

ORDINANCE #20, 2024

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
INDIANA AMENDING SECTION 36.20 OF THE VALPARAISO MUNICIPAL CODE
CONCERNING ETHICS POLICY**

WHEREAS, the Valparaiso City Council ("Council") previously adopted Section 36.20 of the Valparaiso Municipal Code as part of Ordinance 37-2005 concerning the Ethics Policies within the City of Valparaiso, Indiana ("City");.

WHEREAS, the Council desires to make certain changes to Section 36.20 of the Valparaiso Municipal Code;

Now, Therefore, Be it and it is Hereby Ordained by the Common Council of the City of Valparaiso, Indiana, as follows:

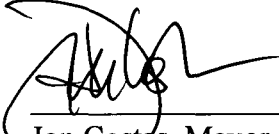
Section 1. That Section 36.20 of the Valparaiso Municipal Code of the City of Valparaiso, Indiana, shall be amended as follows: See Exhibit A.

Section 2 Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

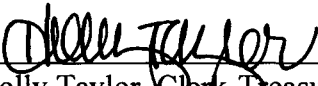
Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting, this 26th day of August, 2024.



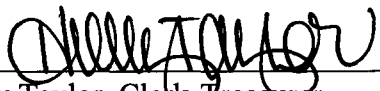
Jon Costas, Mayor

ATTEST:



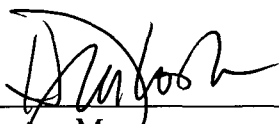
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 26th day of August, 2024 at the hour of 8:16 o'clock P.M.



Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 26th day of August, 2024 at the hour of 8:16 o'clock P. M.



Jon Costas, Mayor

Exhibit A

§ 36.20 ETHICS COMMISSION ESTABLISHED.

(A) The Ethics Commission has jurisdiction over current and former City public officials, City employees, and City appointed persons for acts or omissions during their employment, elected term, or appointment related to State and/or City ethics laws, rules and/or regulations. Jurisdiction over former City public officials, City employees, and City appointed persons shall exist for a period of two (2) years following the individual's end of service or employment with the City. The Commission shall consist of five members. Appointments to the Commission shall be made as follows:

- (1) The **President of Valparaiso University** shall appoint one member. The appointed member must be an employee of Valparaiso University. If the President is unable or unwilling to appoint a member, the Mayor may contact the highest officer of any other college or university within the City and request an appointment. That appointed member must be an employee of the appointing entity.
- (2) The **President of St. Mary Medical Center** shall appoint one member. The appointed member must be an employee of St. Mary's Medical Center. If the President is unable or unwilling to appoint a member, the Mayor may contact the highest officer of any other medical facility within the City and request an appointment. That appointed member must be an employee of the appointing entity.
- (3) The **Board of Directors of the Greater Valparaiso Chamber of Commerce** shall appoint one member. The appointed member must be a current or former member of the Board of Directors of the Greater Valparaiso Chamber of Commerce.
- (4) The **Board of Directors of Laborers International Union of North America Local 81** shall appoint one member. The appointed member must be a current or former member of the Board of Directors of Laborers International Union of North America Local 81. If the Board of Directors of Laborers International Union of North America Local 81 is unable or unwilling to appoint a member, the Mayor may contact the highest officer of any other labor union within the City and request an appointment.
- (5) The four appointed members shall select a fifth member. That member should possess experience in religious or ethical leadership.
- (6) All appointments shall be for a term of two (2) years and shall continue until the member is reappointed or replaced. No member shall serve more than three (3) consecutive terms.
- (7) A member appointed under subsection (A)(1)-(5) may only be removed by the affirmative vote of a majority of members and replaced by their appointing body.
- (8) All members shall be residents of Valparaiso. If a member moves outside of Valparaiso, the member must notify the Mayor and City Council President. That member will continue to serve until a replacement is appointed.
- (9) No person appointed to the Commission shall be a current public official or a current member of any governmental body within Porter County.

Exhibit A

(10) The Commission shall appoint one of its members as Chairperson and one of its members as Vice Chairperson. The Commission may adopt rules and procedures for its orderly administration that are not inconsistent with any law, statute, rule, ordinance, or other applicable requirement.

(B) The City Attorney shall assist in general matters relating to the Commission. The City Attorney shall not assist in the investigation of any Complaint filed against the Mayor or members of the Law Department. If deemed appropriate by the Commission, the Commission is authorized to secure its own legal counsel.

