

ORDINANCE G-13- 02

AN ORDINANCE REPEALING ORDINANCE G-12-08 REGULATING NEPOTISM, AND IMPLEMENTING A REVISED NEPOTISM POLICY AND APPROVING A CONTRACTING POLICY FOR RELATIVES OF TOWN EMPLOYEES AND/OR TOWN ELECTED OFFICIALS

WHEREAS, pursuant to Indiana House Enrolled Act No. 1005, effective July 1, 2012, all units of local government must implement and adopt a nepotism policy consistent with the provisions of Indiana Code 36-1-20, et seq. and Indiana Code 36-1-21, et seq.; and

WHEREAS, the Indiana Department of Local Government Finance will not approve a local government unit's annual budget or any additional appropriations for the calendar year 2013 if such nepotism policy is not implemented by the local governmental unit and the clerk/treasurer submits such a statement verifying such policy implementation.

NOW, THEREFORE, BE IT ORDAINED by the Georgetown Town Council as follows:

SECTION 1. Ordinance G-12-08 is hereby *REPEALED*.

SECTION 2. REVISED TOWN OF GEORGETOWN NEPOTISM POLICY

A. PURPOSE. Decisions about hiring, promoting, evaluating, awarding salary increases, job assignments, terminating employees, and the awarding of contracts for goods and services, and public works projects should be based on qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment-related and contractual decisions promotes confidence in the electorate in its leaders and government. The purpose of this policy is to prohibit certain individuals from being employed by the Town of Georgetown, Indiana in such a position in which a relative, as defined below, provided direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by or elected to represent the Town of Georgetown, for goods, services and public works projects.

B. DEFINITIONS:

1. Relative. For purposes of this Section, the term includes any of the following:
 - A. Spouse;
 - B. Parent or step-parent, grandparent or step-grandparent;

- C. Child or step-child (includes an adopted child);
- D. Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
- E. Niece or nephew;
- F. Aunt or uncle;
- G. Daughter-in-law or son-in-law;
- H. Sister-in-law or brother-in-law.
- I. First cousin.

2. Town. The Town of Georgetown, Indiana and it's boards and departments.

3. Elected Official. The Town Council and the Town Clerk/Treasurer.

4. Member of the Fire Department. The fire chief and any firefighter appointed to the Georgetown Fire Department or Georgetown Township Fire Department.

5. Member of the Police Department. The police chief and any police officer appointed to the Georgetown Police Department.

6. Employed. An individual who works for or is appointed to any department or board of the Town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

7. Break in Employment. Termination, retirement, or resignation of an employee from the Town. A break in employment does not occur due to absence from the workplace while on paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the Town without loss of payroll time.

8. Direct Line of Supervision. An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Town Council regarding the passage of annual salary ordinances, annual budges, and personnel policies are excluded from this definition.

SECTION 3. EMPLOYMENT POLICY.

1. Individuals who are relatives, as defined in subsection b, above, of existing employees may not be employed by the Town in a position that results in one (1) relative being in the direct line of supervision of the other relative.

2. An individual who is employed by the Town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein,

with the Town.

3. If an individual is employed by the Town and the individual's relative begins serving a term of elected office, the individual may continue his/her employment with the Town and retain his/her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

4. While an individual who is employed by the Town and the individual's relative begins serving a term of elected office may continue his/her employment with the Town, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

SECTION 4. CONTRACTING POLICY. The Town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

1. The elected official, files with the Town a full disclosure which must be:
 - A. In writing; and
 - B. Describe the contract or purchase to be made by the Town; and
 - C. Describe the relationship the elected official has to the individual or business entity that provided the contract for goods, services or public works.
2. The appropriate Town board or department must:
 - A. Issue a certified statement that the contract amount or purchase price was the lowest amount or bid price offered; or
 - B. Issue a certified statement detailing the reasons by the particular vendor or contractor was selected.
3. The Town must satisfy all other requirements of Indiana's public purchasing or public works projects statutes.
4. The elected official complies with the disclosure provisions of Indiana Codes 35-44-1-3 and 36-1-21-5.
 - C. Submission of Compliance Statements. In addition to any other disclosures or certifications required by this Section, the following actions must be taken:
 - (1) The annual report filed by the Town with the State Board of Accounts under I.C. 5-11-13-1 must include the Town

Clerk/Treasurer's statement that the Town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

- (2) Prior to December 31st of each year, each elected officer shall submit to the Town Clerk/Treasurer a certification, in writing, subject to the penalty of perjury, that said officer has not violated the provisions of the Town's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

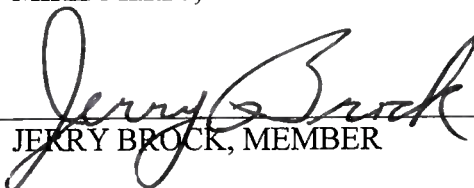
SECTION 5. All existing employment policies, employee handbooks, and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby REPEALED.

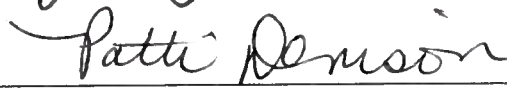
SECTION 6. This Ordinance is **RETROACTIVE** to July 1, 2012.

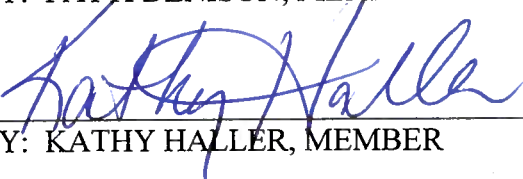
ALL OF WHICH IS ORDAINED THIS 19 DAY OF FEBRUARY, 2013.

GEORGETOWN TOWN COUNCIL


BY: MIKE MILLS, PRESIDENT


BY: JERRY BROCK, MEMBER


BY: PATTI DENISON, MEMBER


BY: KATHY HALLER, MEMBER


BY: JIM TRIPURE, MEMBER

ATTEST:


DOUGLAS COOK, TOWN CLERK/TREASURER