

EXHIBIT A

TITLE I. GOVERNMENTAL STRUCTURE AND ADMINISTRATION

ARTICLE 3. CODE OF ETHICS

CHAPTER 1: GENERAL PROVISIONS

Section 1-3-1-1. Name and purpose.

- (a) This article shall be referred to as the code of ethics for the city of Lawrence, Indiana.
- (b) The purpose of this article is to set clear and high ethical standards for the official conduct of officials, appointees, and employees of City government and persons who have a business relationship with City government so that the public will have confidence that the conduct of City business is always conducive to the public good.
- (c) Public confidence in the integrity of government is essential to the exercise of good government. Accordingly, those persons under the jurisdiction of this article should be committed to the following goals:
 - (1) Duties should be carried out impartially;
 - (2) Decisions and policy should not be made outside of proper channels of City government;
 - (3) Public office should not be used for private gain; and
 - (4) Actions, transactions, or involvements that have the potential to become a conflict of interest should not be performed or engaged in.
- (d) This article is not meant unduly to restrict or limit the behavior of the officials, appointees, or employees during the time when they are not on duty. Each official, appointee, or employee retains lawful rights and privileges as a private citizen to interests of a personal or private financial nature. These rights and privileges will be honored to the extent that they are compatible with a person's elected office, appointed position, or employment.

Section 1-3-1-2. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section.

- (a) *Advisory body* means an authority, board, commission, committee, task force, or other body designated by any name of the City government that is authorized to make only nonbinding recommendations.
- (b) *Agency* means an authority, board, branch, bureau, commission, committee, council, department, division, office, service, or other instrumentality of City government that is established by statute, ordinance, executive order, or other law. The term agency includes

the office of mayor and the council, as well as other elected officials. The term does not include any advisory body.

- (c) *Appointee* means a person, other than an official or employee, who is appointed to an agency, a municipal corporation, or a governmental entity in the City whose budget is subject to the review of the council.
- (d) *Assist* or *assistance* means to help, aid, advise, or furnish information to a person, and includes an offer to assist.
- (e) *Business relationship* means:
 - (1) Dealings with an agency by a person who has:
 - (A) A financial interest in a contract with, or purchase by, an agency; or
 - (B) A license or permit requiring the exercise of judgment or discretion by the agency; or
 - (2) Lobbying activity by a lobbyist, as those terms are defined by Indiana Code section 2-7-1-9.
- (f) *Candidate for elected office* means a candidate for the office of mayor, the council, or City clerk.
- (g) *City* means the city of Lawrence, Indiana.
- (h) *Compensation* means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.
- (i) *Council* means the common council, the legislative branch of the City.
- (j) *Department of law* means the legal department of the City.
- (k) *Employee* means a person who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis, or via an employment contract.
- (l) *Entertainment* means the free admission or token of admission to a sporting contest, concert, theatrical production, convocation, parade, convention, festival, or other similar show or presentation that is intended for the divertissement of members of the public upon paid admission.
- (m) *Ethics commission* means the City ethics commission created under Chapter 4 of Title I, Article 3 of the Code of Ordinances of the City.
- (n) *Fair market value* means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which objectively adequate consideration is provided.

- (o) *Financial interest* means an interest that will result in an ascertainable increase or decrease in the income or net worth of an official, appointee, or employee or a member of that person's immediate family, but does not include an interest:
 - (1) Of an official, appointee, or employee in the common stock of a corporation unless the combined holdings in the corporation of the official, appointee, or employee, that person's spouse, and that individual's dependent are more than one (1) percent of the outstanding shares of the common stock of the corporation; or
 - (2) That is held as an asset in a blind trust.
- (p) *Immediate family* means a person's spouse or dependent.
- (q) *Information of a confidential nature* means information obtained by reason of the position or office held, and information that:
 - (1) A public agency is prohibited from disclosing under Indiana Code section 5-14-3-4(a);
 - (2) A public agency has the discretion not to disclose under Indiana Code section 5-14-3-4(b) and that the agency has not disclosed; or
 - (3) Is not in a public record, but if it were, would be confidential.
- (r) *Mayor* means the mayor, the executive of the City.
- (s) *Official* means the mayor, the persons making up the council, and the person who holds the City office of clerk.
- (t) *Person* means an individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental entity.
- (u) *Political activity* means taking action to support an individual in his or her campaign for elected office, or soliciting contributions for a political party or another candidate for any elected public office.
- (v) *Property* means money, real property, personal property, goods, supplies, services, deeds, trade secrets, contract rights, or other interests in or claims to wealth.
- (w) *Relative* means any person related as grandfather, grandmother, father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, uncle, aunt, husband, wife, son, daughter, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, stepgrandchild, niece, or nephew.
- (x) *Represent* means to attend an agency proceeding, write a letter, or communicate with an official, appointee, or employee on behalf of a person.

- (y) *Sanctions* means any of the following actions:
- (1) Canceling a contract, or barring a person from entering into a contract with an agency for a certain period of time;
 - (2) Making restitution or disgorgement;
 - (3) Removal from appointment or employment;
 - (4) Barring a person from future employment or appointment with the City for a certain period of time;
 - (5) Public reprimand;
 - (6) Revocation or suspension of a license, registration, or permit issued by an agency, or barring a person from obtaining such a license, registration, or permit for a certain period of time;
 - (7) civil penalties not to exceed three (3) times the value of any benefit received from the violation of this article or
 - (8) Other disciplinary action as determined by the ethics commission...
- (z) *Travel expenses* means the costs of transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by travel policies and procedures authorized by the City controller.

