

## CHAPTER 31: CITY ORGANIZATIONS

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**GENERAL PROVISIONS**

**§ 31.001 STATUTORY BOARDS AND COMMISSIONS.**

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

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

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

(D) There are established the following boards:

(1) **Repealed.**

(Repealed by Ord. 2008-57, § 6)

(2) Cemetery Board, to perform the duties as are set forth in Chapter 92 of this code; and

(3) Scouting Board, to perform the duties as are set forth in §§ 31.020 *et seq.* (Prior Code, § 2-28) (Ord. 1704, (part))

**§ 31.002 Repealed.**

(Prior Code, § 2-34) (Ord. 2001-04; Ord. 2005-31; Ord. 2007-19, § 2) (Repealed by Ord. 2009-17, § 1)

**§ 31.003 BOARD OF SANITARY COMMISSIONERS.**

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

(B) There is hereby established a Board of Sanitary Commissioners pursuant to and in conformance with the provisions of I.C. §36-9-25-3(b)(1).

(1) The Board shall consist of five (5) members, each of whom shall be appointed by the City Executive, provided, however, that one of such appointed members shall be the incumbent City Civil Engineer who shall serve during his or her occupation of that office.

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(2) Nor more than three (3) commissioners shall be of the same political party, in that, at the time of appointment the appointee must: (1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or (2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides. Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the City Clerk-Treasurer. Each commissioner shall also execute a bond in the penal sum of five thousand dollars (\$5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the City Executive.

(3) With the exception of the seat on the Board of Commissioners occupied by the City Civil Engineer, members of the Board shall be appointed for terms of four (4) years. The terms of office for the seats occupied by the three (3) incumbent members of the Board of Sanitary Commissioners at the time of the enactment of this sub-section shall remain unchanged. The two (2) commissioners to be newly appointed as a result of the enactment of this sub-section shall consist of the City Civil Engineer and a person, whose term of office shall be four (4) years, commencing January 1, 2014. The City Executive shall fill vacancies among the members of the Board of Sanitary Commissioners for the length of the vacating member's unexpired term of office.

(4) As required by I.C. §36-9-25-3(e), the appointed commissioners, including the City Civil Engineer, are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction of sewage works and not less than six hundred dollars (\$600) a year in other years.

(Ord. 2008-57, § 1; Ord. 2010-02, § 2; Ord. 2010-02, §2) (Ord. 2013-37)

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

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

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

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of the W 1/2 of the SW 1/4 of Section 2, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, except the south 50 feet thereof.

