

CITY-COUNTY GENERAL ORDINANCE NO. 55, 2008
Proposal No. 141, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to adopt a new ethics code for the city and county.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 151-25 and 151-26 of the "Revised Code of the Consolidated City and County," which enumerate the standing committees of the council and provide for their composition and chairpersons, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 151-25. Standing committees enumerated.

The standing committees of the council shall be as follows:

- (1) The administration and finance committee;
- (2) The community affairs committee;
- (3) The economic development committee;
- (4) The ethics committee;
- ~~(45)~~The metropolitan development committee;
- ~~(56)~~The municipal corporations committee;
- ~~(67)~~The parks and recreation committee;
- ~~(78)~~The public safety and criminal justice committee; and
- ~~(89)~~The public works committee.

Sec. 151-26. Composition and chairpersons of standing committees.

(a) The standing committees of the council shall consist of the number of members determined by the committee on committees, but shall not be less than three (3) members and shall have at least one (1) minority member. The president of the council shall name the chairperson of each standing committee from among the members named to the committee by the committee on committees.

(b) Notwithstanding the provisions of subsection (a), the ethics committee shall consist of six (6) members, three (3) from the majority party and three (3) from the minority party having the largest number of members. The three (3) majority members shall be appointed by the president of the council and the three (3) minority members shall be appointed by the floor leader of the minority party having the largest number of members.

SECTION 2. Chapter 151 of the "Revised Code of the Consolidated City and County" regarding the City-County Council, hereby is amended by the addition of a NEW Article XI to read as follows:

ARTICLE XI. ETHICS CODE FOR COUNCILLORS

DIVISION 1. DUTIES OF THE ETHICS COMMITTEE

Sec. 151-1101. Establishment and review of standards of ethical conduct for councillors.

Prior to March 1 of each year, the ethics committee shall review the standards of ethical conduct for councillors and devise and propose any amendments the committee deems necessary or appropriate.

Sec. 151-1102. Review of alleged violations.

In addition to the duties provided in Section 151-1101, the ethics committee may do any of the following:

- (1) Receive and hear any complaint which alleges any violation of the standards of ethical conduct for councillors, regardless of when the misconduct or violation is alleged to have occurred;
- (2) Obtain information with respect to any complaint filed pursuant to this section and, to that end, compel the attendance and testimony of witnesses and the production of documents;
- (3) Recommend to the council that, because of his or her violation of the standards of ethical conduct for councillors, a councillor be subject to censure or such other punishment as the council may deem proper, or the law may provide, as will best maintain, in the minds of the public, a good opinion of the conduct and character of councillors; and
- (4) Act as an advisor to councillors on ethics questions.

Sec. 151-1103. Conduct of investigations.

(a) The ethics committee shall conduct investigations under this division as provided in this section.

(b) *Review of complaint.* When a complaint is filed with the committee, a copy shall promptly be sent to the councillor alleged to have committed the violation, referred to as the respondent. After receiving a copy of the complaint, the respondent may submit a written response to the committee. If the committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint shall be dismissed and the complainant and respondent notified. If the committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation.

(c) *Preliminary investigation.* The committee may meet in executive session to conduct a preliminary investigation and to determine whether probable cause exists to support an alleged violation. If, after such preliminary investigation, the committee finds that probable cause does not exist to support an alleged violation, the allegation shall be dismissed. All committee investigations and records relating to the preliminary investigation shall be confidential, as authorized by IC 5-14-3-4(b).

(d) *Hearing.* If the committee finds that probable cause exists to support an alleged violation, it shall convene a hearing on the matter within thirty (30) days after making such determination. If a hearing is to be held, the respondent shall be allowed to examine and make copies of all evidence in the committee's possession relating to the allegations. 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.

(e) *Findings.* If the committee, based on a preponderance of the evidence, finds the respondent has violated the standards of ethical conduct for councillors, it shall state its findings in writing in a report to the president of the council. Such report shall be supported and signed by a majority of the committee members. If the committee finds the respondent has not violated the standards of ethical conduct for councillors, it shall dismiss the charges.

