

ORDINANCE NO. 2026-1

**AN ORDINANCE AMENDING TITLE III, CHAPTER 35, SECTION 35.50 AND 35.51
OF THE TOWN OF GENEVA, INDIANA CODE OF ORDINANCES,
ESTABLISHING POLICY AND RULES REGARDING THE PURCHASE OF
SUPPLIES AND SERVICES**

WHEREAS, Indiana Code § 5-22-6-2 authorizes the Town of Geneva, Indiana (the “Town”) to establish Purchasing Agencies and Purchasing Agents for the Town; and

WHEREAS, the Town Council of the Town (the “Town Council”) previously adopted Ordinance No. 2018-01, which created Title III, Chapter 35, Section 35.50 and 35.51 of the Town Code of Ordinances to establish policies and rules governing the purchase of supplies and services by the Town; and

WHEREAS, the Town Council now desires to repeal Ordinance No. 2018-01, amend Title III, Chapter 35, Section 35.50 and 35.51 of the Town Code of Ordinances, and to adopt this Ordinance No. 2026-1 in its place in order to provide greater administrative clarity and flexibility, including (1) designating both the Clerk-Treasurer and the Workforce Manager as Purchasing Agents of the Town, and (2) authorizing such Purchasing Agents to unilaterally terminate or modify contracts, subscriptions, and service agreements, subject to the limitations, conditions, and reporting requirements set forth herein; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interests of the Town and will promote the efficient and fiscally responsible administration of the Town’s purchasing and contracting functions.

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

SECTION I

Title III, Chapter 35, Section 35.50 of the Town of Geneva Code of Ordinances is hereby amended to read as follows:

§ 35.50 PURCHASING AGENCIES AND AGENTS.

(A) *Purpose.* The purpose of this subchapter is to exercise the authority conferred upon the Town pursuant to I.C. 5-22-6-2.

(B) *Purchasing Agencies.* Pursuant to I.C. 5-22-2-25, the Town Council of the Town of Geneva is hereby established as the Purchasing Agency for all town departments.

(C) *Purchasing Agents.* Pursuant to I.C. 5-22-2-26, the Workforce Manager and the Clerk-Treasurer are hereby established as the Purchasing Agents for the Town. Both the Workforce Manager and the Clerk-Treasurer shall have the authority to make purchases on behalf of the Town in accordance with this subchapter and applicable Indiana law and shall comply with the purchasing procedures set forth in Exhibit A of Ord. 2026-1.

SECTION II

Title III, Chapter 35, Section 35.51 of the Town of Geneva Code of Ordinances is hereby amended to read as follows:

§ 35.51 POLICY; RULES REGARDING THE PURCHASE OF SUPPLIES AND SERVICES.

(A) *Rules for Purchases Under \$150,000.* For purchases under \$150,000, a Purchasing Agent is hereby authorized to purchase supplies, as defined in I.C. 5-22-2-38, or to purchase services, as defined in I.C. 5-22-2-30, in accordance with the purchasing requirements identified in Exhibit A attached to Ord. 2026-1. Provided however, when there exists, under emergency conditions, a threat to public health, welfare, or safety, and appropriated funds exist, a Purchasing Agent may purchase reasonably necessary supplies or services pursuant to I.C. 5-22-10-4(a), notwithstanding the purchasing requirements set forth in Exhibit A of Ord. 2026-1.

(B) *Rules for Purchases of \$150,000 or More.* If the purchase of supplies or services, as defined above, is expected by a Purchasing Agent to be \$150,000 or more, and appropriated funds exist for such purchase, the purchasing agent shall purchase such supplies or services pursuant to competitive bidding following the procedure set forth in I.C. 5-22-7, unless the Purchasing Agency authorizes an online auction pursuant to I.C. 5-22-7.5 and I.C. 4-13-17-4; unless the Purchasing Agency authorizes seeking requests for proposals pursuant to I.C. 5-22-9; or unless emergency conditions exist, in which case the purchasing agent is authorized to make a special purchase pursuant to I.C. 5-22-10, if such purchase is reasonably necessary to protect the public health, welfare, or safety.

SECTION III

Title III, Chapter 35, Section 35.52 of the Town of Geneva Code of Ordinances is hereby created to read as follows:

§ 35.52 AUTHORITY TO TERMINATE OR MODIFY CONTRACTS.

(A) Either Purchasing Agent is authorized to unilaterally terminate or modify any Town contract, subscription, or service agreement when the total potential financial obligation of the Town resulting from such termination or modification, including any required termination fees or settlement amounts, does not exceed \$10,000, provided that:

- (1) The action is consistent with the express terms of the contract or agreement, including any notice or cure provisions;
- (2) Appropriated funds exist and are available to satisfy any payment required as a result of the termination or modification; and
- (3) The Purchasing Agent documents the basis for the termination or modification in writing and submits such documentation to the Town Council and the Town's records prior to the next regular meeting of the Town Council.

(B) Any termination or modification that would expose the Town to a potential financial obligation exceeding \$10,000 shall require prior approval of the Town Council.

(C) Nothing in this subchapter authorizes a Purchasing Agent to enter into new multi-year financial commitments or recurring obligations on behalf of the Town without prior appropriation and approval by the Town Council.

SECTION IV

All ordinances, or parts thereof, that are in conflict with the provisions of this ordinance are hereby repealed or amended to the extent of such conflict.