CHAPTER 2: STANDARDS OF ETHICAL CONDUCT

Section 1-3-2-1 Gifts; food; drink; entertainment; travel expenses; waivers.

- (a) An appointee or employee, or the immediate family thereof, shall not knowingly solicit, accept, or receive a gift, favor, service, entertainment, food, drink, travel expense, or registration fee from a person who has a business relationship with the appointee's or employee's agency or is seeking to influence an action by the appointee or employee in his or her official capacity.
- (b) The prohibition in subsection (a) does not apply to:
- (1) Any gift, favor, service, entertainment, food, drink, travel expense or registration fee that has a value of less than twenty-five dollars (\$25.00), provided that the appointee or employee does not knowingly solicit, accept, or receive gifts, favors, services, entertainment, food, drink, travel expenses or registration fees from the same person or his or her employer that have a cumulative value of more than one hundred dollars (\$100.00) in any year between January 1-December 31;
 - (2) Gifts, favors, services, entertainment, food, drink, travel expenses or registration fees from public agencies or public institutions; however, such gifts, favors,

services, entertainment, food, drink, travel expense, or registration fees shall be utilized for the benefit of the City, and not solely for the benefit of one's self or relatives;

- (3) Mementos or souvenirs;
- (4) Food or drink consumed at a public meeting to which at least twenty-five (25) persons are invited; a meeting will be considered public if:
 - (A) The event is a reception or other gathering that is not arranged to solicit government procurement of goods or services from anyone who holds a public office at the federal, state, or local level;
 - (B) The appointee or employee is giving a speech or participating in a presentation in his or her official capacity; or
 - (C) The meeting has a formal educational program that the appointee or employee is attending to assist him or her in performing official duties;
- (5) Food, drink, entertainment, or registration fees accepted in furtherance of activities to benefit the City related to an economic development effort, including job growth or retention, reduction of blight, and securing convention and visitor business, approved in advance by the mayor;
- (6) Gifts, favors, services, entertainment, food, or drinks from relatives, or a person with whom the individual has an ongoing social relationship that existed before the appointee or employee was appointed or employed by the agency, so long as:
 - (A) The gifts or other items of value are paid for personally by the giver, rather than a business entity, and not deducted as a business expense; and
 - (B) The giver is not seeking to influence action or inaction by the individual in that person's official capacity;
- (7) Political contributions subject to Indiana Code section 3-9-2 that are reported in accordance with the law;
- (8) Discount and other promotional programs made generally available and approved in advance by the City controller or department of law;
- (9) Gifts, favors, services, entertainment, food, drink, travel expenses, or registration fees to members of the immediate family of an appointee or employee that the appointee or employee may benefit from so long as the gifts or other items of value are provided in the normal course of the immediate family member's employment or volunteer work and the purpose of which is not to influence action or inaction by the appointee or employee;
- (10) Property accepted as a gift to the City and logged by the department of law; and

- (11) Any item of value for which face value or reasonable fair market value is promptly paid.
- (c) The department of law may waive application of subsection (a) in individual cases when consistent with the public interest. The waiver shall be in writing and include:
 - (1) The name of the appointee or employee;
 - (2) The nature and estimated value of that which is being provided;
 - (3) The name of any person who paid a portion of that which is being provided; and
 - (4) An explanation of why waiver of the application of subsection (a) is consistent with the public interest.

Section 1-3-2-2. Donor restrictions.

It shall be a violation of this article for a person who has a business relationship with an appointee's or employee's agency to provide any gifts, favors, services, entertainment, food, drink, travel expenses, or registration fees to such appointee or employee, or the immediate family thereof, if that appointee or employee would not be permitted to accept the gift, favor, service, entertainment, food, drink, travel expenses or registration fees under this section.

Section 1-3-2-3. Honoraria.

- (a) As used in this section, honorarium means a payment of money for an appearance, a speech or an article, but does not include payment or reimbursement of travel expenses.
- (b) An official, appointee, or employee shall not personally accept an honorarium for any activity that may be considered part of his or her official duties; however, an official, appointee, or employee may accept an honorarium on behalf of the City. The official, appointee, or employee accepting the honorarium shall within twenty-one (21) days of receipt remit to the City controller any amount received.
- (c) An official, appointee, or employee may personally accept an honorarium for activities not done in connection with his or her official duties and that are prepared on his or her own time; however, in no case may an official, appointee, or employee accept an honorarium from a person who has a business relationship with an official, appointee, or employee or that person's agency.

Section 1-3-2-4. Political activity and patronage.

- (a) No appointee, or employee shall solicit or receive contributions for a political party or candidate for elected public office while on City time, or using City resources and property.
- (b) No appointee, or employee shall engage in political activity while on City time, or using City resources and property.

- (c) No official, appointee, or employee may request or compel political activity by a person under threat or promise of official action or inaction. No official, appointee, or employee may promise an appointment or employment as a reward for any political activity.
- (d) No official, appointee, or employee may solicit political contributions from persons with a business relationship with the City or one of its agencies on behalf of any candidate for elected office, unless that official, appointee, or employee is a candidate for elected office himself or herself.
- (e) It shall not be a violation of this section specifically or this article generally for any official, appointee, or employee:
 - (1) To encourage another official, appointee, or employee to work the polls in an official position; however, no appointee's appointment or employee's performance assessment or employment may be affected by an appointee's or employee's decision to work the polls; or
 - (2) To work the polls in an official position on City time as approved by his or her supervisor.

