

**ORDINANCE NUMBER 12-06
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE APPROVING THE BOARD OF PUBLIC WORKS AND SAFETY'S
DELEGATION OF AUTHORITY RELATIVE TO GREENLAWN CEMETERY
TO THE FRANKLIN PARKS BOARD AND REPEALING ALL PRIOR
ORDINANCES RELATING THERETO**

WHEREAS, the City of Franklin, Indiana ("City") previously operated Greenlawn Cemetery under the control and management of the Franklin Board of Public Works and Safety pursuant to Ordinance No. 92-2, which Ordinance was enacted in order to eliminate duplicating services, labor, and costs the City was incurring when the cemetery was managed by the former Franklin Board of Cemetery Regents.

WHEREAS, Ordinance 92-2 was repealed by the City and Ordinance 03-13 was enacted wherein the City delegated the day to day management control and operation of Greenlawn Cemetery to the Franklin Parks Board.

WHEREAS, Ordinance Number 06-07 repealed Ordinance Number 03-13 relative to the supervision, management and control of Greenlawn Cemetery and through the repeal of Ordinance Number 03-13, the supervision, management, and control of Greenlawn Cemetery was delegated to a separate City department and a department head under the direction and control of the Mayor.

WHEREAS, the City has identified the opportunity to realize additional efficiencies and benefits relative to personnel management and utilization costs, purchasing and other related activities by repealing Ordinance Number 06-07 and returning the control and management of Greenlawn Cemetery to the Franklin Parks Board through delegation from the Franklin Board of Public Works as previously delegated under Ordinance 03-13.

WHEREAS, the Common Council of the City of Franklin, Indiana recognizes the benefits repealing the prior ordinances would have in favor of once again delegating the control and operation of Greenlawn Cemetery to the Franklin Parks Board.

WHEREAS, the Franklin Board of Public Works and the Franklin Parks Board have each also recognized the benefits that such delegation would offer, and the Common Council of the City of Franklin concur. This Ordinance is enacted by the Common Council in order to memorialize its consent to the proposed delegation of control.

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

- 1) **Repeal of Ordinance Number 06-07.** Ordinance Number 06-07, which provided that the supervision, management and control of Greenlawn Cemetery would be performed through a separate City department and a department head (Sexton) appointed under the direction of the Mayor is hereby repealed.
- 2) **Approval of Delegation of Greenlawn Cemetery.** By repeal of Ordinance Number 06-07, the day to day management, control and operation of Greenlawn Cemetery reverts to the Franklin Board of Public Works and Safety. By enactment of this Ordinance, the proposed delegation of the day-to-day management, control and operation of Greenlawn Cemetery from the Franklin Board of Public Works and Safety to the Franklin Parks Board is approved. In order to effectuate this delegation in a manner most likely to realize all the envisioned benefits, the Common Council authorizes the re-characterization of expenses relative to Greenlawn Cemetery for budgetary purposes, when such a re-characterization is necessary and proper, and the Clerk Treasurer is directed and authorized to assist in that re-characterization as needed.
- 3) **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.
- 4) **Repeal of Conflicting Ordinances.** The provisions and all other Ordinances in conflict with the provision of this Ordinance are of no further force or effect, and are now repealed.
- 5) **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 on the remaining provisions of this Ordinance.
- 6) **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 the day of the passage and adoption of this Ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the _____ day of _____, 20____. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of _____ in Favor and _____ Opposed, pursuant to Indiana Code § 36-4-6-13].

DULY PASSED on this _____ day of _____, 20____ by the common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote _____ in Favor and _____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Steve Barnett, President

Steve Barnett, President

Joseph P. Abban, Vice President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

Joseph R. Ault, Member

Kenneth Austin, Member

Kenneth Austin, Member

Robert Henderson, Member

Robert Henderson, Member

Stephen Houghland, Member

Stephen Houghland, Member

Richard Wertz, Member

Richard Wertz, Member

Attest:

Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this _____ day of _____, 20____ at _____ o'clock' _____M.

Janet P. Alexander
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this _____ day of _____, 20_____ at _____ o'clock _____M.

Joseph E. McGuinness, Mayor

Attest:

Janet P. Alexander,
City Clerk Treasurer

Prepare by:

Lynnette Gray
Attorney No.: 11567-41
JOHNSON GRAY & MacABEE
63 E. Court Street
P.O. Box 160
Franklin, IN 46131
Ph.: (317) 738-3365
Fax: (317) 738-3862

RESOLUTION OF THE FRANKLIN PARKS BOARD

RESOLUTION No.: 2012- 01

WHEREAS, the City of Franklin, Indiana ("City") currently operates Greenlawn Cemetery under the control and management of the Franklin Board of Public Works and Safety by virtue of repeal of Ordinance Number 06-07.

WHEREAS, the City has identified the opportunity to realize additional efficiencies and benefits relative to personnel management and utilization, costs, purchasing and other related activities if the Franklin Board of Public Works delegates the day to day management, control and operation of Greenlawn Cemetery to the Franklin Parks Board.

WHEREAS, the Franklin Parks Board also recognizes the benefits that such a delegation would offer and therefore accepts, concurs and consents to the proposed delegation of control, and be it resolved by the Franklin Parks Board that the delegation of day to day management, control and operation of Greenlawn Cemetery to the Franklin Parks Board has hereby consented to and accepted this _____ day of _____, 2012.

City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:

Michael Auger

Pam Ault

Ted Server

Dr. John Shafer

Voting Opposed:

Michael Auger

Pam Ault

Ted Server

Dr. John Shafer

Attest:

Janet P. Alexander, Clerk Treasurer

Prepared by:

Lynnette Gray
Attorney No.: 11567-41



JOHNSON, GRAY & MACABEE
ATTORNEYS AT LAW

Russell A. Johnson ◦ Lynnette Gray
James MacAbee

February 1, 2012

Janet P. Alexander
City Clerk Treasurer
70 East Monroe
Franklin, IN 46131

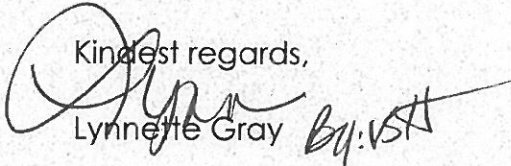
Re: Delegation of Authority of Greenlawn Cemetery

Dear Janet,

Please find attached a proposed Ordinance. While I was at it, I went ahead and prepared a proposed Resolution for the Parks Board because I thought it would expedite the same since I had all the documents in front of me. I could easily make this into a Resolution for the Board of Works if you believe it necessary or we can just forward it to counsel for action by having it on the Board of Works agenda.

Let me know if you have any corrections, suggestions or changes. As always, thank you for your assistance.

Kindest regards,


Lynnette Gray

LG:vh
Attachments

63 East Court Street ◦ P.O. Box 160 ◦ Franklin, IN 46131
Tele: 317-738-3365 ◦ Fax: 317-738-3862