W. 191.27 Ft. of N. 300 Ft. of E. 854.63 Ft. and N. 396 Ft. of W 1/2 NE NE SW, except E. 551.68 Ft. S. 2, T. 35 R. 8, 2.334 AC. The east half of the west half of the northwest quarter of Section 11, Township 35 North, Range 8 West of the 2nd P.M., except the west 330 feet of the north 600 feet, all in Lake County, Indiana. The west 330 feet of the north 660 feet of the east 1/2 of west 1/2 of the northwest 1/4 of Section 11, Township 35 North, Range 8 West of the 2nd P.M., containing 5.0 acres more or less, in Lake County, Indiana. The W 1/2 of the W 1/2 of the NW 1/4 of Sec. 11, T. 35 North, Range 8 West of the 2nd P.M., containing 40 acres more or less in Lake County, Indiana. Excepting that part of the 1/2 of the W 1/2 of the NW 1/4 of Sec. 11, T. 35 N., R. 8 West of the 2nd P.M., in Lake County, Indiana, more particularly described as follows: Beginning at the intersection of the west line of Sec. 11 and the south right-of-way line of 61st Avenue at a point 20 feet south of the center line of 61st Ave., (which center line is also the north line of Sec. 11); thence east along the south right-of-way line of 61st Ave., a distance of 250 feet to a point, thence south and parallel with the west line of Sec. 11 a distance of 280 feet to a point; thence west and parallel with the south right-of-way line of 61st Ave., a distance of 250 feet to the west line of said Sec. 11; thence north along the west line of Sec. 11, a distance of 280 feet to the place of beginning. A part of the west half of the northwest quarter of Section 23, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, described as follows: Commencing at a point on the west line of the northwest quarter 2287.90 feet south of the northwest quarter corner thereof; thence east at an angle of 90 degrees a distance of 350 feet; thence south at an angle of 90 degrees a distance of 196.90 feet to the north right-of-way line of U.S. Highway No. 30; thence west on the north right-of-way line 350.40 feet to the west line of the northwest quarter; thence north 191.20 feet to the place of beginning, containing 1.56 acre, more or less. Subject to the rights of the public over the west 30 feet of the afore described real estate, dedicated as street right-of-way for Mississippi Street. Part of the north 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of the abandoned C & O Railroad; thence north 59 degrees 57' 30" west along the northeastern railroad right-of-way, 1724.96 feet; thence south 30 degrees 02' 30" west, 100 feet; thence south 59 degrees 57' 30" east along the southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the north right-of-way line of U.S. Highway #30; thence south 88 degrees 37' 42" east, 208.44 feet to the point of beginning. Approximately 55 acres of land fronting on U.S. Route 30, lying west of Colorado Street, in Lake County, Indiana, legally described as follows: The southeast quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana, and the east half of the southwest quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M. in Lake County, Indiana, except therefrom that part embraced in right-of-way of U.S. No. 30, and also except therefrom that part described as: Part of the southeast quarter of the northeast quarter of Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Lake County, Indiana; commencing at the intersection of the north right-of-way line of U.S. Highway 30 with the east line of the northeast quarter of Section 23; thence west along the north line of U.S. Highway 30 a distance of 180 feet; thence north parallel to the east line of the northeast quarter of Section 23, a distance of 150 feet; thence east parallel to the north line of U.S. Highway 30 a distance of 180 feet to the east line of the northeast quarter of said Section 23; thence south 150 feet to the point of beginning in Lake County, Indiana. Part of the north 1/2, Section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of U.S. Highway No. 30 and the east line of the west 1/2, west 1/2, NE 1/4 of Section 23; thence south 88 degrees 37' 48" west along the north right-of-way line of said Highway a distance of 178.62 feet more or less to the northeastern right-of-way line of the abandoned C & O railroad; thence north 62 degrees 42' west

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along the railroad right-of-way 1724.96 feet; thence north 27 degrees 16' east 20.00 feet; thence north 88 degrees 37' 48" east, 1661.95 feet more or less to the east line of the west 1/2, west 1/2, NE 1/4 of Section 23; thence south 02 degrees 45' 46" east 845.37 feet more or less to the point of beginning, containing 18.251 acres more or less. Part of the north 1/2, section 23, Township 35 North, Range 8 West of the 2nd P.M., in Ross Township, Lake County, Indiana, described as follows: Beginning at the intersection of the north right-of-way line of U.S. Highway No. 30 and the northeastern right-of-way of the abandoned C & O Railroad; thence north 59 degrees 57' 30" west along the northeastern railroad right-of-way, 1724.96 feet; thence south 30 degrees 02' 30" west, 100 feet; thence south 59 degrees 57' 30" east along the southwestern right-of-way of said abandoned railroad right-of-way, 1542.08 feet more or less to the north right-of-way of U.S. Highway 30; thence south 88 degrees 37' 42" east, 208.44 feet to the point of beginning. The northernmost 10 acres of the following described real estate: The east half of the northeast quarter of Section 27, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana, except the north 60 feet thereof, and excluding any territory serviced by another sanitary district, conservancy district or private sewer utility as of the date of the adoption of this section.

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

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

***Editor's note:***

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

### **§ 31.004 PURCHASING AGENCY.**

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

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

(C) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the city.

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

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

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

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

(2) It is also determined that the Purchasing Agency shall approve the purchase of

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services in whatever manner the purchaser determines to be reasonable.

(G) The Purchasing Agency shall purchase supplies and services produced or manufactured by the Department of Correction as listed in the Department's printed catalog unless the supplies and services cannot be furnished in a timely manner, per I.C. 5-22-11.