Section 1-3-2-5. Appointment restrictions.

- (a) No appointee shall fail to attend more than one-third of the meetings of the agency to which the appointee is appointed in a twelve-month period.
- (b) No official or employee may serve as an appointed member of any agency unless the statute, ordinance, or executive order establishing the agency expressly contemplates membership by that type of member.

Section 1-3-2-6. Employment restrictions.

- (a) An official, appointee, or employee shall not knowingly:
 - (1) Accept other employment involving compensation of substantial value if the responsibilities of that employment:
 - (A) Are inherently incompatible with the responsibilities of his or her position with the City; or
 - (B) Shall recuse himself or herself from matters so central or critical to the performance of the official, appointee, or employee's duties that the official, appointee, or employee's ability to perform those duties would be substantially impaired; or
 - (2) Accept employment or engage in business or professional activity that would require the official, appointee, or employee to disclose confidential information that was gained in the course of performance of the official, appointee, or employee's City duties.

- (b) A current official or other individual with appointment authority to an agency, may not have an employment contract with, be otherwise employed by, or be a subcontractor of, a person—other than a governmental entity—that has a contract, agreement, purchase, or arrangement with an agency for supplies, real property, or services.

Section 1-3-2-7 Post-employment/relationship restrictions; relevant vendor contractual language.

- (a) As used in this section, “particular matter” means an application, business transaction, claim, contract, determination, enforcement proceeding, investigation, judicial proceeding, lawsuit, license, economic development project, or public works project. Particular matter does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application.
- (b) No former official, appointee, or employee may represent or assist a person in a particular matter involving the City if the former official, appointee, or employee personally and substantially participated in the solicitation, negotiation, awarding, or performance of such matter as an official, appointee, or employee, even if the former official, appointee, or employee receives no compensation for the representation or assistance.
- (c) No former official, appointee, or employee may have the performance of lobbying activity (as that term is defined in Indiana Code section 2-7-1-9) related to an agency or an official as a substantial responsibility of their employment or contractual relationship with a person within one (1) year following their employment and/or relationship with the City.
- (d) Any former official, appointee, or employee may seek a waiver of the application of the post-employment/relationship restrictions from the ethics commission. Such waiver request must be in writing and signed by the former official, appointee, or employee. The waiver request shall state:
 - (1) The name of the individual;
 - (2) The nature of the representation or assistance;
 - (3) The name of any person who is compensating the individual to provide the representation or assistance; and,
 - (4) An explanation of why the individual believes that waiver of the application of section 1-3-2-7(b) or (c) is consistent with the public interest.
- (e) Every contract or agreement between an agency and/or an official and any person (other than a governmental entity) shall contain a provision substantially similar to the following:

[Insert person/vendor name], providing supplies, real property, or services under this Agreement, certifies to [insert agency or official name] that no employee, contract employee, or sub-contractor of [insert person/vendor]:

1. Participated in any way in the solicitation, negotiation, or awarding of this Agreement while previously an official, appointee, or employee of the City of Lawrence for a period of one (1) year prior to the execution of this Agreement;

2. For a period of one (1) year after such official, appointee, or employee was employed by and/or otherwise had a professional relationship with the City, such former official, appointee, or employee shall not perform any functions on behalf of [insert person/vendor name] under the contract or agreement with respect to the [insert agency or official name], unless a waiver has been obtained in accordance with City Code section 1-3-4-7.

3. Has violated any provision of the City's code of ordinances, regarding the solicitation, negotiation, awarding, or performance of this Agreement;

4. Is currently an official, or has appointing authority to, any agency of the City of Lawrence; and

5. Was previously employed by the City within one (1) year of this Agreement and currently has the performance of lobbying activity (as that term is defined in Indiana Code Section 2-7-1-9) related to an agency or an official as a responsibility of his or her employment or contractual relationship with [insert person/vendor name].

Violation of this certification shall constitute a material breach of the Agreement and, upon such a violation, [agency or official] may terminate this Agreement. In addition, upon a violation of this certification, [agency or official] shall report such violation to the ethics commission, which may, at its discretion, remove [person/vendor name] from eligibility for future City purchasing, bids, contracts, and/or projects.

Section 1-3-2-8. Additional or excess compensation.

An official, appointee, or employee may not solicit or receive compensation:

- (1) For the sale or lease of any property or service to a person with a business relationship with an official's, appointee's, or employee's agency that substantially exceeds the amount that the official, appointee, or employee would charge in the ordinary course of business; or
- (2) For the performance of official duties on behalf of the City, other than as provided by law.

Section 1-3-2-9. Conflicts of interest; discussion, decisions, and voting.

- (a) At a meeting held in accordance with Indiana Code section 5-14-1.5, an official shall not participate in any decision or vote, and an appointee or employee shall not participate in

any discussion, decision, or vote, if he or she has knowledge that any of the following has a financial interest in the outcome of the decision or vote:

- (1) The official, appointee, or employee;
 - (2) A member of the immediate family of the official, appointee, or employee;
 - (3) A business organization in which the official, appointee, or employee is serving as an officer, a director, a trustee, a partner, employee, or subcontractor; or
 - (4) Any person with whom the official, employee, or appointee is negotiating or has an arrangement concerning prospective employment.
- (b) An official, appointee, or employee who identifies a potential conflict of interest under this article shall recuse himself or herself from further action on the matter.

Section 1-3-2-10. Conflicts of interest; contracts.