Sec. 151-1104. Recusal.

No member of the ethics committee shall participate in any matter under this division in which he or she is involved. If a member must recuse himself or herself, that member's appointing authority shall appoint another member of the council to temporarily fill the vacancy.

DIVISION 2. STANDARDS OF ETHICAL CONDUCT FOR COUNCILLORS

Reserved.

SECTION 3. Chapter 293 of the "Revised Code of the Consolidated City and County," regarding the code of ethics, hereby is REPEALED.

SECTION 4. Title I of the "Revised Code of the Consolidated City and County," regarding organization and administration, hereby is amended by the addition of a NEW Chapter 293 to read as follows:

Chapter 293

ETHICS CODE

ARTICLE I. GENERAL PROVISIONS

Sec. 293-101. Name and purpose.

(a) This chapter shall be referred to as the Ethics Code of the Consolidated City and County.

(b) The purpose of this chapter is to set clear and high ethical standards for the official conduct of councillors, officials, appointees, and employees of city and county government and persons who have a business relationship with city or county government so that the public will have confidence that the conduct of city and county 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 the ethics commission 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 and county government;
- (3) Public office should not be used for private gain; and
- (4) Actions, transactions, or involvements should not be performed or engaged in which have the potential to become a conflict of interest.

(d) This chapter 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 councillor, 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 an individual's elected office, appointed position, or employment.

Sec. 293-102. Definitions.

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

Advisory body means an authority, board, commission, committee, task force, or other body designated by any name of the city or county government that is authorized to make only nonbinding recommendations.

Agency means an authority, board, branch, bureau, commission, committee, council other than the city-county council, department, division, office, service, or other instrumentality of city or county government that is established by statute, ordinance, executive order, or other law. The term *agency* includes the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer. The term does not include any advisory body. The term does not include the city-county council or state offices with county jurisdiction, which are the office of county prosecutor and the judges of the circuit court or superior courts; however, all individuals excluded are invited to comply with this ethics code.

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 county whose budget is subject to the review of the city-county council.

Assist or assistance means to help, aid, advise, or furnish information to a person, and includes an offer to assist.

Business relationship means dealings with an agency by a person who has:

- (1) A financial interest in a contract with, or purchase by, an agency; or
- (2) A license or permit requiring the exercise of judgment or discretion by the agency.

Candidate for elected office means a candidate for the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, or treasurer.

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.

Councillor means a member of the city-county council.

Employee means an individual, other than an official or appointee, 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.

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 divertimento of members of the public upon paid admission.

Ethics commission refers to the city-county ethics commission created under Section 293-331.

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.

Financial interest means an interest which will result in an ascertainable increase or decrease in the income or net worth of the councillor, official, appointee, or employee or a member of that individual's immediate family, but does not include an interest:

- (1) Of a councillor, official, appointee, or employee in the common stock of a corporation unless the combined holdings in the corporation of the councillor, official, appointee, or employee, that individual's spouse, and that individual's dependent are more than one percent (1%) of the outstanding shares of the common stock of the corporation; or
- (2) That is held as an asset in a blind trust.

Immediate family means an individual's spouse or dependent.

Information of a confidential nature means information obtained by reason of the position or office held, and which:

- (1) A public agency is prohibited from disclosing under IC 5-14-3-4(a);
- (2) A public agency has the discretion not to disclose under IC 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.

Official means the mayor and the individuals who hold the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer.

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.

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.

Property means money, real property, personal property, goods, supplies, services, deeds, trade secrets, contract rights, or other interests in or claims to wealth.

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.

Represent means to attend an agency proceeding, write a letter, or communicate with an official, appointee, or employee of an agency on behalf of a person.

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 office, appointment, or employment;
- (4) Barring an individual from future employment or appointment with the city or county for a certain period of time;
- (5) 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; or
- (6) Disciplinary action.

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.

