

ORDINANCE NO. 2003-41, As Amended

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF HOBART, INDIANA, ESTABLISHING AN ETHICS
POLICY FOR REPRESENTATIVES OF THE CITY OF HOBART**

WHEREAS, all elected and appointed City officials are obligated to perform their duties for the general benefit of the citizens of Hobart; and

WHEREAS, City officials must conduct the government of the City with loyalty, integrity and impartiality and without prejudice or favoritism and without the opportunity for personal gain; and

WHEREAS, the Common Council deems it as necessary to establish legal and ethical standards of conduct for all City officials and to require disclosures by all City officials of matters involving financial or personal interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HOBART, INDIANA, as follows:

That it establishes the following policy of legal and ethical conduct among its Common Council members, Clerk-Treasurer, Boards, Commissions, Committees and Officers, known as the Ethics Policy (the "Policy"):

Section 1. Purpose of Policy

It is the policy of the City of Hobart (the "City") that in all cases its elected and appointed officials shall perform their duties for the benefit of the citizens of the City. They shall conduct the government of the City with loyalty, integrity and impartiality and without prejudice or favoritism and without the opportunity of personal gain to influence their decisions or actions or to interfere with serving the public interest. The purpose of this Policy is to establish legal and ethical standards of conduct for all elected and appointed officials of the City and to require disclosures by all elected and appointed officials of private, financial or other interests in matters that may affect the City.

Section 2. Application of Policy

This Policy shall apply to the following: all elected officials of the City; members of all Commissions, Committees and Boards established by state statute or local ordinance, resolution or motion; individuals appointed by the President of the Common Council or the Common Council; and the City Attorney (collectively "Officials") and all Department Heads.

The written acceptance of this Policy shall be a condition for initial and continuing service with the City by an appointed official.

Section 3. Non-Partiality and Non-Discrimination

While performing official duties, no official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which is the City policy to grant or make available to the public at large, without prior Common Council approval. No official shall discriminate against any person in violation of federal law, state law or the ordinances of the City.

Section 4. Representation

No City elected official except an attorney shall represent any individual petitioner other than the City or himself/herself before the Common Council, a Commission, Board or Committee of the City. An elected official may represent a corporation, partnership or other entity before the Common Council, or a Board, Commission or Committee if he/she is an owner of at least fifty (50%) percent of that entity, or represents at least fifty (50%) percent of the property or business which is the subject of the petition.

Section 5. Financial or Personal Interest Disclosure

- A. No official, either on that person's behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with the Common Council, Board, Commission, Committee or public body of the City unless that official makes any full public disclosure of the nature and extent of such interest, and if required, disqualifies himself or herself from participating in and acting upon the resolution of the business or transaction; provided, however, at any such hearing the presiding officer of the Common Council, Board, Commission, Committee or other public body of the City, unless otherwise prohibited by law, may direct questions to the official who has an interest in the matter to clarify the evidence upon which the public body will make its decision. In the event the conflict of interest of the individual is ethical and not a violation of state law and the Common Council, Board, Commission, Committee or other public body requires the individual to cast a vote in order to carry out required official business of the City, the individual shall fully disclose the matter of conflict before casting a vote.
- B. If an official has a potential conflict of interest, a written Conflict of Interest Public Disclosure Form shall be filed by that person with the Clerk-Treasurer prior to the occurrence of the business or transaction and/or prior to consideration by the Common Council, a Board, Commission or Committee of the issue. The Conflict of Interest Public Disclosure Form shall then be scheduled for review at the next public meeting of the Common Council, Board, Commission or Committee of which that individual is a member. The official making said disclosure shall swear or affirm to the written disclosures with an appropriate statement that the disclosure is a true, accurate and complete statement of his/her interests.
- C. If a potential conflict of interest that otherwise was not anticipated, involving an elected official, or a Board, Commission or Committee member arises while a

meeting is underway, that member shall declare that a conflict may or does exist and shall immediately disqualify himself or herself from participating and acting on that matter; provided, however, at any such hearing or meeting the presiding officer of the Common Council, a Board, Commission or Committee, unless otherwise prohibited by law, may direct questions to the official who has an interest in the matter to clarify the evidence upon which the public body will make its decision.

- D. If an individual covered by this Policy is unsure as to the existence or non-existence of a conflict of interest, that individual may seek an advisory opinion. Requests originating from members of the Common Council or appointed Boards, Commissions or Committees shall be forwarded through the presiding officer of that body to the City Attorney. Requests from the Clerk-Treasurer shall be submitted to the City Attorney. Requests from the City Attorney shall be submitted to the President of the Common Council. Requests for such advisory opinions shall be initiated on a timely basis. The opinions rendered shall be advisory only, and shall not serve to exempt or excuse any official from fully conforming to this Policy, or applicable penal or civil statutes, ordinances and regulations. The City Attorney shall give prompt notice of his receipt of any such request to the President of the Common Council.

Section 6. Gifts

- A. No official shall directly or indirectly solicit, accept or receive any gift or consideration whether in the form of money, services, loan, travel, entertainment or thing of promise which is intended to influence him or herself to act other than impartially in the performance of his or her official duties or which is intended as a reward for any such action on his part.
- B. The following shall not constitute gifts or consideration for purposes of this section:
- (1) A gift of nominal value, so long as such gift has not been solicited or does not present any conflict of interest in fact or appearance. For purposes of this section "nominal value" shall mean having a value not exceeding Fifty Dollars (\$50.00), from one person or entity in the aggregate during a twelve (12) month calendar period. Any person covered by this Policy who has been offered and is considering the acceptance of a gift having a value exceeding fifty Dollars (\$50.00) shall make written disclosure of the offer on a Conflict of Interest Public Disclosure Form. Such disclosure should be made before acceptance of the gift when possible. For elected officials, the disclosure shall be made to the Clerk-Treasurer. For persons appointed to Boards, Commissions, or Committees, the disclosure shall be made to the President of the Common Council with a copy to other Common Council members and the Clerk-Treasurer. For the City Attorney, disclosure shall be made to the President of the Common Council, with a copy to other Common Council members and the Clerk-Treasurer.