- (a) Subject to subsection (b), an official, appointee, or employee, or a member of an official's, appointee's, or employee's immediate family, may not knowingly have a financial interest in a contract made by that official's, appointee's, or employee's agency.
- (b) The prohibition in subsection (a) does not apply to:
- (1) An official, appointee, or employee who does not participate in or have official responsibility for any of the activities of the contracting agency, if:
 - (A) The contract is made after public notice or, where applicable, through competitive bidding;
 - (B) The official, appointee, or employee files with the department of law a statement making full disclosure of all related financial interests in the contract;
 - (C) The contract can be performed without compromising the performance of the official duties and responsibilities of the official, appointee, or employee; and
 - (D) In the case of a contract for professional services, the person in charge of the contracting agency makes and files a written certification with the department of law and council that no other official, appointee, or employee of that agency is available to perform those services as part of his or her regular duties; or
 - (2) An official, appointee, or employee who, acting in good faith, learns of an actual or prospective violation of the prohibition in subsection (a) shall not be considered to have violated this section, provided that, not later than thirty (30) days after learning of the actual or prospective violation, the official, appointee, or employee makes a

full written disclosure of any financial interests to the contracting agency and the department of law and council, and terminates the financial interest.

- (c) Code of Ordinances section 1-2-6-6(B) is repealed.

Section 1-3-2-11. Conflicts of interest; building permits.

- (a) The purpose of this section is to satisfy the requirements of Indiana Code section 36-1-27-4. As used in this section, “conflict of interest” means a direct or indirect financial interest in the issuance of a permit.
- (b) As used in this section, “permit” has the meaning set forth in Indiana Code section 36-7-4-1109(b).
- (c) No official, appointee, or employee may issue a permit or oversee the issuance of a permit through a subordinate if the official, appointee, or employee has a conflict of interest.
- (d) An official, appointee, or employee shall report a conflict of interest to the department of law.
- (e) Promptly upon receipt of a conflict of interest report made under this section, the department of law shall, in consultation with the mayor, appoint a qualified temporary replacement official, appointee, or employee to oversee the permit application creating the conflict.
- (f) Nothing in this section shall apply to the council.

Section 1-3-2-12 . Contracting with the City.

- (a) No agency and no official, appointee, or employee shall cause the City to enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with a person who is an official, appointee, or employee of the City, or with a person who has a business relationship with an official, appointee, or employee of the City, including if the business relationship is due to an official, appointee, or employee’s ownership, either in whole or in part, of a business that could contract with an agency.
- (b) An agency and an official, appointee, or employee may cause the City to enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with a person who is a relative of an official, appointee, or employee of the City, so long as the requirements of subsection (c) of this section are satisfied and the official does not violate Indiana Code section 35-44.1-1-4.
- (c) An agency and an official, appointee, or employee may cause the City to enter into a contract or renew a contract described in subsection (a) if:
 - (1) The official, appointee, or employee makes a full disclosure which must:
 - (A) Be in writing;

- (B) Describe the contract or purchase to be made;
 - (C) Describe the relationship that the official, appointee, or employee has to the person that contracts or purchases;
 - (D) Be affirmed under penalty of perjury; and
 - (E) Be submitted to the ethics commission and be accepted by the ethics commission in a public meeting prior to final action on the contract or purchase.
- (2) The appropriate agency of the City must:
- (A) Make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (B) Make a certified statement of the reasons why the vendor or contractor was selected.
- (d) Upon thirty (30) days after the effective date of this article, any current official, appointee, or employee that has an existing contract with the City falling under the provisions of subsection (a) shall file a notice with the department of law and the council identifying the contract, its terms, and its expiration date.

Section 1-3-2-13. Benefitting from or divulging confidential information.

- (a) No official, appointee, employee, former official, former appointee, or former employee shall materially benefit from information of a confidential nature except as permitted by law.
- (b) No official, appointee, employee, former official, former appointee, or former employee shall divulge information of a confidential nature except as permitted by law.

Section 1-3-2-14. Use of City property.

An official, appointee, or employee shall not use City property or personnel for any purpose other than for official City business; however, nothing in this article shall prohibit the chief of the fire department or the chief of police department from allowing their employees to use take-home vehicles. However, *de minimis* use of City property shall not be sanctioned as a violation of this section unless such use is in clear violation of an applicable, written agency policy.

Section 1-3-2-15. Complicity with another's violation.

It shall be a violation of this article to knowingly induce, encourage, or aid, either directly or indirectly, anyone to violate any provision of this article.

Section 1-3-2-16. Complaints filed in bad faith.

It shall be a violation of this article to file in bad faith a complaint with the ethics commission against another person.

CHAPTER 3: REVIEW OF ETHICAL CONDUCT

1-3-3-1. Agency policies.

An agency may adopt more specific ethics policies tailored to the needs and practices of that agency, provided that the policies do not conflict with, and are at least as strict as, this article.

1-3-3-2. Training requirements.

- (a) All officials, appointees, and employees shall be properly trained in the ethics code as described in this article. Such training shall also include a review of criminal offenses against public administration (Indiana Code section 35-44-1), the Open Door Law (Indiana Code section 5-14-1.5) and the Access to Public Records Act (Indiana Code section 5-14-3).
- (b) The department of law shall prepare and administer the training required by this section. Each person in charge of each agency shall:
 - (1) Require all new officials, appointees, and employees to participate in ethics training within six (6) weeks of the official's swearing-in date, appointee's appointment date, or employee's starting employment date with the City; and
 - (2) Require all officials, appointees, and employees to participate in ethics training at least every three (3) years during an official's, appointee's and employee's tenure with the City.
- (c) The department of law shall maintain documentation to demonstrate an official's, appointee's, and employee's compliance subsection (b) of this section.
- (d) The training required by this section shall begin in calendar year 2028.

