

Municipal Campaign Finance Code

Statement of Policy:

WHEREAS, it is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who are elected to act on their behalf in government. There is a public perception that a relationship exists between substantial contributions and access to elected officials. To diminish the perceived or actual connection between contributions and influence, the City adopts this Campaign Finance Code to promote public confidence and, it is hoped, a greater degree of citizen participation in the electoral process.

WHEREAS, it is essential to the proper operation of representative government that public officials and employees be independent and impartial; that public office and employment not be used for personal gain, and that the public have full confidence in the integrity and fair and honest administration of government; and

WHEREAS, public officials and employees serve their government in a fiduciary capacity, and must act at all times to avoid conflicts of interest, impropriety, or even the appearance of impropriety; and

WHEREAS, a Municipal Campaign Finance Code will assist officials and employees of Jeffersonville to conform their conduct to the highest acceptable standards and to properly discharge their fiduciary duties; and

WHEREAS, compliance with a Municipal Campaign Finance Code will improve standards of public service and strengthen the confidence of the people of Clark City in their government.

ARTICLE I

DEFINITIONS

Whenever used in this Ordinance, the following terms shall have the following meanings:

- (a) "Agency" means the City Board, any committee or other subdivision thereof, any City department or other administrative unit, commission, board or other division of the government of Jeffersonville, Indiana.
- (b) "Board" or "Board of Ethics" means the Jeffersonville City Board of Ethics, as defined in Article IV of this Ordinance.
- (c) "Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any local public office, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- (d) "Candidate" means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money in pursuit of elected office.
- (e) "Collective Bargaining" has the same meaning as that term is defined by Indiana Statute.
- (f) "Compensated time" means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period when the employee is on a leave of absence.
- (g) "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.
- (h) "Contribution" has the same meaning as that term is defined by Indiana Code 3-5-2-15.
- (i) "City" means the City of Jeffersonville, Indiana and all government agencies of the City of Jeffersonville, Indiana
- (j) "Compensation" means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

- (k) "Contract management authority" means personal involvement in or direct supervisory responsibility for the formation or execution of a City contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- (l) "Economic interest" means any interest valued or capable of valuation in monetary terms; provided that "economic interest" is subject to the same exclusion as "financial interest".
- (m) "Employee" means an individual employed by the City whether part-time or full-time or by a contract of employment.
- (n) "Financial interest" means (i) any interest as a result of which the owner currently received or is entitled to receive in the future more than \$1,000 per year; (ii) any interest with a cost or present value of \$1,000 or more; or (iii) any interest representing more than 1% of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, financial interest shall not include (1) any ownership through purchase at fair market value or inheritance of less than 1% of the shares of a corporation, or any value of or dividends of such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (2) the authorized compensation paid to an official or employee for his office or employment; (3) any economic benefit provided equally to all residents of the City; (4) a time or demand deposit in a financial institution; (5) an endowment or insurance policy or annuity contract purchased from an insurance company; (6) any accrued pension rights in the City fund or (7) with respect to a mutual fund, the individual securities of other instruments owned by the mutual fund.
- (o) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an official or employee.
- (p) "Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.
- (q) "Legislative action" means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non action

on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed by the City Council or Mayor.

- (r) "Official" means a member of the City Council, Mayor, City Clerk-Treasurer or City Judge or appointed official regardless of whether the official is compensated or any appointed non-employee member of any agency of the City of Jeffersonville.
- (s) "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.
- (t) "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- (u) "Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a City clerk.
- (v) "Political fundraising committee" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.
- (w) "Prohibited political activity" means:
 - (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
 - (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
 - (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum questions or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

(x) "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the official or (ii) in the case of an employee, by the employee or by the official, City agency or other employee directing the employee;

(2) does business or seeks to do business (i) with the official or (ii) in the case of an employee, with the employee or with the official, City agency or other employee directing the employee;

(3) conducts activities regulated (i) by the official or (ii) in the case of an employee, by the official, City agency or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the official or employee; or

(y) "Single Candidacy" means the time period during which a candidate is seeking office with primary election and general election being separate candidacies.

(z) "State" means the State of Indiana.

