

ORDINANCE 2018-07⁴

OF THE CITY OF AUSTIN, INDIANA

AN ORDINANCE PROVIDING FOR A CLOTHING AND EQUIPMENT ALLOWANCE

Whereas, the City of Austin, Indiana (“City”) has provided an annual clothing allowance to certain employees to assist them in procuring and maintaining the necessary uniforms and equipment required by their official duties;

Whereas, the administration of the annual clothing allowance has become problematic, and should be revised;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. **Eligible Members.** A clothing and equipment allowance (referred to hereafter as the “Allowance”) will be provided to all active merit full-time members of the Austin Police Department. Recipients leaving the City’s employ are not entitled to any pro rata share of future Allowance payments.
2. **Amount of Allowance.** The full Allowance will be Twelve Hundred Dollars (\$1,200.00) annually.
3. **Method of Payment.** The Allowance will be paid in two (2) equal installments, with the first being paid on or about January 10th and the second being paid on or about July 1st of each year. Otherwise, the Clerk-Treasurer may make the Allowance payments in a manner he deems appropriate, including by separate check to the eligible employees.
4. **Approved Clothing and Equipment.** The Board of Public Works and Safety (the “Board”) shall approve a list of approved clothing and equipment. Additionally, the Board may from time to time add or subtract items from this approved list as the Board deems appropriate.
5. **Body Armor.** The City will provide body armor for the torso to all active members of the police department that shall not be paid from the Allowance in accordance with Indiana Code § 36-8-4-4.5.
6. **Taxability of Allowance.** The entire Allowance is subject to all applicable taxation, including income taxes, social security taxes, and/or Medicare taxes, except those portions of the Allowance used for qualified and approved uses. Recipients desiring to exempt some or all of their Allowance from their taxable income must submit to the

Clerk-Treasurer receipts of approved clothing and/or equipment purchases they have made no later than thirty (30) days before anticipated issuance of the next semi-annual installment payment. To be considered a valid purchase, the receipt must state the date, time, place, amount, and business purpose of the purchase(s). The Board may use its discretion to determine the validity of purchases. Otherwise, applicable income tax withholdings will be made from the employee's next or subsequent wages.

7. **Property of the City.** In accordance with Indiana Code § 36-8-4-4, all uniforms, clothing, arms, and equipment shall remain the property of the City. The City may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the City. Any property lost or destroyed through the carelessness or neglect of an officer shall be charged against the officer and the value deducted from the officer's pay.
8. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
9. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.
10. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.
11. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code.

Introduced and Filed on the ^{9th} ~~12th~~ day of ~~February~~ ^{April}, 2018. A motion to consider same on

the First Reading or day of introduction was offered and sustained by a vote of 4 in Favor and 0 Opposed, pursuant to Indiana Code § 36-4-6-13.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on the 9th day of April, 2018 by a vote of 4 to 0.

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

YEA

NAY

Staci Mullins
Greg Goodin
Johnnie White
Joe Smith

Brandon White

Staci Mullins

Greg Goodin

Johnnie White

Joe Smith

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 9th day of April 2018 at 6 : 20 P.m.

Chris Fugate
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 9th day of April, 2018 at 6 : 21 P.m.

Dillo Bush
Dillo Bush, Mayor

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

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Houston, Thompson and Lewis, PC
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Scottsburg, IN 47170