

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO: 896

AN ORDINANCE ESTABLISHING AN ETHICS ORDINANCE FOR THE TOWN OF CEDAR LAKE AND REPEALING ALL CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, has received a recommendation from the Northwestern Indiana Regional Planning Commission that municipalities should enact ethics ordinances to ensure that public servants perform their duties in an honest and forthright manner and contribute to the restoration of public confidence in local government; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, has reviewed the Town Code, the Personnel Policy Manual, the Police Department Policies and Procedures pertaining to the ethical, professional, responsible, and open conduct of the government officials, employees, and appointees in the execution of their respective duties; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, recognizes that an ethics ordinance is desirable and necessary for the Town of Cedar Lake 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 Cedar Lake, Lake County, Indiana, has determined it necessary to develop an ethics code to govern the conduct of public officials and employees so that their conduct will continue to be legally correct, honest, and fair to the citizens of Cedar Lake; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana, having reviewed the Town Code, as well as the provisions of the Indiana Code, the Town Personnel Policy Manual, and the Police Department Policies and Procedures, now concurs that it is advisable, necessary, and in the best interests of the residents of the Town of Cedar Lake that ethics regulations be established.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

SECTION ONE: PURPOSE

The purpose of this Ordinance is to establish ethical and legal standards of conduct for all public officials and employees of the Town of Cedar Lake and to require disclosures by all public officials of private, financial, or other interests in matters that may affect the Town; and it is the policy of the Town of Cedar Lake that in all cases its elected and appointed officials and employees perform their duties for the benefit of the citizens of the Town of Cedar Lake and that they shall conduct the government of the Town with loyalty, integrity, and impartiality, without allowing

prejudice, favoritism, or the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest.

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”); and all Department and Division Heads, and all other employees of the Town (collectively referred “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. 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 THREE: PROHIBITED CONDUCT

A. **Impartiality and Non-Discrimination.** No Official or Employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the Town policy to grant or make available to the public at large without prior Town Council or Town Manager approval. No Official or Employee shall discriminate against any person in violation of federal, state, or local law, or the ordinances of the Town of Cedar Lake.

B. **Appointment and Employment.** No Official shall appoint an individual to any position within the Town when the Official would be considered a principal or officer of a for-profit organization where the individual being considered for appointment is a member of the same organization.

C. **Confidential Information.** No Official or Employee shall use or permit the use of any confidential information regarding municipal affairs to advance the financial or personal interest of said Official or Employee or any other person or entity, unless and until such information is available to the public.

D. **Electoral Activities.** No Official, Employee, or others who are engaged in any activities to gain public office or to assist another person or group to gain public office shall violate any provisions of any and all local, state, and federal laws. No Official or Employee shall instruct or induce other Officials or Employees to engage in conduct prohibited by the Town, including the use of other Employees or Town assets for any activity related to the political campaign of said Official or Employee, or for any purpose other than authorized Town business.

E. **Use of Public Property.** No Official or Employee shall use, or induce, order, or allow other persons to use, Town funds or property for a purpose which is for private benefit unless the property is available to the general public on equal terms or unless the use is in accordance with other Town municipal policies or ordinances.

F. **Assistance**. No Official or Employee shall assist any person in any transaction with the Town when such assistance is or would be reasonably appear to be improperly enhanced by the position of the Official or Employee unless said assistance is provided in the course of official Town duties.

G. **Acceptance of Gifts**. No Official or Employee shall directly or indirectly solicit, accept or receive any gift or consideration whether in the form of money, service, loan, travel, entertainment, or promise which was intended to influence the Official or Employee to act other than impartially in the performance of their official duties or was intended as a reward for any such action. Further, an Official or Employee has an affirmative duty to report any attempts by citizens to give the Official or Employee unauthorized gifts or bribes. The following shall not constitute gifts or consideration for purposes of this section:

- (1) A gift of nominal value, so long as such gift is not solicited and does not present a conflict in interest in fact or appearance. Nominal value shall mean having a value not exceeding Fifty Dollars (\$50.00) from one (1) person or entity in the aggregate during a twelve (12) month calendar period. Any Official or Employee who receives a gift in excess of Fifty Dollars (\$50.00) shall make written disclosure of said gift to the Ethics Officer;
- (2) Trade discounts offered to Town employees;
- (3) Trade discounts offered to the general public;
- (4) Food consumed at public, professional or community receptions;
- (5) Acceptance of a professional or public award, reflecting positive performance or community service; and
- (6) Campaign contributions reported in full compliance with any applicable federal, state, and local statutes and ordinances.

H. **Financial or Personal Interest Conflicts**. Unless a Disclosure Statement is completed and filed within five (5) days of the conflict arising, no Official or Employee shall engage in the following:

(1) No Official or Employee shall represent any individual petitioner other than the Town or himself/herself before the Town Council, any Commission, any Board, or any Committee of the Town. An Official or Employee may represent an entity before the Town, its Boards and Commissions, if the Official or Employee is an owner of at least fifty percent (50%) of that entity, or represents at least fifty percent (50%) of the property or business that is the subject of a petition.

(2) No Official or Employee shall participate or represent another person or entity in the procurement of any contract or purchase by the Town if such contract or purchase involves the Official or Employee, a member of said Official or Employee's family, or other entity in which the Official or Employee has a financial interest.

