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## CH21 21 .5 - Establish Police Concerning Nepotism

AN ORDINANCE PERTAINING TO EMPLOYMENT PRACTICES AND POLICY CONSTITUTING NEPOTISM AND CONFLICTS OF INTEREST.

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

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

WHEREAS, Indiana Code [36-1-20.2](#), as added by P.L. 135-2012. SECTION 7, requires the Town of Lapel to establish a policy concerning nepotism;

WHEREAS, Indiana Code [36-1-21](#), as added by P.L. 135-2012, SECTION 8, requires the Town of Lapel to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, these two new chapters, Indiana Code [36-1-20.2](#) Nepotism and Indiana Code [36-1-21](#) Contracting with a Unit, respectively, are effective July 1st, 2012;

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;

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

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Town of Lapel believes it is in the best interests of the citizens to adopt as its policies the minimum requirements of Indiana Code [36-1-20-2](#) Nepotism and Indiana Code [36-1-21](#) Contracting with a Unit as stated in the said new chapters of the Indiana Code; and

NOW, BE IT ORDAINED, by the Town Board of Trustees, of the Town of Lapel, Madison County, Indiana, that:

1. The Town of Lapel finds that is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town of Lapel and in contracting with the Town of Lapel in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1st 2012, known as Indiana Code [36-1-20.2](#) and [36-1-21](#), respectively.
2. On July 1st, 2012 the Town of Lapel shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of Indiana Code [36-1-20.2](#) (hereinafter "Nepotism Policy") and Indiana Code [36-1-21](#) (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.
3. The Town of Lapel's Nepotism Policy is hereby established effective July 1st 2012 by adopting the minimum requirements provisions of Indiana Code [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 it fully set out herein. In addition, the policy shall be supplemented by adding to the definition of "relative" the relationships of grandson and granddaughter.
4. The Town of Lapel's Contracting with a Unit by a Relative Policy is hereby established effective July 1st, 2012 by adopting the minimum requirements provisions of Indiana Code [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 it fully set out herein. In addition, the policy shall be supplemented by adding to the definition of "relative" the relationships of grandson and granddaughter.
5. The Town of Lapel finds that both Indiana Code [36-1-20.2](#) and [36-1-21](#) specifically allow a unit to adopt requirements that are "more stringent or detailed" than any provision contained in either [36-1-20.2](#) or [36-1-21](#).
6. The Town of Lapel 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 of Lapel finds that a single member of governing bodies with authority over employees in the Town of Lapel 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 statue 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 of Lapel are hereby directed to cooperate fully in the implementation of the policies created by this Ordinance and to demonstrate 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 of Lapel who fails to abide by or cooperate with the implementation, with the compliance and with the 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 with Unity by a Relative 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 of Lapel who fails to abide by our cooperate with the implementation, with the compliance and with the mandated certifications of the Contracting with Unit by a Relative Policy may be subject to action allowed by law.

11. The policies created by this Ordinance are hereby directed to be implemented by any of the following actions:
  - a. posting a copy of this Ordinance in its entirety in at least one of the locations in the Town of Lapel where it posts employer posters or other notices to its employees;
  - b. providing a copy of this Ordinance to its employees and elected and appointed officials;
  - c. providing or posting a notice of the adoptions of this Ordinance;
  - d. or any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials. Upon taking any of these actions, these policies are deemed implemented by the Town of Lapel.
12. Indiana Code Links [36-1-20.2](#) and [36-1-21](#) which are effective July 1st 2012
13. Two (2) copies of Indiana Code [36-1-20.2](#) and [36-1-21](#), and as supplemented or amended, are on file in the office of the Clerk for the Town of Lapel for public inspection as maybe required by Indiana Code [36-1-5-4](#).
14. This Ordinance shall become effective immediately from and after the date of passage by the Town Board of Lapel.
15. All ordinances or parts of ordinances which are inconsistent with the Ordinance are hereby repealed to the extent of such inconsistency.

Read and Adopted this 5th Day of July, 2012

#### Further Information

**5-2012**

**Date Passed: 7/5/2012**