(C) Education.

(1) Every public official and appointed person, when in doubt about the applicability and interpretation of any State and/or City ethics laws, rules and/or regulations, may submit in writing the facts of the situation to the Commission with a request for an Advisory Opinion to establish the standard of public duty. Unless the facts of the situation require the immediate involvement of the Commission, City employees should initially direct all questions and concerns to their supervisor and/or the Ethics Officer.

(2) The recipient of an Advisory Opinion may rely on the guidance provided therein, until such Advisory Opinion is amended or revoked.

(3) The Commission shall assist in the preparation of materials and programs designed to assist persons in complying with the ethics laws of the City and State. The Commission shall work with the Ethics Officer in establishing, presenting, and expanding the City's ethics education program. If the City is a member of the Shared Ethics Commission, the Commission shall coordinate training with the Ethics Officer and utilize material offered by the Shared Ethics Commission.

(D) Investigation.

(1) A Complaint alleging a violation of any State and/or City ethics laws, rules and/or regulations may be filed by any Valparaiso resident. A Complaint must be in writing and signed under penalty of perjury. The person filing the Complaint must provide their name, mailing address, phone number and email address. The Complaint must outline in sufficient detail the facts that form the basis of the alleged violation. The Complaint may also include relevant documents and other materials. All Complaints must be filed with the Valparaiso Clerk's Office in a sealed envelope with the following written on the envelope "Ethics Commission Complaint Attn: City Attorney."

(2) The Commission shall adopt a Complaint form to be placed on the City's webpage.

(3) Complaints concerning city employees, who are not public officials, shall be forwarded to the Ethics Officer. The Ethics Officer shall handle such complaints in accordance with Human Resource Department guidelines and the City's Employee Handbook. The Ethics Officer shall provide the Commission with updates as warranted. Absent a request by the Ethics Officer to the Commission Chairperson to investigate, Complaints concerning City employees shall not be investigated by the Commission.

Exhibit A

(3) Complaints concerning appointed individuals and public officials shall be submitted to the Ethics Officer, who shall forward a copy to all Commission members and the person who is the subject of the Complaint.

(4) Nothing in the subsection shall limit the authority of the City Attorney or Ethics Officer from turning material over to the Valparaiso Police Department, Porter County Prosecutor's Office or other law enforcement agencies, if warranted.

(E) Upon receipt of a Complaint, the Commission may:

(1) Upon a majority vote, reject, without further proceedings, a Complaint that the Commission considers frivolous or inconsequential.

(2) Upon a majority vote, reject, without further proceedings, a complaint that the Commission is satisfied has been dealt with appropriately by a federal, state, or local agency.

(3) Upon a majority vote, determine that the Complaint does not allege facts sufficient to constitute a violation of State and/or City ethics laws, rules and/or regulations and dismiss the Complaint.

(F) If a Complaint is not disposed of under subsection (E), the Commission may undertake any additional investigation deemed appropriate to determine if probable cause exists to support the allegations in the Complaint. If the Commission finds by a majority vote that probable cause exists to support an alleged violation of State and/or City ethics laws, rules and/or regulations, it shall convene a hearing on the matter within 90 days after making the determination. The person who is the subject of the Complaint shall be notified within 15 days of the Commission's determination of probable cause and provided with a copy of any additional material that supported the finding.

(G) If a hearing is to be held, the subject of the Complaint may examine and make copies of all evidence in the Commission's possession relating to the Complaint. At the hearing, the charged party shall have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. If applicable, the person filing the Complaint shall also have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. The only evidence to be considered must be given under oath or affirmation. All hearings must be transcribed by a court reporter.

(H) Within 90 days after the hearing, the Commission shall provide a written Report of its findings of fact. Members that disagree with the Report (or aspects of the Report's findings) may submit a separate document that outlines their opinion. The Report, when issued, shall be made public. The Report shall be presented to:

(1) The subject of the Complaint;

(2) The Mayor; and

(3) All members of the City Council.

(I) The Commission may also forward its Report to any of the following:

Exhibit A

(1) The prosecuting attorney and law enforcement agency of each county in which the violation occurred;

(2) The State Board of Accounts;

(3) The Attorney General; or

(4) Any other appropriate person.

(J) The Commission shall establish procedural rules for adjudicating Complaints not inconsistent with this Section.

(K) Except as otherwise provided by law, the Commission is subject to the Indiana Open Door Law and Access to Public Records Act.