

Passed 6-13-11 by a vote of 7-0
ORDINANCE No. 18-2011

**AN ORDINANCE AMENDING ORDINANCE 37-2005 AN ETHICS ORDINANCE
FOR THE CITY OF VALPARAISO**

WHEREAS, the City of Valparaiso has been blessed with honest and ethical government and the current administration wishes to maintain that heritage; and

WHEREAS, the Common Council of the City of Valparaiso, adopted Ordinance 37-2005 so as to develop a code to govern the conduct of public officials so that their conduct will be legally correct, honest and fair to all concerned and untainted by any consideration of private gain; and

WHEREAS, the Common Council of the City of Valparaiso, remains steadfast in the belief that it is important to foster public confidence in a government of our city by discouraging conduct which creates the appearance of impropriety and strives to maintain the highest level of ethics in local government; and

WHEREAS, the Common Council of the City of Valparaiso, deems it necessary and appropriate to amend the previously adopted ethics ordinance so as to clarify and facilitate the original intent and purpose of that ethics ordinance and to assure continuation of practices and procedures intended to promote employment of the best qualified candidates.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

Section 1

The Section 36.02 of the Municipal Code of the City of Valparaiso should be and is hereby amended by adding thereto the following definition:

NEPOTISM.

Favoritism granted to relatives or friends regardless of merit.

Section 2

That Section 36.03 of the Municipal Code of the City of Valparaiso should be and is hereby amended as follows:

- A.** No family member of a public official may be employed in the same department of the public official if that public official has direct and/or immediate supervisory responsibility for hiring, firing, promotion or other disciplinary actions with regard to such employee unless the department has policies, procedures and/or collective bargaining agreements in place which provide for the recusal of the public official in matters related to hiring, firing, promotion or other disciplinary actions with regard to the employee so as to avoid nepotism.
- B.** Family Members of public officials who are attending secondary or post-secondary school on a full-time basis may be employed for summer vacation or other vacation employment with the city so long as such employment is not under the direct and/or immediate supervision of the public official and further provided that such potential employees shall be considered, based upon his or her qualifications, along with any other applicants for a position or opening.
- C.** No public official shall appoint a person to any position when the public official is a principal or officer of an organization where said person is also an employee, shareholder, officer, or director of the same organization. This prohibition shall not apply to any not-for-profit organizations or similar entities where neither the public official

nor the person being considered for appointment receives any remuneration from the not-for-profit organization.

- D.** To the extent there are family members of a public official currently employed by the city and such employment may be in conflict with the provisions of this section, their employment (in their current positions) shall be grandfathered and excluded from the limitations and prohibitions contained in this section.

Section 3

Any and all other provisions of Chapter 36 (Ethics Policies) of the Municipal Code of the City of Valparaiso shall remain in full force and effect.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a _____ vote of all members present and voting, this _____ day of May, 2011.

Jon Costas, Mayor

ATTEST: _____
Sharon E. Swihart, Clerk-Treasurer