

**WHITELAND TOWN COUNCIL  
ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING SECTIONS 33.03, 33.11, AND 34.01 OF  
THE WHITELAND TOWN CODE TO DESIGNATE ADDITIONAL  
PURCHASING AGENTS, TO AUTHORIZE PURCHASING AGENTS TO  
MAKE SMALL PURCHASES, AND TO GRANT PREAPPROVAL FOR  
THE PAYMENT OF CERTAIN CLAIMS**

WHEREAS, Section 33.03 of the Whiteland Town Code establishes the Whiteland Town Council (the “Council”) as the Purchasing Agency for the Town of Whiteland (the “Town”) with the powers and duties of a purchasing agency as authorized under Indiana Code 5-22;

WHEREAS, Section 33.03(C) of the Whiteland Town Code designates the Town Manager as the Purchasing Agent for the Town, with the authority to handle all administrative matters of the Town but reserves to the Council the authority to accept a bid and award a contract;

WHEREAS, the Council desires to amend the Whiteland Town Code to designate additional Purchasing Agents to exercise the authority granted to Purchasing Agents in the Whiteland Town Code;

WHEREAS, the Council desires to amend the Whiteland Town Code to grant Purchasing Agents the discretion to make purchases of less than fifty thousand dollars (\$50,000.00) when the funds for the purchase have previously been appropriated or budgeted for the department for which the purchase is being made;

WHEREAS, Section 33.11 of the Whiteland Town Code addresses the payment of claims by the Clerk-Treasurer;

WHEREAS, the Council desires to amend the Whiteland Town Code to add language authorizing the Clerk-Treasurer to pay certain types of claims in advance of their approval by the Town Council as authorized under Indiana Code § 36-5-4-12;

WHEREAS, Sections 34.01(B) and 34.01(D) of the Whiteland Town Code designates the powers and duties of the Town Manager and the Director of Operations respectively; and

WHEREAS, the Council desires to amend the Whiteland Town Code to clarify the purchasing powers and duties of the Town Manager and the Director of Operations;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. Section 33.03 of the Whiteland Town Code is hereby amended to read as follows:

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

§ 33.03 REGULATIONS FOR AND ESTABLISHMENT OF A PURCHASING AGENCY.

(A) The Town Council is designated as the A-Purchasing Agency ~~is adopted~~ for the ~~t~~Town and shall have all the powers and duties authorized under IC 5-22.

(1) The Town Council ~~Purchasing Agency~~ shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, or other establishment of the town; provided that, the Storm Water Management Board and the Redevelopment Commission may each designate themselves as a purchasing agency and designate purchasing agents for themselves.

(2) The Town ~~Purchasing Agency Council~~ may designate in writing one (1) or more ~~an~~ employees of the Town of Whiteland as a Purchasing Agent.

(B) Supplies manufactured in the United States shall be specified for all town purchases unless the town 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 purchase of supplies manufactured in the United States is not in the public interest.

(C) (1) Purchasing Agents. The Town Council as the Purchasing Agency designates the following employees ~~Town Manager~~ to act as ~~the~~ Purchasing Agents for the Town ~~Agency~~:

(a) the Town Manager, or the Director of Administration if there is no Town Manager, for any purchases for the Town, which may include purchases for the Town departments and the Town utilities to the extent deemed necessary or appropriate by the Town Manager, or the Director of Administration, as applicable. Provided, however, the Town Manager, or the Director of Administration, as applicable, may make purchases for the Police Department only if the Police Chief is not available or if the Police Chief consents.

(b) the Police Chief, for purchases for the Police Department; and

(c) the Director of Operations, for purchases for the street department and the Town utilities, including without limitation, the sewer utility, the water utility, and the storm water utility.

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

(2) *Powers and ~~d~~Duties*. The Purchasing Agents shall have the power to handle all administrative matters of purchases for the Town~~the Purchasing Agency~~. However, only the Town Council Purchasing Agency shall have the power to accept a bid or and award ~~the a~~ contract for an amount of fifty thousand dollars (\$50,000.00) or more.

