

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 24 -2012

**ORDINANCE ESTABLISHING POLICY REQUIRING
DISCLOSURE OF CONTRACTS WITH RELATIVES**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County government pursuant to the provisions of IND. CODE § 36-2-2-2, and also the legislative body of Clark County government pursuant to the provisions of IND. CODE § 36-1-2-9; and,

WHEREAS, IND. CODE § 36-1-21, as added by P.L. 135-2012, SECTION 8, effective July, 1, 2012, requires this Board to establish a policy concerning contracting with relatives of elected officials on behalf of Clark County government; and,

WHEREAS, this Board has determined that there is a need to establish a policy requiring disclosure of contracts with the County and relatives of certain County officials.

NOW THEREFORE BE IT ORDAINED by this Board of Commissioners of Clark County, Indiana, as follows:

Section 1. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

- A. "Elected official" means a County Commissioner or County Council member.
- B. "Relative" means any of the following:
 - 1. Spouse;
 - 2. Parent or step parent;
 - 3. A child or step child;
 - 4. Brother, sister, step brother or step sister;
 - 5. A niece or nephew;
 - 6. An aunt or uncle; or
 - 7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

Section 2. Application to Certain Contracts.

The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with and individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this Ordinance are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

Section 3. Disclosure of Contracts with Relatives.

Commencing on July 1, 2012, and continuing thereafter, all elected officials of Clark County shall file a full disclosure of any pending contract between Clark County government and any relative of the elected official, or any business entity in which the elected official's relative holds an ownership interest, by using the disclosure form attached hereto as Exhibit "A".

The disclosure statement must be in writing, describe the contract or purchase to be made by the County, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

The disclosure statement must be submitted to this Board and be accepted by the Board in a public meeting prior to final action on the contract or purchase.

The disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Clerk of the Clark Circuit Court.

Section 4. Actions By Board of Commissioners or Appropriate Agency.

This Board or an appropriate agency of the County designated by this Board shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered, or make a certified statement of the reasons why the vendor or contractor was selected.

Section 5. Certification by Elected Officers of the County.

Each elected officer of the County shall annually certify in writing, in the form attached

hereto as Exhibit "B", and subject to the penalties for perjury, subject to the penalties for perjury, that the officer has not violated the requirements of IND. CODE § 36-1-21 as adopted by this Ordinance. An elected officer shall submit the certification to this Board of Clark County Commissioners not later than December 31 of each year.

Section 6. Effective Date of Ordinance.

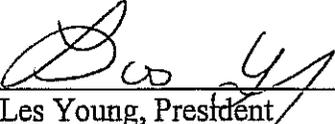
This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 7th day of June, 2012.

Members voting "NO":

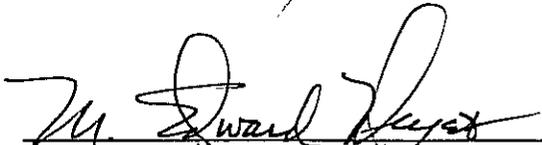
Members voting "YES":

Les Young, President



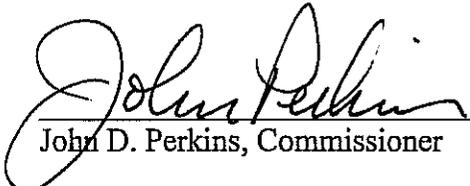
Les Young, President

M. Edward Meyer, Commissioner



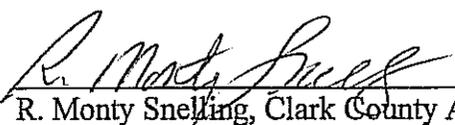
M. Edward Meyer, Commissioner

John D. Perkins, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

CLARK COUNTY GOVERNMENT ELECTED OFFICIALS' DISCLOSURE OF RELATIVE'S CONTRACT WITH CLARK COUNTY GOVERNMENT

IND. CODE § 36-1-21-5 provides in pertinent part as follows:

A unit may enter into a contract or renew a contract for the procurement of goods and services or contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the elected official files with the unit a full disclosure which must:

- (a) be in writing;
- (b) describe the contract or purchase to be made by the unit;
- (c) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
- (d) be affirmed under penalty of perjury;
- (e) be submitted to and accepted by the legislative body of the unit in a public meeting prior to final action on the contract or purchase;
- (f) be filed with the State Board of Accounts and the Clerk of the Clark Circuit Court within fifteen (15) days after the unit takes final action on the contract or purchase.

The foregoing consists only of excerpts and clarifying language from IND. CODE § 36-1-21-5. Care should be taken to review IND. CODE § 36-1-21-5 and IND. CODE § 35-44-1-3.1 in their entirety.

1. Name of Elected Official Submitting Disclosure: _____

2. Name of Office: _____

3. Description of Contract for purchase or public works (describe the kind of contract, the project name, the governing body or person(s) proposing to execute the contract for Clark County government, the length of the contract term and the contractor):

EXHIBIT
"A"

4. Describe all of the ownership interests of the Contractor:

5. Describe the relationship of the Contractor from which the municipality is contracting for the purchase of goods, services or public works to the Elected Official submitting this Disclosure (the relationship is the disclosure of which one of the following relatives ---spouse, parent, stepparent, child, stepchild, adopted child, brother, half-brother, stepbrother, sister, half-sister, stepsister niece or nephew aunt of uncle, daughter-in-law or son-in-law is the Contractor or has an ownership interest in the Contractor):

(Attach extra pages as needed)

6. The appropriate agency of Clark County government contracting for the goods, services or public works made its certified statements as required by law on the ____ day of _____, 20__, and believes that it has complied with state law.

7. Submission to Commissioners: (Disclosure of a Relative's contract must be submitted to the Board of Clark County Commissioners prior to final action on the contract for the purchase of goods or services, or for the construction of public works.)

Date Submitted to Commissioners: _____

Anticipated Date of Award of Contract or Purchase: _____

8. Affirmation of Elected Official: This disclosure was submitted to the Board of Clark County Commissioners for its acceptance as the legislative body of Clark County government in a public meeting prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signature of Elected Official

Date: _____

CERTIFICATION OF ELECTED OFFICIAL TO THE BOARD OF CLARK COUNTY COMMISSIONERS AS THE EXECUTIVE OF CLARK COUNTY GOVERNMENT REGARDING COMPLIANCE WITH THE CONTRACTING WITH A UNIT BY A RELATIVE POLICY OF CLARK COUNTY GOVERNMENT.

I, _____ (*printed name*), the duly elected and serving _____ (*insert office*) of Clark County, Indiana, hereby certify that I have not violated the Clark County Contracting with a Unit by a Relative Policy established pursuant to the requirements of IND. CODE § 36-1-21, as amended or supplemented, and relating to contracts with Clark County Government with either my Relatives, or business interests controlled by my Relatives, as further described in Ordinance No. _____-2012. I understand that the term "Relative" means my spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law (including half-bloods and adopted children). I intend for this to be submitted to the Board of Clark County Commissioners prior to the end of this calendar year.

I hereby verify under the penalty of perjury that the foregoing statements are true.

Dated this ____ day of _____, 20__.

Signature of Elected Official

EXHIBIT
"B"