ARTICLE II. STANDARDS OF ETHICAL CONDUCT

Sec. 293-201. 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), 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) in any year between May 1 and April 30;
- (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 or county, 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) individuals 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 or county 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 or his or her director of economic development;
 - (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 IC 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 corporation counsel;
 - (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 or county and logged by the corporation counsel; and
 - (11) Any item of value for which face value or reasonable fair market value is promptly paid.
- (c) The corporation counsel may waive application of subsection (a) of this rule 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 acceptance is consistent with the public interest.

Sec. 293-202. Donor restrictions.

It shall be a violation of this chapter 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 chapter.

Sec. 293-203. 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 or county. 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 individual's agency.

Sec. 293-204. Political activity and patronage.

(a) An appointee or employee shall not engage in political activity while on city or county time, or with city or county resources.

(b) 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.

(c) The chief administrative officer of an agency, appointees, and employees with final purchasing authority shall not solicit political contributions from persons with a business relationship with his or her agency on behalf of any candidate for elected office, unless that individual is a candidate for elected office himself or herself.

(d) It shall not be a violation of this section specifically or this chapter 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 or county time as approved by his or her supervisor.

Sec. 293-205. 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 councillor, 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.

Sec. 293-206. 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; or
- b. Require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual'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 individual to disclose confidential information that was gained in the course of city or county employment.

(b) An advisory opinion that grants approval of outside employment is conclusive proof that an individual is not in violation of subsection (a)(1) or (a)(2).

Sec. 293-207. Post-employment restrictions.

(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) A former employee may not represent or assist a person in a particular matter involving the city or county if the former employee personally and substantially participated in the matter as an employee, even if the former employee receives no compensation for the representation or assistance.

(c) When the representation or assistance is on behalf of or otherwise not adverse to the city or county, the corporation counsel may waive application of subsection (b) of this rule in individual cases when consistent with the public interest. The waiver shall be in writing and include:

- (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 representation or assistance is consistent with the public interest.

(d) An advisory opinion certifying that representation by or assistance from the former employee does not violate this section is conclusive proof that a former employee is not in violation of this section.

Sec. 293-208. Nepotism

A relative of an official or employee shall not be employed in the same agency as the official or employee, if the relative would be hired by, supervised by, or directly supervise the official or employee; however, this section shall not apply to sworn members of the Indianapolis Metropolitan Police Department, the Sheriff's Department, or the Indianapolis Fire Department.

Sec. 293-209. Additional or excess compensation.

A councillor, 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 the councillor or an official's, appointee's, or employee's agency that substantially exceeds that which the councillor, official, appointee, or employee would charge in the ordinary course of business; or
- (2) For the performance of official duties other than as provided by law.

Sec. 293-210. Conflicts of interest; discussion, decisions, and voting.

(a) At a meeting held in accordance with IC 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, and may seek an advisory opinion by filing a written description detailing the nature and circumstances of the matter and making full disclosure of any related financial interest in the matter.

(c) When an advisory opinion is sought under this section, the office of corporation counsel shall:

- (1) Assign the particular matter to another person and implement all necessary procedures to screen the official, appointee, or employee seeking an advisory opinion from involvement in the matter; or
- (2) Make a written determination that the interest is not so substantial that the office of corporation counsel considers it likely to affect the integrity of the services that the city or county expects from the official, appointee, or employee.

(d) A written determination under subsection (c)(2) shall be filed with the office of corporation counsel, and constitutes conclusive proof that the potential conflict of interest is not a violation of this chapter.

Sec. 293-211. 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 office of corporation counsel 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 chief administrative officer of the contracting agency makes and files a written certification with the office of corporation counsel 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), 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 office of corporation counsel, and terminates the financial interest.

Sec. 293-212. Benefiting from or divulging confidential information.

(a) A councillor, official, appointee, employee, former councillor, former official, former appointee, or former employee shall not materially benefit from information of a confidential nature except as permitted by law.

(b) A councillor, official, appointee, or employee shall not divulge information of a confidential nature except as permitted by law.

Sec. 293-213. Use of city or county property.

An official, appointee, or employee shall not use city or county property or personnel for any purpose other than for official city or county business; however, nothing in this ethics code shall prohibit the sheriff from allowing employees of the Sheriff's Department or the director of the department of public safety from allowing employees of the Indianapolis Metropolitan Police Department or the Indianapolis Fire Department to use take-home vehicles. Pursuant to this section, the office of corporation counsel shall adopt a *de minimis* personal use policy for the city and county.

