

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1313

AN ORDINANCE ESTABLISHING AN ETHICS
ORDINANCE FOR THE TOWN OF ST. JOHN

WHEREAS, the Town of St. John, Lake County, Indiana has been blessed with honest and ethical government and the current administration wishes to maintain that heritage; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana recognizes that it has the duty of exercising leadership for responsible and trustworthy behavior in Town governmental activities; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana has determined it is necessary to develop a code to govern the conduct of public officials so that their conduct will continue to be legally correct, honest, and fair to all concerned and untainted by any consideration of private gain; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana believes it is important to foster public confidence in the government of our Town by discouraging conduct which creates the appearance of impropriety; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana desires that all members of Boards, Commissions, Committees, and similar organizations who are or were appointed through the authority of the St. John Town Council will perform their governmental duties at all times in an ethical, professional, responsible, and open manner so as to meet the highest standards of ethical and respectable behavior.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana as follows:

SECTION ONE PURPOSE

The purpose of this Ordinance is to establish ethical and legal standards of conduct for all public officials of the Town of St. John and to require disclosures by all public officials of private, financial, or other interests in matters that may affect the Town; and it is the policy of the Town of St. John that in all cases its elected and appointed officials perform their duties for the benefit of the citizens of the Town of St. John and that they shall conduct the government of the Town with loyalty, integrity, and impartiality, without allowing prejudice, favoritism, or the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest.

SECTION TWO CONSTRUCTION

The provisions of this Ordinance shall be broadly construed and interpreted to assure that all Public Officials working by and on behalf of the municipal government of the Town of St. John perform their duties for the Town at all times in an ethical, professional, responsible, and open

manner so as to meet the highest standards of ethical and respectable behavior; all Public Officials of the Town should set and demand the highest standards of ethical behavior in their official capacities. To the extent applicable, this Ordinance shall also apply to independent contractors hired to perform work and/or services for the Town of St. John.

SECTION THREE PUBLIC OFFICIAL

For purposes of this Ordinance, the term "Public Official" shall mean any elected official, appointed official, or any member of a Board, Commission, or Committee that is appointed by the Town Council or any other Board or Commission of the Town of St. John. To the extent applicable, this Ordinance shall also apply to all employees of the Town of St. John, either full time or part time.

SECTION FOUR APPOINTMENTS AND EMPLOYMENT

No Public Official shall appoint an individual to any position when the Public Official would be considered to be a principal or officer of an organization where the individual being considered for appointment is a member of the same organization with the exception that this shall not apply to any not-for-profit organizations or similar entities where neither the Public Official nor the individual being considered for appointment receives any remuneration from the not-for-profit organization.

SECTION FIVE USE OF PUBLIC PROPERTY

A. No Public Official shall use the funds or property of the Town for a purpose which is, or would reasonably appear to be, for the private benefit of such Public Official unless the property is available to the general public on equal terms and the use is in accordance with municipal policies or ordinances.

B. No Public Official shall allow the use of equipment, supplies, or labor of the Town to perform services on any non-public property unless an emergency exists and specific authorization is given by the appropriate department head, approved by the Town Manager, and disclosed in writing within 5 days.

C. No Public Official shall instruct or induce any Town employee to engage in conduct prohibited by other ordinances of the Town of St. John including the use of Town employees or Town assets for any activity related to the political campaign of any person, or for any purpose other than authorized Town business.

SECTION SIX CONFLICTS OF INTEREST

It shall be a conflict of interest and a violation of this Ordinance for a Public Official:

A. To participate in the procurement of any contract or purchase by the Town if such contract or purchase involves the Public Official, a member of his or her family, a business associate, or other entity in which he or she has a financial interest.

B. To participate in any vote or participate in any discussion in his or her public capacity on any matter if the matter has a potential financial benefit to the Public Official, a member of his or her family, a business associate or anything in which he or she has a financial interest. In addition to recusal, a Public Official shall disclose any potential conflict of interest to the Office of the Clerk-Treasurer within five (5) days of obtaining such knowledge unless the conflict of interest has been previously disclosed. The disclosure shall be on a Town form approved for said purposes. The Clerk-Treasurer shall retain on file all such disclosures. In the event that Public Official desires to abstain from voting on a particular matter, the Public Official shall announce his or her intention to abstain before the vote is taken and shall also provide a reason for the abstention. In the event that the abstention from voting would result in a lack of a quorum for the board or commission to act, then the affected Public Official may vote after full disclosure.

