

TOWN OF ULEN

141 ULEN BLVD.

LEBANON, INDIANA 46052

TOWN BOARD

STEVEN S. LEWIS, PRES.

JO KERR

JENNIFER JONES

TOWN OFFICIALS

STEVEN A. MILLION, CLERK-TREAS.

ORDINANCE 2012-02

ORDINANCE/RESOLUTION ADOPTING ANTI-NEPOTISM POLICY


BE IT RESOLVED by Town of Ulen Council of Boone County, Indiana that an Anti-Nepotism policy shall be established. Said policy is pursuant to Section 7 of HEA 1005 and is enumerated in IC 36-1-20.2 and IC 36-1-21. In recognition that the Town of Ulen does not and has not permitted nepotism, the referenced and attached Indiana Code provisions are specifically incorporated in their entirety into Ordinance 2012-02.

BE IT FURTHER RESOLVED that the Clerk-Treasurer is authorized annually to secure appropriate statements pursuant to IC 5-11-13-1 indicating the Town's compliance with the anti-nepotism policies enumerated IC 36-1-20.2 and IC 36-1-21

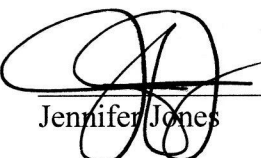
Duly adopted by the following vote of the members of said Town Ulen Town Council this 24th day of July, 2012.

AYE

NAY



Steven Lewis



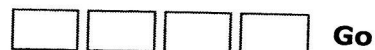
Jennifer Jones



Josephine Kerr

Attest: 

Steven A Million, Clerk-Treasurer



Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 36-1-20.2

Chapter 20.2. Nepotism

IC 36-1-20.2-1

Applicability

Sec. 1. This chapter applies to all units.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-2

Individuals employed on July 1, 2012

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-3

Precinct election officers and volunteer firefighters not subject to chapter

Sec. 3. For purposes of this chapter, the performance of the duties of:

(1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or

(2) a volunteer firefighter;

is not considered employment by a unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-4

"Direct line of supervision"

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-5

"Employed"

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual

who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-6

"Member of the fire department"

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-7

"Member of the police department"

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-8

"Relative"

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-9

Adoption of more stringent or detailed requirements

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter. The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-10

Employment of relatives in direct line of supervision prohibited

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-11

Employee not in violation if relative assumes elected office; promotions

Sec. 11. (a) This section applies to an individual who:

(1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and

(2) is not exempt from the application of this chapter under section 2 of this chapter.

(b) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate section 10 of this chapter.

(c) Unless a policy adopted under section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

(1) be promoted to a position; or

(2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department; if the new position would violate section 10 of this chapter.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-12

Employment contract not abrogated

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

(1) an individual is a party to; and

(2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-13

Sheriff's employment of spouse as prison matron allowed

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-14

Employment of former coroner allowed

Sec. 14. Unless the policy adopted under section 9 of this chapter provides otherwise, an individual:

(1) who served as coroner;

(2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;

(3) who, as coroner, received certification under IC 36-2-14-22.3; and

(4) whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-15

Township trustee; hiring of relative to work in office located in residence permitted; salary limit

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;
- (2) may be in the township trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-16

Annual certification by elected officer

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-17

Noncompliance reported to the department of local government finance

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

As added by P.L.135-2012, SEC.7.

IC 36-1-20.2-18

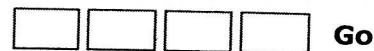
Budget or additional appropriations may not be approved

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

As added by P.L.135-2012, SEC.7.



Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

IC 36-1-21

Chapter 21. Contracting With a Unit

IC 36-1-21-1

Applicability

Sec. 1. This chapter applies only to a unit.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-2

"Elected official"

Sec. 2. As used in this chapter, "elected official" means:

- (1) the executive or a member of the executive body of the unit;
- (2) a member of the legislative body of the unit; or
- (3) a member of the fiscal body of the unit.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-3

"Relative"

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
- (2) A parent or stepparent.
- (3) A child or stepchild.
- (4) A brother, sister, stepbrother, or stepsister.
- (5) A niece or nephew.
- (6) An aunt or uncle.
- (7) A daughter-in-law or son-in-law.