Sec. 293-214. Complicity with another's violation.

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

Sec. 293-215. Complaints filed in bad faith.

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

ARTICLE III. REVIEW OF ETHICAL CONDUCT

DIVISION 1. GENERAL PROVISIONS

Sec. 293-301. 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 chapter. All such policies shall be subject to the review and approval of the corporation counsel where they shall be filed if approved.

Sec. 293-302. Training requirements.

(a) All officials, appointees, and employees shall be properly trained in the ethics code as described in this chapter. Such training shall also include a review of criminal offenses against public administration (IC 35-44-1), the Access to Public Records Act (IC 5-14-1.5) and the Open Door Law (IC 5-14-3).

(b) The office of corporation counsel shall prepare and administer the training required by this section with the assistance of the human resources division. Each agency's chief administrative officer:

- (1) Require all new appointees and employees to participate in ethics training within six (6) weeks of the appointee's appointment date and the employee's starting employment with the agency; and
- (2) Require all appointees and employees to participate in ethics training at least every two (2) years during an appointee's and employee's tenure with the agency.

(c) The office of corporation counsel shall maintain documentation to demonstrate an appointee's and employee's compliance with subdivisions (1) and (2) of subsection (b) of this section.

Sec. 293-303. Advisory opinions.

(a) An advisory opinion from the office of corporation counsel may be requested by:

- (1) The mayor, a councillor, or an ethics commission member;
- (2) Any official, appointee, employee, or former employee; or
- (3) A person with a business relationship with an agency.

(b) Requests for an advisory opinion shall be in writing, signed by the person making the request, and designated an inquiry. The inquiry shall state the official status of the person making the request and all material facts necessary for the office of corporation counsel to understand the circumstances and render a complete advisory opinion. The inquiry, if requested by someone under subsection (a)(2) or (a)(3), must relate specifically to that person.

(c) All advisory opinions shall be issued in writing, designated as an *Official Advisory Opinion*, signed by the corporation counsel, and shall be conditioned upon the following:

- (1) The facts and circumstances actually exist; and
- (2) All of the relevant facts and circumstances related to the advisory opinion have been disclosed.

(d) Any person directly affected by the advisory opinion may seek written clarification of the advisory opinion from the office of corporation counsel. Any such request for clarification shall be made in writing to the office of corporation counsel.

(e) Any person directly affected by the advisory opinion may appeal to the corporation counsel or the ethics commission for reconsideration or clarification of the advisory opinion. Any such appeal shall be made in writing.

(f) If a person who has requested an advisory opinion has been advised that certain action or inaction will lead to a violation of this chapter and has failed to comply after having been given a reasonable opportunity to do so, the corporation counsel shall refer the matter to the ethics commission so that it may review the matter to determine compliance with the advisory opinion and, in executive session, vote to initiate an investigation.

(g) A person who relies on an advisory opinion is not subject to sanctions with respect to that subject matter; however, work product of the office of corporation counsel that is not an advisory opinion does not shield the person from sanctions.

(h) The office of corporation counsel, on at least a quarterly basis, shall publish for distribution on its website the accumulated advisory opinions with the names, and other information deemed necessary to protect the identities of persons, removed in a format explaining the facts, the question, and the opinion.

DIVISION 2. ECONOMIC STATEMENT OF INTEREST

Sec. 293-321. Economic statement of interest required.

The following persons shall file a written economic statement of interest as provided in this division:

- (1) Councillors and any declared candidate for city-county council;
- (2) Officials and any declared candidate for elected office;
- (3) Appointees to agencies;
- (4) The chief administrative officer of an agency and any employee who directly reports to the chief administrative officer of an agency;
- (5) Any employee whose employment is subject to the approval of the council; and
- (6) Any employee with final purchasing authority and all employees of the purchasing division of the office of finance and management.

Sec. 293-322. Same—When to file.

