

FILED

MAY 17 2022

STATE OF INDIANA)
COUNTY OF MIAMI)

) Sherry Raber
) SS: Miami County Clerk of Courts
)

IN THE MIAMI CIRCUIT COURT

CAUSE NO. 52CD1-2205-M1-376

**IN RE: THE MATTER OF THE
IN THE MATTER OF THE CITY OF PERU:**

**VERIFIED PETITION TO DETERMINE ABSENCE OR INABILITY OF CITY
EXECUTIVE AND DESIGNATION OF TEMPORARY EXECUTIVE IN
ACCORDINANCE WITH IC: 36-4-5-8(c) and IC: 36-4-5-8(d)**

Comes now, the Petitioner, Patricia Russell, president pro tempore of the City of Peru Common Council, who being duly sworn, and respectfully Petitions the Court to make a determination as to the absence or inability of the Mayor of the City of Peru, Miles Hewitt, and to make the designation of a Temporary Executive and in support thereof, states as follows:

1. Miles Hewitt is the duly elected Mayor of the City of Peru, having taken office on January 1, 2020.
2. Patricia Russell is a duly elected councilwomen of the Common Council of the City of Peru.
3. In January of 2022, Patricia Russell was voted by the Common Council as the President Pro Tempore of the Common Council.
4. The City of Peru is a third-class city as defined by the Indiana General Assembly, codified by the Indiana Code.
5. The City of Peru has not established the position of Deputy Mayor.
6. Mayor Miles Hewitt was hospitalized due to a heart attack during on Friday, April 29, 2022.
7. That the continuing nature of the incapacity of Mayor Hewitt, is that he continues to suffer from complications arising from treatment of said heart attack, and that he currently is unable to discharge the powers and duties of the executive's office.
8. Mayor Hewitt's wife has confirmed that on various occasions since April 29, 2022, Mayor Hewitt's medical providers have had to sedate him and place him on a ventilator, with the most recent occurrence happening on May 16, 2022.
9. At this time, Mayor Miles Hewitt is not capable of discharging the powers and duties of the Executive Office of the City of Peru.
10. The President Pro Tempore of the Common Council in a third-class city, shall serve as acting executor with all the powers of the office, if there is no deputy mayor.

11. A person may serve as acting executive for a maximum of six (6) months under IC: 36-4-5-8(d)(2).

WHEREFORE, Petitioner prays this Court determine that an absence exist in the Executive Office of the City of Peru, that Mayor Miles Hewitt is not capable of discharging the powers and duties of the executive's office, that the Petitioner Patricia Russell be appointing as acting Mayor of the City of Peru for a period not to exceed six (6) months, or until Mayor Hewitt is able to resume the powers and duties of the executive's office, and for all other relief proper in the premises.

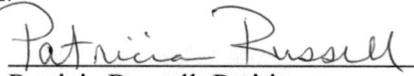
"I hereby affirm, under the penalties of perjury, that the above and foregoing representations are true."



Patricia Russell, Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been served upon Dustin L. Kern, City Attorney, for the City of Peru, by E-Filing System, and Miles Hewitt, c/o Susian Hewitt, 61 N Huntington St., Peru, IN 46970 by First Class U.S. Mail, with sufficient postage affixed, this 17 day of May 2022.



Patricia Russell, Petitioner