

ALLEN COUNTY CODE TITLE 18 ETHICS AND CONFLICTS OF INTEREST

ARTICLE 3 CONTRACTING WITH THE BOARD

18-3-1 Chapter 1: Definitions

18-3-1-1

As used in this chapter, and unless the context clearly denotes otherwise:

“Board” means the Board of Commissioners of the County of Allen.

"**Elected Officer**" means any elected members of the county, including the county executive and legislative branch, and members of the county fiscal body

"**Employed**" means an individual who is employed by the county on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who is party to an employment contract with the unit.

"**Relative**" means any person related as father, mother, step-father, step-mother, grandmother, grandfather, brother, sister, half-brother, half-sister, step-brother, step-sister, uncle, aunt, husband, wife, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, grandchild, step-grandchild, niece or nephew. An adopted child of an individual is treated as a natural child of the individual.

18-3-2 Chapter 2: Contracting with a Unit

18-3-2-1

This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

18-3-2-2

The county may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (a) an individual who is a relative of an elected officer; or

- (b) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of ACC 18-3-2-3 are satisfied and the elected officer does not violate IC 35-44-1-3.

18-3-2-3

The Board may enter into a contract or renew a contract with an individual or business entity described in subsection ACC 18-3-2-2 if the elected officer files with the unit a full disclosure and the Board makes a certified statement on the contract.

18-3-2-4

The full disclosure of the of the elected officer must be

- (1) be in writing;
- (2) describe the contract or purchase to be made by the Board;
- (3) describe the relationship that the elected officer has to the individual employed or business entity that contracts or purchases;
- (4) be affirmed under penalty of perjury;
- (5) be submitted to the Board of Commissioners of the County of Allen and be accepted by the Board in a public meeting of the Board prior to final action on the contract or purchase; and
- (6) be filed, not later than fifteen (15) days after final action on the contract or purchase, with the state board of accounts and the Clerk of the Allen Circuit Court

18-3-2-5

In accordance with ACC 18-3-2-3, the county must make a certified statement that:

- (1) the contract amount or purchase price was the lowest amount or price bid or offered; or
- (2) outlines reasons why the vendor or contractor was selected.

The county must also satisfy any other requirements under IC 5-22 or IC 36-1-12.

18-3-2-6

An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.

18-3-3 Chapter 3: Reporting and Enforcement

18-3-3-1

Each Allen County Elected Officer shall annually certify in writing or a form supplied by the Board - subject to the penalties for perjury - that the officer is in compliance chapters 2 and 3. An officer shall submit the certification to the Board of the Commissioners of

the County of Allen not later than December 31 of each year.

Ordinance passed 6-15-12 by Ordinance #06-15-12-03