

ORDINANCE NO. 2012-21-CM
AMENDING TIPPECANOE COUNTY CODE
ADDING NEW CHAPTER 36
ANTI-NEPOTISM POLICIES AND PROCEDURES

WHEREAS, the Indiana General Assembly has enacted IC 36-1-20.2, regarding the employment of relatives of elected officials by political subdivisions, and IC 36-1-21, regarding contracting with relatives of elected officials by political subdivisions; and

WHEREAS, The Board of Commissioners desires to establish policies and procedures for the County in accordance with said legislation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new Chapter 36 reading as follows:

1. ANTI-NEPOTISM POLICIES AND PROCEDURES.

The policies and procedures set forth herein shall govern the employment of relatives, contracts for the procurement of goods and services with relatives, and contracts for public works with relatives by Tippecanoe County.

2. DEFINITIONS.

- a. "Elected Official" means:
 - i. the Board of Commissioners of Tippecanoe County;
 - ii. a member of the Board of Commissioners of Tippecanoe County; or
 - iii. a member of the Tippecanoe County Council
 - iv. each elected county official;
 - v. each circuit and superior court judge;

- b. "Direct line of supervision" means an elected official 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 Board of Commissioners of Tippecanoe County or the Tippecanoe County Council to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

- c. "Employed" means an individual who is employed by Tippecanoe County 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 County.

- d. "Member of the Sheriff's Department" means the Sheriff or a law enforcement officer appointed to the Sheriff's Department.

- e. "Purchasing Agent" means a person designated to serve as a purchasing agent for the County pursuant to the Tippecanoe County Public Purchasing Ordinance, codified as Chapter 34 of the Tippecanoe County Code.
- f. "Relative" means any of the following:
 - i. A spouse;
 - ii. A parent or stepparent;
 - iii. A child or stepchild;
 - iv. A brother, sister, stepbrother, or stepsister;
 - v. A niece or nephew;
 - vi. An aunt or uncle; or
 - vii. A daughter-in-law or son-in-law.
- g. An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" include a brother or sister by the half blood.

3. RESTRICTIONS ON EMPLOYMENT OF RELATIVES.

- a. Individuals who are relatives may not be employed by Tippecanoe County in a position that results in one relative being in the direct line of supervision of the other relative.
- b. An individual who is employed by Tippecanoe County on the date the individual's relative begins serving a term of an elected office of the County:
 - i. may remain employed by Tippecanoe County and maintain the individual's position or rank even if the individual's employment would violate the prohibition against one relative being in the direct line of supervision of the other relative.
 - ii. **[May / May not]** be promoted to a position, or 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, if the new position would violate the prohibition against one relative being in the direct line of supervision of the other relative.

4. EXCLUSIONS AND EXCEPTIONS.

- a. An individual who is employed by Tippecanoe County on July 1, 2012 is not subject to these policies unless the individual has a break in employment with the County. Breaks in employment do not include the following:
 - i. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

- ii. The individual's employment with the County is terminated followed by immediate re-employment by the County, without loss of payroll time.
- b. These policies do not apply to performance of duties as a precinct election officer as defined in IC 3-5-2-40.1;
- c. This Policy does not abrogate or affect an employment contract with Tippecanoe County that:
 - i. an individual is a party to; and
 - ii. is in effect on the date the individual's relative begins serving a term of an elected office of the County.
- d. 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.
- e. An individual:
 - i. who served as coroner;
 - ii. who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
 - iii. who, as coroner, received certification under IC 36-2-14-22.3; and
 - iv. 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.
- f. If a township trustee's office is located in the township trustee's personal residence, the township trustee may hire only one employee who is a relative. The employee:
 - i. may be hired to work only in the township trustee's office;
 - ii. may be in the township trustee's direct line of supervision; and
 - iii. may not receive total salary, benefits, and compensation that exceed \$5,000 per year.

5. RESTRICTIONS ON CONTRACTING PRACTICES.

- a. Tippecanoe County and its authorized Purchasing Agents may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:
 - i. an individual who is a relative of an elected official or Purchasing Agent; or
 - ii. a business entity that is wholly or partially owned by a relative of an elected official or Purchasing Agent;
 only if the elected official or Purchasing Agent does not violate IC 35-44-1-3, and the requirements below are satisfied:

- (1) the elected official or Purchasing Agent files with the Board of Commissioners a full disclosure, which must:
 - (a) be in writing;
 - (b) describe the contract or purchase to be made by the elected official or Purchasing Agent;
 - (c) describe the relationship that the elected official or purchasing agent has to the individual or business entity that contracts or purchases;
 - (d) be affirmed under penalty of perjury;
 - (e) be submitted to the Board of Commissioners and be accepted by the Board of Commissioners in a public meeting prior to final action on the contract or purchase; and
 - (f) be filed, not later than 15 days after final action on the contract or purchase, with:
 - (i) the State Board of Accounts; and
 - (ii) the clerk of the Tippecanoe Circuit Court;

- (2) the elected official or Purchasing Agent:
 - (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
 - (c) satisfies any other requirements under IC 5-22 or IC 36-1-12.

- b. An elected official or Purchasing Agent must also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- c. These provisions do not affect the initial term of a contract in existence at the time the term of office of the elected official or Purchasing Agent begins.
- d. Each elected official or Purchasing Agent of Tippecanoe County must annually certify in writing to the Board of Commissioners of the County not later than December 31 of each year, subject to the penalties for perjury, that the elected official or Purchasing Agent is in compliance with IC 36-1-21. An officer must submit the certification.

This Ordinance shall be in full force and effect on the 30th day of June, 2012.

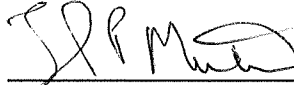
Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 18th day of June, 2012, by the following vote:

BOARD OF COMMISSIONERS OF

TIPPECANOE COUNTY

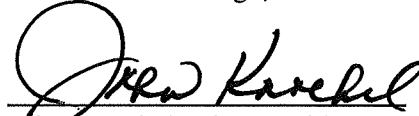
VOTE

y



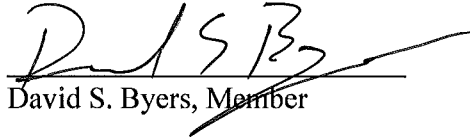
Thomas P. Murtaugh, President

y



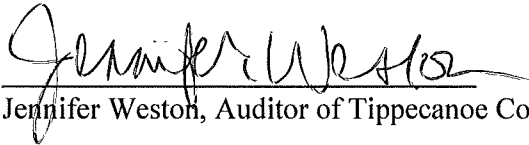
John Knochel, Vice President

y



David S. Byers, Member

ATTEST:


Jennifer Weston, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 18th day of June, 2012, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

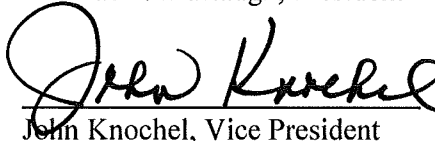
VOTE

y



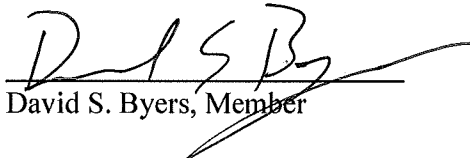
Thomas P. Murtaugh, President

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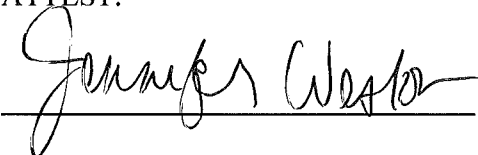
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