The economic statement of interest shall be filed with the office of corporation counsel, as follows:

- (1) Individuals listed in Section 293-321 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 subdivisions (2) through (4) of this section;
- (2) If an individual has not filed under subdivision (1) during the present calendar year and is filing as a candidate for elected office, the individual shall file the statement before, or at the same time as, filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5;
- (3) An individual listed in subdivisions (3) through (6) of Section 293-321 shall file a statement prior to being appointed to or employed by an agency; and
- (4) An individual listed in subdivisions (4) through (6) of Section 293-321 shall file a statement within sixty (60) days after leaving employment, unless a subsequent office, appointment, or employment requires the filing of a statement of economic interest.

Sec. 293-323. Same—Contents.

(a) The office of corporation counsel shall devise an economic statement of interest form and make that form available from its website. That form shall not materially change between April 1 and May 1 of each year. Councillors shall use the form devised by the office of corporation counsel unless the ethics committee established by Section 151-25 adopts an alternative form.

(b) The economic statement of interest be made under affirmation and set forth the following information for the period since the previous statement was filed:

- (1) The name of the individual;
- (2) The business address of the individual;
- (3) Any position to which the individual is elected, appointed, or employed;
- (4) The name of the employer of the individual and the nature of the employer's business;

- (5) A statement of whether or not the individual, 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 individual 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 individual, 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) 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 individual chooses to disclose.

(c) The economic statement of interest of councillors and 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 councillor or 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); and
- (2) Items that are exempted under subdivisions (2) through (11) of Section 293-201(b).

Sec. 293-324. Same—Amendments.

An individual 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.

Sec. 293-325. Same—Review.

(a) After an economic statement of interest is submitted, the office of corporation counsel 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 office of corporation counsel will notify the person who filed the statement and afford the person thirty (30) days to provide the requested information.

(c) The corporation counsel 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 office of corporation counsel shall make statements from all councillors and officials available on its website.

DIVISION 3. CITY-COUNTY ETHICS COMMISSION

Sec. 293-331. Establishment and purpose.

There hereby is established the city-county 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 chapter. 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 chapter as stated in Section 293-101.

Sec. 293-332. Appointment, terms, and qualifications of members.

(a) The ethics commission shall be composed of five (5) members to be appointed by the mayor, subject to the approval of the city-county council. No more than three (3) members shall be affiliated with the same political party.

(b) At no time may a member be:

(1) A councillor, 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;

(4) A person with a business relationship with an agency or a person who intends to have a business relationship with an agency; or

(5) A resident of a county other than Marion.

(c) Each appointment shall be made for a term of three (3) years, ending on December 31; 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 only upon the two-thirds majority vote of the city-county council.

(e) Members of the ethics commission shall serve without compensation or reimbursement of expenses.

Sec. 293-333. Officers; quorum; meetings.

(a) The mayor shall designate one (1) member of the ethics commission as chairperson. In the absence of a designation by the mayor, the members of the ethics commission may select an acting chairperson. The member selected as chairperson serves in that position at the pleasure of the mayor.

(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 IC 5-14-1.5 and as further provided in this chapter.

(d) The corporation counsel shall serve as secretary of the ethics commission, but shall not be a voting member.

Sec. 293-334. Jurisdiction.

(a) The ethics commission has jurisdiction over officials, appointees, employees, persons with a business relationship with any agency, and individuals filing complaints before the ethics commission with respect to suspected violations of Article II and Article III, Division 2, of this chapter.

(b) The ethics commission does not have jurisdiction over the following:

(1) Complaints filed more than two (2) years after the date of the suspected violation;

(2) Suspected violations of agency policies promulgated under Section 293-301; or

(3) Councillors or former councillors, except to the extent an alleged violation is within a councillor's or former councillor's scope of employment with the city or county.

(c) Any complaint filed alleging a violation by a councillor shall be referred by the secretary to the ethics committee established by Section 151-25.

(d) 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.

Sec. 293-335. Powers.

