

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO: 1526

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1313, BEING: "AN ORDINANCE ESTABLISHING AN ETHICS ORDINANCE FOR THE TOWN OF ST. JOHN" AND REPEALING ALL CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, did, on the 11th day of November, 2003, at a Public Meeting of the Town Council, approve and adopt Town Ethics Ordinance No. 1313; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the Ethics Ordinance contains a provisions that requires review every four (4) years to determine if any amendments are required; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, recognizes that an ethics ordinance is desirable and necessary for the Town of St. John to provide a standard of excellence for the honesty, fairness, openness, conduct, and candor of Town officials, employees, and appointees; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that certain amendments are required for the ethics committee membership and the ethics complaint procedure; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed Town Ordinance No. 1313, as amended, now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of St. John that amendments to Town Ordinance No. 1313 be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: That **SECTION TWO** of Town Ethics Ordinance No. 1313, entitled **CONSTRUCTION**, be, and the same is hereby replaced to read and provide as follows, namely:

"SECTION TWO: APPLICABILITY

The provisions of this Ordinance shall apply to all elected officials of the Town; all members of all Commissions and Boards established by state statute or local ordinance, resolution or motion; individuals appointed by the President and/or Town Council; the Town Manager; the Town Attorney; and, to the extent possible, all Town hired Independent Contractors (collectively referred as "Official"). Further, the provisions of this Ordinance shall apply to all Department and Division Heads, all other employees of the Town, and all members and employees of the St. John Volunteer Fire Department entity, which listing is approved annually by the Town Council (collectively referred as "Employee"). The Ordinance is in addition to the rules and requirements as set forth in the Town Code, the Town Personnel Policy Manual, the Police Department Policies and Procedures,

and all applicable Federal, State, and local laws, all as currently in effect. Further, the written acceptance of this Ordinance shall be a condition for initial and continuing service for the Town by an Official or Employee.”

SECTION TWO: That **SECTION FIVE** of Town Ethics Ordinance No. 1313, entitled **ETHICS OFFICER AND COMMITTEE**, be, and the same is hereby replaced to read and provide as follows, namely:

“SECTION FIVE: ETHICS OFFICER AND COMMITTEE

(A) The Town Council President shall be Ethics Officer, except when the Town Council President is the subject of a complaint. If the event that the Town Council President is the subject of a complaint, then the Town Council Vice-President shall be the Ethics Officer. The duties and responsibilities of the Ethics Officer shall be as set forth herein and any other duties and responsibilities given by the Town Council. The Ethics Officer shall serve with or without additional compensation, as determined from time to time by the Town Council, and shall be reimbursed for all reasonable costs and expenses incurred in the furtherance of the Ethics Officer’s duties and responsibilities.

(B) The Ethics Committee shall consist of five (5) residents of the Town of St. John who are not Employees, Officials, or current appointees to any St. John Board or Commission, whose nominations shall be made as follows:

- (1) The President of Hyles-Anderson College, Crown Point, Indiana, shall nominate and appoint one (1) Member for an initial term of two (2) years. The Member appointed herein shall be a full-time Faculty Member of the College, Board Member of the College Administrative Board, or Administrative Staff Employee;
- (2) The President of the Hanover Community School Corporation Board of School Trustees shall nominate and appoint one (1) Member for an initial term of two (2) years. The Member appointed herein shall be a Member of the School Board of Trustees or a School Administrative Staff Member;
- (3) The Board of Directors of the St. John Chamber of Commerce shall nominate and appoint one (1) Member for an initial term of two (2) years;
- (4) The President of the Lake Central School Corporation Board of School Trustees shall nominate and appoint one (1) Member for an initial term of one (1) year. The Member appointed herein shall be a Member of the School Board of Trustees or a School Administrative Staff Member; and
- (5) The four (4) other appointed Ethics Committee Members shall nominate and appoint a fifth (5th) Member who shall serve for an initial term of one (1) year.

After the initial appointments, all appointments shall be made for terms of two (2) years. No Ethics Committee member may serve more than three (3) two (2) year terms. The St. John Town Council shall confirm and ratify the nominations made to the Ethics Committee."