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

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

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

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

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

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

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

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

(L) The provisions of this section shall be in full force and effect July 1, 1998, following its passage by the Common Council of the City of Hobart and upon the approval of the Mayor of the City of Hobart, Lake County, Indiana.  
(Ord. 98-16)

***SCOUTING BOARD***

**§ 31.020 PURPOSE.**

A board, to be known as the Scouting Board, is established for the purpose of administering and maintaining properties owned by the City for the use of the Hobart Boy Scouts of America, and the Hobart Girl Scouts of America.  
(Prior Code, § 2-29) (Ord. 632, § 1; Ord. 2018-01, § 1)

**§ 31.021 MEMBERSHIP.**

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The Scouting Board shall be made up of five (5) members who shall be appointed by the Mayor for terms of two (2) years or until their successors have been appointed and qualified. Not less than two (2) of such members shall be persons who represent the Hobart Boy Scouts of America, and not less than two (2) of such members shall be persons representing the Hobart Girl Scouts of America. The remaining member of the Board may represent either of those groups. Vacancies among members of the Board shall be filled by the Mayor for the unexpired portion of the member's term.

(Prior Code, § 2-30) (Ord. 632, § 2; Ord. 2018-01, § 2)

### **§ 31.022 COMPENSATION.**

The members of the Scouting Board shall serve without compensation.  
(Prior Code, § 2-31) (Ord. 632, § 3)

## *DEPARTMENT OF REDEVELOPMENT*

### **§ 31.035 ESTABLISHED.**

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

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

### **§ 31.036 REDEVELOPMENT COMMISSION, SPECIAL MEETINGS.**

The Clerk-Treasurer or Director of Development shall impose and collect a fee in the amount of \$500.00 from any person or organization who requests a special meeting of the Redevelopment Commission for the purpose of acting upon some financial incentive or other action which confers upon such person some private pecuniary benefit, in any month in which there is already scheduled at least one (1) other special or regular meeting of the Redevelopment Commission. The Clerk-Treasurer shall collect such fee, in full, prior to the Clerk-Treasurer or Director of Development scheduling the special meeting.

(Ord. 2013-25, § 3; Ord. 2017-10, §4)

### **§ 31.037 REDEVELOPMENT AUTHORITY.**

There is hereby created a Hobart Redevelopment Authority as a separate body corporate and politic and as an instrumentality of the City to exercise any power granted to the authority under I.C. §36-7-14.5. The authority shall be under the control of a board composed of three (3) members, who must be residents of the City appointed by its executive. A member is entitled to serve a three (3) year term, and may be reappointed to subsequent terms. If a vacancy occurs on the board, the executive of the City shall fill the vacancy by appointing a new member for the remainder of the vacated term. A board member may be removed for cause by the executive of the City. Each member, before entering upon the duties of office, must take and subscribe an oath of office under I.C. §5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board. A member may not receive a salary, and no profit or money of the authority inures to the benefit of a member, all as provided by I.C. §36-7-14.5-8. Meetings

of the board, its quorum, election of officers, the adoption of rules and by-laws, the purposes, powers and duties of the authority, and all other matters governing the functioning thereof shall be in accordance with I.C. 36-7-14.5, or any subsequent enactment of the General Assembly which may be applicable. In the event of conflict between the provisions of this section and the currently applicable enactment of the General Assembly governing the authority, the provisions of such enactment shall control.

(Ord. 2014-10; Ord. 2017-10 § 3)

### ***ECONOMIC DEVELOPMENT COMMISSION***

#### **§ 31.050 ESTABLISHED.**

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

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

#### **§ 31.051 MEMBERSHIP.**

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

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

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

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

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

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

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

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

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

(D) In the event any person appointed a Commissioner shall fail to qualify, as hereinafter provided, within 10 days after the mailing to him or her of notice of his or her appointment, or if any member after qualifying shall die, resign or vacate the office, or be removed as hereinafter provided, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom the vacancy occurred, and the member so chosen



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and appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and have qualified. The Commissioners shall receive no salaries, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duty.