(aa) "Statement" means the disclosure of economic interest form required to be filed by the Jeffersonville Ordinance 94-OR-17 "An Ordinance Regulating Ethics and Conflicts of Interest for City Officials and Employees"

(bb) "Super majority" means two-thirds of the members of a board or entity referred to therein.

ARTICLE II CODE OF CONDUCT

2.1 Fiduciary Duty

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City of Jeffersonville, Indiana.

2.2 Improper Influence

No official or employee shall make, participate in making or in any way attempt to use his position to influence any City governmental decision or action in which he knows, he has reason to know or should know that he has any economic interest distinguishable from that of the general public of the City of Jeffersonville.

2.3 Dual Employment

(a) No official or employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.

(b) No official or employee shall accept other employment which will impair his or her ability to perform his or her City duties and responsibilities.

2.4 Receiving and Soliciting Gifts and Favors

(a) Except as otherwise provided in this Ordinance, no official or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation, or any City ordinance, rule or regulation. This ban applies to and includes spouses and immediate family members or employees. No prohibited source shall intentionally offer or make a gift that violates this Section.

In the instance of gratuitous tickets to sporting events (ie. Kentucky Derby, Kentucky Oaks, Indianapolis 500, NCAA Tournaments games, IU/UL or any college sporting event, Indianapolis Colts, Indianapolis Pacers or any and all other events, the "fair market value" shall be utilized in determining whether or not these gifts exceed the threshold of \$25. Moreover, if a person offers to sell said tickets for less than fair market value the difference between the sale price and the fair market value shall be determined to constitute a gift under this ordinance.

(b) The restriction in Section 2.4(a) does not apply to the following:

- (1) Any (i) contribution that is lawfully made under the Election Code or under this Ordinance or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (2) Educational materials and missions. This exception may be further defined by rules adopted by the Board of Ethics.

- (3) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (4) Anything provided by an individual on the basis of a personal friendship unless the official or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the official or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the official or employee shall consider the circumstances under which the gift was offered, such as:

- (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (ii) whether to the actual knowledge of the official or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the official or employee the individual who gave the gift also at the same time gave the same or similar gifts to other officials or employees or their spouses or immediate family members living with them.
- (5) Food or refreshments not exceeding **\$25** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For purposes of this subsection, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
 - (6) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the official or employee as an office

holder or employee) of the official or employee, or the spouse of the official or employee, if the benefits have not been offered or enhanced because of the official position or employment of the official or employee, and are customarily provided to others in similar circumstances.

- (7) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an official or employee of a City agency from another official or employee of the same City agency; and "inter-governmental gift" means any gift given to an official or employee of a City agency or department by an official or employee of another City agency or department, of a State of Indiana agency, of a federal agency, or of any governmental entity.
- (8) Bequests, inheritances, and other transfers at death.
- (9) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **\$50**.

Each of the exceptions listed in this subsection (b) is mutually exclusive and independent of one another.

- (c) An official or employee does not violate this Ordinance if the official or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.
- (d) Gifts which have a value of greater than **\$50** (or a series of gifts with an aggregate value of greater than **\$50** from one prohibited source during any twelve month period) received by any official or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten (10) business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.
- (e) Any and all gifts having a value greater than **\$50** and received by an official or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her City employment shall be disclosed to the Board of Ethics within ten (10) business days of receipt.

2.5 City Owned Property

- (a) No official or employee shall engage in or permit the unauthorized use of City-owned or City-leased property. City-owned and City-leased property shall only be used for official City business.

2.6 Use or Disclosure of Confidential Information

- (a) No official or employee shall use or disclose, other than (i) in the performance of his or her Official duties; (ii) as may be required by law; or (iii) as permitted in Section 2.13 of this Ordinance, confidential information gained in the course of or by reason of his position or employment. For purposes of this Section, "confidential information" means any information that may not be obtained pursuant to the Indiana Freedom of Information Act, as amended.

2.7 Conflicts of Interest

- (a) No official or employee shall make, or participate in making, any City governmental decision with respect to any matter in which the official or employee, or the spouse or dependent of the official or employee, has any economic interest distinguishable from that of the general public.
- (b) Any employee who has a conflict of interest as described by subsection (a) above shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either:
 - (i) assign the matter to another employee, or
 - (ii) require the employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the employee continue to participate in the matter.
- (c) Any official who has a conflict of interest as described by subsection (a) above shall disclose the conflict of interest and shall not take any action or make any decisions regarding that particular matter.

