**PUBLIC NOTICE FOR SPECIAL MEETING**

The Council for the Incorporated Town of Winamac will meet in special session on Friday, January 15, 2016, at 7:00 a.m. at the Winamac Town Hall, Clerk-Treasurer’s Office, 120 W. Main Street, Winamac, Indiana for the approval and discussion on Ordinance # 2 of 2016 as attached to the Public Notice.

Signed: Melanie A. Berger

Clerk-Treasurer

Town of Winamac

Dated this 12th day of January, 2016.

Posted: Winamac Town Hall

Pulaski County *Journal & Independent*

Winamac Post Office

Courthouse

Pulaski County Sheriff’s Office

**AN ORDINANCE AMENDING PERSONNEL**

**RULES AND REGULATIONS**

**FOR THE EMPLOYEES OF THE TOWN OF WINAMAC,**

**“EMPLOYMENT OF RELATIVES” TO**

**IMPLEMENT A NEPOTISM POLICY.**

Ordinance No. 2 of 2016

**WHEREAS**, pursuant to Indiana House Enrolled Act No. 1005, effective July 1, 2012, all units of local government must implement and adopt a nepotism policy consistent with the provisions of Indiana Code § 36-1-20.2, *et seq.* and § 36-1-21, *et seq.;* and

**WHEREAS**, the Indiana Department of Local Government Finance will not approve a local governmental unit’s annual budget or any additional appropriations for the ensuing calendar year if such nepotism policy is not implemented by the local government unit and the Clerk-Treasurer submits a statement verifying such policy implementation.

**NOW, THEREFORE**, the Town Council of the Town of Winamac hereby ordains as follows:

SECTION 1. The personnel rules and regulations for the employees of the Town of Winamac, Employment of Relatives, is hereby amended by insertion of the following Section:

A. Purpose. Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the Town of Winamac in a position in which a relative, as defined in this Section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the Town of Winamac for goods, services, and public works projects.

B. Definitions.

1. **Break in Employment.** Termination, retirement, or resignation of an employee from the Town. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker’s compensation leave, or if the employment is terminated followed by immediate re-employment by the Town without loss of payroll time.
2. **Town.** The Town of Winamac and its boards and departments.
3. **Direct Line of Supervision.** An elected officer or employee who is in a position to affect the terms and conditions of another individual’s employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Clerk-Treasurer or Town Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.
4. **Elected Official.** The Clerk-Treasurer and members of the Winamac Town Council.
5. **Employed.** An individual who works for or is appointed to any department or board of the Town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.
6. **Member of the Fire Department.** The fire chief and any firefighter appointed to the Winamac Fire Department.
7. **Member of the Police Department.** The police chief and any police officer appointed to the Winamac Police Department.
8. **Relative.** For the purposes of this Section, the term includes any of the following:
   1. Spouse;
   2. Parent or step-parent;
   3. Child or step-child (includes an adopted child);
   4. Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);
   5. Niece or nephew;
   6. Aunt or uncle;
   7. Daughter-in-law or son-in-law;
   8. Sister-in-law or brother-in-law; and
   9. Cousin or cousin-in-law.

C. Employment Policy.

1. Individuals who are relatives, as defined in subsection B. above, of existing employees may not be employed by the Town in a position that results in one (1) relative being in the direct line of supervision of the other relative.
2. An individual who is employed by the Town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein, with the Town.
3. If an individual is employed by the Town and the individual’s relative begins serving a term of elected office, the individual may continue his/her employment with the Town and retain his/her position or rank even if that individual’s position or rank would be in the direct line of supervision of the individual’s relative.
4. While an individual who is employed by the Town and the individual’s relative begins serving a term of elected office may continue his/her employment with the Town, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual’s relative.

D. Contracting Policy. The Town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

1. The elected official files with the Town a full disclosure which must be:

a. In writing, affirmed under the penalty of perjury; and

b. Describe the contract or purchase to be made by the Town; and

c. Describe the relationship of the elected official has to the individual or business entity that provides the contract for goods, services or public works projects; and

d. Be submitted to the legislative body of the unit and be accepted by that legislative body in a public meeting of the unit, prior to final action on the contact or purchase; and

e. Be filed, not later than fifteen (15) days after final action on the contract or purchase, with:

i. The State Board of Accounts; and

ii. The clerk of the circuit court in the county where the unit takes final action on the contract or purchase.

1. The appropriate Town Council or department:

a. Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or

b. Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

1. Town satisfies all other requirements of Indiana’s public purchasing (I.C. § 5-22) or public works projects (I.C. § 36-1-12) statues.
2. The elected official complies with disclosure provisions of I.C. § 35-44-1-3.

E. Submission of Compliance Statements. In addition to any other disclosures or certificates required by this Section, the following actions must be taken:

1. The annual report filed by the Town with the State Board of Accounts under I.C. § 5-11-13-1 must include a statement by the Town executive that the Town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.
2. Prior to December 31st of each year, each elected officer shall submit to the Town executive a certificate, in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the Town’s nepotism policy with regard to employment matters and the contracting of the procurement of goods and services.

SECTION 2. All existing employment policies, employee handbooks, and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**WHEREAS**, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect on January 15, 2016, from and after its passage by the Town Council of Winamac, Indiana, and its approval by the Clerk-Treasurer and publication as require by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WINAMAC, INDIANA, THIS 15th DAY OF January, 2016.

**THE WINAMAC, INDIANA TOWN COUNCIL**

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Kenneth McFarland, President Dan Vanaman, Council Member

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Tom J. Murray, Council Member Judy Heater, Council Member

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Jim Watkins, Council Member

**ATTEST:**

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Melanie A. Berger, Clerk-Treasurer