

dennis b buckley
mayor
(317) 791-6060

806 main street
beech grove, indiana 46107
fax (317) 788-4976

dan mcmillan
clerk-treasurer
(317) 803-9106

July 16, 2012

Board of Works and Safety
City of Beech Grove
806 Main Street
Beech Grove, IN 46107

RE: Purchase of new fire engine and I.C. § 5-22-10-4

Dear Board:

Since the current administration has taken office, the Board of Works and Safety and the Common Council have received reports from Chief Robert Cheshire on the current state of disrepair of the Beech Grove Fire Department's two fire engines. One engine is twenty-five (25) years old, and is often out of service due to repairs being made consistent with its age, and the mileage on the engine. The resources being used by the City to maintain this engine and keep it in service is becoming cost prohibitive. In fact, as Chief Cheshire has noted in the past, this engine is one major repair away from being taken out of service on a permanent basis.

The Department's second engine was purchased in 1997, and in 2010 was involved in an accident resulting in over \$200,000 in repairs. Ever since the accident, this engine has been consistently out of service due to repairs and maintenance. Moreover, this engine has far exceeded its current life span.

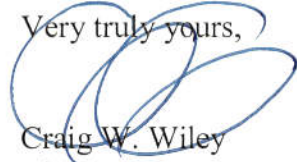
As a result of the above, the Fire Department often times is forced to borrow a fire engine from the Indianapolis Fire Department, or a neighboring township. It is my opinion that the age and disrepair of the City's fleet of fire engines is an immediate threat to public health, welfare, and safety of our citizens.

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 a special purchase of a new fire engine as soon as practical. The funds to purchase a new fire engine 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