

RESOLUTION NO. 2013- 2

**A RESOLUTION OF THE TOWN OF CORYDON ADOPTING NEPOTISM POLICIES  
REGARDING MATTERS RELATED TO TOWN CONTRACTS**

**WHEREAS**, pursuant to Indiana Code (IC) 36-1-21-4(a), the legislative body of a unit is required to adopt a policy for the unit regarding contracts between the unit and relatives (or business entities wholly or partially owned by relatives) of elected officials of the unit, which policy includes certain minimum requirements set forth in IC 36-1-21; and

**WHEREAS**, the Corydon Town Council (“Town Council”) now desires to adopt policies applicable to any department, office or elected official of the Town in order to ensure compliance by the Town of Corydon (“Town”) with Indiana Code upon the effective date of such provisions.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council as the legislative body of the Town of Corydon, Indiana, that:

IC 36-1-21 establishes requirements regarding contracting with the Town. Below are the guidelines and a summary of the requirements prescribed by IC 36-1-21 regarding contracting with relatives of elected officials of the Town. The Town may prohibit or restrict an individual from entering into a contract with the Town that is not otherwise prohibited or restricted by this statute.

A. Contracting Practices.

1. The Town may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:
  - a. an individual who is a relative of an elected official; or
  - b. a business entity that is wholly or partially owned by a relative of an elected official;
2. The Town may enter into a contract or renew a contract with an individual or business entity described above if:
  - a. The elected official files with the unit a full disclosure, which must:
    - i) be in writing;
    - ii) describe the contract or purchase to be made by the unit;
    - iii) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
    - iv) be affirmed under penalties of perjury;
    - v) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting prior to final action on the contract or purchase; and
    - vi) be filed, not later than fifteen (15) days after final action on the contract or purchase, with the State Board of Accounts (SBOA) and the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
  - b. The appropriate agency 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 reason why the vendor or contractor was selected; and
3. The Town satisfies any other requirements under IC 5-22 or IC 36-1-12. These provisions do not affect the initial term of contract in existence at the time the term of office of the elected official of the unit begins.

B. Definitions.


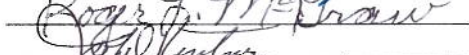
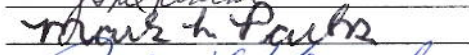


1. "Elected Official" means:
  - a. the executive or a member of the executive body of the unit;
  - b. a member of the legislative body of the unit; or
  - c. a member of the fiscal body of the unit.
2. "Relative" means any of the following:
  - a. a spouse;
  - b. a parent or stepparent;
  - c. a child or stepchild;
  - d. a brother, sister, stepbrother, or stepsister;
  - e. a niece or nephew;
  - f. an aunt or uncle; or
  - g. a daughter-in-law or son-in-law


An adopted child of an individual is treated as a natural child of the individual. The term "brother" and "sister" includes a brother or sister by the half blood.

- C. Certification Requirements. Each elected officer of a unit must annually certify in writing, subject to penalties for perjury, that the officer is in compliance with this statute. An officer must submit the certification to the Clerk Treasurer of the Town not later than December 31 of each year.
- D. Failure to Comply. If SBOA finds that a unit has not implemented an anti-nepotism policy in compliance with IC 36-1-21, it must forward the information to the Department and the Department may not approve:
  1. the Town's budget; or
  2. any additional appropriations for the Town; for the ensuing calendar year until SBOA certifies to the Department that the unit has adopted a policy under this statute.

THIS RESOLUTION IS INTENDED TO BE RETROACTIVE TO JULY 1, 2012.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CORYDON, INDIANA this 30<sup>th</sup> day of December, 2013.

	Fred K. Cammack, President
	Roger L. McGraw, Member
	John D. Kintner, Member
	Mark Parks, Member
	Judy L. Kennedy, Member

ATTEST  Tregala M. King, Clerk-Treasurer

This Instrument Prepared By: Christopher L. Byrd, Town of Corydon Attorney