SECTION V

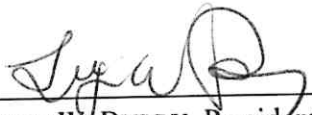
If any section, clause, provision, paragraph, or sentence of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the validity of the other remaining provisions of this ordinance.

SECTION VI

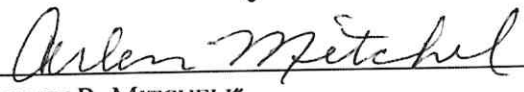
This ordinance shall become and remain in full force and effect immediately upon its adoption.

Duly passed, adopted, and ordained by the Town Council of the Town of Geneva, Indiana, on February 10, 2026.

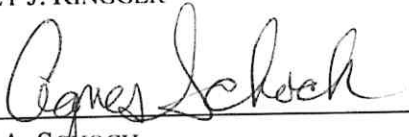
TOWN COUNCIL OF THE TOWN OF GENEVA


LYNN W. BURRY, President



ANDREW J. BRIGGS


ARLEN R. MITCHELL

STANLEY J. RINGGER


AGNES A. SCHOCH

ATTEST:


CHRISTINA M. BOOTH, Clerk-Treasurer

PURCHASING REQUIREMENTS FOR THE CIVIL TOWN OF GENEVA

Nature of Purchase (Dollar Amount of Project)	Supplies/Materials (Est. Life: Less than 1 Yr.)		Equipment (Est. Life: 1 Yr. or more)	Repairs/Maintenance	Improvements Add. to Building/Ground
Less than \$1,000.00	Clerk-Treasurer and/or Workforce Manager Approval No Quotes, No Bonds	Clerk-Treasurer and/or Workforce Manager Approval No Quotes, No Bonds	Clerk-Treasurer and/or Workforce Manager Approval No Quotes, No Bonds	Clerk-Treasurer and/or Workforce Manager Approval No Quotes, No Bonds	Clerk-Treasurer and/or Workforce Manager Approval No Quotes, No Bonds
\$1,000.00 to \$9,999.99	Clerk-Treasurer and/or Workforce Manager Approval with Two Quotes or Open Market (No Quotes) with Council Approval No Bonds	Clerk-Treasurer and/or Workforce Manager Approval with Two Quotes or Open Market (No Quotes) with Council Approval No Bonds	Clerk-Treasurer and/or Workforce Manager Approval with Two Quotes or Open Market (No Quotes) with Council Approval No Bonds	Clerk-Treasurer and/or Workforce Manager Approval with Two Quotes or Open Market (No Quotes) with Council Approval No Bonds Certificate of Insurance	Clerk-Treasurer and/or Workforce Manager Approval with Two Quotes or Open Market (No Quotes) with Council Approval No Bonds Certificate of Insurance
\$10,000.00 to \$49,999.99	Council Approval Three Quotes or Open Market (No Quotes) with Council Approval No Bonds	Council Approval Three Quotes or Open Market (No Quotes) with Council Approval No Bonds	Council Approval Three Quotes or Open Market (No Quotes) with Council Approval No Bonds	Council Approval Three Quotes or Open Market (No Quotes) with Council Approval No Bonds Certificate of Insurance	Council Approval Three Quotes or Open Market (No Quotes) with Council Approval No Bonds Certificate of Insurance
\$50,000.00 to \$149,999.99	Council Approval Three Quotes or Advertise for Sealed Bids Bid & Performance Bonds	Council Approval Three Quotes or Advertise for Sealed Bids Bid & Performance Bonds	Council Approval Three Quotes or Advertise for Sealed Bids Bid & Performance Bonds	Council Approval Three Quotes or Advertise for Sealed Bids Bid & Performance Bonds Certificate of Insurance	Council Approval Three Quotes or Advertise for Sealed Bids Bid & Performance Bonds Certificate of Insurance
\$150,000.00 and Over	Advertise for Sealed Bids Bid & Performance Bonds	Advertise for Sealed Bids Bid & Performance Bonds	Advertise for Sealed Bids Bid & Performance Bonds	Advertise for Sealed Bids Bid & Performance Bonds Certificate of Insurance	Advertise for Sealed Bids Bid & Performance Bonds Certificate of Insurance

Quotes. Quotes may be solicited by department heads and need not be sealed.

Bids. Bids must be advertised, sealed, delivered to the Clerk-Treasurer's office by a specified date and time, and opened in a public meeting.

Bid Bond. A bid bond is to be enclosed with the sealed bid in the amount of 100% of the base bid (or 100% of the expected total purchases for a year) OR a certified check, payable to the Town of Geneva, in the amount of 10% of the base bid (or 10% of the expected total purchases for a year). The bond or check will be returned immediately if a bid is not accepted. The bond or check from the successful bidder will be returned upon receipt by the Town of a performance bond.

Performance Bond. The successful bidder will be required to present a performance bond in the amount of 100% of the contract price (or 100% of the expected total purchases for a year) OR a certified check, payable to the Town of Geneva, in the amount of 10% of the contract price (or 10% of the expected total purchases for a year). The bond or check will be returned upon the successful completion of the contract.

Certificate Of Insurance. The successful quote/bidder must furnish the Town of Geneva a certificate of liability insurance with an aggregate limit of \$5,000,000.00, and evidence of Indiana worker's compensation insurance before a contract will be executed.

Purchases of \$150,000.00 and over are governed by Indiana law. The Town Council may waive any of the above requirements only under special (emergency) circumstances.