(b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-4

Adoption of more stringent or detailed requirements

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

(1) include requirements that are more stringent or detailed than any provision in this chapter; and

(2) apply to individuals who are exempted or excluded from the application of this chapter. The unit may prohibit or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.

(b) The annual report filed by a unit with the state board of accounts under IC 5-11-13-1 must

include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-5

Contract disclosure requirements

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

- (1) the elected official files with the unit a full disclosure, which must:

- (A) be in writing;
- (B) describe the contract or purchase to be made by the unit;
- (C) describe the relationship that the elected official has to the individual or business entity

that contracts or purchases;

- (D) be affirmed under penalty of perjury;

(E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and

- (F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:

- (i) the state board of accounts; and
- (ii) the clerk of the circuit court in the county where the unit takes final action on the

contract or purchase;

- (2) the appropriate agency of the unit:

(A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or

- (B) makes a certified statement of the reasons why the vendor or contractor was selected; and

- (3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.

(c) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.

(d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-6

Annual certification by officer

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31

of each year.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-7

Noncompliance reported to the department of local government finance

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

As added by P.L.135-2012, SEC.8.

IC 36-1-21-8

Budget or additional appropriations may not be approved

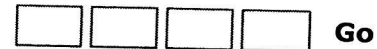
Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

(1) the unit's budget; or

(2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.

As added by P.L.135-2012, SEC.8.



**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 5-11-13**

Chapter 13. Executive Officers' Annual Report to State Board of Accounts

IC 5-11-13-1

Personnel report; approval of budget or supplemental appropriation

Sec. 1. (a) Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a certified report, correctly and completely showing the names and business addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. The report must also indicate whether the political subdivision offers a health plan, a pension, and other benefits to full-time and part-time employees. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year. The certification must be filed electronically in the manner prescribed under IC 5-14-3.8-7.

(b) The department of local government finance may not approve the budget of a county, city, town, or township or a supplemental appropriation for a county, city, town, or township until the county, city, town, or township files an annual report under subsection (a) for the preceding calendar year.

(Formerly: Acts 1943, c.100, s.1.) As amended by P.L.11-1987, SEC.10; P.L.169-2006, SEC.5; P.L.172-2011, SEC.14; P.L.137-2012, SEC.9.

IC 5-11-13-1.1

Report; statement concerning nepotism and contracting policy

Sec. 1.1. (a) This section applies to a unit (as defined in IC 36-1-2-23).

(b) A report under section 1 of this chapter that is submitted after December 31, 2012, must include a statement by the executive (as defined in IC 36-1-2-5) of the unit regarding whether the unit has implemented a policy under IC 36-1-20.2 and IC 36-1-21. If a unit does not implement a policy under IC 36-1-20.2 and IC 36-1-21, the department of local government finance may not approve the unit's budget or any additional appropriations for the unit for the ensuing

calendar year.

As added by P.L.135-2012, SEC.2.

IC 5-11-13-2

Filing reports; public record

Sec. 2. The state examiner shall accept all such reports for filing and keep the same as public records which shall be open to public inspection and examination at reasonable times.

(Formerly: Acts 1943, c.100, s.2.)

IC 5-11-13-3

Violations; offense; penalty

Sec. 3. A person who violates section 1 of this chapter commits a Class C infraction. If violated by an elected state officer, the officer is liable to impeachment, and if violated by any other person, the person is subject to removal for neglect of duty under the procedures described in IC 34-17.

(Formerly: Acts 1943, c.100, s.3.) As amended by Acts 1978, P.L.2, SEC.514; P.L.3-1993, SEC.247; P.L.1-1998, SEC.70.