Section 1-3-3-3. Sexual harassment training.

- (a) For the purposes of this section "Interactive training program" means: (1) a live program conducted face-to-face, (2) a pre-recorded program that is accessible online, or (3) a program presented in slide format that is accessible online.:
- (b) In order to promote a workplace and culture free from sexual harassment, each official, appointee, and employee shall attend a one-hour interactive sexual harassment awareness and prevention training program developed by the department of law, or its designee, within six weeks of becoming such an official, appointee, or employee.

- (c) In addition to the requirements of subsection (b), each such official, appointee, or employee, shall attend the one-hour training program referenced in subsection (b) at least every two (2) years during the person's tenure with the City.
- (d) The department of law shall maintain documentation to demonstrate each official's, appointee's, and employee's compliance with subsections (b) and (c) of this section.
- (e) Any person required to attend the training program who fails to comply with this section shall be subject to censure by the ethics committee, as appropriate.
- (f) The training required by this section shall begin in calendar year 2028.

Section 1-3-3-4. Economic statement of interest required.

- (a) The following persons shall file a written economic statement of interest as provided in this section:
 - (1) Officials and any declared candidate for elected office;
 - (2) Appointees to agencies;
 - (3) The head of an agency;
 - (4) Any employee whose employment is subject to the approval of the council; and
 - (5) Any employee with final purchasing authority of any agency.
- (b) Economic statements of interest required by this section shall first be filed no earlier than April 1, 2028 and no later than May 1, 2028, and shall be filed thereafter in compliance with section 1-3-3-5.

Section 1-3-3-5. Economic statement of interest—when to file.

- (a) The economic statement of interest shall be filed with the department of law, as follows:
 - (1) Persons listed in section 1-3-3-4(a) shall file the statement on or before May 1 of each year, but not earlier than April 1 of each year except as necessary to comply with subsections (2) through (4) of this section;
 - (2) If a person has not filed under subsection (1) during the present calendar year and is filing as a candidate for elected office, the person shall file the statement before, or at the same time as, filing a declaration of candidacy under Indiana Code section 3-8-2, petition of nomination under Indiana Code section 3-8-6, or declaration of intent to be a write-in candidate under Indiana Code section 3-8-2-2.5;
 - (3) A person listed in subsections (2) through (5) of section 1-3-3-4 shall file a statement prior to being appointed to or employed by an agency; and

- (4) A person listed in subsections (3) through (5) of section 1-3-3-4 shall file a statement within thirty (30) days after beginning employment with the City.

Section 1-3-3-6. Economic statement of interest—contents.

- (a) The department of law shall devise an economic statement of interest form and make that form available. That form shall not materially change between April 1 and May 1 of each year.
- (b) The economic statement of interest must be made under affirmation and set forth the following information for the period since the previous statement was filed:
 - (1) The name of the person;
 - (2) The business address of the person;
 - (3) Any position to which the person is elected, appointed, or employed;
 - (4) The name of the employer of the person and the nature of the employer's business;
 - (5) A statement of whether or not the person, or any member of his or her immediate family, had a financial interest in any contract with an agency during the past twelve (12) months, other than a contract for employment and, if so, an explanation of the extent of the interest;
 - (6) The name of any business entity from which the person received any compensation which, to the best of his or her knowledge, does or intends to do business with an agency during his or her term of office, appointment, or employment with an agency;
 - (7) The name of any business entity in which the person, or any member of his or her immediate family, owns stocks, bonds, or other investments which constitute ownership of five (5) percent or more of that business or have a value in excess of five thousand dollars (\$5,000.00) and which business entity, to the best of his or her knowledge, is doing or intends to do business with an agency; and
 - (8) Additional information the person chooses to disclose.
- (c) The economic statement of interest of officials also shall include an itemized list stating the amount and brief description of each item of entertainment, food, drink, honoraria, travel expenses, and registration fees accepted by the official from a person who has a business relationship with any agency; however, the following items need not be listed:
 - (1) Items with a face value of less than one hundred dollars (\$100.00); and
 - (2) Items that are exempted under section 1-3-2-1(b).

Section 1-3-3-7. Economic statement of interest—amendments.

A person required to file a statement of economic interest shall file an amended economic statement of interest upon discovery of additional information required to be reported.

Section 1-3-3-8. Economic statement of interest—review.

- (a) After an economic statement of interest is submitted, the department of law shall examine the statement to ensure that it is complete, legible, and filed properly and in a timely manner.
- (b) If a statement is not complete, the department of law will notify the person who filed the statement and afford the person thirty (30) days to provide the requested information.
- (c) The department of law may forward a statement to the ethics commission with the recommendation that an audit be conducted to examine the information on the economic statement of interest.
- (d) The department of law shall make statements from all officials available for public review, upon request.

CHAPTER 4: CITY ETHICS COMMISSION

Section 1-3-4-1. Establishment and purpose.

There hereby is established the City ethics commission. The purpose of the ethics commission is promptly to resolve matters within its jurisdiction and to provide certainty in the event of perceived ambiguity of this article. The ethics commission shall, at all times, approach matters before it with judicial temperament and it shall always act in accordance with the purposes of this article as stated in section 1-3-1-1(b).

Section 1-3-4-2. Appointment, terms, and qualifications of members.