C. To require or encourage any other Public Official to engage in any conduct which would result in financial benefit to either Public Official.

D. To assist any person in any transaction with the Town when such assistance is or would reasonably appear to be improperly enhanced by the position of the Public Official of the Town. Public Officials may provide such assistance if it is provided in the course of their official duties.

E. To disclose or use any information obtained as a Public Official for his or her private gain, for the gain of another Public Official, or for any other person unless and until such information is available to the public.

F. To solicit or receive a gift, loan, or employment when it has been or would reasonably appear to have been solicited, received, or given with the intent to give, obtain, or reward special consideration or influence as to any action by such Public Official in his or her official capacity.

G. To receive a gift or honorarium in excess of total \$30.00 value per year from all sources in any calendar year from any individual or other entity doing business with the Town of St. John.

H. Gifts shall include, without limitation, money, loans, services, discounts, rebates, gift baskets, golf outings, food, beverages, parties, and entertainment of a sporting nature or other. In the event a Public Official has accepted a gift or loan from a petitioner before the Town Council or any other Town Board, Commission, or Committee within the ninety (90) days last past, the Public Official must disclose the acceptance of the gift or loan within five (5) days.

I. Not included in the definition or inclusion of "gifts" or "other" aforesaid shall be those items of value customarily known by the general public to be provided in the ordinary course of business to any member of the general public; food or beverage consumed at a public, professional, or community reception; acceptance of a professional or public award reflecting

positive performance for community service; and/or campaign contributions reported in full compliance with federal, state, and local statutes and ordinances as they may apply.

SECTION SEVEN STATEMENT FOR DISCLOSURE OF FINANCIAL INTEREST

A. All elected officials of the Town and all candidates for elective office in the Town shall meet all requirements regarding disclosure of financial interests including, but not limited to, filing of disclosure forms approved for said purposes. Copies of all forms shall be filed with the Clerk-Treasurer of the Town. Additionally, nothing in this Ordinance is intended to in anyway alleviate the requirement of full compliance with the State of Indiana statutes with respect to conflict of interest, and disclosure of conflicts found in I.C. 35-44-1-3.

B. In addition to the above requirement, all Public Officials shall be required to file an annual statement disclosing the name of any outside business or occupation outside his or her duties with the Town together with the business address and telephone number; any financial interest in a business entity along with an explanation and extent of his or her relationship to said entity; any financial interest of a family member or business associate which would affect his or her relationship with the Town; and the amount of gifts or honoraria exceeding Thirty Dollars (\$30.00) received by the Public Official or his or her family member from all outside contractors. For purposes of this provision, "outside contractor" shall mean any person or entity who has a contract, purchase or other commercial venture pending with the Town or has engaged in any contract, purchase or other commercial venture with the Town within the past twenty-four (24) months. Elected officials are understood to have all departments and divisions of the Town within their segment of responsibility. In the event that the Public Official has no outside business or occupation or financial interest that would require the filing of a statement of disclosure to this section, then no filing will be required.

SECTION EIGHT NON-DISCRIMINATION

No Public Official shall discriminate against any person in violation of federal law, state law, or ordinances of the Town.

SECTION NINE CAMPAIGN ACTIVITIES

All persons to whom this Ordinance applies and who are engaged in any activities to gain public office or to assist another person or group to gain public office shall comply with any and all federal, state, and local laws with respect to the same.

SECTION TEN ETHICS COMMISSION

A. There is hereby created an Ethics Commission for the purpose of hearing any inquiries regarding this Ordinance and hearing claims for a violation of this Ordinance. The Commission shall consist of five (5) residents of the Town of St. John, whose appointment shall be made as follows:

1. The President of Purdue University Calumet shall nominate one (1) member for an initial term of one (1) year.
2. The President of Indiana University Northwest shall nominate one (1) member for an initial term of two (2) years.
3. The Board of Directors of the St. John Chamber of Commerce shall nominate one (1) member for an initial term of one (1) year.
4. The President of the Lake Central School Board shall nominate one (1) member for an initial term of two (2) years.
5. The four (4) nominees shall designate a fifth (5th) member who shall serve an initial term of one (1) year.
6. Thereafter, all nominating bodies shall make appointments for a period of two (2) years with the understanding that no individual shall serve for a period of more than three (3) consecutive two (2) year terms.
7. The St. John Town Council shall confirm and ratify the nominations made to the Ethics Commission.
8. No appointment to the Ethics Commission shall be a Town employee, or independent contractor hired by the Town in the last twelve (12) months or a Public Official.
9. A member must recuse him/herself if he/she has a conflict of interest in a matter before the Commission.