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

### **§ 31.052 RESIDENCE REQUIREMENTS.**

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

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

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

### **§ 31.053 AUTHORITY.**

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

(B) Regular or special meetings shall be held at such time as the Commission may determine and upon the notice as it may fix, either by resolution or in accordance with the provisions of the bylaws, rules and regulations adopted. A majority of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to authorize any action.

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

### **§ 31.054 ENABLING ACT.**

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

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

### **§ 31.055 PAYMENT OF MONTHLY ALLOWANCE.**

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

(Ord. 97-04, § 1)

**§ 31.056 ECONOMIC DEVELOPMENT COMMISSION, SPECIAL MEETINGS.**

The Clerk-Treasurer or Director of Development shall impose and collect a fee in the amount of \$500.00 from any person or organization who requests a special meeting of the Economic Development Commission for the purpose of acting upon some financial incentive or other action which confers upon such person some private pecuniary benefit, in any month in which there is already scheduled at least one (1) special meeting of the Economic Development Commission. The Clerk-Treasurer or Director of Development shall collect such fee, in full, prior to scheduling the special meeting.

(Ord. 2013-25, § 4; Ord. 2017-10 § 4)

***MARIA REINER CENTER OF HOBART***

**§ 31.060 STATEMENT OF PURPOSE.**

It is the purpose of the Maria Reiner Center of Hobart, which is established by [§30.01\(F\)](#) of this Code, to provide programs, resources, opportunities and activities to promote, enhance and foster the safety, wellness, social interaction, recreation, education and fellowship of the City's older residents. Said purpose is an essential governmental function of the City. It is the policy of the City to maintain the Center as an integral part of the City government, and to assure competent and effective administration and adequate support of these functions. The Center is organized exclusively and entirely for said purposes. No part of the Center's net earnings shall inure, in whole or in part, to the benefit of private shareholders or individuals. The Center shall not devote any of its activities to attempting to influence legislation by propaganda or otherwise; or directly or indirectly to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office; or to have objectives and to engage in activities which characterize it as an action organization as defined in paragraph (c)(3) of Section 1.501-1 of Title 26, Code of Federal Regulations. Upon dissolution of the Center, the assets contained in its cumulative, non-reverting fund ("Maria Reiner Center Fund" as authorized by [§31.063](#) of this sub-chapter) shall be distributed for one or more purposes, recognized as exempt under Section 501 (c)(3) of the Internal Revenue Code, or to the City of Hobart, an Indiana Municipal Corporation, for a public purpose, and shall not be distributed to its members.

(Ord. 2011-01, § 2)

**§ 31.061 DEFINITIONS.**

The definitions set forth in this Section shall apply throughout this sub-chapter:

(A) **Board** means the Board of Directors of the Legacy Center of Hobart as specified in [§31.062](#) of the Code.

(B) **Building** means the space dedicated to the use of the Center under [§31.064](#) of the Code.

(C) **Center** or **MRC** means the Maria Reiner Center of Hobart or the same entity under any other subsequent designation created by [§30.01\(F\)](#) of the Code.

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(D) *Code* means the Municipal Code of the City of Hobart.

(E) *Member* means a member of the Maria Reiner Center Club as specified in [§31.065](#).

(F) *Older Resident* means a resident of the City of Hobart who is not less than fifty-five (55) years of age.

(G) *Older Person* means a person who is not less than 55 years of age.  
(Ord. 2011-01, § 2)

### § 31.062 NAME AND ORGANIZATION; BOARD OF DIRECTORS.

The “Maria Reiner Center of Hobart” shall be the name of the department for older citizen programs authorized and created by [§30.01\(F\)](#) of the Code. The Center shall be managed and governed by a Board of Directors, appointed by the City Executive and organized in the manner specified in subsections (A) and (B) of this section. The Board shall be vested with those powers and duties specified in subsection (C) of this section.