- (2) Trade discounts offered to all City employees rather than being limited to membership in one or more City departments.
 - (3) Trade discounts offered to the general public or to private groups such as professional, religious or service organizations that are not limited to membership in one or more City departments.
 - (4) Food consumed in public, professional or community reception.
 - (5) Acceptance of a professional or public award, reflecting positive performance or community service.
 - (6) Campaign contributions reported in full compliance with federal, state and local statutes and ordinances as they may apply.
- C. In order to avoid the appearance of a gift or a consideration which is prohibited by this Policy, an official attending functions or taking trips as a representative of the City shall pay the usual and customary costs to attend the function and/or take the trip. In order to obtain reimbursement from the City, a Conflict of Interest Public Disclosure Form shall be completed and filed for approval with the Clerk-Treasurer. In the event the Clerk-Treasurer denies reimbursement, the official shall pay the usual and customary costs to attend and may appeal from the denial to the Ethics Committee and request that it decide the matter. The decision of the Ethics Committee shall be final and binding on the parties. Copies of the applications for reimbursement, and the approval or denial and appeal decision shall be filed with the members of the Common Council each month.

Section 7. Confidential Information

No person to whom this Policy applies shall use or permit the use of any confidential information regarding municipal affairs to advance the financial or personal interest of said person or any other person.

Section 8. Electoral Activities

All persons to whom this Policy applies and who are engaged in any activities to gain public office or to assist another person or group to gain public office shall comply with any and all local, state and federal laws.

Section 9. Notice of Alleged Ethics Non-Compliance

If any person has reason to believe that there has been non-compliance with this Policy, he or she shall file a written claim with the Clerk-Treasurer, and the Clerk-Treasurer shall provide a copy of the claim to the member of the Common Council and the Ethics Officer who shall refer the matter to the Ethics Committee for hearing and determination.

Time shall be of the essence for the Ethics Committee to complete its hearing and make its determination on the alleged non-compliance.

Section 10. Ethics Committee and Hearing Procedure

- A. The Ethics Committee shall consist of the following three (3) members:
- (1) The Ethics Officer who shall be a resident of the City of Hobart appointed by majority vote of the Common Council and who shall be subject to removal by majority vote of the Common Council. The duties of the Ethics Officer may be determined by resolution of the Common Council and the Ethics Officer shall serve with or without compensation as determined by the Common Council.
 - (2) The Common Council President.
 - (3) The Chair or President of the Board, Commission or Committee of the alleged non-compliant person or other member of the Board, Commission or Committee if the alleged non-compliant person is the Chair or President.
- B. The Ethics Committee shall conduct the hearing using the following procedure:
- (1) The Ethics Officer shall forward to the official a copy of the claim made and afford the official an opportunity to respond in writing concerning the alleged non-compliance.
 - (2) The claim made and the response of the official shall then be brought to the Ethics Committee for review and hearing.
 - (3) The Ethics Committee may make such further investigation as may be warranted under the circumstances and shall determine whether the official has violated this Policy.
 - (4) If the Ethics Committee determines that the official has not complied with this Policy, it shall consider the matter for appropriate corrective action.
 - (5) If the Ethics Committee determines that the official has complied with this Policy, it shall report its determination to the official.
 - (6) The Ethics Committee shall report all final determinations to the members of the Common Council.

Section 11. Review of Policy

The Common Council shall review this Policy and make any recommended changes at least once every four (4) years and may do so more frequently if needed. The Common Council shall

make changes in this Policy as it deems reasonable and necessary for the public interest.


Section 12. Notification to Members of Common Council

Except as limited by federal or state law concerning issues of confidentiality, the members of the Common Council and the Clerk-Treasurer, in due course, shall be provided copies of each Conflict of Interest Public Disclosure Form, each advisory opinion concerning the existence or lack of a conflict of interest, each claim of non-compliance with this Policy and each determination on a claim of non-compliance.

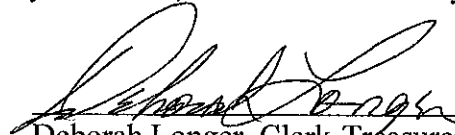
PASSED AND ADOPTED by the Common Council of the City of Hobart, Indiana this 5th day of January, 2004.


Linda Buzinec, Presiding Officer

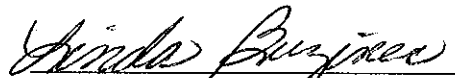
ATTEST:


Deborah Longer, Clerk-Treasurer

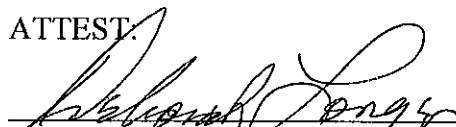
PRESENTED by me to the Mayor of the City of Hobart, Indiana on the 5th day of January, 2004, at 8:04 p.m.


Deborah Longer, Clerk-Treasurer

APPROVED, SIGNED AND RETURNED by me to the Common Council of the City of Hobart, Indiana on the 5th day of January, 2004.


Linda Buzinec, Mayor

ATTEST:


Deborah Longer, Clerk-Treasurer