2.8 Representation of Other Persons

- (a) No elected official or employee may represent, or have an economic interest in the representation of any person other than the City in a formal or informal proceeding or transaction before any City agency.

- (b) No elected official or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the City is a party and that person's interest is directly adverse to that of the City.
- (c) No appointed official may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the appointed official's City duties and responsibilities.
- (d) For purposes of this Section, "economic interest" shall not include the interest of the spouse of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.

2.9 Post Employment Restrictions

- (a) No former official or employee shall assist or represent any person other than the City in any judicial or administrative proceeding involving the City if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.
- (b) No former official or employee shall assist or represent any person in any business transaction involving the City, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.
- (c) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of City employment and on behalf of the City, participated personally and substantially in the decision to award City contracts with a cumulative value of over **\$10,000** to the person or entity, or its parent or subsidiary.
- (d) The requirements of this Section may be waived by the Board of Ethics if the Board of Ethics finds in writing that the City's negotiations and decisions regarding the procurement of the contract or contracts were not materially affected by any potential for employment of that official or employee by the employer.

- (e) This Section applies only to persons who terminate an affected position on or after the effective date of this Ordinance.

2.10 Interest in City Business

- (a) No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City. Compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this Section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City.
- (b) No appointed official shall engage in a transaction described in subsection (a) unless the matter is wholly unrelated to the appointed official's City duties and responsibilities.
- (c) For purposes of this Section, "financial interest" shall not include the interest of the spouse of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.

2.11 Employment of Relatives

- (a) No official or employee shall participate in a hiring decision, in any agency over which such official or employee either serves or exercises immediate supervision with respect to any person who is a relative of the official or employee.
- (b) No official or employee, on behalf of any City agency, shall participate in a decision whether to contract with any person with whom or in which the Official or Employee knows that a relative of that official or employee has a financial interest.
- (c) For purposes of this Section, relative shall mean a person who is related to an official or employee as spouse or any of the following, whether by blood, marriage or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-

law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

2.12 Political Activity

- (a) No official or employee shall compel, coerce or intimidate any City official or employee to make or refrain from making any political contribution. No official shall directly solicit any political contribution from his or her employees or the spouses of or immediate family living with his or her employees. Nothing in this subsection (a) shall be construed to prevent any official or employee from voluntarily making a contribution or from receiving a voluntary contribution.
- (b) No employee with contract management authority shall serve on the political fundraising committee of any elected official or candidate for City office.
- (c) City employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). City employees shall not intentionally misappropriate any City property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.
- (d) At no time shall any official or employee intentionally misappropriate the services of any City employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's City duties, (ii) as a condition of City employment, or (iii) during any time off that is compensated by the City (such as vacation, personal, or compensatory time off).
- (e) A City employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
- (f) A City employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.
- (g) Nothing in this Section prohibits activities that are otherwise appropriate for a City employee to engage in as a part of his or her official City employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

2.13 Whistleblower Protection

No complainant, or employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or privileges of employment because:

- (a) the complainant or employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this Ordinance; or
- (b) the complainant or employee acting on behalf of the complainant is requested to participate in an investigation, hearing or inquiry held pursuant to this Ordinance, or in any related court action.

This Section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

2.14 Limitations of Contributions to Candidates and Elected Officials

- (a) No person who has done business with the City within the preceding four years or is seeking to do business with the City shall make contributions in an aggregate amount exceeding \$100 (i) to any candidate for City office or elected City official during a single candidacy; or (ii) to an elected official of the government of the City during any non-election year of his or her term. The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$200 in a year in which a candidacy occurs. A year for purposes of this Section is from January 1st to December 31st of each year.
- (b) For purposes of subsection (a) above, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under subsection (a).
- (c) Any contributions made under this Section shall be reported as required by Indiana Code 3-5-2- Et. Seq.