(3) *Delegation of Authority to Make Small ~~p~~Purchases*. Each of the Town Council's Purchasing Agents shall have the authority, in its discretion, to make individual purchases in an amount up to ten thousand dollars (\$10,000.00), so long as the purchase is to be paid for exclusively from funds previously appropriated or budgeted by the Town Council or the Board of Storm Water Management for the department or utility for which the purchase is being made. In addition, each of the Town Council's Purchasing Agents shall have the authority to make individual purchases in an amount from ten thousand dollars (\$10,000.00) to twenty-five thousand dollars (\$25,000) if the purchase is approved in writing by the Council President, so long as the purchase is to be paid for exclusively from funds previously appropriated or budgeted by the Town Council or the Board of Storm Water Management for the department or utility for which the purchase is being made. However, if any of the above purchases will require additional expenditures from a fund outside of the Purchasing Agent's authority, the purchase must also be approved by the Town Manager, or if there is no Town Manager, the Director of Administration and/or the Director of Operations, in order to ensure that there are funds available to cover the additional required expenditures. Any individual purchase in excess of twenty-five thousand dollars (\$25,000) must be specifically approved by the Town Council. Notwithstanding the foregoing, in the event of a bona fide emergency condition threatening the public health, welfare, or safety, or threatening injury to persons or property, each of the Town Council's Purchasing Agents shall have the authority to make individual purchases in an amount up to fifty thousand dollars (\$50,000.00) without Council approval, so long as the purchase is to be paid for exclusively from funds previously appropriated or budgeted by the Town Council or the Board of Storm Water Management for the department or utility for which the purchase is being made, and provided the purchase is approved by the Town Manager, or if there is no Town Manager, the Director of Administration, or the Council President if the Town Manager or Director of Administration is unavailable. Purchases may not be artificially divided so as to avoid required approval by the Town Manager, Director of Administration, Council President, or the Town Council.

(D) **SMALL PURCHASES POLICY.** To the extent the necessary funds have been appropriated or otherwise authorized, and subject to the limits of authority otherwise provided by the Town Council or within the Town Code, whenever the Town Council or a purchasing agent expects a purchase or annual rental payment on a lease to be less than fifty thousand dollars (\$50,000), the Town Council or a purchasing agent may proceed to make the purchase or lease under either subsection (1) or (2) below.

(1) The Town Council or a purchasing agent may invite quotes from at least three (3) persons known to deal in the lines or classes of personal property to be purchased by mailing, emailing, faxing, or otherwise delivering a written invitation to quote to the persons at least seven (7) days before the time fixed for receiving quotes.

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

If the Town Council or a purchasing agent receives a satisfactory quote, a contract may be awarded to the lowest responsible and responsive offeror for each line or class of personal property required. The Town Council or the purchasing agent may reject all quotes and proceed to make the purchase under subsection (2) hereof.

(2) The Town Council, or a purchasing agent if determined by the purchasing agent to be in the best interest of the Town, may purchase or lease the personal property in the open market without inviting or receiving bids or quotes.

(E) SPECIAL PURCHASING METHODS POLICY. The Town Council, or a purchasing agent if determined by the purchasing agent to be in the best interest of the Town, may use any special purchasing method for which it can qualify under IC 5-22-10, as amended from time to time.

Section 2. Section 33.11 of the Whiteland Town Code is hereby amended to read as follows:

### § 33.11 PAYMENT OF CLAIMS.

(A) In accordance with IC 36-5-4-4, except as provided in subsection (B) below, claims payable by the Town may only be paid by the Clerk-Treasurer after being approved at a meeting of the Town Council or the applicable board or commission having authority over the funds from which the claim is to be paid, and only if the claim was filed in accordance with IC 5-11-10-2 at least five (5) days before the meeting. ~~Claims may be paid at any time during the business month that they are presented to the Clerk-Treasurer for payment and may be signed and approved by Town Council members periodically during the calendar month.~~

(B) The Clerk-Treasurer is authorized to make payments for the following types of claims in advance of their approval by the Town Council or the applicable board or commission having authority over the funds from which the claim is to be paid:

(1) Property or services purchased or leased from:

(a) the United States government; or

(b) an agency or political subdivision of the United States government.