- (a) The ethics commission shall be composed of five (5) members appointed as follows:
 - (1) Two (2) members shall be appointed by the mayor;
 - (2) Two (2) members shall be appointed by the council; and
 - (3) One (1) member shall be appointed by the majority vote of the mayoral and council appointees.
 - (4) All members must be a resident of the City.
- (b) At no time may a member be:
 - (1) A current official, appointee, or employee;
 - (2) A declared candidate for elected office;

- (3) An officer or employee of any political party; however, this shall not include an individual who is elected or appointed to serve as a delegate to a party convention; or
 - (4) A person with a business relationship with an agency or a person who intends to have a business relationship with an agency.
- (c) Each appointment shall be made for a term of three (3) years, commencing on January 1 of the effective year of appointment; however, each member shall serve until his or her successor is duly appointed and qualified. A member appointed to fill a vacancy shall serve for the duration of the unexpired term.
 - (d) A member may be removed by their appointing authority only for cause as follows: a council appointee may be removed only for cause upon the two-thirds (2/3) majority vote of the council, a mayoral appointee may be removed only for cause by the mayor, and an appointee selected by the other four members may be removed only for cause by a three-fourths (3/4) vote of the remaining members.
 - (e) Members of the ethics commission shall serve without compensation or reimbursement of expenses.
 - (f) No member shall serve more than two (2) consecutive terms. Partial terms of less than two (2) years shall not be considered as a term for the purposes of this section. No person who has served two (2) consecutive terms shall be eligible for a subsequent appointment unless at least three (3) years have passed since the end of the person's most recent term on the ethics commission.
 - (g) No more than one (1) mayoral appointee may be affiliated with a single political party. No more than one (1) council appointee may be affiliated with a single political party.
 - (h) Political affiliations will be determined as specified in Indiana Code section 36-1-8-10.
 - (i) The first ethics commission shall be appointed by January 1, 2028.

Section 1-3-4-3. Officers; quorum; meetings.

- (a) A majority vote of the commission shall designate one (1) member of the ethics commission as chairperson. The member selected as chairperson serves in that position until a majority vote of the commission selects another chairperson.
- (b) A quorum for the conduct of official action by the ethics commission shall be three (3) members.
- (c) The ethics commission shall meet at the call of the chairperson or of three (3) members of the ethics commission. Meetings of the ethics commission shall be held in accordance with Indiana Code section 5-14-1.5 and as further provided in this section.

Section 1-3-4-4. Jurisdiction.

- (a) The ethics commission has jurisdiction over all persons subject to the requirements of this article, and all individuals filing complaints before the ethics commission with respect to suspected violations of this article.
- (b) The ethics commission does not have jurisdiction over the following:
 - (1) Complaints filed more than three (3) years after the date of the suspected violation, unless the complainant did not know or had no reason to know of the suspected violation within the three (3) year period; or
 - (2) Suspected violations of agency policies promulgated under section 1-3-3-1.
- (c) A complaint or investigation before the ethics commission may be stayed if the matter is subject to pending litigation or notice by law enforcement that a criminal investigation is underway.

Section 1-3-4-5. Powers.

- (a) The ethics commission may:
 - (1) Consider complaints filed with the ethics commission;
 - (2) Consider and approve contract waivers pursuant to section 1-3-2-13(c);
 - (3) Subpoena witnesses and documents during the complaint process established in section 1-3-4-7 via subpoena enforceable by the Marion Superior Court;
 - (4) Review any economic statement of interest filed pursuant to section 1-3-4-4 by officials, appointees, employees, and former officials, appointees, and employees;
 - (5) Following an investigation, issue public findings and conclusions on alleged violations of this article;
 - (6) Refer alleged violations of this article to law enforcement agencies, agency heads, the Marion County prosecuting attorney, the state board of accounts, the attorney general, the agency that had a business relationship with the person sanctioned, the department of law, and/or another other person, as appropriate;
 - (7) Adopt rules to implement the powers provided to the ethics commission in this section;
 - (8) Retain independent legal counsel in compliance with Ind. Code § 36-4-9-12, and/or request assistance from the department of law and/or request assistance from legal counsel employed by the council to investigate a complaint alleging violations of this article and to issue findings and conclusions;
 - (9) Conduct research; and

- (10) Recommend appropriate corrective action and/or sanctions for a violation of this article.

Section 1-3-4-6. Economic statement of interest review.

- (a) Whenever a person required to file an economic statement of interest has not done so after notice by the department of law, the ethics commission shall initiate an investigation and conduct its proceedings in compliance with section 1-3-4-7.
- (b) If, at the conclusion of its investigation, the ethics commission determines that probable cause exists to believe that a violation regarding an economic statement of interest has occurred, the respondent shall be notified that, subject to the approval of the ethics commission, he or she may consent to an entry of a finding that he or she has committed a violation as alleged, and the respondent may be subject to the penalties and sanctions under sections 1-3-5-2(b)-(c). Such consent shall be filed on a form provided by the department of law and shall contain a waiver of the respondent's right to appear at a public hearing. If the respondent consents and the ethics commission, by majority vote, accepts the consent entry, then the ethics commission shall issue a report as provided in section 1-3-4-8.
- (c) In the event the respondent does not consent to a finding of a violation, the ethics commission shall convene a public hearing under section 1-3-4-7(f), and the respondent may be subject to the penalties and sanctions under that section and under section 1-3-5-2(b)-(c) of this article.

Section 1-3-4-7. Waiver of post-employment/relationship restrictions.

