CENTER TOWNSHIP

Connecting Citizens With Resources to Succeed

**TOWNSHIP BOARD OF CENTER TOWNSHIP
BOONE COUNTY, INDIANA
RESOLUTION 2023-6**

RESOLUTION TO ESTABLISH A CONTRACTING POLICY

WHEREAS, the Indiana General Assembly adopted HEA 1005 in the 2012 Regular Session, which added IC 36-1-21 to the Indiana Code regarding Nepotism; and,

WHEREAS, IC 36-1-21-4(a) requires a local unit of government to adopt a nepotism policy that includes at a minimum the requirements set out in the statute; and,

WHEREAS, the Township Board has considered the requirements of the Act and wishes to comply with its provisions:

NOW THEREFORE, BE IT RESOLVED that the Township Board adopts the following policy on nepotism in contracting

NEPOTISM IN CONTRACTING

Section 1. DEFINITIONS

A. "Relative" means any of the following:
  (1) A spouse.
  (2) A parent or stepparent.
  (3) A child or stepchild, including an adopted child or stepchild.
  (4) A brother, sister, stepbrother, or stepsister, including a
      brother or sister by half blood.
  (5) A niece or nephew.
  (6) An aunt or uncle.
  (7) A daughter-in-law or son-in-law.

B. "Elected official" means:

  (1) the Township Trustee

  (2) a member of the Township Board

  (3) the Township Small Claims Court Judge or Constable.

Section 2 CONTRACTING POLICY

A. The Township may enter into a contract or renew a contract for the

procurement of goods and services or a contract for public works with:

(1) an individual who is a relative of an elected official; or

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

only if the requirements of this Section are satisfied and the elected official does not violate IC 35-44.1-1-4.

B. The Township may enter into a contract or renew a contract with an individual or business entity described in Subsection (A) if all of the following are satisfied:

(1) The elected official files with the Township a full disclosure, which must:

(a) be in writing;

(b) describe the contract or purchase to be made by the Township;

(c) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;

(d) be affirmed under penalty of perjury;

(e) be submitted to the Township Board and be accepted by the Township Board in a public meeting prior to final action on the contract or purchase; and

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

(i) the state board of accounts; and

(ii) the clerk of the circuit court in the county where the Township takes final action on the contract or purchase;

(2) The appropriate agency of the Township:

(a) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or

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(b) makes a certified statement of the reasons why the vendor or contractor was selected; and

(3) The Township satisfies any other requirements under IC 5-22 or IC 36-1-12.

(4) The elected official complies with the disclosure provisions of IC 35-44.1- 1-4, if applicable.

C.   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 Township begins.

Section 3. <u>CERTIFICATION.</u>

A. Each elected officer of the Township shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this Policy. An officer shall submit the certification to the Trustee of the Township not later than December 31 of each year.

B. The annual report filed by the Township with the State Board of Accounts under IC 5-11- 13-1 must include a statement by the Trustee of the Township stating whether the Township has implemented a policy under IC 36-1-21.

ADOPTED this 3rd day of January 2023.

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Penny Bogan – Board Member

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Matt Schaller – Board Member

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Matt Wilson – Board Member

ATTEST:

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Casey Samson – Trustee