(2) License fees or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) Federal grant programs if:

(a) advance funding is not prohibited; and

(b) the contracting party provides sufficient security for the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance agreements or service agreements.

(8) Lease agreements or rental agreements.

(9) Principal and interest payments on bonds.

(10) Payroll.

(11) State, federal, or county taxes.

[The new provisions are shown in **blue and underlined**, deleted provisions in **~~red strikethrough~~**.]

(12) Expenses that must be paid because of emergency circumstances.

(13) Expenses described in an ordinance.

Any claims paid under subsections (1) through (13) above must be supported by a fully itemized invoice or bill and certified by the Clerk-Treasurer. The Town Council or the applicable board or commission having authority over the funds from which the claim is paid shall review and allow the claim at its next regular or special meeting following the preapproved payment of the claim.

Section 3. Section 34.01(B)(9) of the Whiteland Town Code regarding the powers and duties of the Town Manager is hereby amended to read as follows:

(B) The Town Manager or Director of Administration, subject to the direction and oversight of the Town Council and applicable law, shall perform the following duties:

...

(9) Shall execute contracts on behalf of the Town for purchases of materials, supplies, services, or improvements, and for any other authorized purpose, after completion of the appropriation, notice, ~~and~~ competitive bidding, and approval by the Council or the applicable board or commission to be bound by the contract, to the extent as required by law, Town Code, or Town policy ~~statute~~. The Town Manager shall be a purchasing agent for the Town as provided under Section 33.03(C). This provision does not require all contracts of the Town to be executed by the Town Manager, and other purchasing agents may enter into and execute contracts on behalf of the Town, to the extent of their authority.

Section 4. Section 34.01(D) of the Whiteland Town Code is hereby amended to read as follows:

(D) The Director of Operations shall supervise the operations of the sewer utility department, water utility department, storm water utility department, and the street department, and their employees, and to the extent authorized under Section 33.03(C) shall be a purchasing agent for the Town for purchases for the street department and the Town utilities. In the event there is a Director of Administration and not a Town Manager, the Director of Operations shall be under the direct supervision of the Board of Storm Water Management with respect to the storm water utility department, and under the direct supervision of the Town Council with respect to the sewer utility department, water utility department, and the street department, and any other matters not under the jurisdiction of the Board of Storm Water Management. In the event there is a Director of Administration and not a Town Manager, the Director of Operations shall hire, suspend, discharge, remove or transfer any Town employee of the sewer utility department, water utility department, storm water utility department, and the street department, if necessary for the welfare of the Town. The Director of Administration shall have no supervisory authority over the Director of Operations and has no authority to affect the terms and conditions of employment of the Director of Operations, including without limitation, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Section 5. The provisions of all other ordinances, resolutions, or the Whiteland Town

[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

Code provisions in conflict with the provisions of this ordinance are of no further force or effect.

Section 6. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 7. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10, subject to publication of this ordinance to the extent required by law.


*[Remainder of this page left intentionally blank.]*

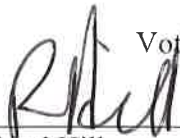
[The new provisions are shown in blue and underlined, deleted provisions in ~~red strikethrough~~.]

PASSED through first reading by the Town Council on the 9<sup>th</sup> day of January, 2024, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on the 13 day of February, 2024, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

  
Richard Hill, President

  
Richard Hill


Voting Opposed  
  
Richard Hill

  
Matthew Tim Brown

Matthew Tim Brown

  
Joseph Sayler

Joseph Sayler

  
Brad Goedeker

Brad Goedeker

  
Debra L. Hendrickson

Debra L. Hendrickson

Attest:

  
Melissa A. Fraser, Clerk-Treasurer

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