(a) The ethics commission may:

- (1) Consider, subject to Sections 293-336, 293-337, and 293-338, complaints filed with the ethics commission;
- (2) Consider an appeal of an advisory opinion;
- (3) Subpoena witnesses and documents, or empower the office of corporation counsel to subpoena witnesses and documents, during the complaint process established in Sections 293-337 and 293-338;
- (4) Review, and provide future direction on, any gift waiver, post-employment waiver, or advisory opinion; and
- (5) Review any economic statement of interest filed pursuant to Section 293-321 by officials, appointees, employees, and former employees.

(b) The office of corporation counsel shall provide counsel, staff, and other resources to the ethics commission as appropriate.

Sec. 293-336. 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 office of corporation counsel, the ethics commission shall initiate an investigation and conduct its proceedings in compliance with subsection (b) of Section 293-338.

(b) If, at the conclusion of its investigation, the ethics commission determines that probable cause exists to believe that a violation of Section 293-321 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 that Section and under Article IV of this chapter. Such consent shall be filed on a form provided by the office of corporation counsel 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 293-339.

(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 293-338, and the respondent may be subject to the penalties and sanctions under that Section and under Article IV of this chapter.

Sec. 293-337. Complaint process—filing and review by secretary.

(a) Any individual 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 individual charged with the violation, referred to as the respondent.

(b) Complaints shall be filed with the secretary, who shall promptly provide a copy to any persons against whom a violation is alleged.

(c) Within thirty (30) days after receipt of a complaint, the secretary shall conduct a preliminary investigation. The secretary may request that the ethics commission extend the time for the completion

of such preliminary investigation. If the ethics commission determines that such extension is necessary or desirable and would not be prejudicial to the person against whom a violation is alleged, the ethics commission shall grant the extension. If the ethics commission determines that the preliminary investigation must be completed in less than thirty (30) days in order to avoid prejudice or irreparable harm to the person against whom a violation is alleged, the ethics commission shall order the secretary to complete the preliminary investigation in a shorter period of time, and the secretary shall comply.

(d) If the secretary determines that the complaint alleges violations of criminal acts, the secretary 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 the secretary determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the secretary shall dismiss the complaint. If the secretary dismisses the complaint, he or she 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, to the individual charged with the violation, and to the members of the ethics commission. The complainant shall have the right to appeal the decision of the secretary.

(f) The secretary shall refer the complaint to the ethics commission if, after a preliminary investigation, the secretary does not:

- (1) Ask for additional time to conduct a more extensive investigation pursuant to subsection (c);
- (2) Refer the matter to law enforcement pursuant to subsection (d); or
- (3) Dismiss the complaint pursuant to subsection (e).

Sec. 293-338. Same—complaints referred to the ethics commission.

(a) When a complaint is referred by the secretary, the ethics commission may, by majority vote:

- (1) Reject, without further proceedings, a complaint that the ethics commission considers frivolous or inconsequential;
- (2) Reject, without further proceedings, a complaint that the ethics commission is satisfied has been dealt with appropriately by an official or an agency;
- (3) Determine that the complaint does not allege facts sufficient to constitute a violation of this chapter and dismiss the complaint; or
- (4) Forward a copy of the complaint to an appropriate official or the chief administrative officer of an agency for action and either stay the ethics commission's proceedings pending the other action or dismiss the action without prejudice.

(b) If a complaint is not disposed of under subsection (a):

- (1) The ethics commission may refer the alleged violation for additional investigation by the secretary; or
- (2) 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.

(c) The ethics commission may, by majority vote, decide to acknowledge the existence and scope of an investigation before the finding of probable cause or that the ethics commission did not find probable cause to support an alleged violation.

(d) 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.

Sec. 293-339. Decision of the ethics commission.

(a) After the hearing, if the ethics commission finds the respondent has not violated this chapter, it shall dismiss the charges through a report.

(b) If the ethics commission, based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this chapter, the ethics commission shall issue a report of its findings of fact and conclusions of law, as well as any recommendations for sanctions to be imposed on the respondent.

(c) The ethics commission shall take into account as it determines the appropriate remedy, and specifically address in its report or the agreed settlement, any voluntary remedial action as addressed by Section 293-401, by the respondent.

