CA/CX

Passed 8-0
Rollo absent

ORDINANCE 05-18

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL"
(Amending Chapter 2.26 (Controller's Department) in Order to Authorize Acceptable Financial Instruments, a Surcharge for Dishonored Checks, Drafts, Orders, or Like Instruments, and a Fee Schedule for the Providing Copies of Public Records; and, Amending Chapter 2.21 (Department of law) in Order to Authorize the Purchase of a Blanket Bond or Crime Insurance Policy and Fixing the Amount of the City Controller's Surety Bond)

WHEREAS, Indiana Code Section 36-1-8-11 authorizes the fiscal body of a political subdivision or the board of the municipally owned utility to accept payments by cash, check, bank draft, money order, bank card or credit card, or electronic funds transfer;

WHEREAS, Indiana Code Section 26-1-3.1-502.5 permits the assessment of a surcharge if a negotiable instrument is dishonored or returned unpaid for any reason; and

WHEREAS, Indiana Code Section 5-14-3-8(d) authorizes local government agencies to establish fees for the copying of documents that are uniform throughout the agency and do not exceed the actual cost of copying; and

WHEREAS, Indiana Code Section 5-4-1-18 authorizes 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 the City Clerk and the City Controller, and also requires that the City Controller's surety bond be a fixed amount; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Chapter 2.26 of the Bloomington Municipal Code, "Controller's Department," shall be amended to add Section 2.26.080 Authorized Financial Instruments, which shall be reflected in the Chapter's table of contents and shall read:

2.26.080 Authorized Financial Instruments.

Pursuant to Indiana Code Section 36-1-8-11, the City of Bloomington, including the City of Bloomington Utilities, is hereby authorized to accept the following types of financial instruments for payment:

(1) Cash;
(2) Check;
(3) Bank draft;
(4) Money order;
(5) Bank card or credit card; and
(6) Electronic funds transfer.

If the City incurs any charge for the use of a financial instrument, the City, including the City of Bloomington Utilities, may collect a sum equal to the amount of the charge from the person or entity that uses the financial instrument.

SECTION 2. Chapter 2.26 of the Bloomington Municipal Code, "Controller's Department," shall be amended to add Section 2.26.090 Surcharge for a Dishonored Check, Draft, Order, or Like Instrument, which shall be reflected in the Chapter's table of contents and shall read:

2.26.090 Surcharge for a Dishonored Check, Draft, Order or Like Instrument

(a) Application. This section shall apply to any person who tenders a check, draft, order, or like instrument to any department of the City of Bloomington, including the City of Bloomington Utilities.

(b) Surcharge. If a check, draft, order, or like instrument tendered to the City of Bloomington is dishonored or returned unpaid for any reason, the City may charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed twenty dollars ($20.00), plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time price differential, or any charge of a similar nature.

(c) Notice; Collection by City; Referral of Dishonored Checks to Prosecuting Attorney. When a surcharge is imposed under Section 2.26.090(b), the City shall notify the maker or drawer, or the person for whose benefit the instrument was given, to inform them that the instrument was dishonored or returned unpaid and that the person has ten (10) days after the date the notice is mailed to pay the total amount due, including the surcharge, either in cash or by certified check or money order.

If the person fails to make payment within the ten (10) day period, the City shall, pursuant to Indiana Code Section 36-1-8-13, refer the matter to the prosecuting attorney not later than ninety (90) days from the date the City received the dishonored check.

SECTION 3. Chapter 2.26 of the Bloomington Municipal Code, "Controller's Department," shall be amended to add Section 2.26.100 Fees for Copying Public Records, which shall be reflected in the Chapter's table of contents and shall read:

2.26.100 Fees for Copying Public Records.

(a) Pursuant to Indiana Code Section 5-14-3-8(d), the following fee schedule is established for the City of Bloomington for requests for public records made under Indiana Code 5-14-3. Each department of the City, including the City of Bloomington Utilities, shall charge the following fees, which fees shall not exceed the amounts allowed by Indiana law:

Paper records, 8 ½ x 11 inches:
Black and white copies -
Up to 50 copies – no charge.

More than 50 copies - $0.04 per copy for each copy after 50, or such other amount as determined by the City Controller from time to time that represents the actual cost of providing the copies.

Color copies - $0.20 per copy or such other amount as determined by the City Controller from time to time that represents the actual cost.

Paper records, 11 x 17 inches:
Black and white copies - $0.08 per copy or such other amount as determined by the City Controller from time to time that represents the actual cost.
Color copies - $0.23 per copy or such other amount as determined by the City Controller from time to time that represents the actual cost.

Large format copies (larger than 11 x 17 inches)
$0.40 per copy or such other amount as determined by the City Controller from time to time that represents the actual cost.

Photographs – Actual cost of processing or providing copies.

Recordings – Actual cost of blank tape, CD, DVD or similar medium onto which the record will be copied.

(b) The fees charged pursuant to this section shall be separate and distinct from the enhanced access fees charged pursuant to BMC 2.25.030 through 2.25.070, and from the fees charged pursuant to BMC 15.060.080.

SECTION 4. Chapter 2.21 of the Bloomington Municipal Code, "Department of Law," shall be amended to add Section 2.21.135 Blanket and Individual Surety Bonds, which shall be reflected in the Chapter's table of contents and shall read:

2.21.135 Blanket and Individual Surety Bonds.

(a) The purpose of this section is to authorize the purchase of a blanket bond or crime insurance policy and fix the amount of the surety bond of the City Controller.

(b) Pursuant to Indiana Code Section 5-4-1-18(b), the Risk Manager is hereby authorized to purchase 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 City, including employees of the City of Bloomington Utilities. The blanket bond or crime insurance policy may include the individual surety bond which must be filed by the City Clerk and City Controller.

(c) Pursuant to Indiana Code Section 5-4-1-18(c), the individual surety bond of the City Controller is hereby fixed in the amount of three hundred thousand dollars ($300,000), or such other amount as may hereafter be fixed by amendment to the statute.

SECTION 5. Severability.

If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid section, sentence, provision, or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect on and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 27th day of July, 2005.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 28th day of July, 2005.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 28th day of July, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNPOSIS

This ordinance amends Title 2 of the BMC (Administration and Personnel) in order to establish financial instruments which are acceptable methods of payment, a surcharge for dishonored negotiable instruments, fees for copying public records, and authority to purchase a blanket bond and fix the amount of the City Controller's surety bond.

Signed copies to:

legal (5)
controller
CA/CA (3)
clerk
file
BMC (2)
utilities
DW
Risk Mgt.
City Departments