- (d) For purposes of subsection (a) above, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the City or any City agency in excess of \$10,000 in any twelve consecutive months.
- (e) For purposes of subsection (a) above, "seeking to do business" means taking action within the past six months to obtain a contract or business with the City when, if such action were successful, it would result in the person doing business with the City as defined in subsection (d) above.

2.15 Prohibition for Accepting Donations From Individuals, Entities or Corporation That Have Pending Litigation With Against the City.

- (a) No person who has pending litigation against the City and/or who has been involved as a Co-Plaintiff, Defendant, or Co-Defendant with the City within the preceding four years or who has threatened litigation against the City during the preceding four years shall make contributions in an aggregate amount exceeding \$100 (i) to any candidate for City office or elected City official during a single candidacy; or (ii) to an elected official of the government of the City during any non-election year of his or her term. The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$200 in a year in which a candidacy occurs. A year for purposes of this Section is from January 1st to December 31st of each year.

ARTICLE III
FINANCIAL DISCLOSURE

Officers and employees shall file verified written statements of economic interests as required by 94-OR-17 Section III of the existing "Ordinance Regulating Ethics and Conflicts of Interest for City Officials and Employees" as adopted on May 16, 1994.

ARTICLE IV
BOARD OF ETHICS

4.1 Composition and Powers of Board

A Board of Ethics is hereby established which:

- (a) Shall be composed of five (5) members appointed by the members of the Jeffersonville City Council. The Jeffersonville City Council shall hire an attorney for the purpose of representing the Jeffersonville City Council and the Board of Ethics. The attorney shall be an attorney licensed in the State of Indiana. ***The Jeffersonville City Council shall accept the recommendation of the Board of Ethics when choosing an attorney for the purpose of representing the Board of Ethics.***
- (b) Each member of the Board shall (i) reside within the corporate boundaries of the City; (ii) not be an employee of the City or any agency thereof; (iii) not hold elected public or political party office within the City; (iv) have no financial interest in any work or business of or official action by the City; (v) not take an active part in managing the political campaign of a candidate for City office; (vi) not be convicted of any felony; (vii) not be related, either by blood or by marriage up to the degree of first cousin, to any elected official of the City.
- (c) The members of the Board shall be appointed for a term of four years and hold office until their successors have been appointed. The initial appointment of the members shall be as follows: one member for four years; two members for three years; and two members for two years.
- (d) Any member of the Board may be removed by a "super majority" vote of the Jeffersonville City Council. The grounds for removal shall be incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law. The removal shall not occur until the member shall have received written notice, stating the grounds for removal.

The Board Members DO NOT serve at the will of the Jeffersonville City Council, and can only be removed for cause as described herein. The attorney shall serve at the will of the Board Members and can only be removed by a "super majority" vote of the Board Members. The attorney **CANNOT** be removed by the Council subsequent to the Council's appointment.

- (e) Board members shall receive no compensation for their services. The attorney shall be paid an hourly fee to be agreed upon by the Council and the attorney.
- (f) The Board shall conduct hearings, if necessary, and rule upon matters brought before it by the Jeffersonville City Council, the Mayor, Clerk-Treasurer, any

elected official and/or any citizen or person. Complaints for violation of the ordinance shall be received by the Clerk-Treasurer and immediately . The attorney shall conduct investigations and shall present the findings of such investigations for such action as the Board determines is appropriate. The Board's authority to investigate an alleged violation of this Ordinance is limited to violations which occurred not more than two (2) years prior to the date upon which a complaint is received or discovery of the fact that an alleged violation has occurred.