(A) *Board—Composition and Term.* The Board of Directors shall consist of nine (9) adult individuals, not less than five (5) of whom shall be persons at least fifty-five (55) years of age. The terms of the initial members of the Board shall be so arranged that three (3) directors shall be appointed for an initial term of three (3) years, three (3) directors appointed for an initial term of two (2) years, and the remaining three (3) directors appointed for an initial term of one (1) year. After the initial terms specified above have expired, directors of the Board shall be appointed to serve for a term of three (3) years or until the director’s successor shall be appointed and qualified. The Executive shall fill any vacancy among directors by appointment for the balance of the unexpired term.

(Ord. 2014-04, § 1)

(B) *Board—Appointment of Members, Officers, Meetings, Removal.* The City Executive shall appoint directors, without regard to political affiliation or support, from a written list of candidates for each seat selected by incumbent members of the Board of Directors. Whenever one or more vacancies on the Board of Directors arise due to the expiration of the term of any Director, or for any other reason, the Executive of the City shall notify the President of the Board in writing, and the President shall call and give notice of a meeting of the Board of Directors for the purpose of selecting a list of qualified persons from which said vacancy or vacancies shall be filled. Such notice shall be given in the same manner as other meetings of the Board. Such selection shall be made by motion or competitive vote, but no vote on said selection shall be allowed by any Board member whose seat is to be filled from the list of persons to be selected. The list of candidates shall contain the names of the persons so selected by the Directors, and the number of candidates submitted on the list shall be equal to the number of vacant seats on the Board to be filled multiplied by two (2). The list of candidates shall be delivered to the Executive in writing, and from said list the Executive shall appoint a Director or Directors sufficient to fill said vacancy or vacancies. The Board shall meet at least four (4) times each year, and shall conduct its meetings and give notice thereof in compliance with the Open Meetings Act of the State of Indiana. (I.C. §5-14-1-1, *et seq.*) At its first meeting after appointment, and, thereafter at its first meeting of each calendar year, the Board shall elect from among its members a President, Vice President and Secretary who shall serve for the term commencing with appointment and ending upon the election of their successors. The President shall preside at all meetings of the

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Board and the Maria Reiner Center Club, the Vice-President shall assist the President and preside in his or her absence, and the Secretary shall keep the minutes of the Board and meetings of the membership of the Maria Reiner Center Club, and conduct its correspondence. The City Executive may remove a Director from office only for cause, and shall provide any Director for which removal is contemplated with written notice of the allegations pertinent to such cause and an opportunity to be heard prior to removal.

(Ord. 2014-04, § 1)

(C) *Board—Powers and Duties.* The Board of Directors shall have and exercise the following powers:

(1) To employ, with the consent of the City Executive, professional and other employees, including an Executive Director, to operate the center's programs and maintain its facilities and to prescribe the duties thereof;

(2) To purchase, lease or otherwise lawfully acquire supplies, furnishings, equipment and other property necessary or desirable for the operation of the Center and its programs.

(3) To approve, subject to the availability of sufficient funds, contracts and agreements necessary or desirable for the operation of the Center;

(4) To arrange for and provide, by contract or direct service, for reasonable transportation services within the City for its older residents using the Center and attending its programs;

(5) To arrange for and provide, by contract or direct service, a nutritional program for older residents which may include the provision of meals at a reasonable cost;

(6) To adopt reasonable by-laws and rules, not in conflict with this sub-chapter, for the operation of the Board, the Center and the Center's programs and facilities;

(7) To accept and agree to the terms and conditions of gifts, bequests, grants and other funds to the Center, provided that, the Center expend such gifts, bequests, grants and other funds only in conformance with said terms and conditions;

(8) To do all other acts and things necessary and desirable for the accomplishment of the purposes of the Center not inconsistent with this sub-chapter.

(9) To prepare and approve an annual fund raising plan and budget to be presented to the Mayor and the Common Council of the City.