(d) Such report shall be in writing, supported and signed by a majority of the ethics commission members, and made public. Such report shall be presented to the respondent and the mayor. Such report may be presented to the county prosecutor, city prosecutor, or any other appropriate person.

Sec. 293-340. 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. If the proposal is submitted prior to a vote of the ethics commission that probable cause exists to support an alleged violation, the ethics commission vote on approval or disapproval of the agreement shall be in executive session unless the respondent has waived confidentiality. If the proposal is submitted after the ethics commission has voted that probable cause exists to support an alleged violation, the vote on approval or disapproval of the agreement shall be taken at an open meeting.

(d) If the ethics commission disapproves the proposal, the ethics commission shall proceed as provided in Section 293-338. 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 those persons as provided in subsection (d) of **Section 293-339**.

(e) In order to be a valid and binding agreement, an agreed settlement shall be approved by the agency head of the agency that employs the respondent if any of the terms of the settlement agreement would limit the agency's legal authority or legal discretion to implement disciplinary action against the respondent.

Sec. 293-341. Report of action taken by chief administrative officer of an agency.

Whenever a chief administrative officer of an agency or official receives a report under Section 293-339, the chief administrative officer of an agency or official shall, at the request of the ethics commission, report to the ethics commission the action taken in response to the report. The ethics commission may require in the report that the chief administrative officer of an agency or official submit the response required by this section in a reasonable, specified amount of time.

Sec. 293-342. 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 chapter; 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 or employee of the office of corporation counsel.

(b) A person who violates this section is subject to the general penalties provided by Section 103-3 of this Code.

Sec. 293-343. Disclosure requirements – public records.

(a) Except as otherwise required by state or federal law, the following provisions for disclosure shall apply.

- (1) *Advisory Opinions.* Except as required by Section 293-303(h), advisory opinions under Section 293-303 shall be withheld from disclosure by the office of corporation counsel and the ethics commission, as authorized by IC 5-14-3-4(b).
- (2) *Investigative Records.* Records pertaining to an investigation by the office of corporation counsel or the ethics commission that are not used as evidence against the respondent may be kept confidential pursuant to IC 5-14-3-4(b).
- (3) *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 office of corporation counsel and the ethics commission, as authorized by IC 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.
- (4) *Evidence.* Evidence received at an ethics commission hearing, after the ethics commission finds that probable cause exists, shall be open for public inspection.
- (5) *Decision.* Decisions under Section 293-339 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 office of corporation counsel or the ethics commission determines it is in the public interest to do so.

Sec. 293-344. Same – public meetings.

Proceedings of the ethics commission shall be held in accordance with IC 5-14-1.5; however, prior to the ethics commission finding probable cause, a proceeding shall be held in executive session, pursuant to IC 5-14-1.5-6.1, unless the individual 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.

ARTICLE IV. VIOLATIONS AND ENFORCEMENT

Sec. 293-401. Voluntary remedial actions.

Violations of any provision of this chapter 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 or county and to prevent the costs of an investigation and hearings by the ethics commission.

Sec. 293-402. Violations; enforcement and penalties.

(a) *In general.* Failure to comply with any provision of this chapter shall be a violation of this chapter.

(b) *Failure to file an economic statement of interest.* In addition to the procedures provided in Section 293-336, a person's first violation of failure to file an economic statement of interest as required by Section 293-321 shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations of failure to file an economic statement of interest are subject to the enforcement procedures and penalties provided in Section 103-3.

(c) *All other violations.* In addition to sanctions that may be imposed upon recommendation by the ethics commission, any violation of this chapter other than as provided in subsection (b) shall be subject to the enforcement procedures and penalties provided in Section 103-3.

Sec. 293-403. 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 the office of corporation counsel; or
- (3) Testify at an ethics commission proceeding.

(b) An official, appointee, or employee 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 action under actions enumerated in Section 293-402 of this chapter.

