

## **RESOLUTION 2015-10**

### **Town of Speedway Resolution for compliance with HEA 1005 entitled Conflict of Interest and Nepotism Effective July 1, 2012**

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

WHEREAS, Ind. Code § 36-1-21, as added by P.L. 135-2012, SECTION 8, requires the Town to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, Ind. Code § 36-1-21 requires the municipal legislative bodies to adopt a policy that includes, as a minimum, the requirements set forth in the chapter;

WHEREAS, after thoughtful consideration and in order to comply with Ind. Code § 36-1-21, the Town believes it is in the best interests of its citizens to adopt as its policy the minimum requirements of Ind. Code § 36-1-21, Contracting with a Unit, as stated in the said chapter of the Indiana Code; and

Now, therefore, the Town Council of Speedway states as follows:

1. The Town shall have a Contracting with a Unit Policy that complies with the minimum requirements of Ind. Code § 36-1-21 (hereinafter "Contracting with a Unit Policy" or "Policy"), as described herein.
2. For the purpose of this Policy, "relative" means 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.
3. The Town, or any department, office, agency, or elected official of the Town, may enter into a contract or renew a contract for the procurement of goods and services or enter into a contract for public works with
  - a. an individual who is a relative of an elected official; or
  - b. a business entity wholly or partially owned by a relative of an elected official;

only if the requirements of the Contract with a Unit Policy, as set forth herein, are satisfied.

4. The Town may enter a contract covered by Section 3 of this Resolution if the following conditions are met:
  - a. The elected official files a full disclosure with the Town which is:
    - i. In writing;
    - ii. Describes the contract or purchase to be made by the Town;
    - iii. Describes the relationship that the elected official has to the individual or business entity that contracts or purchases;
    - iv. Affirmed under penalty of perjury;


- v. Submitted to the Town Council and accepted by the Town Council in a public meeting prior to final action on the contract or purchase; and
    - vi. Filed, not later than 15 days after final action on the contract or purchase, with: (i) the state board of accounts; and (ii) the Marion County Clerk.
  - b. The appropriate department, office, agency, or elected official of the Town:
    - i. Makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
    - ii. Makes a certified statement of the reasons why the vendor or contractor was selected.
  - c. The elected official also complies with the conflict of interest provisions set forth in Ind. Code § 35-44.1-1-4.
  - d. The Town satisfies all other contracting requirements of Ind. Code § 5-22 (purchases of goods and services) or Ind. Code § 36-1-12 (public works).
5. Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this Contracting with a Unit Policy. An officer shall submit the certification to the Town Manager not later than December 31st of each year.
  6. All elected and appointed officials and employees of the Town are hereby directed to cooperate fully in the implementation of the policy created by this Resolution and demonstrate compliance with same.
  7. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with a Unit 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, compliance and mandated certifications of this Contracting with Unit Policy may be subject to action allowed by law.
  8. This Contracting with a Unit Policy is intended to implement the minimum requirements necessary to comply with Ind. Code § 36-1-21, as amended from time to time. If and to the extent the Policy is not in compliance with Ind. Code § 36-1-21, the Policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded herefrom, as may be necessary to make the Policy compliant.
  9. If any portion of this Policy is held or deemed to be invalid or illegal, the validity or legality of the remaining portions shall not be affected, and the Policy shall be construed as if it did not contain such invalid or illegal portions.
  10. The Town reserves the right to review the specific facts of any case where the Policy is implicated and make exceptions on a case-by-case basis consistent with Indiana law, including the provisions of Ind. Code § 36-1-21. Further, the Town

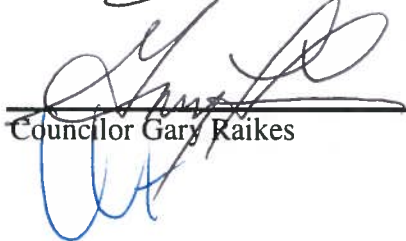
reserves the right to modify or amend the provisions of the Policy from time to time consistent with Indiana law, including the provisions of Ind. Code § 36-1-21.

11. This resolution shall be in full force and effect from and after its adoption.

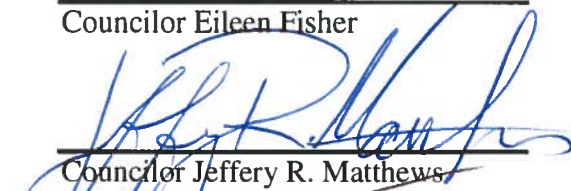
Duly adopted on this 26<sup>th</sup> day of October, 2015, by the Speedway Town Council, Speedway, Indiana, by a vote of 5 ayes and 0 nays.

Speedway Town Council

  
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President/Councilor David Lindsey

  
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Councilor Gary Raikes

Councilor Eileen Fisher

  
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Councilor Jeffery R. Matthews

  
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Councilor Bill Suffel