SECTION THREE: That **SECTION SIX** of Town Ethics Ordinance No. 1313, entitled **PROCEDURE**, be, and the same is hereby replaced to read and provide as follows, namely:

"SECTION SIX: PROCEDURE

(A) Ethics Officer Review

In the event that a citizen has a complaint based upon personal knowledge of an alleged violation of this Ordinance by a Town Official or Employee, the citizen shall deliver and submit a written notarized complaint of such alleged violation on a form prescribed by the Town, and verified under the penalties of perjury, to the Clerk Treasurer's Office in a sealed envelope addressed to the Town Council President as Ethics Officer. The verified complaint submitted shall contain specific reference and identification of the Ethics Ordinance provisions alleged to have been violated. In the event that the subject of the submitted non-compliance is the Town Council President, then the person submitting the notice shall address the envelope to the Town Council Vice-President. The Ethics Officer shall review the verified citizen complaint to determine whether a violation of this Ordinance, as amended from time to time, has been properly stated and made consistent with the requirements herein. In the event that the Ethics Officer determines that no violation has been stated or occurred, then the Ethics Officer shall so notify the citizen complainant in writing, and there shall be no further proceedings herein. In the event that the Ethics Officer determines that a citizen complaint has been properly stated, and is within the jurisdiction of the Ethics Committee, then the Ethics Officer shall notify the Ethics Committee and transmit the verified citizen complaint and all information gathered on the citizen complaint to the Ethics Committee for further review and next consideration. The Ethics Officer shall have the right and authority to receive, review, and assess a citizen complaint for substantive compliance with the terms of this Ordinance for the further processing of any citizen complaint, and is authorized to utilize staff and legal counsel for assistance whenever deemed appropriate and necessary.

(B) Ethics Committee Review

(1) The Ethics Officer shall inform the Official or Employee of the citizen complaint made and provide the Official or Employee an opportunity to explain in writing any response deemed necessary by the Official or Employee pertaining to the alleged Ordinance violation, which response shall be forwarded to the Ethics Committee for review along with the citizen complaint and information gathered by the Ethics Officer pertaining to the citizen complaint.

(2) When required, the Ethics Officer shall notify and convene the Ethics Committee in Executive Session meeting to review any complaint and response thereto. The Ethics Committee may review the citizen complaint as the Ethics Committee deems

appropriate and required.

(3) In the event that the Ethics Committee, upon completion of its review of all information provided pertaining to the citizen complaint, determines that an Official or Employee has violated this Ordinance, the Ethics Committee may:

(a) as to an Official, recommend an appropriate notice and/or corrective action;

(b) as to an Employee, refer the matter to the Town Council, Town Manager, or appropriate Board or Commission for notice, hearing, and/or action in accordance with the Town Personnel Policy Manual and/or applicable Indiana Statutes; or

(c) as to an Official, Employee or other person, take any other action as may be required by the particular circumstances of the violation determined to have occurred.

The Ethic Committee shall have no authority to require or compel any action, but only authority to report its determination on the citizen complaint submitted with recommendation thereon.

(4) After a determination of violation or no violation, the Ethics Officer shall report the findings and recommendation of the Ethics Committee to the Town Council and file such report in a file designated for such purposes.”

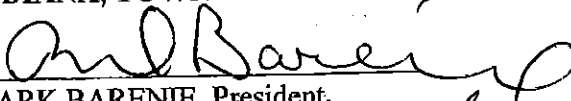
SECTION FOUR: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

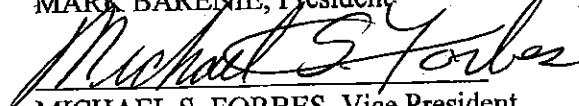
SECTION FIVE: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION SIX: 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.


ALL OF WHICH IS PASSED AND ADOPTED THIS 18th DAY OF November, 2010, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

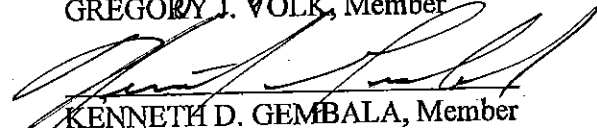
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL


MARK BARENIE, President

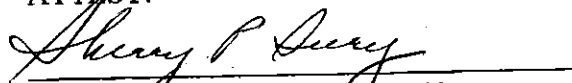

MICHAEL S. FORBES, Vice President


MICHAEL S. FRYZEL, Member


GREGORY J. VOLK, Member


KENNETH D. GEMBALA, Member

ATTEST:


SHERRY P. SURY, IAMC, CMC,
Clerk-Treasurer