- (g) The attorney shall investigate alleged violations of this Ordinance. City agencies, employees and officials shall cooperate with the Board and the attorney. Information necessary to any investigation shall be made available to the attorney upon written request.
- (h) The Board shall have the authority to issue a subpoena for the appearance of witnesses, the production of evidence, or both, in the course of investigations and hearings. A subpoena shall be served in the same manner as subpoenas issued under the rules of the Indiana Supreme Court and shall be subject to the same witness and mileage fees fixed by law for such subpoenas. The Board shall adopt rules as necessary to implement this process.
- (i) Upon determination by a majority of the Board that there is reason to believe that a violation of this Ordinance has occurred, the Board may (i) notify the person who may have violated the Ordinance and request corrective action; (ii) recommend to the President of the City Council or the appropriate elected official that disciplinary or other action within the elected official's authority should be taken in relation to the potential violation; and (iii) recommend to the President of the City Council or the appropriate elected official such other remedies as shall be appropriate. All recommendations shall be in writing and shall be set forth with specificity including a statement of reasons in support. An elected official to whom a recommendation has been sent shall, within 30 days of receipt of the recommendation, report to the Board in writing the actions taken on the recommendation and, to the extent that any recommended action is declined or different action is taken, provide a statement of reasons for that decision.
- (j) The Board may also advise, by means of written advisory opinions, and may consult with the City Council, Mayor, Clerk-Treasurer, City agencies, officials and employees on matters involving this Ordinance.
- (k) The Board may also from time to time recommend to the Mayor or the City Council such legislative action as it deems appropriate to effectuate the policy of this Ordinance.

- (l) The Board may adopt appropriate rules, definitions and regulations for the conduct of Board activities and duties as set forth in this Ordinance.
- (m) The Board shall prepare and publish an annual report summarizing the Board's activities and present the report to the Mayor and the City Council.
- (n) The Board shall preserve all pertinent records and reports.

4.2 Confidentiality

Investigations and consideration by the Board of potential violations of this Ordinance shall be confidential, except as necessary to carry out powers and duties of the Board or to enable another person or agency to consider and act upon the notices and recommendations of the Board. The final determinations of the Board shall be made available to the public with such deletions as may be necessary to prevent disclosure of any information the Board determines to be confidential, in accordance with the Indiana Freedom of Information Act, as amended. The Board may require all persons who may be privy to confidential information regarding any aspect of its investigation sign an acknowledgement regarding the confidentiality of the information as provided in this Section 4.2.

ARTICLE V

SANCTIONS FOR VIOLATION

5.1 Employment Sanctions

Any employee or official found to have violated any provision of this Ordinance, or to have knowingly furnished false or misleading information in any investigation, hearing or inquiry held pursuant to this Ordinance, shall be subject to employment sanctions, including discharge. The provisions of this Ordinance shall not limit the power of officials to otherwise discipline employees.

5.2 Fines

- (a) As authorized by Indiana law, the Board may impose a fine of up to \$2,500 per violation against any person found by the Board to have violated, intentionally

obstructed or interfered with an investigation of, or intentionally made a false, frivolous or bad faith allegation under Section 2.4 or 2.12 of this Ordinance.

- (b) Any person found by the Board to have knowingly violated any provision of this Ordinance other than Sections 2.4 and 2.12, or to have knowingly furnished false or misleading information to the Board, shall be subject to a fine not to exceed \$500, for any one offense.

5.3 Validity of Contract

Any contract negotiated, entered into, or performed in violation of any of the provisions of this Ordinance shall be voidable by the City.

ARTICLE VI **MISCELLANEOUS PROVISIONS**

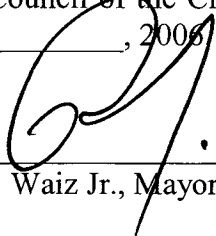
6.1 Severability

If any provision of this Ordinance or application thereof to any Person or circumstance is held unlawful or otherwise invalid, such invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision, and to this end each such invalid provision or application of this Ordinance is severable. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been issued had any such unlawful or otherwise invalid provision or application not been included.

ARTICLE VII **EFFECTIVE DATE**


Approved and adopted on this 30th day of June, 2006.

Passed and adopted by the Common Council of the City of Jeffersonville, Clark County, Indiana, this 30th day of June, 2006.



Robert L. Waiz Jr., Mayor

ATTEST:



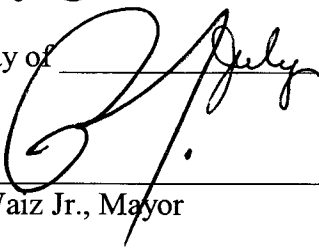
Peggy Wilder, Clerk Treasurer

Presented by me as Clerk Treasurer to the Mayor of said City of Jeffersonville this 3rd day of July, 2006.



Peggy Wilder, Clerk Treasurer

Approved and signed by me this 13 day of July, 2006.



Robert L. Waiz Jr., Mayor