(Ord. 2011-01, § 2) (Ord. 2012-29, § 1)

**§ 31.063 FINANCE.**

The financial affairs of the Center shall be administered by the Clerk-Treasurer of the City who shall maintain the Center's accounts, issue warrants and checks upon its funds, assist the Center in the preparation of its annual budget as in the case of other City departments, and otherwise advise and assist the Center with its compliance with the accounting and finance laws governing it, including this sub-chapter. The Center and its Board shall cooperate with the Clerk-Treasurer and the Indiana State Board of Accounts when required. In addition, the following

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provisions shall govern the Center's financial operations:

(A) There is hereby created a cumulative, non-reverting fund of the City to be known as the "Maria Reiner Center Fund" for the sole purpose of holding and accounting for the funds of the Center. All grants, gifts, bequests and other funds received and accepted by the Center, but not including funds appropriated to the Center by the City from its levy of property taxes, shall be deposited into the fund, invested and reinvested in the manner of other public funds (subject to the terms and conditions of each such grant, gift or bequest), and expenditures from same shall be authorized solely by the Board exclusively for the operation of the Center and its programs in furtherance of its purpose as stated in [§ 31.060](#).

(B) Claims and expenditures of the Center which are to be paid from the Maria Reiner Center Fund shall be approved by the Board and submitted to the Clerk-Treasurer for payment. Claims and expenditures of the Center which are to be paid from any funds appropriated to the Center by the Common Council from the property tax levy of the City shall be approved by the Board and the City Board of Public Works and Safety in the manner of other City claims.

(C) The Board shall report from time to time (but not less often than twice yearly) on its finances and activities in writing to the Common Council, and shall assure that all reports and accountings required by grantors to the Center are timely provided.  
(Ord. 2011-01, § 2)

### **§ 31.064 FACILITIES.**

The Board of Public Works and Safety of the City shall permanently dedicate, to the sole and exclusive use and control of the Board of the Center, sufficient suitable space within the City's building housing the Police Department and City Court (the former Hobart Middle School Building) for the offices, nutritional, social, activity and recreational programs of the Center. No other entity may use such dedicated space for any purpose without the express written consent of the Board of the Center. The City shall provide general maintenance and utilities for the building housing the MRC, but the Board shall be responsible for the cost of maintenance and repair for interior furnishings and equipment used by the Center. The Board may, in its discretion, rent its facilities or portions thereof for use by non-profit, non-political organizations. The Board may adopt rules governing the use of the facilities dedicated to the Center. Such rules shall contain the following provisions:

(A) a provision that older persons using the facilities or participating in the programs of the MRC pay an annual membership fee. The amount of said fees and the requirements for the corresponding memberships shall be determined by the Board of Directors not more than once annually, which shall be presented to the Common Council of the City for its approval before becoming effective. All receipts of such fees are to be deposited into and made part of the Maria Reiner Center Fund authorized by [§ 31.063\(A\)](#); and  
(Ord. 2011-40, § 1) (Ord. 2012-29, § 2)

(B) a provision that the Center will make reasonable efforts to accommodate all older persons desiring to use the Center's facilities and participate in its programs, but those older persons requiring the assistance of another person to move about or attend to personal needs must be accompanied by a person to act as their assistant at all times while using the Center or attending its programs.  
(Ord. 2011-01, § 2)

**§31.065 MEMBERSHIP IN THE “MARIA REINER CENTER CLUB.”**

The Center shall be supported by a volunteer membership organization to be known as the “Maria Reiner Center Club.” Payment of the membership fee provided for in [§31.064\(A\)](#) shall entitle a person to membership in the Club. Any older person may become a member of the Club by filling out a brief application in the form prescribed by the Board and by paying said membership fee. The Club shall assist the Board in carrying out the Center’s program of activities, participate in fund-raising and the solicitation of community support for the Center, and advise the Board on the Center’s operations.

(Ord. 2011-01, § 2) (Ord. 2011-40, § 2) (Ord. 2014-04, § 2)

**§ 31.066 SEVERABILITY OF PROVISIONS.**

If any provision of this sub-chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this sub-chapter shall be given full force and effect to the extent practicable.

(Ord. 2011-01, § 2)