the bond:

(1) A copy of the bond.

(2) A record of the bond.

(3) A copy of a record of the bond.

(g) The county recorder of the county in which the person elected prosecuting attorney resides shall record the bond in an official bond register.

As added by P.L.49-1989, SEC.6. Amended by P.L.98-2004, SEC.58.