B. The Ethics Commission shall have the power to pass rules of procedure as necessary and proper to carry out its duties.

C. A complaint alleging a violation of this Ordinance shall be in writing and notarized. Complaints should be submitted to the Town Council President and the Chairman of the Ethics Commission. The Chairman shall distribute to all members of the Ethics Commission, a copy of the complaint. The Chairman of the Ethics Commission shall notify the affected party that a complaint has been filed against him or her.

D. If the Ethics Commission determines that there has been a violation of a state statute, the Ethics Commission may immediately refer the complaint to the appropriate law enforcement agency and the Lake County Prosecutor.

E. In the event the Ethics Commission finds there is reason to believe there was non-compliance with this Ordinance, the Clerk-Treasurer shall notify the affected Public Official within two (2) business days after said determination has been made that a preliminary hearing will take place no later than ten (10) days from the date of said notice. The affected person may request a continuance of said hearing and, if approved by the Commission, a date will be scheduled no later

than thirty (30) days after the original preliminary hearing date. The person accused of the violation shall have the right to be represented by counsel and shall be allowed to examine evidence presented to the Commission. The only evidence to be considered must be given under oath or affirmation.

F. If the Commission does not find that a violation of this Ordinance has occurred, the complaint will be dismissed and a written dismissal shall be submitted to the affected Public Official. If a violation of this Ordinance has been determined by the Commission, it may recommend discipline and/or sanctions to the appropriate office or Board of the Town. A sanction may include a requirement that a gift or loan be returned, or that the appointing authority consider removing the person in violation from the appointed position for just cause consistent with state law.

SECTION ELEVEN GENERAL PROVISIONS

A. All Public Officials shall receive a copy of this Ordinance from the Office of the Clerk-Treasurer within fifteen (15) days after its adoption. Any candidate for public office or any individual being considered for appointment as a Public Official shall be provided with a copy of this Ordinance prior to their appointment and such individuals shall be advised that their appointment will be subject to the terms and conditions of this Ordinance and they shall be bound by this Ordinance if appointed or elected.

B. Any inquiries as to the provisions or references made herein should be addressed to the Ethics Commission in writing by any Public Official. The Ethics Commission shall respond in writing to any request from a Public Official for an interpretation of a rule, regulation, or this Ordinance.

C. In the event that the terms of this Ordinance are in conflict with any federal or state law or ruling of a federal or state agency, such law, rule, regulation, and/or ruling of the federal or state agency shall supersede the terms of this Ordinance.

D. This Ordinance shall not prohibit a public official from being reimbursed for expenses, receiving money as a campaign contribution, participating in collective bargaining, or being paid for a service as a public official or any other except that may be provided by applicable state law or state rules and regulations, or any ruling of a state agency of the State of Indiana.

E. A Public Official may appear before any public body on his or her own behalf as to any matter in which he or she has a personal financial interest if full disclosure is made in advance and such activity is not otherwise prohibited by law.

F. Any employment, appointed position, or contractual relationship which exists prior to adoption of this ordinance shall not be a violation of this Ordinance.

G. No Public Official shall represent a person, entity, or petitioner in any matter before the Town of St. John, Indiana for a period of ninety (90) days following termination of their duties or responsibilities with the Town.

H. The Town Council shall review this Ordinance and make any recommended changes at least once every four (4) years, and may do so more frequently as needed. The Town Council shall make changes in this policy (Ordinance) as it deems reasonable and necessary.

BE IT FURTHER ORDAINED that all existing ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal affect, and are specifically repealed.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to law.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 11th day of November, 2003.

Aye 3 Nay 2

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

Michael S. Forbes
MICHAEL S. FORBES, President

Kristie L. Aldridge
KRISTIE L. ALDRIDGE

WILLIAM M. WINTERHALER

Jerome J. Rudy
JEROME J. RUDY

Gregory J. Volk
GREGORY J. VOLK

ATTEST:
Sherry P. Sury
SHERRY P. SURY
Clerk-Treasurer