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Board of Works and Safety
City of Beech Grove
806 Main Street
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RE: Expeditious repair of roofs and I.C. § 5-22-10-4

Dear Board:

At various times throughout the year, the City's Department Heads for the Public Works, Parks, and Fire Departments have alerted the Board of Works and Safety, and Common Council of leaking roofs to its physical structures. City Hall likewise has similar issues that need to be addressed. Indeed, Mayor Buckley notified the citizens of the City of these conditions earlier this year during the State of the City Address. Should the City's physical structures remain unrepaired, additional damage may result, and needlessly cost the City money if these physical structures were not repaired immediately. In addition, there exist a harm to the City's employees working in these physical structures when considering the possibility of mold growing in exposed areas and the potential for electrical fires. Based on the forgoing, it is my opinion that there exists an immediate threat to public health, welfare, and safety to our citizens and employees.

Indiana Code § 5-22-10-4 provides that the City may, under "emergency conditions," forego the usual and customary bidding process and may make a "special purchase" when there exists "a threat to public health, welfare, or safety." Based on the foregoing, I believe the requisite "emergency conditions" exist for the City to enter into a special purchase as contemplated by I.C. § 5-22-10-4. Accordingly, it is my recommendation that the Board declare the requisite "emergency conditions" as provided in the statute, and grant the City permission to enter into special purchases to repair its physical structures, and in particular at this time the roofs. The funds to repair the roofs to the City's physical structures should be available as a result of the Common Council's passage of the bond issue at the July 2, 2012 meeting.

Should you have any questions regarding this important matter, please feel free to contact me. Best regards.

Very truly yours,



Craig W. Wiley
City Attorney