(3) No Official or Employee, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with the Town Council, as well as any Board, Commission, Committee or other Town public

body unless that Official or Employee makes full public disclosure of the nature and extent of such interest, and if required, disqualifies himself or herself from participating in and acting upon the business or transaction.

(4) No Official, in his/her public capacity, shall vote on any issue/matter or participate in any discussion if the matter has a potential financial benefit to the Official, his/her immediate family members or their business. In the event that an Official is required to abstain from voting on a particular issue, the Official or Employee shall announce the abstention and the reason for the abstention, or that a filed Disclosure Form provides the reason for the abstention, prior to discussion and voting on the particular issue. In the event that the abstention from voting would result in a lack of a quorum for the public body to officially act, then the affected Official may vote after full disclosure of the conflict.

I. No Official shall conduct a meeting in violation of the Indiana Open Door Law, as amended from time to time, or violate the provisions of the Indiana Public Records Access Law, as amended from time to time.

SECTION FOUR: FINANCIAL/PERSONAL INTEREST DISCLOSURE

All Town elected officials and all candidates for elected Town offices shall meet all requirements regarding disclosure of financial interests including, but not limited to, filing of approved disclosure forms. Copies of all approved forms shall be filed with the Town Clerk-Treasurer. Additionally, all Town elected officials and all candidates for elected Town offices shall comply fully with Indiana statutes with respect to conflict of interest and disclosure of conflicts pursuant to I.C. §35-44-1-3 and other statutory sections applicable to the specific public body.”

SECTION FIVE: ETHICS OFFICER AND COMMITTEE

(A) The Town Manager shall be Ethics Officer, except when the Town Manager is the subject of alleged non-compliance. If the event the Town Manager is the subject of the alleged non-compliance, then the Town Council 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, who are registered to vote, of the Town of Cedar Lake, whose nominations shall be made as follows:

1. The Board of Trustees of the Hanover Community School Corporation shall nominate one (1) member for an initial term of one (1) year;
2. The Board of Trustees of the Crown Point Community School Corporation shall nominate one (1) member for an initial term of two (2) years;
3. The Board of Directors of the Cedar Lake Chamber of Commerce shall nominate one (1) member for an initial term of one (1) years; and

4. The Cedar Lake Town Council shall nominate two (2) members for an initial term of two (2) years.

Thereafter, all nominating bodies shall make appointments for a period of two (2) years. No Ethics Committee member may serve more than three (3) two (2) year terms. The Cedar Lake Town Council shall confirm and ratify the nominations made to the Ethics Committee. No Ethics Committee member may be an elected or appointed Town Official or an Employee.

SECTION SIX: PROCEDURE

(A) Ethics Officer Review

In the event that anyone has reason to believe that there has been non-compliance with this Ordinance, said person shall give written notarized notice thereof to the Clerk-Treasurer in a sealed envelope and the Clerk-Treasurer shall forward the envelope to the Ethics Officer. In the event that the subject of the non-compliance is the Town Manager, then the person submitting the notice shall address the envelope to the Town Council President. The Ethics Officer shall gather any and all available information on the complaint and provide the same to the Ethics Committee.

(B) Ethics Committee Review

(1) The Ethics Officer shall inform the Official or Employee of the non-compliance complaint made and afford the Official or Employee an opportunity to explain in writing concerning the alleged non-compliance, which shall be forwarded to the Ethics Committee for review.

(2) When required, the Ethics Officer shall notify and convene the Ethics Committee to review any complaint and response thereto. The Ethics Committee may conduct investigations into the alleged non-compliance as the Ethics Committee deems appropriate.

(3) In the event that the Ethics Committee determines that an Official or Employee has violated this Ordinance, the Ethics Committee shall:

(a) as to an Official, consider the matter for appropriate discipline and/or corrective action, including, but not limited to removal subject to Indiana Statutes;

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

(c) as to an Official, Employee or other person, take any other action as may be required by the particular circumstances of the non-compliance, including but not limited to fines, penalties, removal from the position, public reprimands, or forwarding a complaint to the appropriate state or local agency for appropriate action on said violation.

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

SECTION SEVEN: GENERAL PROVISIONS

(A) This Ordinance shall be construed broadly, and in no way limits or minimizes the other affirmative duties required of Officials or public bodies pursuant to Indiana Statutes.

(B) All Officials and Employees shall receive a copy of this Ordinance from the Office of the Clerk-Treasurer within fifteen (15) days of its adoption or any amendments adopted thereto. Any candidate for public office or any individual being considered for appointment shall be given a copy of this Ordinance and any amendments thereto.

(C) In the event that the terms of this Ordinance or any amendments thereto are in conflict with any federal, state, or local law, regulation, or ruling, such law, regulation or ruling shall supersede the terms of this Ordinance, as amended from time to time.

(D) This Ordinance shall not prohibit an Official or Employee from being reimbursed for expenses, receiving money as a campaign contribution, participating in collective bargaining, or being paid for a service as an Official or Employee as provided for by Ordinance or Indiana Statutes.

(E) The Town Council shall review this Ordinance and make reasonable and necessary amendments thereto at least once every four (4) years, or as frequently as needed.”

SECTION EIGHT: 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 NINE: 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 TEN: 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 Cedar Lake, Lake County, Indiana.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS 17th DAY OF AUGUST, 2004.

**TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL**

President

Vice-President

ATTEST:

Maralynn Echterling, Clerk-Treasurer