- (a) When the representation or assistance is on behalf of or otherwise not adverse to the City, the ethics commission may waive application of section 1-3-2-7 of this rule in individual cases when consistent with the public interest. The waiver request shall state:
 - (1) The name of the individual, the nature of the representation or assistance;
 - (2) The nature of the representation or assistance;
 - (3) The name of any person who is compensating the individual to provide the representation or assistance; and,
 - (4) An explanation of why the waiver of the application of section 1-3-2-7(b) or (c) is consistent with the public interest.

Section 1-3-4-8. Complaint process-filing; hearing.

- (a) Any person may file a complaint. The complaint shall be in writing and signed by the complainant. The complaint shall state the nature of the alleged violation, the date, time and place of each occurrence, and name of the person charged with the violation, referred to as the respondent. A person subject to an economic statement of interest review shall also be known as the respondent.

- (b) Complaints shall be filed with the chairperson of the ethics commission, who shall promptly provide a copy to the department of law, the council, and all respondents.
- (c) Within thirty (30) days after receipt of a complaint, the ethics commission shall conduct an initial investigation. For good cause shown, the ethics commission may extend the time for the completion of the investigation.
- (d) If the ethics commission determines that the complaint alleges criminal acts, the chairperson shall promptly refer the complaint to an appropriate law enforcement agency and the matter may be stayed pending direction from the law enforcement agency.
- (e) If, after an initial investigation, the ethics commission determines that there are no reasonable grounds to believe that a violation of this article has occurred, the ethics commission shall dismiss the complaint. If the ethics commission dismisses the complaint, it shall do so in writing, setting forth the facts and the provisions of law upon which the dismissal is based, and provide copies of the written dismissal to the complainant, the respondent charged with the violation, the department of law, the council, and the members of the ethics commission.
- (f) If the ethics commission determines that there are reasonable grounds to believe that a violation has occurred, the ethics commission may:
 - (1) Forward a copy of the complaint to an appropriate official or the head of an agency for action and either stay the ethics commission's proceedings pending the other action or dismiss the action without prejudice.;
 - (2) Engage in additional investigation;
 - (3) The ethics commission may, by majority vote, decide to acknowledge the existence and scope of an investigation before the finding of probable cause or decide that the ethics commission did not find probable cause to support an alleged violation.
 - (A) If a hearing is to be held, the respondent may examine and make copies of all evidence in the ethics commission's possession relating to the charges. At the hearing, the respondent shall be afforded appropriate due process protection, including the rights to be represented by counsel, to discovery, to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses.
- (g) If the ethics commission finds by a majority vote that probable cause exists to support an alleged violation, it shall set a public hearing on the matter. The respondent shall be notified within thirty (30) days of the ethics commission's determination;

Section 1-3-4-9. Decision of the ethics commission.

- (a) If the ethics commission, based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this article, the ethics commission shall issue a report of its findings of fact and the sanctions to be imposed on the respondent.

- (b) If the ethics commission, based on a preponderance of the evidence, cannot find by a majority vote that the respondent has violated this chapter, the ethics commission shall dismiss the complaint and make a written record of the same.
- (c) The ethics commission shall take into account as it determines the appropriate remedy, and specifically address in its written report or the agreed settlement, any voluntary remedial action as addressed by section 1-3-5-1, by the respondent.
- (d) All reports subject to this section shall be in writing, supported and signed by a majority of the ethics commission members, and made public. Such reports shall be presented to the respondent, the complainant, the council, the department of law, and the mayor. Such reports may be presented to law enforcement agencies, agency heads, the Marion County prosecuting attorney, the state board of accounts, the attorney general, the agency that had a business relationship with the person sanctioned, the department of law, and/or another other person

Section 1-3-4-10. Agreed settlements.

- (a) The ethics commission may resolve complaints or investigations through agreed settlements with respondents.
- (b) In negotiations to settle under this section, the chairperson or his or her designee will negotiate on behalf of the ethics commission. At an informal conference to negotiate, no record shall be made, and no statement made by any person at such conference shall be used as evidence in any subsequent public hearing or proceeding.
- (c) If the respondent and the chairperson or his or her designee concur that such an agreement would be appropriate, they may submit a proposal to the ethics commission for its approval or disapproval by majority vote. Such proposal shall be in writing, and may include a recommendation of any sanctions that the respondent has agreed to accept. Such a proposal may be discussed in executive session pursuant to Ind. Code § 5-14-1.5-6.1(b)(9) and may be approved by vote taken at a public meeting.
- (d) If the ethics commission disapproves the proposal, the ethics commission shall proceed as provided in section 1-3-4-7(f). If the ethics commission approves the proposal, the agreement shall be signed by the respondent and by a majority of the ethics commission members, shall be open to public inspection as a public record, and shall be presented to the complainant and the respondent.

Section 1-3-4-11. Unlawful interference with ethics commission activities.

- (a) It shall be unlawful for a person to do any of the following:
 - (1) Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in an ethics commission proceeding or investigation to do any of the following:

- (A) Withhold or unreasonably delay the production of any testimony, information, document, or thing;
 - (B) Avoid legal process summoning the person to testify or supply evidence;
 - (C) Fail to appear at a proceeding or investigation to which the person has been summoned; or
 - (D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in an ethics commission proceeding or investigation to mislead a member or employee of the ethics commission;
- (2) Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in an ethics commission proceeding or investigation conducted pursuant to this article; or
 - (3) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in an ethics commission proceeding or investigation to mislead a member of the ethics commission.
- (b) A person who violates this section is subject to the general penalties provided by chapter 5 of this article.

