

RESOLUTION 2012- 07
RESOLUTION OF THE TOWN COUNCIL OF
NEW RICHMOND, INDIANA

WHEREAS, in 2012 the Indiana Legislature passed and the Governor signed HEA 1005 entitled Nepotism; Conflict of Interest; and

WHEREAS, IC 36-1-20.2, as added by Public Law 135-2012, SECTION 7, requires the Town of New Richmond, Indiana to establish a policy concerning nepotism; and

WHEREAS, IC 36-1-21, as added by Public Law 135-2012, SECTION 8, requires the Town of New Richmond, Indiana to establish a policy concerning contracting with relatives of elected officials; and

WHEREAS, these two new chapters, IC 36-1-20.2 Nepotism and IC 36-1-21 Contracting with a Unit, respectively, are effective July 1, 2012; and

WHEREAS, in both of the new Indiana Code chapters, the municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters; and

WHEREAS, in both of the new Indiana Code chapters "relative" is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law; and

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Town of New Richmond, Indiana believes it is in the best interests of its citizens to adopt as its policies the minimum requirements of IC 36-1-20.2 Nepotism and IC 36-1-21 Contracting with a Unit as stated in the said new chapters of the Indiana Code;

Now, therefore, the Town Council of New Richmond, Indiana, states as follows:

1. The Town of New Richmond (hereinafter Town) finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in employment with the Town and in contracting with the Town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively.

2. On July 1, 2012 the Town shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting Policy") and implementation will begin.

3. The New Richmond Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2 and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto.

4. The New Richmond Contracting Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of the IC 36-1-21 Nepotism in effect on July 1 is attached hereto.

5. The Town finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed".

6. The Town further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body; and, therefore, without such authority by the majority, he/she will not be in the direct line of supervision.

7. The Town finds that a single member of governing bodies with authority over employees in the Town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act; and, therefore, without such authority by the majority, the single member will not be in the direct line of supervision.

8. All elected and appointed officials and employees of the Town are hereby directed to cooperate fully in the implementation of the policies created by this Resolution and demonstrating compliance with these same policies.

9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, compliance and mandated certifications of the Nepotism Policy may be subject to action allowed by law.

10. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting Policy may be subject to action allowed by law.

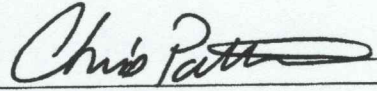
11. The policies created by this Resolution are hereby directed to be implemented by any of the following actions:

- a) posting a copy of this Resolution/Ordinance in its entirety in at least one of the locations in the Town where it posts employer posters or other notices to its employees;
- b) providing a copy of this Resolution to its employees and elected and appointed officials;
- c) providing or posting a notice of the adoption of this Resolution; or
- d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon any of taking these actions these policies are deemed implemented by the Town.

12. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto.

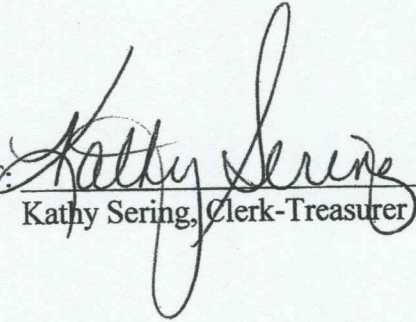
13. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk-Treasurer for the Town for public inspection as may be required by IC 36-1-5-4.

This Resolution is adopted this 2nd day of July, 2012, with an effective date of July 1, 2012..



Chris Patterson, President
New Richmond Town Council

ATTEST:



Kathy Sering, Clerk-Treasurer