SECTION 5. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding certain code provisions and civil penalties that may be paid through the ordinance violations bureau, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
293-321	Failure to file economic statement of interest - first offense	50.00
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
391-303	Noisy house--First offense in calendar year	50.00
407-103	Loitering--First offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	20.00
431-314	Premises address violation--Second offense in calendar year	25.00
431-602	Bicycles--Second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle--First violation	50.00
431-702	Prohibited activity in roadways--First violation in twelve-month period	25.00
431-703	Interference with vehicular traffic--First violation in twelve-month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
441-503	Consumption or possession by operator of motor vehicle--First offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages--First offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large--First offense in twelve-month period	50.00
611-403	Unlawful loading or unloading of private bus	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00
611-502	Violation of noise restriction on food vendors	15.00
611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curbside of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00

621-118	Unlawful parking of commercial vehicles at night	20.00
621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-203	Parking in excess of time permitted in parking meter zone	20.00
621-210	Parking in meter zone when temporarily prohibited	20.00
621-216	Overtime parking in metered parking space	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center--Non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours--First offense in calendar year	50.00
631-109	Alcohol in park--First offense in calendar year	50.00
645-528	Skateboard or similar play device--First offense in calendar year	50.00
730-505	Civil zoning violations--First offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
811-704	Second faulty fire alarm in twelve-month period	25.00
811-704	Third faulty fire alarm in twelve-month period	50.00
811-704	Fourth faulty fire alarm in twelve-month period	75.00
Ch. 895	Horse-drawn carriage violation--First offense in twelve-month period	100.00
Ch. 903	Pedal cab violation--First offense in twelve-month period	100.00
931-305	Excessive parking charge at commercial parking facility--First offense in twelve-month period	100.00
996-77	No monthly taxicab certificate--First offense in twelve-month period	25.00

996-123	Failure to maintain public vehicle for hire--First offense in twelve-month period	25.00
996-124	Taxicab operator dress code violation--First offense in twelve-month period	25.00
996-126	Failure to display licenses or fare schedule--First offense in twelve-month period	25.00
996-138	Taxicab operator exceeding limitation on hours--First offense in twelve-month period	25.00

SECTION 6. The ethics committee established under Section 151-25 (see SECTION 1 of this ordinance) shall devise and propose, and the council shall enact as Division 2 of Article XI of Chapter 151, standards of ethical conduct for councillors. Such standards of ethical conduct shall be consistent with the provisions of Chapter 151, Article XI, Division 1 of the Code, Chapter 293 of the Code, and any other applicable law.

SECTION 7. Notwithstanding the provisions of Section 293-205, subsection (b) thereof shall not apply to an official who also serves as an appointed member of agency on the effective date of this ordinance.

SECTION 8. The provisions of Section 293-208 shall not apply to relatives who, on the effective date of this ordinance, hold positions in the same agency.

SECTION 9. Notwithstanding the provisions of Section 293-332 as enacted by this ordinance, the terms of the five (5) members of the ethics commission shall be staggered, as follows: one (1) term shall end on December 31, 2009; two (2) terms shall end on December 31, 2010; and, two (2) terms shall end on December 31, 2011. At the time of the initial appointments, the Mayor shall indicate which initial term ends on which date.

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

Notwithstanding the foregoing, and further notwithstanding the provisions of Section 293-334 (established by SECTION 4 of this ordinance), the city-county ethics commission established by SECTION 4 of this ordinance shall have, for two years from the effective date of this ordinance, jurisdiction over a complaint alleging a violation of the code of ethics (repealed by SECTION 3 of this ordinance) in the same manner and subject to the same procedures as the board of ethics (repealed by SECTION 3 of this ordinance).

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 11th day of August, 2008, at 8:46 p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this 14th day of August, 2008, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of August, 2008.

Gregory A. Ballard, Mayor

STATE OF INDIANA, MARION COUNTY)) SS:
CITY OF INDIANAPOLIS))

I, Melissa Thompson, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 141, 2008, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 11th day of August, 2008, by a vote of 28 YEAS and 1 NAY, and was retitled General Ordinance No. 55, 2008, which was signed by the Mayor on the _____ day of August, 2008, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this _____ day of August, 2008.

Melissa Thompson
Clerk, City-County Council

(SEAL)