

## **IC 36-4-12**

### **Chapter 12. City Managers for Third Class Cities**

#### **IC 36-4-12-1**

##### **Application of chapter**

Sec. 1. This chapter applies only to third class cities.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-2**

##### **Creation of city manager position**

Sec. 2. (a) A third class city may employ a nonpartisan city manager to be the administrative head of the city government. To employ a city manager, the executive must initiate an ordinance and the city legislative body must adopt an ordinance creating the city manager position. An ordinance creating the city manager position must state the powers and duties to be assumed by the city manager.

(b) If the city legislative body adopts an ordinance under this chapter to employ a city manager, the city legislative body may adopt an ordinance to permit the executive to perform the duties of the executive on a part-time basis.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-3**

##### **Terms of employment and compensation**

Sec. 3. The city manager may be employed to serve at the pleasure of the executive who may submit to the city legislative body for approval under IC 36-4-7-3 the city manager's compensation and terms of employment.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-4**

##### **Legislative body members barred from position**

Sec. 4. The city legislative body may not employ a member of the legislative body as the city manager. A former member of the city legislative body may not be employed as the city manager for a period of two (2) years after leaving office.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-5**

##### **Qualifications**

Sec. 5. A city may hire a city manager solely on the basis of the applicant's administrative and educational qualifications. The city shall give special deference to actual experience in or knowledge of accepted practices in the field of municipal management.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-6**

##### **Political activity**

Sec. 6. A city manager may not campaign for or against a candidate for the city legislative body and may not participate in partisan political activities that would impair the city manager's performance as a professional administrator.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-7**

##### **Joint employment by cities**

Sec. 7. Two (2) or more cities may employ the same person as the city manager of their respective cities.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-8**

##### **Performance bond**

Sec. 8. The city manager shall execute a bond for the faithful performance of the city manager's duties in the manner prescribed by IC 5-4-1.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-9**

##### **Acting manager**

Sec. 9. The executive may appoint a qualified person to perform the duties of the city manager whenever the city manager is absent or unable to perform the city manager's duties.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-10**

##### **Powers and duties**

Sec. 10. The city manager, under the direction of the executive, is responsible for the administrative duties of the city. The powers and duties of the city manager must be stated in the ordinance creating the city manager position. The city manager's powers and duties may include:

- (1) attending the meetings of the legislative body and recommending actions the city manager considers advisable;
- (2) hiring city employees according to the pay schedules and standards fixed by the legislative body or by statute;
- (3) suspending, discharging, removing, or transferring city employees;
- (4) delegating any of the city manager's powers to an employee responsible to the city manager;
- (5) administering and enforcing all ordinances, orders, and resolutions of the legislative body;
- (6) ensuring that all statutes that are required to be administered by the legislative body or a city employee subject to the control of the legislative body are faithfully administered;
- (7) preparing budget estimates and submitting them to the legislative body when required;
- (8) executing contracts on behalf of the city for materials,

supplies, services, or improvements after the completion of the appropriations, notice, and competitive bidding required by statute;

(9) receiving service of summons on behalf of the city;

(10) administering the city's economic development plans and projects;

(11) advising the executive, city legislative body, and public on the conduct of city affairs;

(12) making recommendations on policy formulation;

(13) recommending and executing city improvements;

(14) serving on the board of public works and safety; and

(15) other powers and duties determined to be advisable by the executive and legislative body.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-11**

##### **Police and fire disciplinary body membership barred**

Sec. 11. The city manager may not serve as a member of any body that hears disciplinary charges against:

(1) the city police chief;

(2) a member of the city police department;

(3) the city fire chief; or

(4) a member of the city fire department.

*As added by P.L.10-1997, SEC.32.*

#### **IC 36-4-12-12**

##### **Bonds, notes, or warrants; prohibition**

Sec. 12. The city legislative body may not authorize the city manager to issue or execute bonds, notes, or warrants of the city.

*As added by P.L.10-1997, SEC.32.*