Section 1-3-4-12. Disclosure requirements—Public records.

- (a) Except as otherwise required by state or federal law, the following provisions for disclosure shall apply.
 - (1) Investigative records. Records pertaining to an investigation by the ethics commission that are not used as evidence against the respondent may be kept confidential to the extent permitted by Indiana Code section 5-14-3-4(b).
 - (2) Complaints. A complaint that is filed with the ethics commission, prior to the ethics commission finding probable cause, shall be withheld from disclosure by the ethics commission, to the extent permitted by Indiana Code section 5-14-3-4(b). A complaint filed with the ethics commission, after the ethics commission finds probable cause exists, shall be open for public inspection.
 - (3) Evidence. Evidence received at an ethics commission hearing, after the ethics commission finds that probable cause exists, shall be open for public inspection.
 - (4) Decision. Decisions under section 1-3-4-8(d) shall be open for public inspection.
- (b) Notwithstanding subsection (a), records may, as otherwise permitted by law, be open for public inspection if the respondent elects to have information disclosed or if the department of law or the ethics commission determines it is in the public interest to do so.

- (c) No later than forty-five (45) days after January 1, the ethics commission shall provide a written annual report to the council and mayor. The council may retain independent legal counsel in compliance with Indiana Code section 36-4-9-12, and/or request assistance from the department of law and/or request assistance from legal counsel employed by the council to prepare its annual report. The report shall include:
 - (1) A summary of the complaints received by the ethics commission and the disposition of each;
 - (A) anonymized for all complaints dismissed by the ethics commission;
 - (2) Any recommended changes to this article; and
 - (3) Any other information of benefit to the City or public.

Section 1-3-4-13. Disclosure requirements—Public meetings.

Proceedings of the ethics commission shall be held in accordance with Indiana Code section 5-14-1.5; however, prior to the ethics commission finding probable cause, a proceeding shall be held in executive session, pursuant to Indiana Code section 5-14-1.5-6.1, unless the person who filed the complaint or a person who is directly affected by the complaint requests a public hearing at least ten (10) days in advance. The commission may discuss its annual report or complaints about employees in executive session to the extent permitted by Indiana Code section 5-14-1.5.

CHAPTER 5: VIOLATIONS AND ENFORCEMENT

Section 1-3-5-1. Voluntary remedial actions.

Violations of any provision of this article should raise conscientious questions for the official, appointee, or employee concerned as to whether resignation, compensatory action, or a sincere, public apology is appropriate to promote the best interests of the City and to prevent the costs of an investigation and hearings by the ethics commission.

Section 1-3-5-2. Violations; enforcement and penalties..

- (a) Failure to comply with any provision of this article shall be a violation of this article.
- (b) In addition to sanctions that may be imposed upon recommendation by the ethics commission, any violation of this article shall be subject to the enforcement procedures and penalties provided in chapter 1-3-4.
- (c) Sanctions available under this article include, but are not limited to, the penalties defined in section 1-3-1-2(y).
 - (i) In the event the commission seeks to impose a sanction or penalty not enumerated in section 1-3-1-2(y), the commission shall issue a written report containing its reasoning as to why a unenumerated sanction or penalty is warranted.

- (ii) Imposition of such unenumerated sanction or penalty shall be reserved for unique or egregious circumstances.

Section 1-3-5-3. Enforcement; appointees, employees, persons doing business with the City, and former appointees, former employees, and persons formerly doing business with the City.

- (a) Subject to section 1-3-5-4 of this chapter, and upon completing an investigation of an alleged violation of this article, the ethics commission by public hearing and majority vote, shall
 - (1) Adopt the findings of fact and sanction; or
 - (2) Determine that no sanction is warranted.

Section 1-3-5-4. Enforcement; current and former council members, current and former clerks.

- (a) Upon receipt of a report from the ethics commission regarding a current or former council member, or a current or former clerk the council shall consider the ethics commission's report in determining the appropriate sanction.
- (b) The council shall, by public hearing and by two-thirds (2/3) of the members eligible to vote, determine the appropriate sanction or action, which could include a determination that no sanction is warranted.
 - (1) No evidence shall be permitted at the public hearing and the only topic of discussion shall be the appropriate sanction.
 - (2) The person subject to the report may appear and present mitigating circumstances.
 - (3) The complainant may appear and present aggravating circumstances.
- (c) If the report concerns a current council member, the council member subject to the report shall recuse himself or herself as a councilor from the public hearing and vote.

Section 1-3-5-5. Enforcement; mayors and former mayors.

Upon receipt of a report from the ethics commission regarding a mayor or former mayor, the council, by public hearing and by two-thirds (2/3) of the members eligible to vote, may decide whether to issue a public censure of the mayor or the former mayor's conduct.

Section 1-3-5-6. Disclosure requirements—Public meetings.

Proceedings of the council under this chapter shall be held in accordance with Indiana Code section 5-14-1.5.

Section 1-3-5-7. Whistleblower protection.

- (a) Except as provided in subsection (b), an official, appointee, or employee shall not retaliate or threaten to retaliate against any person because the person did any of the following:

- (1) File a complaint with the ethics commission;
 - (2) Provide information to the ethics commission; or
 - (3) Testify at an ethics commission proceeding.
- (b) The ethics commission may take appropriate action against any person who took any of the actions listed in subsection (a) if the person did not act in good faith or knowingly or recklessly provided false information or testimony.
- (c) A person who violates this section is subject to actions enumerated in section 1-3-5-2 of this article.